

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. ZON2008-06

Request for zone change from "LI" Limited Industrial to "LC" Limited Commercial on property described as:

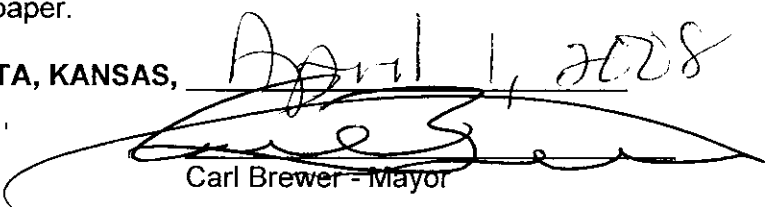
Lot 1; Block 1; Ridge Port Addition, Wichita, Sedgwick County, Kansas.

Generally located one-eighth mile north and one-eighth mile east of the intersection of Ridge Road and 29th Street North.

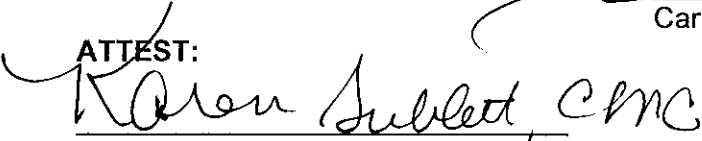
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 AT WICHITA, KANSAS, April 1, 2008

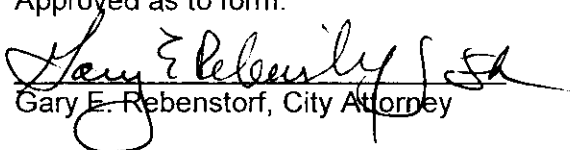

Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney



**City of Wichita
City Council Meeting
March 25, 2008**

TO: Mayor and City Council

SUBJECT: CUP2008-01 AND ZON2008-06 – Creation of DP-310 Ridge Port Commercial Park 2nd Commercial and Residential Community Unit Plan and zone change from “LI” Limited Industrial to “LC” Limited Commercial. Generally located one-eighth mile north and one-eighth mile east of the intersection of Ridge Road and 29th Street North. (District V)

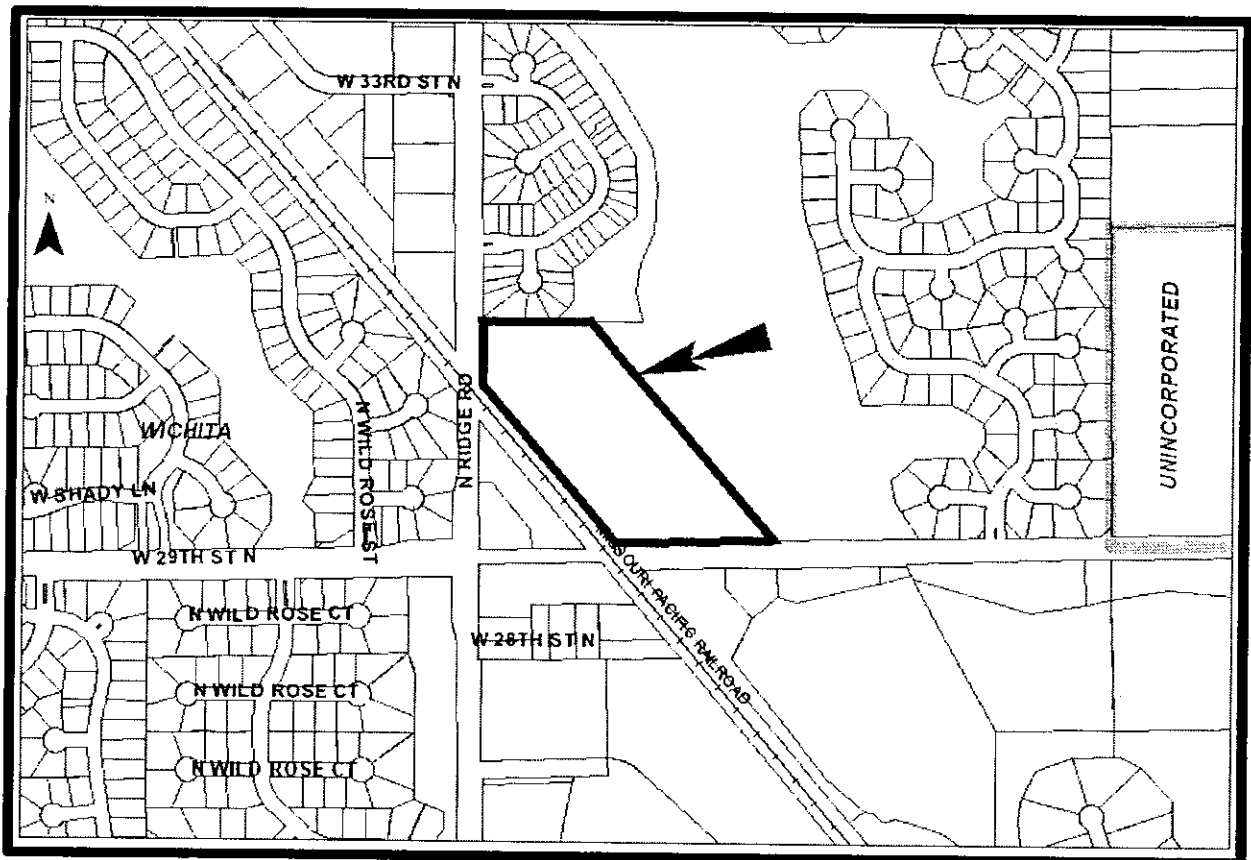
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to staff recommendations with modification (11-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve, subject to staff recommendations with modification (6-1).



BACKGROUND: The applicant proposes to create an approximately 13-acre residential and commercial community unit plan of three parcels. The property currently is zoned "LI" Limited Industrial, but would be downzoned to "LC" Limited Commercial. Parcel 1 (2.06 acres) is located along Ridge Road. Parcel 2 (5.39 acres) is an interior tract with a narrow strip of land connected to Ridge Road. Parcel 3 (5.39 acres) is located along the north side of 29th Street North.

The zone change and CUP would eliminate those intensive uses allowed by right in the LI district, including auto-oriented commercial uses such as outdoor vehicle storage, vehicle repair, general (paint and body shops) and industrial and manufacturing uses. Secondly, the CUP would set higher minimum design standards than apply to LI zoned property. Thirdly, residential uses would be added to the market basket of potential uses.

The parcels are designed for accommodating commercial use on Parcel 1 and multi-family use on Parcel 2 and Parcel 3, but with the possibility of developing any or all of the parcels with commercial or single-family use instead. The parcels would permit all uses allowed by right in the LC zoning district except for the following uses: adult entertainment establishments, sexually oriented business, correctional placement residences, group residential, private clubs, taverns and drinking establishments, nightclubs or sexually oriented businesses. Restaurants with drive-through windows, convenience stores, service stations, vehicle repair, limited, and full-service car washes would not be permitted within the northern 100 feet of Parcel 1 and Parcel 2 and the southern 100 feet of Parcel 3. No overhead doors would be allowed within 200 feet of residential uses and could not be facing any residential zoning district. Exterior audio systems would be prohibited from projecting sound beyond the boundaries of the CUP.

Maximum building coverage would be 30 percent; maximum gross floor area would be 35 percent of total land area. Maximum building height would be 35 feet. Residential density for Parcels 2 and 3 would be 16 dwelling units per acre, which is a maximum of 86 dwelling units on each parcel. Two commercial buildings are requested for Parcel 1 and six commercial buildings for Parcels 2 and 3.

The applicant has asked for variations from the standard masonry wall requirement along the northern and eastern property lines. This deviation requires approval by the governing body to override the CUP requirements of the Unified Zoning Code ("UZC"). First, the applicant is requesting to construct a screening fence to match the white screening fence of The Cloisters along Ridge Road instead of a masonry wall. The Cloisters is the abutting residential development to the north of this proposed CUP. A second reason for the requested variation is the presence of a 20-foot utility easement flanking both sides of the north property line, which would require shifting the wall southward 20 feet if constructed of masonry.

Also, the applicant is requesting to waive the masonry wall abutting the east property line on Reserve "C" but with different screening options for residential and commercial use. If Parcels 2 and 3 are developed with residential use, the applicant proposes a decorative wrought iron fence with landscaped berms and landscaping equivalent to a landscape buffer (Wichita Landscape Ordinance). If developed with commercial use, the applicant is requesting that the wrought iron fence be augmented with the equivalent of solid screening (through berming and landscaping equivalent to solid screening per the UZC (Art. IV, Sec. IV-B)). Both of these substitutions are based on the parcels being separated from the residential subdivision to the east (Ridge Port Addition) by a lake and open space 800 feet wide. It should be noted, however, that the terrain is exceptionally flat and the development on Parcels 2 and 3 would be clearly visible from this residential subdivision. In this situation, a larger number of taller evergreen trees probably would serve as a better screen for the residences in Ridge Port Addition than a six to eight foot masonry wall with one tree per 40 linear feet, so long as it is combined with an additional requirement for solid screening with materials similar to the buildings for any and all outdoor work and storage areas, loading docks, trash receptacles and mechanical equipment to ensure screening plus prevent blowing of trash, etc. General Provision #15 already requires this type of screening for trash and mechanical.

A 35-foot building setback/landscape buffer is requested to provide sufficient area to meet the requested buffering and screening. Setbacks shown on the CUP drawing are 35 feet along Ridge, 29th Street North and the northern parcel boundary of Parcel 1. The setback for Parcel 2 is 75 feet. Interior setbacks are 15 feet

between the commercial parcels. A 50-foot water system easement flanked by a 20-foot utility easement precludes use of the southwestern 70 feet on all parcels.

Commercial buildings would have uniform architectural compatibility and share similar lighting (24-foot maximum height including base and pedestal, reduced to 16 feet within north 100 feet of Parcels 1 and 2), landscaping and signage elements (maximum height of 16 feet for Parcel 2 and 20 feet for the other monument signs). The water system easement also affects the placement of monument signage along Ridge Road and has resulted in the applicant requesting to reduce the spacing between the two monument signs on Ridge to 75 feet. Sign clutter would be reduced by using a consistent pattern and color for both signs. The amount of sign face requested slightly exceeds the amount permissible along Ridge, based on 0.8 x linear frontage. Two monument signs also are requested along 29th Street North, again with consistent pattern and color for both signs. Flashing signs (except time, temperature, public service messages) moving, portable, billboard and off-site signs are prohibited. Building wall signs would be prohibited on building elevations facing residential zoning unless separated by a public street.

The CUP would provide internal circulation among parcels, cross-lot circulation and pedestrian connectivity between the buildings and the arterial streets.

Analysis: At the MAPC meeting held February 21, 2008, MAPC voted (12-0) to recommend approval of the CUP and zone change request subject to staff recommendation except for allowing the applicant's request to exceed sign face area restrictions on Ridge Road to accommodate two signs with a maximum size of 250 square feet instead of 0.8 x linear frontage (or 208 square feet). Approval of the modified screening requirement and the increased amount of signage are required to be made by the Wichita City Council per the authorization of the Unified Zoning Code Article III, Section III-C.2.d. A letter received via facsimile from The Cloister Owners Association was distributed and discussed. The letter raised concerns about access rights to the lake, drainage, further limits on commercial use and trash pick-up. A resident abutting the proposed tract requested that the waiver of the masonry screening requirement be set aside and that the developer be required to install a masonry fence. At the District V Advisory Board meeting held March 3, 2008, the DAB voted (6-1) to approve subject to the recommendations of MAPC. The president of The Cloisters Owners Association was present to discuss his concerns. The screening fence issue was discussed at length. It was noted that commercial uses on Parcel 1 are subject to the more rigorous outdoor work and storage areas, loading docks, trash receptacles, etc. screening provisions using materials similar to the main structures as a customary CUP requirement. No modification was made to the MAPC recommendation. No protest petitions have been filed. The MAPC recommendation is to APPROVE subject to the following conditions:

A. APPROVE the zone change (ZON2008-00006) to LC.

B. APPROVE the Community Unit Plan (DP-310), subject to the following conditions:

1. Provide a drainage plan and associated guarantees and a guarantee for a left turn lane into the westernmost entrance on 29th Street North at the time of a lot split (or replat).
2. Add outdoor work and storage areas and loading docks to General Provision #15.
3. Add a 35-foot building setback/landscape buffer along the east property line abutting Reserve "C."
4. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
5. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
6. The ordinance/resolution establishing the zone change shall not be published until the lot split (or replat) has been recorded with the Register of Deeds.

7. Prior to publishing the ordinance/resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-310) includes special conditions for development on this property.
8. 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.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Affordable Living.

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

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the community unit plan and the zone change to LC Limited Commercial; withhold the publication of the ordinance until the lot split/replat is recorded; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)