

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. ZON2006-00002

Request for Zone change from "GO" General Office to "LC" Limited Commercial, on property described as:

Lots 1, 3 and 5, Block 5, J. O. Davidson 2nd Addition, Wichita, Sedgwick County, Kansas AND Lots 1 and 2, Block A, J. O. Davidson 3rd Addition, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of west Central and north St. Paul.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY #169:

1. The Protective Overlay shall include: Lots 1 & 2, Block A, J.O. Davidson's 3rd Addition.
2. If a reduction in compatibility setbacks is approved by Administrative Adjustment:
 - a. There shall be no door or window openings in any exterior building wall adjacent to such setbacks;
 - b. No outdoor work and storage, including but not limited to trash receptacles, shall be permitted within such setbacks;
 - c. A landscape buffer shall be provided at 1.0 times the requirements of the Landscape Ordinance within the west setback and 1.5 times the requirements of the Landscape Ordinance within south setback.
3. The applicant shall dedicate eight feet of right-of-way along the east property line of Lots 1, 3, & 5, Block 5, J.O. Davidson's 2nd Addition.
4. Access onto Saint Paul Avenue shall be no closer than 100 feet to the Central right-of-way line.
5. All proposed lighting shall comply with Art. IV, Sec. IV-B.4 of the Unified Zoning Code. No proposed pole lights (including base, standard, and fixtures) shall be taller than 14 feet. No pole lights shall be located within any of the building setback areas.
6. All signage shall comply with City of Wichita Sign Code, except that ground signs shall not be allowed on Saint Paul Avenue on Lots 1 & 2, Block A, J.O. Davidson's 3rd Addition.

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, _____

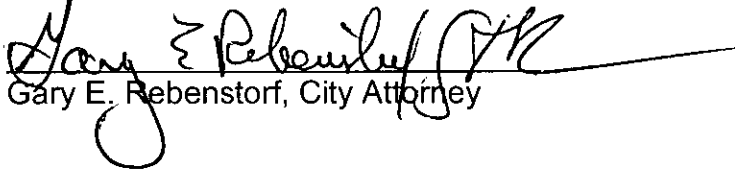
Carlos Mayans - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:



Gary E. Rebenstorf, City Attorney



STAFF REPORT

DAB VI February 6, 2006
MAPC February 16, 2006

CASE NUMBER: ZON2006-00002

APPLICANT/AGENT: Voth, Harley J & VF, LLC, c/o Faissal Abou Faissal (Applicant);
Kim Edgington (Agent)

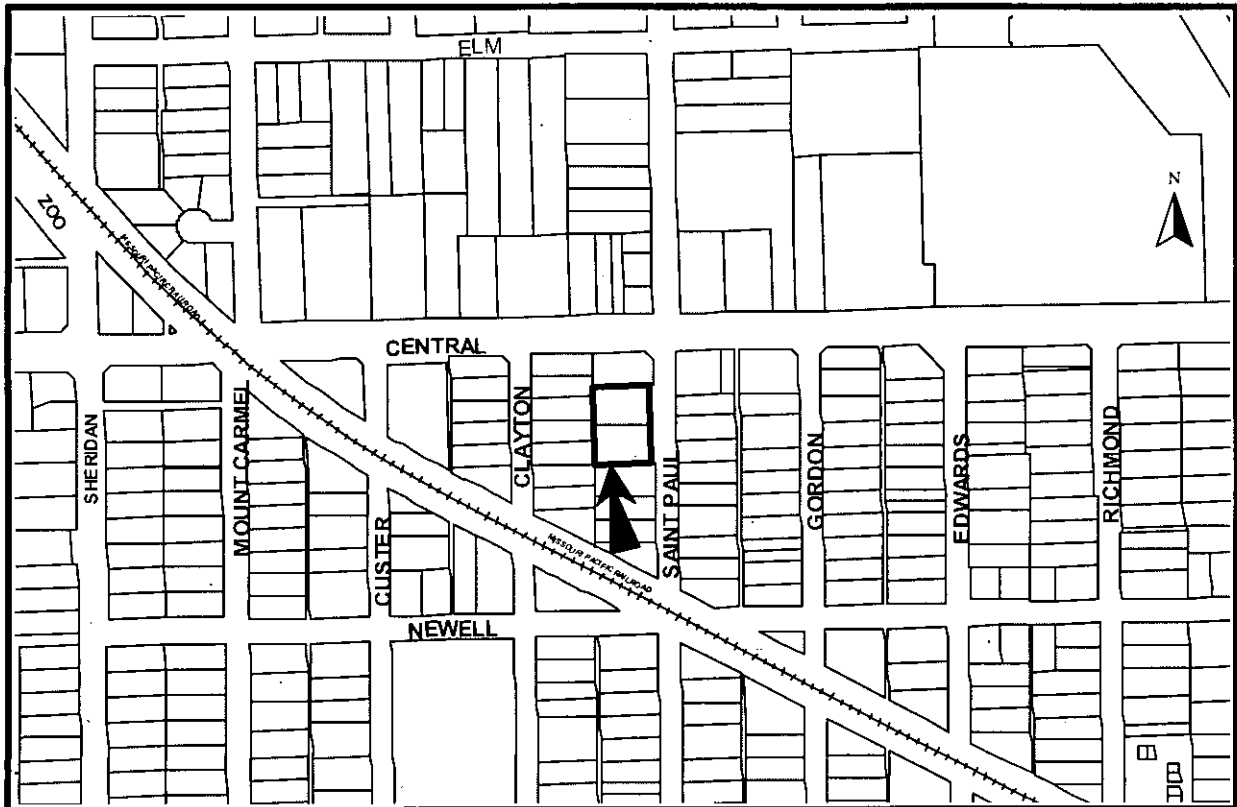
REQUEST: Zone change to "LC" Limited Commercial

CURRENT ZONING: "GO" General Office

SITE SIZE: ± .51 acres

LOCATION: Southwest corner of West Central Avenue and North Saint Paul Avenue

PROPOSED USE: Possible future retail or restaurant development



BACKGROUND: The applicant requests a zone change for the subject property from "GO" General Office to "LC" Limited Commercial. The subject property is located at the southwest corner of Central and Saint Paul Avenue and is currently undeveloped.

The surrounding area is characterized by commercial and office uses along Central and residential uses on Saint Paul Avenue. The property to the north, which is also owned by the applicant, is zoned "LC" Limited Commercial and developed with a small office. The property to the east is zoned "LC" Limited Commercial and is developed with a drinking establishment and a small strip retail center. The properties to the west and south are zoned "LC" Limited Commercial and "TF-3" Two-family and are developed with single-family residences. Upon approval of this rezoning request, the intention of the applicant is to demolish the office on the adjacent property to the north and develop it in conjunction with the subject property.

Several issues exist with this case. First is the importance to protect the residential neighborhood to the south from further encroachment by commercial uses, limiting the commercial uses to arterial adjacency, as recommended in the Comprehensive Plan. Second, due to the proximity to surrounding Single-family Residential uses, lighting is a concern. Third, the applicant's plan for the property raises the issue of access management. Finally, when the subject parcels were replatted in 1982, the City received eight feet of additional right-of-way for Saint Paul Avenue. Therefore, the east property line is situated eight feet to the west of the east property line of the applicant's adjoining parcels, which creates an uneven right-of-way. This could be an issue in the future, depending upon the eventual development proposal. Staff recommendation is to address these issues with a Protective Overlay, which will include the subject parcels and the applicant's adjacent property to the north of the site (see the "Recommendation" section).

Additionally, the applicant has requested a reduction in the compatibility setback requirements. This issue will need to be addressed by way of Administrative Adjustment.

CASE HISTORY: The subject property was rezoned (Z-2311) to "BB" Office (now "GO" General Office) on March 10, 1981. Previous zoning had been "A" Two-family (now "TF-3" Two-family). The subject property is platted as Lots 1 & 2, Block A, J. O. Davidson's 3rd Addition, which was recorded March 2, 1982.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|----------|---|
| NORTH: | LC | Office, general |
| SOUTH: | TF-3 | Single-family residences |
| EAST: | TF-3; LC | Retail; Tavern and drinking establishment; Single-family residences |
| WEST: | TF-3; LC | Single-family residences |

PUBLIC SERVICES: The subject property has access only to Saint Paul Avenue, classified as an urban collector with traffic volume of approximately 3,200 vehicles per day. Current traffic volume on Central is approximately 19,000 vehicles per day. Central is a five-lane Principal Arterial, which is consistent with the 2030 Transportation Plan. All other normal public services are available to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Local Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. As recommended for approval, the request conforms to the Land Use Guide and Commercial Locational Guidelines of the Comprehensive Plan.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the rezoning to "LC" Limited Commercial be APPROVED, subject to the following Protective Overlay:

1. The Protective Overlay shall include: Lot 1 except part dedicated for street & all of lots 3 & 5 & 1/2 vacated alley adjacent on west, Block 5, J.O. Davidson's 2nd Addition; and Lots 1 & 2, Block A, J.O. Davidson's 3rd Addition.
2. If a reduction in compatibility setbacks is approved by Administrative Adjustment:
 - a. There shall be no door or window openings in any exterior building wall adjacent to such setbacks;
 - b. No outdoor work and storage, including but not limited to trash receptacles, shall be permitted within such setbacks;
 - c. A landscape buffer shall be provided at 1.5 times the requirements of the Landscape Ordinance within such setbacks.
3. The applicant shall dedicate eight feet of right-of-way along the east property line of Lots 1, 3, & 5, Block 5, J.O. Davidson's 2nd Addition.
4. Access onto Central shall be no closer than 100 feet to the Saint Paul Avenue right-of-way line.
5. Access onto Saint Paul Avenue shall be no closer than 100 feet to the Central right-of-way line.
6. All proposed lighting shall comply with Art. IV, Sec. IV-B.4 of the Unified Zoning Code. No proposed pole lights (including base, standard, and fixtures) shall be taller than 14 feet. No pole lights shall be located within any of the building setback areas.
7. All signage shall comply with City of Wichita Sign Code, except that ground signs shall not be allowed on Saint Paul Avenue and shall be limited to a height of 25 feet on Central.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by commercial, office, and institutional uses along Central and residential uses in the neighborhood south of the subject property. Since the subject property is located along a commercial corridor, the request is consistent with the zoning, uses, and character of the neighborhood.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code, the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance, and the additional recommended provisions of the Protective Overlay should limit noise, lighting, and other activity from adversely impacting surrounding residential areas.
3. The length of time the subject property has remained vacant as zoned: The subject property was zoned "BB" Office (now "GO" General Office) in 1981 and has remained vacant as zoned since that time. Given the primarily retail nature of uses in the immediate vicinity, allowing additional commercial uses should assist with development of the vacant property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Local Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. As recommended for approval, the request conforms to the Land Use Guide and Commercial Locational Guidelines of the Comprehensive Plan.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated as recommended for approval.



**INTEROFFICE
MEMORANDUM**

TO: Mayor, Wichita City Council Members and the Metropolitan Area Planning Council

FROM: Vicki Mork, Neighborhood Assistant, District III for Terri Dozal, Neighborhood Assistant District VI

SUBJECT: **ZON2006-00002, Zoning change from "GO" General Office to "LC" Limited Commercial, generally located west of St. Paul Ave. and 75 feet south of Central.**

DATE: February 7, 2006

Monday, February 6, 2006 the District VI Advisory Board (DAB) received a presentation on this matter from MAPD staff member, Scott Dunakey. He explained the owner is requesting a zone change to develop a small strip center on the property. The owner's agent, Kim Edginton, spoke saying the development will be L shaped with no activity behind the building to disturb neighbors.

No concerns or questions were expressed by DAB members or the public.

Action taken: Schreck (Carr) proposed approval of rezoning to "LC" Limited Commercial subject to the Protective Overlay as designated by the MAPD. Motion passed unanimously (11:0).