

OCA 150004

ORDINANCE NO. 48.796

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. ZON2010-00019

Zone change from General Office ("GO") to Limited Commercial ("LC") subject to the provisions of Protective Overlay Number 243 on property described as:

The north 217.5 feet of the west 240 feet of Lot 1, Block A, Rockborough Addition, Wichita, Sedgwick County, Kansas; generally located on the east side of Rock Road, 1/4 mile north of Douglas Avenue.

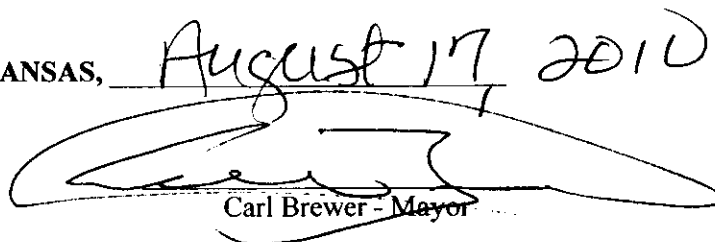
SUBJECT TO APPROVAL BY THE GOVERNING BODY AND THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #243:

1. Off-site, billboard and portable signs are prohibited. Signs classified by the Wichita Sign Code as animated, flashing or moving signs shall be prohibited.

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, August 17, 2010


Carl Brewer - Mayor

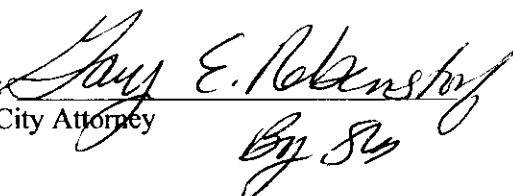
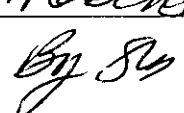
ATTEST:


Karen Sublett, City Clerk



Approved as to form:

Gary E. Rebenstorf, City Attorney


By 

City of Wichita
City Council Meeting
August 10, 2010

TO: Mayor and City Council

SUBJECT: ZON2010-00019 – City zone change from GO General Office (“GO”) to LC Limited Commercial (“LC”), subject to Protective Overlay (“PO”) Number 243; generally located ¼ mile north of Douglas Avenue, east of Rock Road (302 North Rock Road). (District II)

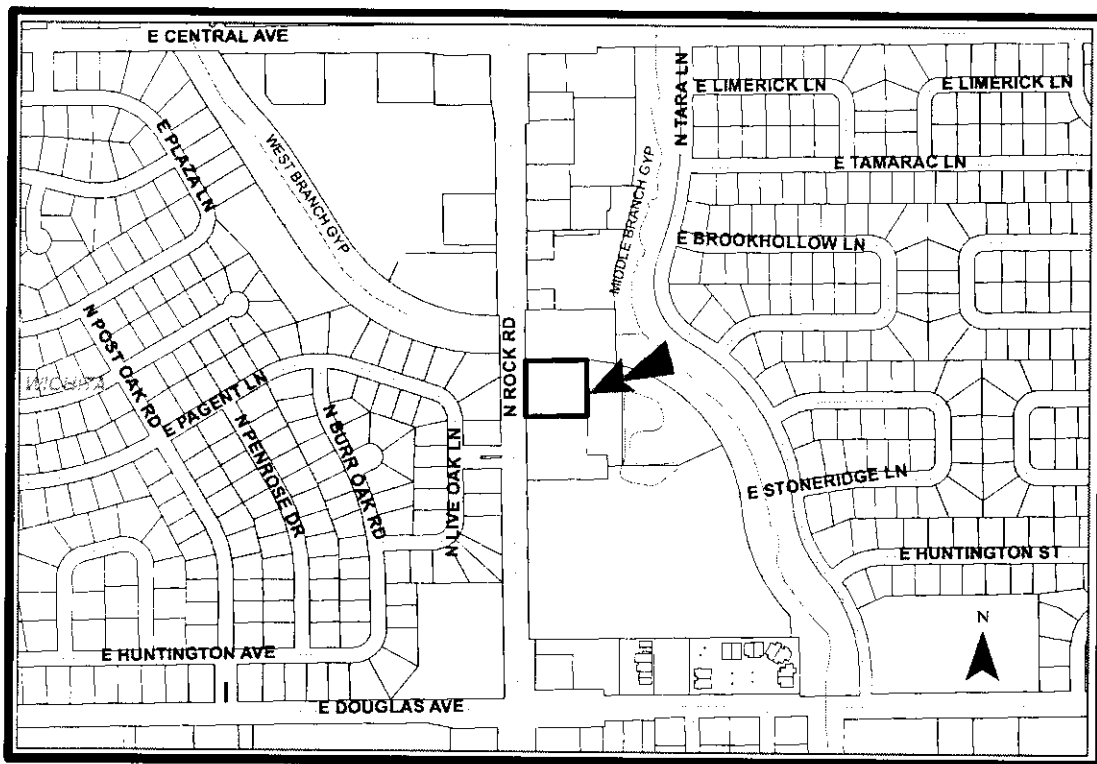
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

DAB II Recommendation: Approve, subject to Protective Overlay Number 243, vote (unanimous).

MAPC Recommendation: Approve, subject to Protective Overlay Number 243, vote (11-0).

MAPD Staff Recommendation: Approve, subject to Protective Overlay Number 243.



Background: The applicant is seeking to rezone 302 North Rock Road, which is located on the east side of Rock Road, approximately one-quarter mile north of Douglas Avenue, from GO General Office (“GO”) to LC Limited Commercial (“LC”) to allow for the expansion of a retail sales building. The site is developed with a building containing a gross floor area of approximately 15,300 square feet that is already zoned LC (a rectangle approximately 105 feet by 140 feet). Since the area of the LC zoning pretty much matches the footprint of the building, any expansion of the building would occur on GO zoned property, which would create portions of the building that are restricted to GO uses while the original area allows LC uses. A majority of the site, mostly all of the on-site parking area for the retail building, is zoned GO. GO permits a “parking area, commercial” as a use by-right so the fact that the parking field is zoned GO does limit the uses permitted in the LC zoned building. The site contains 1.198 acres with approximately 220 feet of Rock Road frontage. The property has one point of access to Rock Road.

Surrounding properties are zoned LC, GO and SF-5 Single-family Residential (“SF-5”) and used for retail sales, office and single-family residences. The single-family residences are located approximately 104 feet west of the application area, across Rock Road. Rock Road is an arterial street with five through and one center-turn lanes. The segment of Rock Road located between Central and Kellogg carries approximately 64,000 average daily trips.

In addition to the signage permitted in all districts, the GO district permits ground or pole identification signs up to 32 square feet for a single-tenant zoning lot or 24 square feet per tenant, up to 96 square feet, for multi-tenant lots. Sign height is limited to 22 feet unless the frontage is long enough to permit an additional sign; if that additional sign is not installed, then sign height may be 30 feet. Multiple signs are permitted so long as there is 150 feet of separation between signs plus signage must be located at least 15 feet from adjacent property. Lighting of signage in the GO district is restricted to indirect or internal illumination of white light. Flashing or moving images are not permitted in the GO district except by administrative adjustment for institutional uses.

The LC district permits ground or pole identification signs at a rate of .8 square feet of sign area times the frontage of the zoning lot, up to a maximum area of 300 square feet per individual user or up to one square-foot per linear foot of frontage for multi-tenant lots with less than 330 feet of frontage. Sign height is limited to 25 feet unless the frontage is long enough to permit an additional sign; if that additional sign is not installed, then sign height may be increased by five feet for each sign not installed up to a maximum of 35 feet. Multiple signs are permitted so long as there is 150 feet of separation between signs plus signage must be located at least 15 feet from adjacent property. Rotating, flashing or moving signs are permitted.

The two main obvious benefits from rezoning the rest of the site to LC are the additional area that could be developed with LC that is now restricted to GO uses and signage.

To address potential lighting issues that could arise as a result of this zone change request and the single-family neighborhood located west of Rock Road, it is recommended the zoning be subject to the following Protective Overlay (“PO”): Off-site, billboard and portable signs are prohibited. Signs classified by the Wichita Sign Code as animated, flashing or moving signs shall be prohibited.

Analysis: At the DAB II meeting held July 12, 2010, the DAB voted (unanimous) to recommend approval of the request for LC zoning subject to PO Number 243.

At the MAPC meeting held July 8, 2010, the MAPC voted (11-0) to recommend approval of the request for LC zoning subject to PO Number 243.

The case was approved by consent, and there was not anyone from the public to speak for or against the application. There have not been any protests received.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

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, approve the zone change subject to Protective Overlay Number 243 and place the ordinance on first reading;

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