

ORDINANCE NO. _____

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. ZON 2004-47

Request for zone change from "SF-20" Single-family Residential District to "LC" Limited Commercial District, and to P-O #147 Protective Overlay District on property described as:

Lot 1, Block A, Hoskinson 3rd Addition, Wichita, Sedgwick County, Kansas.

Generally located on the south side of 37th Street North and west of Ridge Road.

**SUBJECT TO PLATTING WITHIN ONE YEAR AND THE FOLLOWING PROVISIONS OF
PROTECTIVE OVERLAY #147:**

1. The following uses shall be permitted: All permitted uses in the "LC" Limited Commercial District except: residential uses; public uses, except daycare; and pawnshops, secondhand stores, taverns, nightclubs, drinking establishments, sexually oriented businesses and adult entertainment.
2. Maximum building coverage shall be limited to 35 percent. $5,943 \div 40,179 = .1479$
3. Building setback shall be 35 feet along the north and west property line and per UZC for the east and south property line.
4. All utilities shall be installed underground.
5. Signage: Signage shall be as permitted by zoning district in accordance with the provisions of the governing body, with the following exceptions:
 - a. All freestanding signs shall be a maximum of 20 feet in maximum height and monument style. No pole signs permitted.
 - b. Flashing signs (except for signs showing the date, time, temperature and other public service messages), rotating or moving signs, signs with moving lights, or signs that create the illusion of movement shall not be permitted.
 - c. No portable or off site signs shall be permitted.
6. Final determination of access control and guarantees for improvements shall be determined at time of platting, subject to maintaining the maximum separation between the major opening approved for the north side of 37th Street North in accordance with Access Management Policy.
7. Cross-lot circulation and internal access with the properties to the east and west shall be provided at time of platting.
8. All lights shall be shielded to reflect light downward or direct light away from residential areas.
9. Trash receptacles shall be appropriately screened to reasonably hide them from ground view. Screening shall be constructed of materials and/or landscaping compatible with and complementary to the exterior of the buildings to which the trash receptacle provides service. Loading docks and service areas shall also be screened from 37th Street North, Ridge Road, and the residential areas to the west with screening walls and/or landscaping approved by the Planning Director.
10. Prior to issuing any building permit, a plan for vehicular circulation and a pedestrian walk system to link buildings to the arterial sidewalk on 37th Street North shall be approved by the Planning Director.

11. A six (6) foot high masonry wall shall be constructed along property lines within a wall easement where nonresidential uses are adjacent to residential zoning except where there is a minimum three hundred (300) feet of platted reserve area.
12. The building exterior shall maintain compatibility with the adjacent parcel (Parcel 8) of DP-242 in terms of exterior materials, color and texture.

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 _____ day of _____, 2007.

ATTEST:

Carlos Mayans, Mayor

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney



STAFF REPORT
MAPC September 23, 2004

AGENDA ITEM NO. 8

CASE NUMBER: ZON2004-00047

APPLICANT/AGENT: Box Development, LLC (Owner); Baughman Company, PA c/o Terry Smythe (Agent)

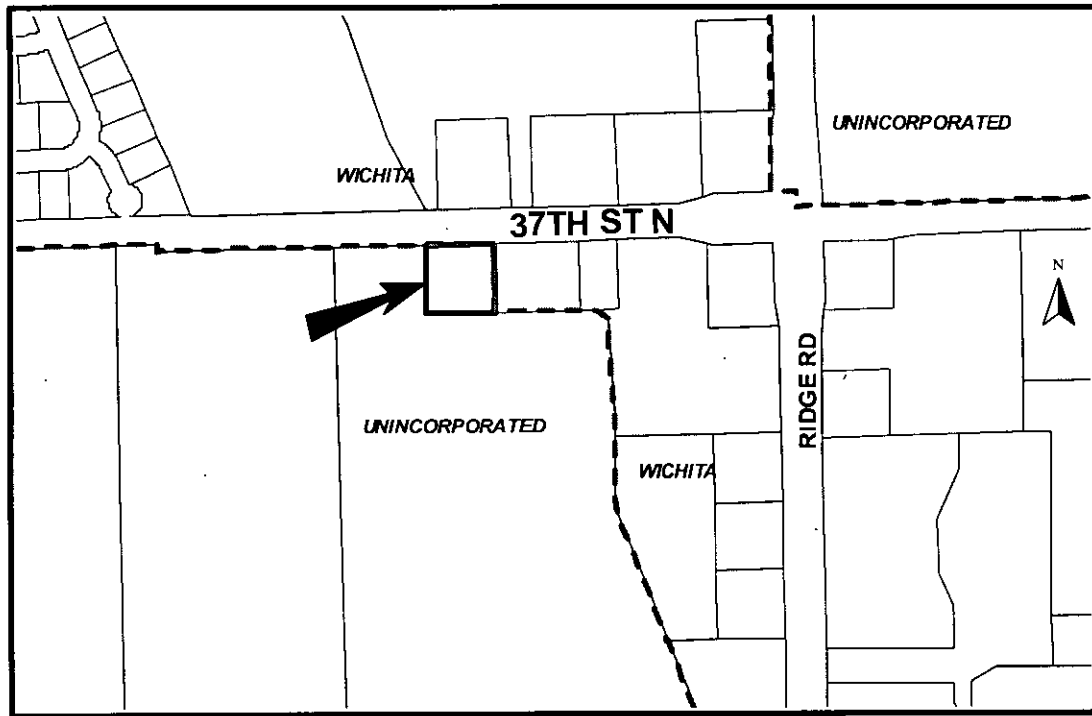
REQUEST: "LC" Limited Commercial

CURRENT ZONING: "SF-20" Single-family Residential

SITE SIZE: 0.97 acres

LOCATION: South of 37th Street North, ¼ mile west of Ridge Road

PROPOSED USE: Commercial use



BACKGROUND: The applicant requests a zone change from "SF-20" Single-family Residential to "LC" Limited Commercial on a 0.97-acre platted tract located south of 37th Street North one-fourth mile west of Ridge Road. No specific user has been identified for the site.

The tract is located immediately west of the channel of the Big Slough North, adjacent to the floodway and within the 100-year FEMA floodplain. The property farther west is developed with large-lot suburban residences zoned "SF-20". The property to the northwest is being developed as an urban scale single-family development zoned "SF-5". The property to the north and northeast is zoned "LC" and is located within DP-250 Northridge CUP, formerly known as Starwest CUP and DP-253 Kaylor CUP. This property is vacant. The property to the east and south is part of DP-242 Ridge Center CUP. The abutting property is vacant, but an office building and a day care center are already developed on the remainder of the CUP and several retail buildings are under construction.

CASE HISTORY: The subject property is unplatted. CU-293 allowed the use of the property for sand extraction. DP-245 Catamaran Cove CUP was approved in 1999 and would have allowed multi-family residential use of the property; however the CUP approval and associated rezoning request was denied for failure to plat.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Vacant
SOUTH:	"SF-20"	Vacant, sand pit lake
EAST:	"LC"	Vacant
WEST:	"SF-20"	Big Slough North, single-family residential

PUBLIC SERVICES: The subject property has access to 37th Street North, which is currently unpaved but will be improved in 2006 to four/five lane urban arterial standards. Traffic counts in 2003 were 14,852 on Ridge between 37th and K-96. Current counts and 2030 projections are not available for 37th Street North.

The adjacent property to the east (DP-242) has complete access control for 330 feet from its boundary to the major opening. The property to the north (DP-250) has a major opening located near (approximately 40 feet) east of the eastern boundary of this tract. This tract should be limited to one entrance located at least 200 feet from the entrance on the north side of 37th Street North and as near to conformance with Access Management Policy as possible.

Municipal water and sewer service will be available to the property.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 1/02" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the subject tract as "high density residential", which conforms to the requested DP-245 Catamaran Cove CUP. The property to the east is shown as "commercial" and to the west is shown as "office".

The Commercial location guidelines contained in the 2002 update of the *Wichita-Sedgwick County Comprehensive Plan* indicate that commercial sites should: (1) be located adjacent to arterial streets or major thoroughfares; (2) be coordinated with mass transit routes, high density

residential, employment or other intensive uses; (3) have site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential uses; (4) be located in compact clusters or nodes versus extended strip development; (5) should not feed traffic directly onto local residential streets and (6) be located in areas of similar development, and where traffic patterns, land uses and utilities can support such development. Several locational guidelines of the *Comprehensive Plan* apply directly to the physical development of the application area, particularly related to location on a principal arterial and being in a compact cluster of commercial use. A protective overlay could be employed to achieve greater similarity with the adjacent commercial development and to limit noise, lighting and other adverse impacts on surrounding residential development.

RECOMMENDATION: While the property is shown on the Comprehensive Plan for high density residential, the requested commercial use conforms with the designation for the property to the east, Parcel 8 of DP-242 Ridge Centre CUP. The Big Slough North serves as a buffer to the residential use of property to the west. And, the property to the west of the subject tract is designated as "office" on the Comprehensive Plan as an additional buffer for the residential uses to the west. Placing a protective overlay on the property with conditions commensurate to Parcel 8 of DP-242 Ridge Centre CUP would achieve the objectives for planned commercial development. Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year and the following provisions of a Protective Overlay District:

1. The following uses shall be permitted: All permitted uses in the "LC" Limited Commercial District except: residential uses; public uses, except daycare; and pawnshops, secondhand stores, taverns, nightclubs, drinking establishments, sexually oriented businesses and adult entertainment
2. Maximum building coverage shall be limited to 35 percent.
3. Building setback shall be 35 feet along the north and west property line and per UZC for the east and south property line.
4. All utilities shall be installed underground.
5. Signage: Signage shall be as permitted by zoning district in accordance with the provisions of the Wichita Sign Code, with the following exceptions:
 - a. All freestanding signs shall be a maximum of 20 feet in maximum and monument style. No pole signs permitted.
 - b. Flashing signs (except for signs showing the date, time, temperature and other public service messages), rotating or moving signs, signs with moving lights, or signs that create the illusion of movement shall not be permitted.
 - c. No portable or off site signs shall be permitted.
6. Final determination of access control and guarantees for improvements shall be determined at time of platting, subject to maintaining the maximum separation between the major opening approved for the north side of 37th Street North in accordance with Access Management Policy.
7. Cross-lot circulation and internal access with the properties to the east and west shall be provided at time of platting.
8. All lights shall be shielded to reflect light downward or direct light away from residential areas.

9. Trash receptacles shall be appropriately screened to reasonably hide them from ground view. Screening shall be constructed of materials and/or landscaping compatible with and complementary to the exterior of the buildings to which the trash receptacle provides service. Loading docks and service areas shall also be screened from 37th Street North, Ridge Road, and the residential areas to the west with screening walls and/or landscaping approved by the Planning Director.
10. Prior to issuing any building permit, a plan for vehicular circulation and a pedestrian walk system to link buildings to the arterial sidewalk on 37th Street North shall be approved by the Planning Director.
11. A six (6) foot high masonry wall shall be constructed along property lines within a wall easement where nonresidential uses are adjacent to residential zoning except where there is a minimum three hundred (300) feet of platted reserve area.
12. The building exterior shall maintain compatibility with the adjacent parcel (Parcel 8) of DP-242 in terms of exterior materials, color and texture.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The tract is located immediately west of the channel of the Big Slough North, adjacent to the floodway and within the 100-year FEMA floodplain. The property farther west is developed with large-lot suburban residences zoned "SF-20". The property to the northwest is being developed as an urban scale single-family development zoned "SF-5". The property to the north and northeast is zoned "LC" and is located within DP-250 Northridge CUP, formerly known as Starwest CUP and DP-253 Kaylor CUP. This property is vacant. The property to the east and south is part of DP-242 Ridge Center CUP. The abutting property is vacant, but an office building and a day care center are already developed on the CUP and several retail buildings are under construction.
2. The suitability of the subject property for the uses to which it has been restricted: Residential use is impacted by the presence of the Big Slough North; the expected commercial use of the property to the north and east reduces the desirability of the tract for residential use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The protective overlay should reduce detrimental effects and the presence of the Big Slough serves as a land use buffer to the property to the west.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the subject tract as "high density residential", which conforms to the requested DP-245 Catamaran Cove CUP. The property to the east is shown as "commercial" and to the west is shown as "office". The Commercial location guidelines contained in the 2002 update of the *Wichita-Sedgwick County Comprehensive Plan* indicate that commercial sites should: (1) be located adjacent to arterial streets or major thoroughfares; (2) be coordinated with mass transit routes, high density residential, employment or other intensive uses; (3) have site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact

surrounding residential uses; (4) be located in compact clusters or nodes versus extended strip development; (5) should not feed traffic directly onto local residential streets and (6) be located in areas of similar development, and where traffic patterns, land uses and utilities can support such development. Several locational guidelines of the *Comprehensive Plan* apply directly to the physical development of the application area, particularly related to location on a principal arterial and being in a compact cluster of commercial use. A protective overlay could be employed to achieve greater similarity with the adjacent commercial development and to limit noise, lighting and other adverse impacts on surrounding residential development.

5. Impact of the proposed development on community facilities: Drainage will be an issue for the property.