

ORDINANCE NO. 49-985

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:

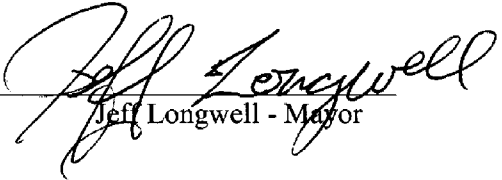
Case No. ZON2015-00010 (associated with CUP2015-00003)

Zone change request from SF-5 Single-Family Residential (SF-3) to LC Limited Commercial (LC) on property described as Lot 1, Block A, Scholfield Honda Commercial Addition to Wichita, Sedgwick County, Kansas, and Lots 1 and 2, Block 2 together with Lots 14 EXCEPT the South 1.5 feet and all of Lot 15, Block 2, Eastridge Addition to Wichita, Sedgwick County, Kansas.

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 28 day of April, 2015.


Jeff Longwell - Mayor

ATTEST:

Karen Sublett, City Clerk



Approved as to form:


Sharon Dickgrafe, Interim City Attorney

City of Wichita
City Council Meeting
April 21, 201

TO: Mayor and City Council

SUBJECT: CUP2015-00003 and ZON2015-00010 – Amendment to Community Unit Plan DP-305 to Add 1.43 Acres to DP-305 and Rezone the Same Acreage to the Limited Commercial District to Permit the Expansion of an Auto Dealership (District II)

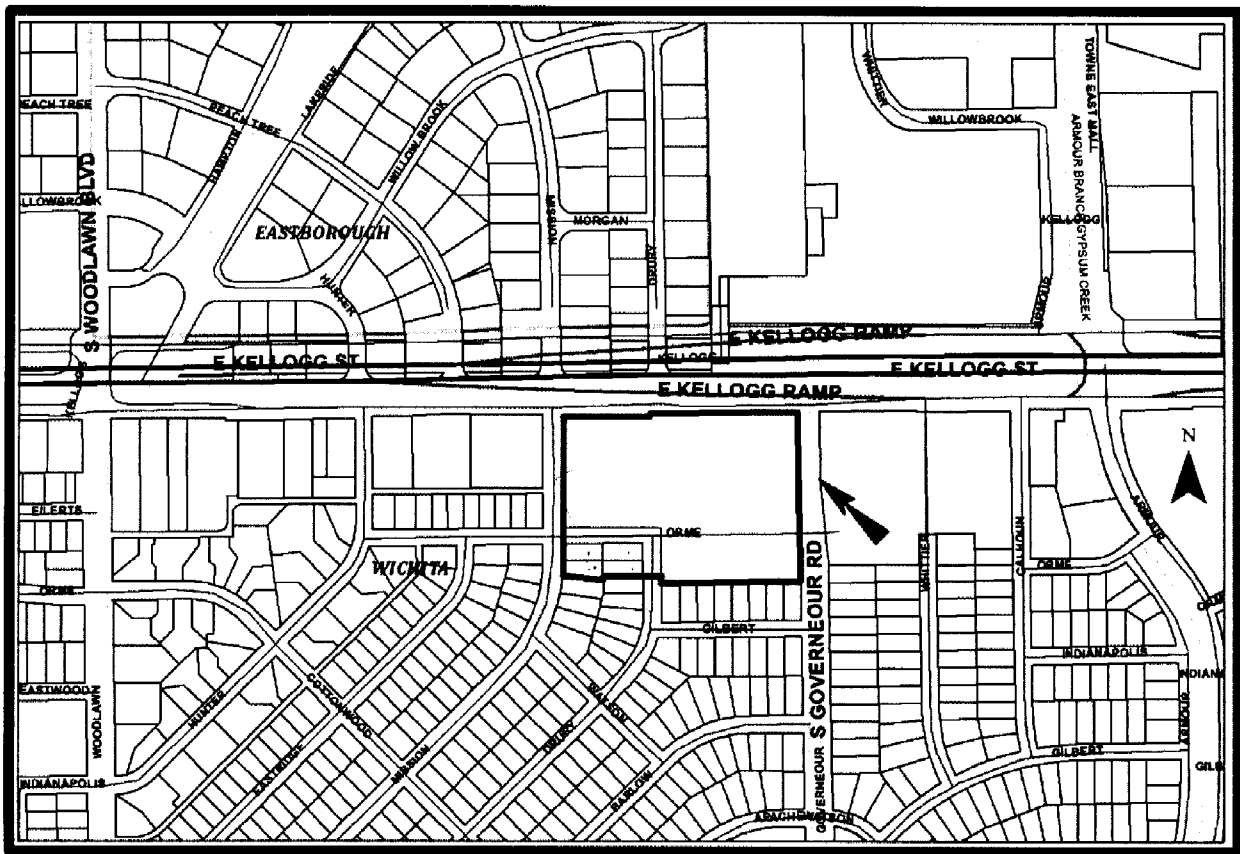
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: The Metropolitan Area Planning Commission recommended approval (12-0) subject to the recommended development standards.

MAPD Staff Recommendations: Planning staff recommended approval subject to the recommended development standards.

DAB Recommendations: The District Advisory Board recommended approval (5-0).



BACKGROUND: The applicant is seeking Limited Commercial (LC) zoning and the inclusion in the Schofield Honda Commercial Community Unit Plan (CUP) DP-305 of 1.43 acres of land located south of East Kellogg, between South Mission Road and South Gouverneur Road; south of the existing Schofield Honda auto dealership. Currently, the applicant owns and operates an auto dealership located on 9.19 acres that are zoned LC subject to CUP DP-305. Community Unit Plan DP-305 permits new and uses auto sales, leasing, service and all other associated uses, including parking areas for storage of vehicles for lease or sale, vehicles awaiting customer service and employee parking.

The land proposed to be added to DP-305 includes:

- 1) A 56-foot wide by 120-foot deep (6,720 square feet) Single-Family Residential (SF-5) zoned area that was formerly developed with a single-family residence addressed as 6932 East Orme that was located on the north side of vacated East Orme Street. The home has been demolished.
- 2) Existing East Orme Street right-of-way located between Drury Lane and Mission Road. The previously noted road segment is proposed to be vacated by plat if the current application is approved. If vacated, the vacated right-of-way is proposed to be incorporated into the dealership's campus and closed to public traffic.
- 3) Four platted SF-5 zoned lots (approximately 31,347.01 square feet) located south of Orme Street, between Mission Road and Drury Lane. The previously noted lots were developed with single-family residences; however, the homes have been demolished. The four lots are proposed to be replatted if this request is approved.
- 4) Approximately 116 feet of Drury Lane located just south of East Orme Street or that segment of Drury Lane located adjacent to the residential lots purchased and scraped by the applicant.

Once the single-family lots and street right-of-way are rezoned and replatted the properties will be incorporated into the auto dealership and into DP-305.

The portion of East Orme Street located between Drury Lane and Gouverneur Road was vacated by the Scholfield Honda Commercial Addition that was recorded on June 23, 2014. The eight platted lots that were formerly located south of vacated East Orme Street, between Drury Lane and Gouverneur Road were removed as part of the Scholfield Honda Commercial Addition. The Scholfield Honda Commercial Addition retained Orem Street as a 60-foot wide drainage and utility easement. A second 20-foot utility easement is located on the Scholfield Honda Commercial Addition approximately 100 feet north of the vacated East Orme right-of-way. The CUP drawing depicts the two easements as well as a proposed 55,000 square-foot building located astride both easements. Buildings are not typically allowed to encroach utility or drainage easements. The building encroachment across the two easements will need to be addressed at the time of replatting, with a vacation action or dedication to re-route the easements. A water line is shown in the Orme Street right-of-way.

The third sentence in General Provision 2 should be amended to read: *Lighted* building wall signage shall be prohibited on the south facades of all buildings facing the south 105 feet of Gouverneur Road, the south 12075 feet of Mission Road and ~~Orme Street~~ *the south property line* except for directional signs denoting parking spaces within the property.

Three access points are proposed on Mission Road; two access points are proposed on Gouverneur Road. The remnant portion of Drury Lane north of Gilbert Street is too long to be left as a dead-end and, at the time of replatting will require a cul-de-sac or hammerhead turn around. The closure of Drury Lane north of Gilbert Street and the closure of Orme west of Drury Lane will force some residents living south of the application area to drive south on Drury Lane to Watson Lane then west to Mission Road to reach points located north and west; or go east on Gilbert Street to Gouverneur Road. However, Gouverneur Road has a raised median that prevents northbound left turns at Gilbert Street and will require northbound traffic to travel three blocks (from Orme Street) south on South Gouverneur Road and make a U-turn at South Apache Drive in order to go north to Kellogg Drive. General Provision 4 should be amended to include

the following language: "At the time of platting the applicant shall guarantee the installation of a cul-de-sac, hammerhead turnaround or similar traffic improvement terminus for Drury Lane north of Gilbert Street as required by the Traffic Engineer. At the time of platting the applicant shall guarantee the installation of an access point through the Gouverneur Road median at Gilbert Street. Said improvements shall be completed prior to the closure of Drury Lane at Orme Street and the closure of Orme Street west of Drury Lane."

A six-foot screening wall is shown along the entire southern property line and wraps around both the southeastern and southwestern corners of the CUP and run northward for varying distances. General Provision 20 gives the applicant up to 12 months from the date of final approval to defer the masonry wall requirement; at the end of the 12-month period the applicant may apply to have this condition reviewed by the City Council. It is recommended that General Provision 20 be amended to state: "The applicant may have up to 12 months from the date of final approval to install the required masonry wall; however, the applicant may be granted an additional 12 months delay by administrative adjustment provided the applicant has under contract or has purchased additional property abutting the CUP's southern property line. Regardless of the waiver of the masonry screening, a solid six-foot tall fence shall be installed prior to the issuance of an occupancy permit or final approval for a parking lot located along any property line abutting or across the street from SF-5 or TF-3 zoning."

Land located to the north of the property proposed to be added to DP-305 is currently zoned LC, subject to DP-305, is owned by the applicant and is developed with an automobile dealership. Land to the east is zoned LC and TF-3 and is developed with an auto dealership or single-family residences. Property to the south is developed with platted SF-5 zoned single-family residences. Land to the west is zoned SF-5 and Two-Family Residential (TF-3) and is developed with single-family residences.

Analysis: At the District Advisory Board (DAB) II meeting held on March 9, 2015, the DAB voted to approve (5-0) the request per staff recommendations.

On March 19, 2015, the Metropolitan Area Planning Commission ("MAPC") reviewed the application. The MAPC voted (8-1) to approve the application subject to staff recommendations:

- A. Approve the zone change (ZON2015-00010) to LC Limited Commercial zoning and the amendments to Community Unit Plan DP-305 subject to the development standards contained therein, subject to replatting within one year.
- B. At the time of platting the applicant shall guarantee the installation of a cul-de-sac, hammerhead turnaround or similar traffic improvement terminus for Drury Lane north of Gilbert Street as required by the Traffic Engineer. At the time of platting the applicant shall guarantee the installation of an access point through the Gouverneur Road median at Gilbert Street. Said improvements shall be completed prior to the closure of Drury Lane at Orme Street and the closure of Orme Street west of Drury Lane.
- C. General Provision 20 be amended to state: "The applicant may have up to 12 months from the date of final approval to install the required masonry wall; however, the applicant may be granted an additional 12 months delay by administrative adjustment provided the applicant has under contract or has purchased additional property abutting the CUP's southern property line. Regardless of the waiver of the masonry screening, a solid six-foot tall fence shall be installed prior to the issuance of an occupancy permit or final approval for a parking lot located along any property line abutting or across the street from SF-5 or TF-3 zoning."
- D. The building encroachment across the two utility easements will be addressed at the time of replatting, with a vacation action or the dedication of additional easement to re-route the utilities, as determined by Public Works.
- E. The replat of the site may require modifications to the approved CUP DP-305. CUP DP-30 shall be considered to be adjusted without further review so long as four copies of the revised CUP that are consistent with the approved plat are submitted to planning staff within 60 days of the recording of the plat.
- F. The applicant shall submit four copies of the approved CUP to the Metropolitan Area Planning Department within 60 days after approval of the application by the governing body, or the request

shall be considered denied and closed.

There was not anyone present at the MAPC meeting other than the agent to speak on the item, and there have not been any protests filed. The City Council may approve the request as recommended by MAPC with a simple majority vote.

Financial Considerations: Approval of the request will not create any atypical financial considerations to the City.

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

Recommendation/Actions: Adopt the findings of the MAPC, approve the request subject to platting within one year and withhold publication of the ordinance enacting the zone change until the ordinance has been published (simple majority vote).

Attachments: CUP drawing, MAPC minutes and DAB minutes.