

City of Wichita
City Council Meeting
January 4, 2011

TO: Mayor and City Council

SUBJECT: ZON2010-00043 – City zone change from SF-5 Single-Family Residential to LC Limited Commercial, with a PO Protective Overlay, generally located east of Ridge Road, south of Maple Street. (District V)

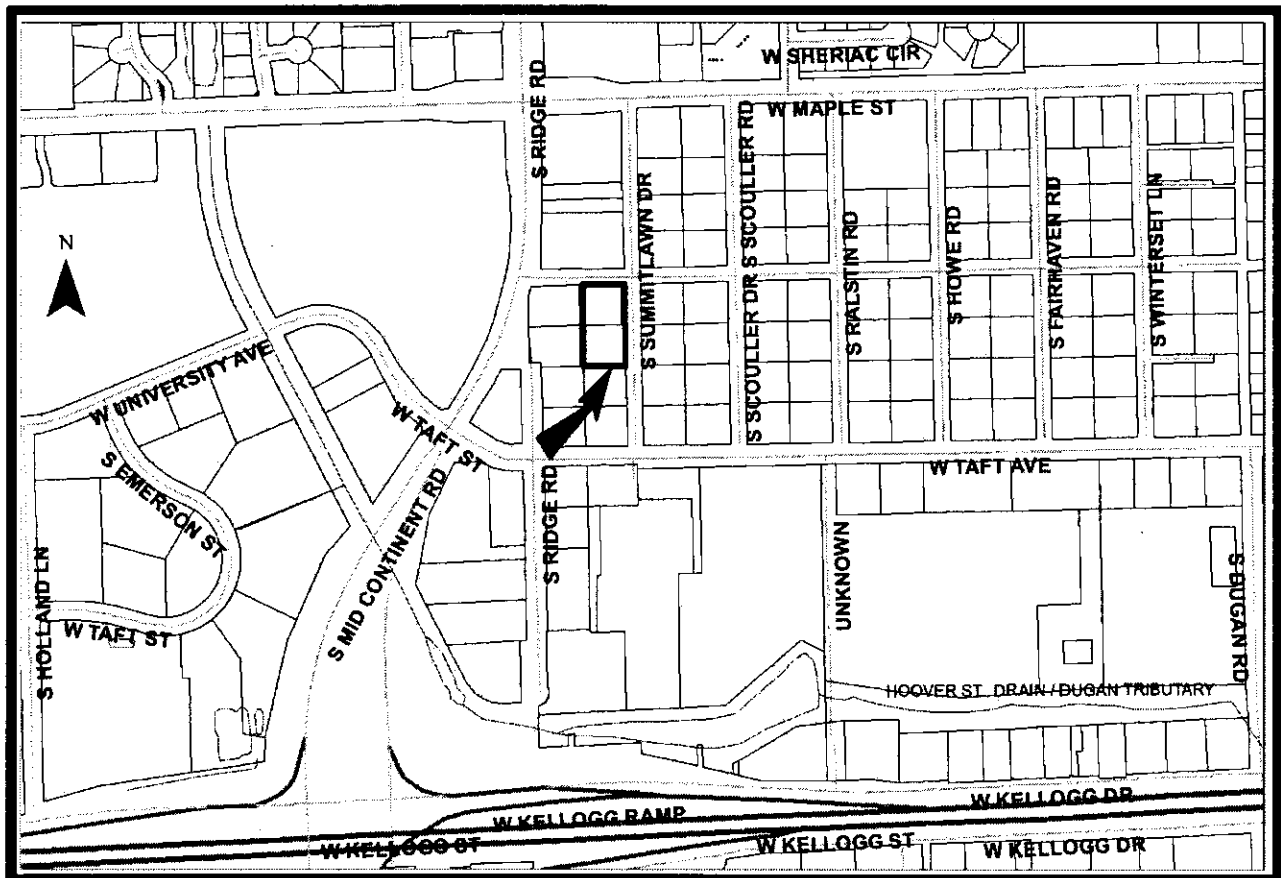
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

DAB V Recommendation: Approve, vote (7-0).

MAPC Recommendation: Approve, vote (9-0).

MAPD Staff Recommendation: Approve.



Background: The applicants request a zone change from SF-5 Single-family Residential ("SF-5") to LC Limited Commercial ("LC") on Lots 1 and 2, Block H, Westerlea Village Addition. The 1.04-acre site is located on the southwest corner of Summitlawn Drive and University Avenue. The applicants propose to redevelop the site with unspecified commercial uses. The site is currently developed with two, one-story single-family residences (built 1959, 1964), which face Summitlawn Drive.

The surrounding area is characterized by a mixture of single-family residences, commercial uses and undeveloped property zoned for commercial uses. The properties to the south, northeast and east are zoned SF-5 and are developed with single-family residences (mid 1950s to mid 1960s). The most immediate property located west of the site is zoned LC. This parcel is currently being developed as a restaurant(s). Properties located north of the site (across University Avenue) are zoned LC, with multiple Protective Overlays attached to them. The property directly north of the subject site, across University Avenue, is developed with a Pizza Hut Bistro restaurant (2005). The possible rezoning of the subject site and the recent rezoning (ZON2008-22 and SUB2008-97) of two residential lots/single-family residences located west of the subject site, leaves four SF-5 zoned residential lots/single-family residences left from the eight SF-5 zoned residential lots/single-family residences that were originally part of Block H of the Westerlea Village Addition.

Although the site has been identified in the Comprehensive Plan as appropriate for "Local Commercial" uses, the close proximity (abutting south and across Summitlawn Drive to the east of the site) of the site to an established single-family neighborhood requires any commercial uses on the site to be developed so as to minimize any negative impact on the neighborhood. The site was originally platted as two single-family lots and is part of the remaining western edge of this neighborhood. The earlier rezoning (1992 to 2002 from SF-5 to LC) of properties located north of the site and rezoning (2008 from SF-5 to LC) of properties abutting, offer similar considerations to the subject site. The properties located north of University Avenue and the property abutting to the west were SF-5 zoned single-family residences on lots platted from the same subdivision, the Westerlea Village Addition, as the subject site. To buffer the abutting and adjacent existing single-family residences from the unspecified commercial development on the site, planning staff recommends that a Protective Overlay (PO) be approved that continues the development controls established during the approval of the zoning changes on the adjacent northern properties and the abutting western properties. The recommended PO limits signage, lighting, noise and building height; requires a six foot high masonry wall and a landscape buffer along the south and east property lines; and prohibits certain uses that are less compatible with residential development. If in the future the zoning of the residential properties to the south is changed to allow commercial uses, then the provisions of the Protective Overlay could be amended, but planning staff finds that any high-intensity, auto-oriented commercial use of the subject site not appropriate at this time.

Access to the south subject lot is from Summitlawn Drive, a residential road that dead ends 300 feet south from the south subject site, just before Taft Avenue. The north subject lot currently has access to University Avenue, also a residential road. The proposed LC zoning would generate commercial traffic from the subject site onto the residential streets they currently have access to and into the residential neighborhood. Complete access control onto University Avenue may be necessary, as reviewed by the Traffic Engineer. Possible future rezoning of the SF-5 zoned single-family residences located south of the site make complete access control onto University Avenue and Summitlawn Drive and cross lot access a critical consideration. Planning staff recommends that the subject site be replatted to ensure that all access control, drainage plans, utilities and easements, cross lot access, sufficient street right-of-way and street improvements, including any needed guarantees, would be in place prior to the zoning being completed.

Analysis: At the Metropolitan Area Planning Commission (MAPC) meeting held December 2, 2010, the MAPC voted (9-0) to recommend approval of the request for LC zoning with a Protective Overlay. The case was a consent item for the MAPC, and no one from the public spoke for or against the application.

At the DAB V meeting held December 6, 2010, the DAB voted (7-0) to recommend approval of the request for LC zoning with the Protective Overlay.

No protests have been filed on this application.

The staff recommended Protective Overlay contains the following:

- A. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building or along any street frontage that faces or is across the street from any property that is in a residential zoning district. Signs shall be monument style and all other signs shall be according to the City of Wichita Sign Code for the LC Limited Commercial zone district.
- B. 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 25-feet.
- C. Outdoor speakers and sound amplification systems shall not be permitted, with the exception of restaurant order boards.
- D. No buildings shall exceed one story in height with a maximum building height of 25 feet.
- E. A six (6) to eight (8) foot tall masonry wall shall be constructed parallel to the east property line of the subject site, where it abuts existing single-family residences and SF-5 Single-family Residential zoning. A six (6) to eight (8) foot tall cedar fence shall be constructed parallel to the south property line of the subject site, where it abuts existing single-family residences and SF-5 Single-family Residential zoning.
- F. A 10-foot wide landscape buffer will be provided along the south and east sides of the subject site. A minimum of five foot tall evergreens will be planted at 20-foot centers along the south and east sides. Landscaping will be 1.5 times more than the minimum required by the Landscape Ordinance along the site's street frontage.
- G. All deliveries and trash service shall be between the hours of 6 AM and 10 PM.
- H. The subject site shall comply with the compatibility setback standards on the interior side (south) and rear yards (east).
- I. At the time of platting, all access onto public right-of-way, cross lot access, utility easements, drainage and the final size and configuration of the subject site shall be resolved, per the standards of the Subdivision standards, as reviewed and recommended by the staff and the appropriate appointed and governing bodies.
- J. The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; service station; tavern and drinking establishment; and vehicle repair.

Financial Considerations: There are no financial considerations in regards to the zoning request.

Goal Impact: To 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 the provisions of Protective Overlay #249, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

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

Attachments:

- MAPC Minutes
- DAB Memo
- Ordinance

ORDINANCE NO. 48-928

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. ZON2010-00043

Zone change request from SF-5 Single-Family Residential ("SF-5") to LC Limited Commercial ("LC"), with a PO Protective Overlay on properties described as:

Lots 1 and 2, Block H, Westerlea Village Addition to Wichita, Sedgwick County, Kansas; generally located east of Ridge Road, south of Maple Street, on the southwest corner of Summitlawn Street and University Avenue.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #249:

- A.** No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building or along any street frontage that faces or is across the street from any property that is in a residential zoning district. Signs shall be monument style and all other signs shall be according to the City of Wichita Sign Code for the LC Limited Commercial zone district.
- B.** 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 25-feet.
- C.** Outdoor speakers and sound amplification systems shall not be permitted, with the exception of restaurant order boards.
- D.** No buildings shall exceed one story in height with a maximum building height of 25 feet.
- E.** A six (6) to eight (8) foot tall masonry wall shall be constructed parallel to the east property line of the subject site, where it abuts existing single-family residences and SF-5 Single-family Residential zoning. A six (6) to eight (8) foot tall cedar fence shall be constructed parallel to the south property line of the subject site, where it abuts existing single-family residences and SF-5 Single-family Residential zoning.
- F.** A 10-foot wide landscape buffer will be provided along the south and east sides of the subject site. A minimum of five foot tall evergreens will be planted at 20-foot centers along the south and east sides. Landscaping will be 1.5 times more than the minimum required by the Landscape Ordinance along the site's street frontage.

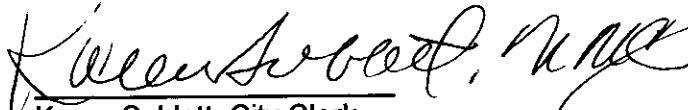
- G. All deliveries and trash service shall be between the hours of 6 AM and 10 PM.
- H. The subject site shall comply with the compatibility setback standards on the interior side (south) and rear yards (east).
- I. At the time of platting, all access onto public right-of-way, cross lot access, utility easements, drainage and the final size and configuration of the subject site shall be resolved, per the standards of the Subdivision standards, as reviewed and recommended by the staff and the appropriate appointed and governing bodies.
- J. The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; service station; tavern and drinking establishment; and vehicle repair.

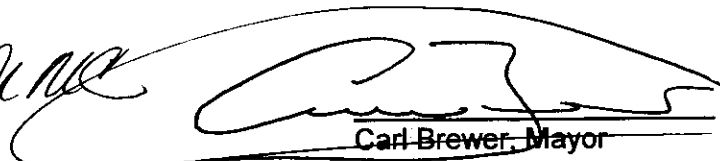
SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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 11 day of January 2011.

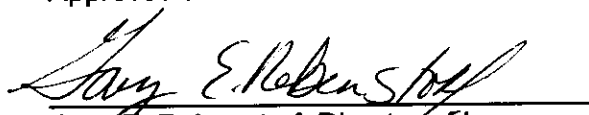
ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor



Approved as to form:


Gary E. Rebenstorf, Director of Law

