Planning Agenda Item #_____

City of Wichita
City Council Meeting
July 28, 1992

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: DP-207 - WICHITA RACQUET CLUB COMMERCIAL COMMUNITY UNIT PLAN

Z-3058 - ZONE CHANGE FROM THE "AA" ONE-FAMILY DWELLING DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED ONE-QUARTER MILE NORTH OF 13TH STREET ON THE WEST SIDE OF ROCK ROAD. (District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to revised screening condition. (9-0)

Staff Recommendation: Approve.

CPO Recommendation: CPO Council "2" recommended approval. (7-0)

Background: On July 2, 1992, the MAPC held a public hearing to consider approval of a commercial community unit plan and an associated zone change request from the "AA" One-Family Dwelling District to the "LC" Light Commercial District. The commercial community unit plan covers 7.39 acres of property, 5.37 acres of which are zoned the "LC" Light Commercial District, and the remaining 2.02 acres are zoned the "AA" One-Family Dwelling District.

The applicants propose to divide the property into two parcels for future development. Parcel No. 1 is the site of the existing Wichita Racquet Club building, tennis courts and swimming facilities. The parcel is currently zoned the "LC" Light Commercial District and is 5.37 acres in size. The uses proposed for the parcel include the existing recreational uses with associated accessory facilities that may include a fitness center, retail shops, snack bars, restaurants, offices, and indoor and outdoor courts and pools. The maximum building coverage on the parcel is to be limited to 70,000 square feet. The existing buildings cover approximately 65,000 square feet.

Parcel No. 2 is the site of an existing storage garage, yard and office facility for Southwestern Bell Telephone Company equipment. This facility was established as a legal nonconforming use in the county in 1958, prior to annexation of the property into the City,

which occurred on November 5, 1982. The parcel is zoned the "AA" One-Family Dwelling District and is 2.02 acres in size. Parcel coverage is to be limited to 26,400 square feet. The applicants have indicated an intention to remove the storage garage facilities and redevelop the property with a fitness center tied to the existing racquet club building. Other uses proposed for the parcel include offices, medical offices and clinics.

At the present time, access into Parcel No. 2 is provided by two driveway openings to Rock Road. The proposed C.U.P. limits access into the parcel to one opening. Access to Parcel No. 1 is provided by an existing private access easement and opening to Rock Road that is shared with an adjacent office building. The City Traffic Engineer has indicated that the proposed access to the site is an improvement over the existing conditions and should provide adequate vehicular circulation to and through the site.

The rear portion of the Southwestern Bell Telephone property is developed with a fiber optics relay facility which is to remain in the ownership of the telephone company. The property is zoned the "AA" One-Family Dwelling District and is screened from adjacent residential development by an existing six- to eight-foot-high fence. This property will continue to buffer the adjacent residential development to the west from the redevelopment that is proposed to occur adjacent to Rock Road.

The existing Racquet Club property within Parcel 1 of the proposed C.U.P. is screened along the west and south property line by a wooden fence that was constructed by the adjacent property owners in the Heritage and Leisure Living (Raintree Village) residential development projects.

The applicant's original C.U.P. proposal to MAPC contained a clause stating that the Racquet Club property owners would replace or repair the existing screening fence if they were the cause of it being damaged or removed.

Representatives of the adjacent residential property appeared at the MAPC and CPO hearings and expressed their desire to require the applicant to construct a masonry wall.

The construction of a 6 to 8-foot high masonry wall is a standard code requirement for commercial C.U.P's. However, exceptions have been made to this requirement when screening fences and/or landscaped buffers are already established on adjacent properties. In fact, the general screening provision of the zoning code [Section 28.04.160(k)] were recently amended to state: "If screening exists on either side of a developing property line that meets or exceeds the requirements of this section, additional screening shall not be required. However, if at any time the existing screening fails to meet the requirements of this section, compliance shall be attained by the property owners of the less restrictive zoning district."

After consideration of comments by citizens, applicant and staff, MAPC voted to recommend approval of the C.U.P. proposal and zone change request subject to modification of the screening provision (general provision No. 12) to specify that owners of Parcel No. 1 (the Racquet Club) will be responsible for replacing the screening fence in the event it is removed or otherwise fails to achieve the screening required by Section 28.04.160(k) of the City Code. The applicant has modified the copy of the C.U.P. drawing forwarded to the Council to reflect MAPC's recommended modification.

RECOMMENDATIONS/ACTIONS:

1. Concur in the findings of the MAPC and approve the zone change and C.U.P. subject to the recommended conditions; or

2. Return the applications to the MAPC for reconsideration, stating reasons; or

3. Override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the governing body.

(_____) Published in The Daily Reporter on 8-7-92

ORDINANCE NO. 41-799

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3058
Zone change request from the "AA" One-Family Dwelling District to the "LC" Light Commercial District

The east 440 feet of Lot 1, Block 1, Southwestern Bell Telephone Company Addition to Wichita, Sedgwick County, Kansas.

Generally located 1/4 mile north of the intersection of Rock Road and 13th Street North.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Zoning Ordinance as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, August 4, 1992

ATTEST:

_____ _____
(SEAL) City Clerk Mayor

Approved as to form:

_____
City Attorney