

City of Wichita
City Council Meeting
January 14, 1996

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: SCZ-0728 - SHARON A. PESTWOOD (APPLICANT); TODD ALLAM (APPLICANT); KENNY HILL, POE & ASSOCIATES (AGENT) REQUEST ZONE CHANGE FROM 'LC' LIGHT COMMERCIAL TO 'SF-20 SINGLE FAMILY RESIDENTIAL, LOCATED ON THE NORTHEAST CORNER OF 135TH STREET WEST AND MAPLE.

(DISTRICT #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within one year, and to the additional provisions of a Protective Overlay District (8-2-1).

Staff Recommendation: Approve, subject to platting within one year, and to the additional provisions of a Protective Overlay District.

Background: The applicant requests a zone change from 'SF-20' Single-Family Residential to 'LC' Limited Commercial for a 3.5 acre unplatted tract located at the northeast corner of 135th Street West and Maple.

The majority of the application area is currently undeveloped and used for agricultural purposes with one farm building located in the northeast corner of this site. There is a residence and additional farm buildings located to the east of the application area. The surrounding area to the north and east is zoned 'SF-20' with agricultural uses, and is being platted as the 130-lot Maple Dunes residential subdivision. The Rainbow Lakes residential subdivision is located approximately 1,000 feet to the northeast of property included in the zone change. The 12-acre Auburn Hills Commercial CUP is located at the southeast corner of this intersection, the 6-acre Auburn Hills II Commercial CUP is located at the southwest corner of this intersection, and there is a 3-acre parcel that has been approved for 'GO' General Office zoning on the northwest corner of this intersection.

The preliminary plat for Maple Dunes shows development occurring on 3.53 net acres divided among 2 lots ranging in size from 2.83 to 0.7 acres. There is an established shelterbelt being platted

as a 0.51 acre reserve (to be used as a landscape buffer) measuring 45 feet in width along the northern boundary of the site that is not included in the rezoning. The plat shows 115 feet of complete access control east and north along Maple and 135th Street from the centerline of the intersection, with 3 points of access from Maple and 2 points of access from 135th Street. Lot 1 is shown with 35 foot setbacks along the west and south property lines, while Lot 2 shows a 70 foot set back where adjacent to the streets and 35 foot setbacks where adjacent to Lot 1.

Proposed uses for the 2 lots include all uses allowed in the 'LC' Limited Commercial district except private clubs, adult entertainment establishments, drinking establishments, group homes, group residential, halfway houses, and correctional placement residences. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of that establishment.

As part of the Protective Overlay submitted by the applicant, a six foot solid masonry wall will be constructed along the east property line where adjacent to residential zoning. All buildings in Lot 2 will have consistent architectural design and exterior building materials. Other issues addressed by the development plan include: special lighting and signage restrictions, screening of roof top equipment and trash receptacles, landscape buffers, access control, and a pedestrian walkway system.

The intersection of 135th Street and Maple is designated as an appropriate commercial intersection under the Far West Wichita Commercial Policy adopted by the City Council. This property has been annexed by Wichita, but was located in the County at the time the request was filed.

During the Planning Commission's discussion of this matter, questions concerning the City Council's adopted policy restricting the amount of commercial zoning at this intersection were asked by several Commissioners. It was stated that this property has been annexed by the City, as have other zoning cases at this intersection, and is subject to the City's policy. Several Commissioners voiced their concerns over the acreage included in this zoning request, which is a half-acre over the 24 acres allowed at this intersection. After discussion, the MAPC voted (8-2-1) to approve the request as recommended by staff, subject to the additional provisions of a Protective Overlay and subject to platting within 1-year.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District and subject to platting within 1-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 consideration.

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

CW97-834 (First Published in The Daily Reporter, July 11, 1997)

ORDINANCE NO. 43-523

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 ORDINANCE NO. 43-014.

BE IT ORDAINED BY THE GOVERNING BODY OF 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 Ordinance No. 43-014, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. SCZ-0728

Zone change request from 'SF-20' Single Family Residential District to 'LC' Limited Commercial District, and to 'P-O' Protective Overlay District #17, described as:

The West 545.0 feet of the south 385.0 feet of the southwest Quarter of Section 24, Township 27 south, Range 2 west of the 6th P.M. Sedgwick County, Kansas. Generally located on the northeast corner of 135th Street West and Maple.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The maximum square footage of sign area permitted for monument type signs only— See chart below. As the frontage develops along the arterial roadways monument type signs shall be spaced a minimum of 150' apart, irrespective of how land is leased or sold, with the following stipulations:
 - A. Flashing signs (except for signs showing only time, temperature and other public services messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
 - B. Portable and off-site signs are not permitted.
 - C. Window display signs are limited to 25% of the window area.
 - D. No signs shall be allowed on the rear of any buildings.
 - E. Following is the square footage of sign face allowed for each Parcel:

	Sign Face	Height
Lot 1: (along Maple)	96 sq. ft.	20 Ft.
Lot 1: (along 135th)	48 sq. ft.	8 Ft.
Lot 2:	48 sq. ft.	8 Ft.

- F. Building signs for buildings located within 150 feet of the arterial streets are limited to standards for the Neighborhood Retail District. No signs shall be facing the residential area to the east.
2. A plan for a pedestrian walk system shall be required to link proposed buildings with the sidewalks along Maple Street and the sidewalks along 135th Street West. The pedestrian walk system, shall consist of an overall site traffic circulation plan approved by the Planning Director for each parcel prior to issuing building permits.
 3. Access controls shall be as shown on the plan, with the total number of access points being as follows:

135th street West:	2 Points of Access
Maple Street:	2 Points of Access

4. All exterior lighting shall be shielded to prevent light disbursement in a northerly or easterly direction.
5. Both lots shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, etc.)
 - A. Limited height of light poles to 14 feet within 100 feet of abutting residential-zoned property, and 20 feet on the remainder-zoned property, and 20 feet on the remainder of the tract.
6. Utilities shall be installed underground on both lots.
7. Landscaping for this site shall be required as follows:
 - A. Development of both lots shall comply with the Landscape Ordinance of the City of Wichita.
 - B. A landscape Plan shall be prepared by a Kansas Landscape architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
 - C. Requirements for streetyard landscaping and buffer strip trees will be calculated at 1.5 times the minimum ordinance requirements. Requirements for parking lot landscape shall comply with the landscape ordinance.
 - D. A financial guarantee for the plant material approved on the Landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
8. Masonry Walls:
 - A. A masonry wall with a minimum height of six (6) feet shall be constructed along the east property line of Lot 2 where adjacent to single family housing.
9. Rooftop mechanical equipment shall be screened from ground level view Per Code of the City of Wichita.
10. Trash receptacles shall be appropriately screened to reasonably hide them from ground view.
11. All buildings on Lot 2 shall be uniform in architectural character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominantly earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding-residential areas. Metal shall not be permitted as a predominate exterior building material for any building on the site.
12. Fire lanes shall be in accordance with the Fire Code of the City of Wichita. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of construction prior to the issuance of building permits.
13. Neither lot shall allow the use of adult entertainment establishments, group homes, group residential, halfway houses, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.
14. No restaurant with drive-in or drive-through service, no convenience stores, no

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service stations, no car washes, and no overhead doors for auto supply or services uses are permitted within 150 feet of residential zoned areas.

15. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
16. A cross-lot agreement shall be provided to ensure circulation between Lots 1 and 2.
17. No screening is required along the north property line as long as the existing shelterbelt continues to provide full screening. However, if these trees no longer provide solid screening, then the owner must comply with the screening requirements of the zoning code.

Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration. Any minor changes may be allowed with approval by the Zoning Administrator and Director of Planning of an administrative adjustment.

Prior to publishing the resolution or ordinance establishing the zone change, applicant shall record a document in the Register of Deeds indicating that the tract (referenced as SCZ-0728) meets special conditions for development on this property.

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

- SECTION 3. That this Ordinance shall be in force from and after its publication in the official City of Wichita, Kansas, July 11, 1997.

Attest:
 Mayor
 City Clerk