

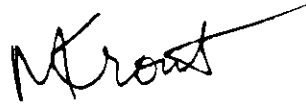
Agenda Item # _____

City of Wichita
City Council Meeting
March 7, 2000

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: **Z-3353 – REQUEST FOR ZONE CHANGE FROM “B” MULTI-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL, LOCATED SOUTH OF 13TH STREET NORTH AND EAST OF WACO.** (District #VI)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1 year and the additional provisions of a (P-O) Protective Overlay (11-1).

Staff Recommendation: Approve, subject to platting within 1 year and the additional provisions of a (P-O) Protective Overlay.

Background: The applicant requests a zone change from “B” Multi-Family Residential to “LC” Limited Commercial on a 1.62 acre platted tract located south of 13th Street North and east of Waco. The applicant proposes to incorporate the existing commercial corner (developed with a rent-to-own center) with additional properties for redevelopment of the site as a new Walgreen’s drug store. The site proposed for redevelopment is currently developed with several single-family residences, a temporary water line construction storage yard, and several vacant parcels.

The surrounding area is an urban neighborhood located approximately one mile north of downtown that is characterized by a mixture of pedestrian-oriented residential and commercial uses. Property west and north of the site is zoned “LC” Limited Commercial and is developed with a rent-to-own center, a jewelry store, a liquor store, a grocery store, a furniture store, and vehicle repair shops. Property south and east of the site is zoned “B” Multi-Family Residential and is developed primarily with single family residences interspersed with multi-family residential units. u

The applicant submitted a preliminary site plan indicating a suburban style of vehicle-oriented commercial development with the parking located in the front and the building

located toward the back of the site. The preliminary site plan also indicated a dual drive thru window on the south side of the building with one access drive to both 13th Street North and Waco. The applicant is also proposing to vacate the alley located on the site and dedicate a connecting alley running east to Fairview as a part of the platting process.

Due to the urban character and the pedestrian orientation of the neighborhood and the site's close proximity to two historic districts and the downtown, planning staff recommended that the zone change be approved subject to a Protective Overlay that provides for the Planning Director's review and approval of a site plan and building elevations. The purpose of this design review would be to develop the site in an urban, pedestrian-oriented style with the building located as close as practicable to the street right-of-way and with parking in back of the building to promote pedestrian access to the building. In combination with this design, Planning staff believed the regulations of the Unified Zoning Code, Landscape Ordinance, and Sign Code would sufficiently limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

At the MAPC hearing held on January 27, 2000, that agent for the applicant stated that the applicant is not willing to develop the site with the "pedestrian orientation" recommended by Planning staff and that if the zone change were approved as recommend by Planning staff, the proposed development of a Walgreen's would not occur. Instead, the applicant offered a "neighborhood" architectural style consisting of an all brick façade and a gabled entry, but placed on the site in the suburban style with parking in front.

Two individuals spoke against the proposal at the MAPC. Both are owners of a single property immediately south of the site on Fairview. The neighboring property owners expressed concerns regarding: (1) the close proximity of the proposed relocated alley to their residence, (2) noise and visual impacts from the two lane drive through window, and (3) the need for additional screening.

The MAPC considered the neighboring property owners' concerns, received suggested solutions to those concerns from the applicant, and recommended approval (11-1) of the zone change and subject platting within one year and the following conditions of a Protective Overlay:

- A. An 8 foot high masonry wall shall be constructed along the south property line west of the existing alley between Waco and Fairview and no less than 20 feet north of the south property line east of the existing alley between Waco and Fairview.
- B. The applicant shall submit a landscape plan for approval by the Planning Director, prior to issuance of a building permit, that meets the ordinance's requirements and, additionally, provides twice the amount of landscaping required by the ordinance south of the masonry wall on the east side of the alley between Waco and Fairview.
- C. The site shall be developed in general conformance with the approved building elevations.

- D. Prior to issuance of a building permit, a site plan shall be submitted for review and approval by the Director of Planning and the Traffic Engineer. The site plan shall indicate the manner in which traffic from the existing alley between Waco and Fairview shall be provided ingress and egress through the site with either an access easement or a dedicated alley north of the required masonry wall. Alternatively, the existing alley between Waco and Fairview shall be vacated between 12th Street North and 13th Street North.
- E. No portable or off-site signs shall be permitted on the zoning lot.

After the hearing, the neighboring property owners and the applicant continued discussions regarding the proposal, and on February 9, 2000 Planning staff hosted a meeting between the two parties at which the neighboring property owners proposed and the applicants accepted some minor modifications to the conditions of the Protective Overlay. These modifications are outlined in detail in an attached letter and, in summary, are: (1) locate the alley 25 feet north of the property line rather than 20 feet, (2) move the landscape buffer to the north side of the masonry wall, and (3) limit any future sound amplification to the specifications of Walgreen's existing sound amplification system. While it cannot be a condition of the Protective Overlay, the applicant also agreed to deed the land south of the masonry wall to the neighboring property owners.

Based on these changes agreed to by the neighboring property owners and the applicant, Planning staff recommends the following conditions of a Protective Overlay:

- A. An 8 foot high masonry wall shall be constructed along the south property line west of the existing alley between Waco and Fairview and no less than 25 feet north of the south property line east of the existing alley between Waco and Fairview. East of the existing alley the masonry wall shall be constructed south of the relocated alley.
- B. The applicant shall submit a landscape plan for approval by the Planning Director, prior to issuance of a building permit, that meets the ordinance's requirements and, additionally, provides twice the amount of landscaping required by the ordinance north of the masonry wall on the east side of the alley between Waco and Fairview for visual and auditory screening of the building and drive through from the neighboring property to the south.
- C. The site shall be developed in general conformance with the approved building elevations.
- D. Prior to issuance of a building permit, a site plan shall be submitted for review and approval by the Director of Planning and the Traffic Engineer. The site plan shall indicate the manner in which traffic from the existing alley between Waco and Fairview shall be provided ingress and egress through a dedicated alley north of the required masonry wall.
- E. No portable or off-site signs shall be permitted on the zoning lot.
- F. The specifications of the sound amplification system shall be submitted for review and approval by the Director of Planning. No sound amplification system shall exceed the output volume of the approved specifications.

Recommended Action:

1. Approve the zone change, subject to the additional provisions of a Protective Overlay as revised from the findings of the MAPC and subject to the condition of platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)

(_____) Published in The Wichita Eagle on _____

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. Z-3353

Request for zone change from "B" Multi-Family Residential District to "LC" Limited Commercial District and P-O #65 - Protective Overlay District, described as:

Bencor Second Addition, Wichita, Sedgwick County, Kansas
Generally located on the southeast corner of 13th Street North and Waco Avenue.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

- A. An 8-foot high masonry wall shall be constructed along the south property line west of the existing alley between Waco and Fairview and no less than 25 feet north of the south property line east of the existing alley between Waco and Fairview. East of the existing alley, the masonry wall shall be constructed south of the relocated alley.
- B. The applicant shall submit a landscape plan for approval by the Planning Director, prior to issuance of a building permit, that meets the ordinance's requirements and, additionally, provides twice the amount of landscaping required by the ordinance north of the masonry wall on the east side of the alley between Waco and Fairview for visual and auditory screening of the building and drive through from the neighboring property to the south.
- C. The site shall be developed in general conformance with the approved building elevations.
- D. Prior to issuance of a building permit, a site plan shall be submitted for review and approval by the Director of Planning and the Traffic Engineer. The site plan shall indicate the manner in which traffic from the existing alley between Waco and Fairview shall be provided ingress and egress through a dedicated alley north of the required masonry wall.
- E. No portable or off-site signs shall be permitted on the zoning lot.
- F. The specifications of the sound amplification system shall be submitted for review and approval by the Director of Planning. No sound amplification system shall exceed the output volume of the approved specifications.

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, _____

ATTEST:

Pat Burnett, City Clerk

(SEAL)

Bob Knight, Mayor

Approved as to form:

Gary E. Rebenstorf, City Attorney