

(OCA150004 BID 37529-009 CID #76383)

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ORDINANCE NO.

45-350

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

**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 The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2012-00017

Zone change request from LI Limited Industrial to GC General Commercial on property described as:

Great Plains Business Park 4th Addition, Wichita, Sedgwick County, Kansas.

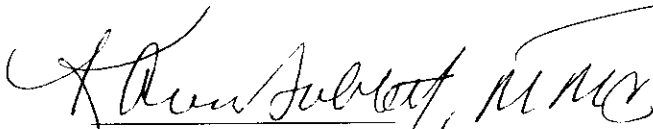
Generally located south of 37th Street North, east of Oliver.

SECTION 2. That upon the taking effect of this 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 Wichita-Sedgwick County Unified Zoning Code 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 this 2 day of October, 2012.

ATTEST:

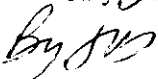

Karen Sublett, City Clerk


Carl Brewer, Mayor



APPROVED AS TO FORM:


Gary E. Rebenstorf, Director of Law

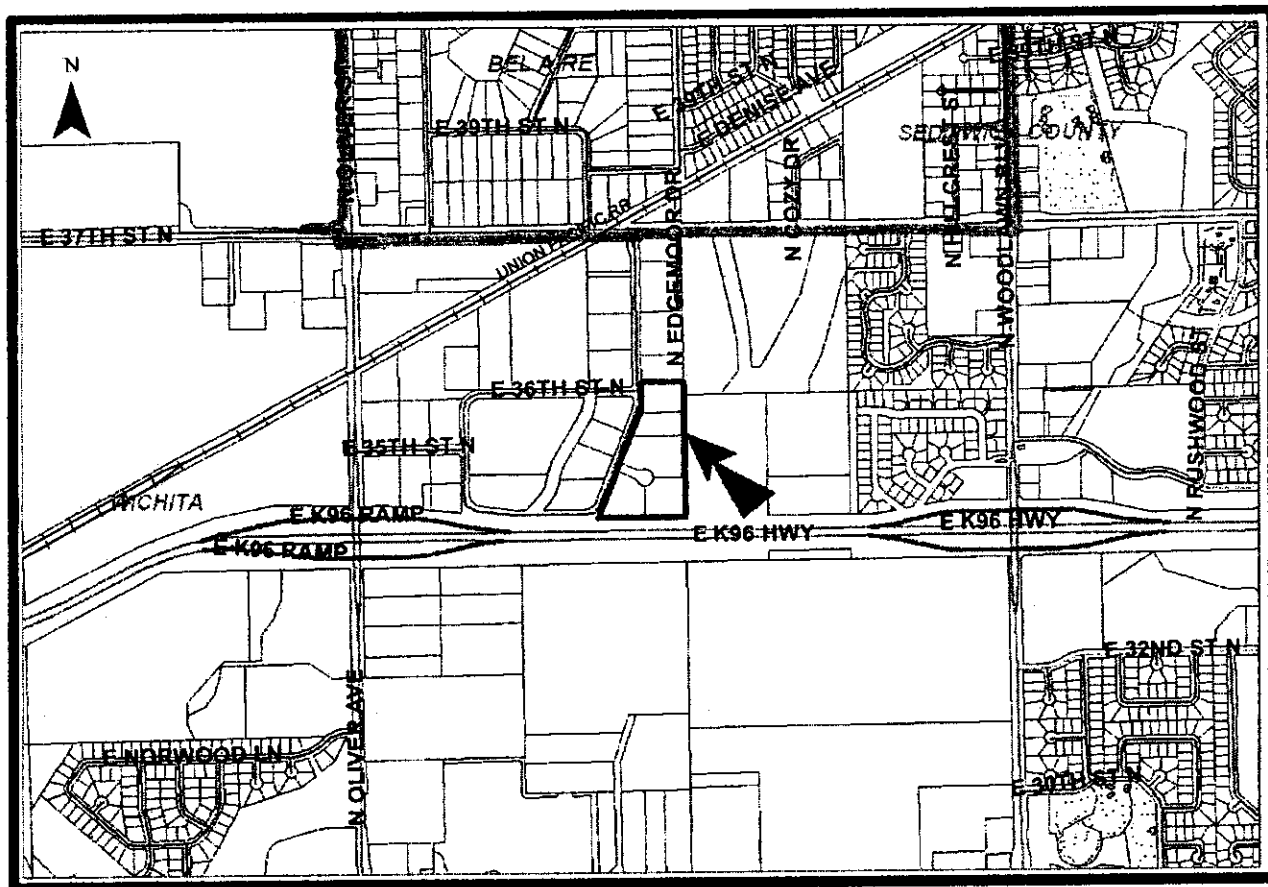


A 7-0

SUBJECT: ZON2012-00017 Associated with CUP2012-16 – City zone change from LI Limited Industrial (“LI”) to GC General Commercial (“GC”) and the creation of DP-326, the Great Plains Commercial and Multi-Family Residential Community Unit Plan; generally located east of Oliver Avenue, north of K-96, south of 37th Street North and east of Ridgewood Street. (District I)

AGENDA: Planning (Consent)

MAPD Staff Recommendation: Approve.



Background: The applicant is seeking GC General Commercial ("GC") zoning subject to the development standards contained in the proposed the Great Plains Commercial and Multi-Family Residential Community Unit Plan ("CUP") DP-326. The undeveloped, 12.03-acre site is currently zoned LI Limited Industrial ("LI") and is platted as Lots 2-6, Block 3, the Great Plains Business Park 3rd Addition. The Wichita-Sedgwick County Unified Zoning Code's ("UZC") LI zoning district does not allow residential uses, while the GC zoning district allows all residential uses with the exceptions of manufactured home, manufactured home subdivision and manufactured home park; UZC, Sec.III-D.1-5. The UZC recommends a CUP or a PO Protective Overlay ("PO") for GC and LC Limited Commercial ("LC") zoned sites of 6-acres or more, that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and well organized residential, commercial and mixed use development.

The site is located less than a ½-mile east of Oliver Avenue, a ¼-mile south of 37th Street North, on the east side of Ridgewood Street and north of K-96. Access to the site and the LI zoned area it is located within is limited to Ridgewood Street. The southern-most portion of the City of Bel Aire (single-family residential development) is located on the north side of 37th Street North.

Immediate developments located north and west of the site are LI zoned undeveloped lots, office-warehouses, a manufacturing facility, office buildings, a motel and a SF-5 Single-Family Residential ("SF-5") zoned church. The developed portion of this area looks more like a well tended industrial park with no outside storage or display. State highway K-96 abuts the south side of the site. Most of the east side of the site abuts the SF-5 zoned Chisholm Creek Public Park, with the rest of the east side abutting mostly undeveloped (a church is located on a small, north-most portion of this land) SF-5 zoned land; Chisholm Trail Church of Christ Addition, recorded May 6, 2008. A FEMA Flood zone runs north to south through the middle of the eastern, abutting SF-5 zoned lands.

The applicant proposes to permit all GC uses except: sexually oriented business, correctional placement residence, night clubs, taverns and drinking establishments, recreational vehicle campground, asphalt and concrete plant, limited, cemetery. The applicant proposes restaurants with drive thru windows, convenience stores, service stations and vehicle repair, limited and general are allowed if located more than 200 feet from residential uses. The applicant also proposes that any overhead doors associated with vehicle repair, limited and general, warehouses and loading docks must not face residential zoning. The applicant proposes car washes in the CUP be subject to the supplementary use regulations of Sec. III-D.6.f of the Unified Zoning Code.

Analysis: At the MAPC meeting held July 5, 2012, the MAPC voted (9-0) unanimously to approve the request for GC zoning and the creation of the Great Plains Commercial and Multi-Family Residential Community Unit Plan CUP DP-326, subject to a re-plat within a year and with the following changes to the conditions of DP-326:

- A. If the site is developed for commercial uses, in reference to General Provision 4 and the CUP drawing, shall include, "a 35-foot setback (CUP standard) where the site abuts the undeveloped (non- park land) SF-5 zoned property."
- B. Waive the Compatibility Height standards and allow a maximum 45-foot building height.
- C. General Provision 5 shall include, "If necessary, the CUP development plan shall be adjusted or amended to reflect final drainage requirements."
- D. General Provision 6 shall include, "(B). No Electronic Message Centers.", "(E)...except shall not exceed...", "(F) give more detail in regards to...shall share similar elements in design."
- E. If the site is developed for commercial uses, in reference to General Provision 8 it shall include, "...and a 15-foot height limit (including fixtures, lamps and base) when light poles are located within 200 feet of residential zoning."
- F. If the site is developed for commercial uses, in reference to General Provision #11 it shall include, "A 6-8 foot tall masonry wall shall be placed along the east side of the site where it abuts the undeveloped SF-5 zoned (non-park land) property."

- G. Change Provision 12 to include the UZC's standard for nonresidential screening from roof top equipment.
- H. Revise General Provision 15 to "Permit all GC uses except sexually oriented business, correctional placement residence, night clubs, taverns and drinking establishments, outside storage, recreational vehicle campground, asphalt and concrete plant, limited, cemetery, and; restaurants with drive thru windows, convenience stores, service stations and vehicle repair, limited and general be allowed if located more than 200 feet from residential uses, and; any overhead doors associated with vehicle repair, limited and general, warehouses and loading docks must not face residential zoning, and; car washes in the CUP be subject to the supplementary use regulations of Sec. III-D.6.f of the Unified Zoning Code."
- I. Revise General Provision #18 to include, "A notice of a CUP noting the conditions placed on this land shall be filed with the Sedgwick County Register of Deeds."
- J. Provide the agreement from the Park Board allowing pedestrian access to the abutting Chisholm Creek Public Park
- K. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

There were no protests to the request at the MAPC meeting.

At the DAB I meeting held July 9, 2012, the DAB voted unanimously to approve the request for GC zoning and the creation of the Great Plains Commercial and Multi-Family Residential Community Unit Plan CUP DP-326, subject to a re-plat within a year and the following change to General Provision 15 of DP-326:

"Offices that accept paycheck or car titles as security for loans and pawnshop uses are prohibited."

There were no protests to the request at the DAB meeting. No protests were received during the two-week protest period following the MAPC hearing.

Financial Considerations: There are no financial considerations in regards to the zoning and CUP requests.

Goal Impact: The application will promote Economic Vitality.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: Adopt the findings of the MAPC and approve the zone change and the CUP, subject to the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the replat is completed (simple majority required).

Attachments:

- Ordinance
- MAPC Minutes
- CUP drawing