

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. ZON2014-00031 and Protective Overlay #294

Zone change request from B Multi-Family Residential (B) to LC Limited Commercial (LC) on property located on the northwest corner of East Douglas Avenue and North Rock Road described as Lot 1 Rockwood Reserve A Addition to Wichita, Sedgwick County, Kansas, subject to the development standards contained in Protective Overlay #294:

A. Uses permitted shall be limited to the following LC Limited Commercial zoning district uses: single-family residential, duplex, multi-family, assisted living, day care limited, day care general, government service, safety service, animal care limited, automated teller machine, bank or financial institution, medical services, convenience store, drive-thru restaurant, general office, personal care service, personal improvement service, sit-down restaurant provided the restaurant does not exceed 8,000 square feet in size and general retail. The following uses are specifically prohibited: retail liquor store, nightclub in the city, drinking establishment or tavern, entertainment establishment, pawnshop or business that accepts vehicle titles or other property as security for loans. All buildings within the subject property shall share a uniform architectural character, color and the same predominate exterior building material. The building walls shall not utilize metal as a predominate exterior façade material.

B. Landscaped street yards, buffers and parking lot landscaping/screening shall utilize a shared palette of landscape material, and shall comply with the City of Wichita Landscape Ordinance unless modified by another provision of this Protective Overlay.

C. A landscape plan shall be prepared for the above referenced requirement, and shall indicate type, location and specifications for all plant materials.

D. Screening along the north, west, and southwest property lines where adjacent to residential zoning shall be provided by an eight-foot high concrete/masonry wall. The solid wall shall be constructed of a pattern and color that is consistent with the building walls. Occupancy permits shall not be issued until a landscaping and screen plan has been approved by the Planning Director. Landscaping shall be installed prior to occupancy.

E. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and adjacent residentially-zoned properties.

F. Building setbacks shall be a minimum of 20 feet along the north, 50 feet along the west and southwest property lines and 35 feet along the arterial frontages.

G. Maximum building height is limited to 35 feet.

H. Rooftop mechanical equipment, trash receptacles, loading docks and loading areas shall be screened from ground level view, and said screening is required to match or be similar to the building façade.

I. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building that faces any property in a residential zoning district located north or west of the subject site. All signs and building signs facing west and north towards residentially-zoned properties are prohibited. Signs shall be monument type, as permitted by the sign code in the LC zoning district. The placement of video board signage and/or electronic message boards should be restricted to the Rock Road frontage and should be mounted no higher than 15 feet.

J. All utilities will be located underground.

K. Deliveries and trash service shall be between the hours of 6:00 a.m. and 10:00 p.m.

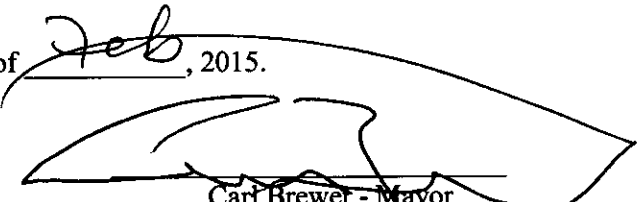
L. One full movement driveway located in the northern half of the Rock Road frontage and one right-in/right-out drive with a raised median drive (up to the full movement drive) in the southern segment of the Rock Road frontage are permitted.

M. Prior to the issuance of building permits, the property owner shall dedicate two additional feet of utility easement along the north and southwest property line.

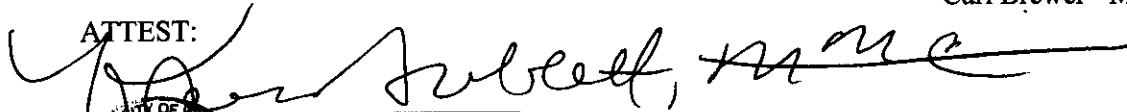
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 24 day of Feb, 2015.


Carl Brewer - Mayor

ATTEST:


Julie A. Stewart, City Clerk



Approved as to form:


Sharon Dickgrafe, Interim City Attorney

City of Wichita
City Council Meeting
February 10, 2014

TO: Mayor and City Council

SUBJECT: ZON2014-00031 – Zone Change from B Multi-Family Residential to LC Limited Commercial subject to Protective Overlay #294 on Property Located on the Northwest Corner of North Rock Road and East Douglas Avenue, 7802 East Douglas Avenue (District II)

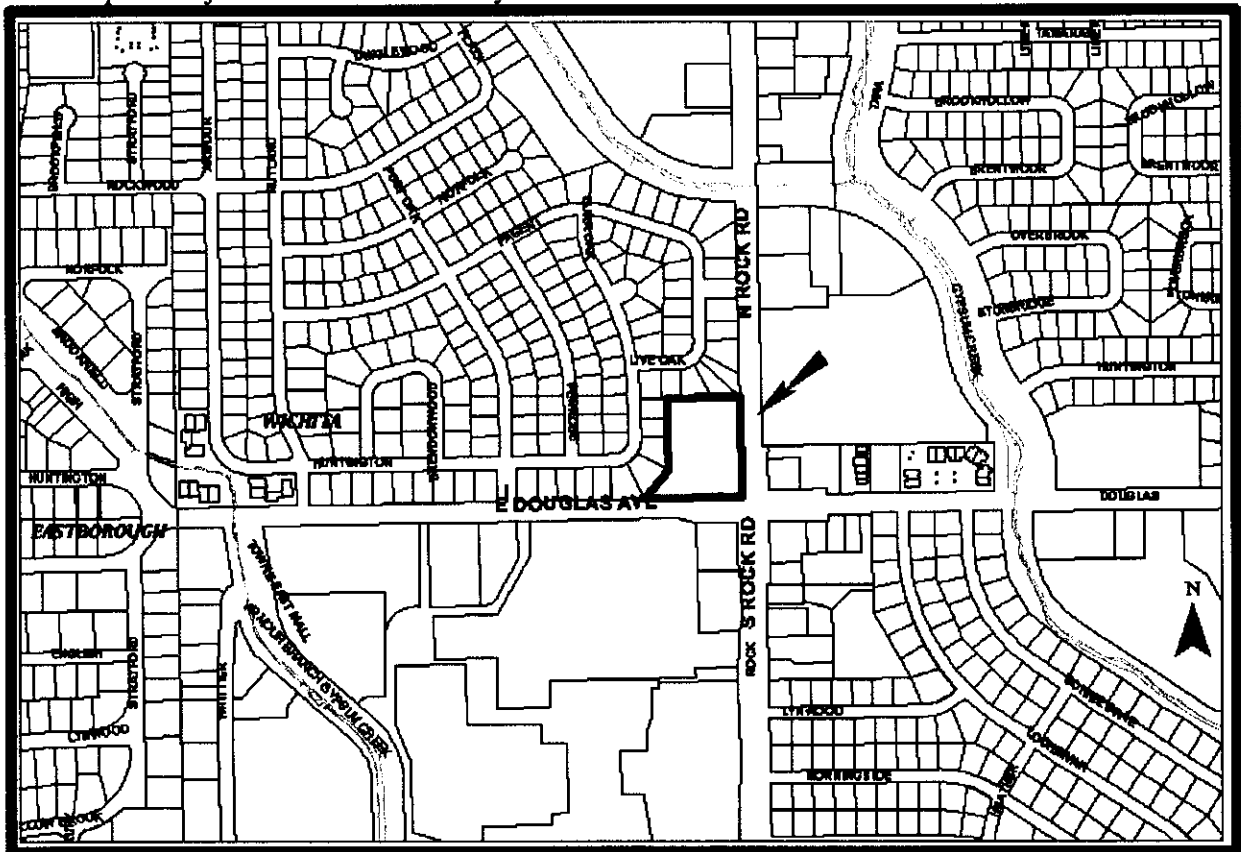
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Non-Consent)

MAPC Recommendation: The MAPC recommended approval (9-0) of the request subject to Protective Overlay #294.

DAB Recommendation: District Advisory Board II voted 8-1 to approve the request subject to a modified Protective Overlay #294.

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request subject to Protective Overlay #294.



Background: The applicant is seeking to rezone the northwest corner of North Rock Road and East Douglas Avenue (7802 East Douglas Avenue) from the B Multi-Family Residential (B) district to the Limited Commercial (LC) district. The site contains 3.74 acres that were developed with a 104-unit apartment complex built sometime shortly after 1968. If the request is approved, the applicant intends to redevelop the site to permit a wider range of uses than just residential uses. (See item A below for the proposed list of allowed uses.) The site has three access points; two on East Douglas Avenue and one on North Rock Road. On Douglas Avenue platted access control allows two driveways to be located 150 feet west of Rock Road. On Rock Road platted access control allows two driveways to be located 150 feet north of Douglas Avenue. A six-foot tall wood fence is located along the southwest, west and north property line. A masonry fence is located along the east property line that abuts Rock Road, and along a 10 to 15-foot segment of East Douglas Avenue located just west of Rock Road. The property is platted as Rockwood Reserve 'A' Addition. A platted eight-foot wide utility easement is located along the southwest, west and north property boundary. A 30-foot wide Continental Pipeline easement is located along Rock Road.

The applicant is offering the following development standards (Unified Zoning Code (UZC) comparisons and staff recommendations and comments are provided in italics, underlined or struck-through):

A. Uses permitted shall be limited to the following LC Limited Commercial zoning district uses: single-family residential, duplex, multi-family, assisted living, day care limited, day care general, government service, safety service, animal care limited, automated teller machine, bank or financial institution, medical services, convenience store, general office, personal care service, personal improvement service, restaurant provided the restaurant does not exceed 8,000 square feet in size and general retail. The following uses are specifically prohibited: retail liquor store, nightclub in the city, drinking establishment or tavern, entertainment establishment, pawnshop or business that accepts vehicle titles or other property as security for loans. All buildings within the subject property shall share a uniform architectural character, color and the same predominate exterior building material. The building walls shall not utilize metal as a predominate exterior façade material. *The LC district permits by right 56 retail, commercial, office and residential uses. Drive-thru restaurant and convenience store should be prohibited given the small size of the site, and the close proximity of single-family and two-family uses. Drive-thru restaurants and convenience stores have the capacity to generate increased levels of noise due to order boards and gas pump speakers and significant amounts of debris and litter.*

B. Landscaped street yards, buffers and parking lot landscaping/screening shall utilize a shared palette of landscape material, and shall comply with the City of Wichita Landscape Ordinance unless modified by another provision of this Protective Overlay. *The requirements of the Landscape Ordinance are triggered when redevelopment costs exceed 50 percent of the site's appraised value or when new parking spaces are installed. The requirements of the Landscape Ordinance are divided between three areas. A minimum amount of landscaping (landscaped street yard) is required to be installed in front of the front façade of the buildings. A landscape buffer of one tree per 40 feet is required where nonresidential uses abut residential uses. Parking spaces located within 150 feet of a street are required to be screened with plants that will ultimately be three feet tall.*

C. A landscape plan shall be prepared for the above referenced requirement, and shall indicate type, location and specifications for all plant materials. *Required by the Landscape Ordinance.*

D. Screening along the north, west, and southwest property lines where adjacent to residential zoning shall be provided by an eight-foot high concrete/masonry wall. The solid wall shall be constructed of a pattern and color that is consistent with the building walls. *The proposed masonry wall exceeds the screening typically required by just a zone change. The proposed screening wall will have to be located outside of the utility easement located along the north, west and southwest property lines.* Occupancy permits shall not be issued until a landscaping and screen plan has been approved by the Planning Director. Landscaping shall be installed prior to occupancy.

E. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and

Analysis: On January 7, 2015, District Advisory Board (DAB) II reviewed the application. They heard from at least three citizens who expressed concerns regarding blowing trash and odor emanating from Towne East Mall and about gasoline storage tanks if a convenience store was permitted. Noting that the homeowners' association would not meet until later in the month, the DAB voted 7-0 to defer action to the DAB's February 3 meeting. At the February 3 DAB meeting, the DAB voted 8-1 to approve the request; however, the DAB voted to allow drive-thru restaurants which is the only difference with the MAPC's recommendation.

On January 8, 2015, the Metropolitan Area Planning Commission (MAPC) reviewed the application. Nearby property owners spoke in opposition citing concerns with noise, debris, odor and traffic that might be generated from new uses located on the application area. The MAPC approved (9-0) the application subject the development standards contained in an amended Protective Overlay #294 as described below. The MAPC eliminated drive-thru restaurants as a permitted use (Provision A); established the building setback along the north line at 20 feet (Provision F); prohibited outdoor speakers except for banks or financial institutions (Provision K) and an allowed staff to work with the applicant to determine the width of a request for additional utility easement, which was established after the MAPC meeting as described in Provision N.

A. Uses permitted shall be limited to the following LC Limited Commercial zoning district uses: single-family residential, duplex, multi-family, assisted living, day care limited, day care general, government service, safety service, animal care limited, automated teller machine, bank or financial institution, medical services, convenience store, general office, personal care service, personal improvement service, sit-down restaurant provided the restaurant does not exceed 8,000 square feet in size and general retail. The following uses are specifically prohibited: retail liquor store, nightclub in the city, drinking establishment or tavern, drive-thru restaurant, entertainment establishment, pawnshop or business that accepts vehicle titles or other property as security for loans. All buildings within the subject property shall share a uniform architectural character, color and the same predominate exterior building material. The building walls shall not utilize metal as a predominate exterior façade material.

B. Landscaped street yards, buffers and parking lot landscaping/screening shall utilize a shared palette of landscape material, and shall comply with the City of Wichita Landscape Ordinance unless modified by another provision of this Protective Overlay.

C. A landscape plan shall be prepared for the above referenced requirement, and shall indicate type, location and specifications for all plant materials.

D. Screening along the north, west, and southwest property lines where adjacent to residential zoning shall be provided by an eight-foot high concrete/masonry wall. The solid wall shall be constructed of a pattern and color that is consistent with the building walls. Occupancy permits shall not be issued until a landscaping and screen plan has been approved by the Planning Director. Landscaping shall be installed prior to occupancy.

E. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and adjacent residentially-zoned properties.

F. Building setbacks shall be a minimum of 20 feet along the north, 50 feet along the west and southwest property lines and 35 feet along the arterial frontages.

G. Maximum building height is limited to 35 feet.

H. Rooftop mechanical equipment, trash receptacles, loading docks and loading areas shall be screened from ground level view, and said screening is required to match or be similar to the building façade.

I. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building that faces any property in a residential zoning district located north or west of the subject site. All signs and building signs facing west and north towards residentially-zoned

properties are prohibited. Signs shall be monument type, as permitted by the sign code in the LC zoning district. The placement of video board signage and/or electronic message boards should be restricted to the Rock Road frontage and should be mounted no higher than 15 feet.

J. All utilities will be located underground.

K. Outdoor speakers and sound amplification systems shall not be permitted except for a bank or financial institution.

L. Deliveries and trash service shall be between the hours of 6:00 a.m. and 10:00 p.m.

M. One full movement driveway located in the northern half of the Rock Road frontage and one right-in/right-out drive with a raised median drive (up to the full movement drive) in the southern segment of the Rock Road frontage are permitted.

N. Prior to the issuance of building permits, the property owner shall dedicate two additional feet of utility easement along the north and southwest property line.

No protest petitions have been received. The request can be approved with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

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

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the requested zone change and place the ordinance on first reading (simple majority vote); deny the requested zone change (two-thirds majority vote required) or return the application to the MAPC for reconsideration (simple majority vote).

Attachments: MAPC minutes, DAB memo and ordinance.

adjacent residentially-zoned properties. *The UZC requires light poles located within 200 feet of residential uses to be not taller than 15 feet, including base, and requires light fixtures to keep light from trespassing onto abutting property.*

F. Building setbacks shall be a minimum of 15 feet along the north, 50 feet along the west and southwest property lines, and 35 feet along the arterial frontages. *Basic building setbacks in the LC district are: front (south property line)-20 feet; rear (north property line)-10 feet; interior side (west property line)-zero or five feet; street side (east property line)-10 feet; however, compatibility setbacks for a site as large as the subject tract, which overrides base zoning district minimums, require 25-foot building setbacks along interior side (west) and rear (north) yards adjacent to single-family or two-family zoning. The applicant's proposed 15-foot setback along the north property line should be 25 feet.*

G. Maximum building height is limited to 35 feet. *The LC district permits building heights up to 80 feet by right and taller buildings with greater than minimum building setbacks. Without the proposed height limitation, UZC compatibility height standards would allow buildings located over 50 feet from the north and west property line to increase in height above 35 feet at the ratio of one foot in height for each additional three feet of setback over 50 feet.*

H. Rooftop mechanical equipment, trash receptacles, loading docks and loading areas shall be screened from ground level view, and said screening is required to match or be similar to the building façade. *Complies with UZC requirements.*

I. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building that faces any property in a residential zoning district located north or west of the subject site. All signs and building signs facing west and north towards residentially-zoned properties are prohibited. Signs shall be monument type, as permitted by the sign code in the LC zoning district. *The LC district allows signs to be up to 25 feet in height, and up to 35 feet if the maximum number of signs allowed are not installed. The placement of video board signage and/or electronic message boards should be restricted to the Rock Road frontage and should be mounted no higher than 15 feet.*

J. All utilities will be located underground.

K. Outdoor speakers and sound amplification systems shall not be permitted, with the exception of restaurant order boards. No order boards are permitted in setbacks. *Staff recommends no drive-thru restaurants be allowed, which would eliminate the need for order boards.*

L. Deliveries and trash service shall be between the hours of 6:00 a.m. and 10:00 p.m.

M. A site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits. The site plan shall ensure internal circulation within the parcel(s). In the event there is a full turning movement drive to Rock Road, the applicant shall provide a guarantee for the construction of a raised median within Rock Road. *The traffic engineer will support a full movement driveway in the northern segment of the Rock Road frontage and right-in/right-out drive with a raised median in the southern segment of the Rock Road frontage.*

Properties located to the north and west of the application area are overwhelmingly zoned Single-Family Residential (SF-5) and developed with single-family residences. There is one ownership abutting the north property line of the application area that is zoned Two-Family Residential (TF-3) and developed with a duplex. Properties located east, across Rock Road, are zoned B and LC, and are developed with an apartment complex and retail and office uses. Land located south of the subject site, across Douglas Avenue, is zoned LC subject to the development standards contained in Community Unit Plan DP-12, and is developed with Towne East Mall, a regional shopping center.

If 30 percent of the site were developed with 48,874 square feet of retail sales the site could generate an estimated average daily traffic volume of 2,052 trips. During peak hours, a convenience store can generate 79 to 97 average daily vehicle trips per 1,000 square feet. Using the previously noted traffic generation rates, a 5,800 square-foot convenience store could generate 458 to 562 average daily vehicle trips during the peak hour.