

Planning Agenda Item # _____

City of Wichita
City Council Meeting

December 12, 1995

Agenda Report # _____

*E-mailed
to P/B
12/1*

TO: Mayor and City Council Members

SUBJECT: Z-3182 - JM LIMITED (PROPERTY OWNER) BROWN, DENGLER, GOOD & RIDER, L.C. C/O PATRICIA DENGLER (AGENT) REQUESTS ZONE CHANGE FROM 'A' TWO FAMILY DWELLING DISTRICT AND 'RB' FOUR FAMILY DWELLING DISTRICT TO 'LC' LIGHT COMMERCIAL ON PROPERTY LOCATED SOUTHWEST OF 21ST STREET NORTH AND CARMEN.
(DISTRICT #1)

INITIATED BY: Metropolitan Area Planning Department *Krost*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to replatting, and subject to recording of the voluntary restrictive covenant. (10-0).

Staff Recommendation: Approve, subject to replatting and subject to recording of the voluntary restrictive covenant.

CPO Recommendation: Approve (7-1).

Background: The applicant requests a zone change from the 'A' Two Family Dwelling District to the 'LC' Light Commercial for 1.4 acres located southwest of 21st Street North and Carmen. The site is currently occupied by two vacant multiple family residential structures and surrounded by duplexes to the south, single family homes to the west, the Northeast Police Substation to the east, and a night club, attorney office, and vacant convenience store on the north side of 21st Street.

The applicant proposes to develop the site with office and/or commercial uses. The applicant indicates the possibility of developing the site with a multiple story medical office building, with a drive-thru bank to be located on the ground level. Preliminary plans are for a 163 ft. x 49 ft. structure that would be 56 feet high. The maximum building height in 'LC' zoning is 80 feet.

The maximum building height in 'LC' zoning in the proposed Unified Zoning Code for Wichita-Sedgwick County would also be 80 feet, plus two feet of additional height for each foot of setback

beyond the minimum required setbacks. The proposed Unified Zoning Code also includes "compatibility standards" to preserve and protect residential neighborhoods, which would apply to multiple family and nonresidential zoning districts when such uses are located on sites across the street from or adjacent to property zoned Two-Family or more restrictive. The compatibility height standards would permit a 35 foot high structure within 50 feet of the lot line and an increase in building height at a ratio of one foot in height for each three feet of setback beyond 50 feet. Therefore a 56 foot high structure, such as currently proposed by the applicant, would require a setback of 113 feet from the south property line (Two Family zoning). Since the depth of the application area ranges from 153 feet to 183 feet, the applicant would have to redesign the building to three stories or apply for a variance to the compatibility height standards if a 56 foot high structure is feasible and is developed on the site under the proposed new zoning code.

The Comprehensive Plan identifies 21st Street North as a "major roadway" for the community's image (Figure 28 - Visual Form Map, pg. 68). Such roadways should have special consideration in regards to special landscaping, public and private signage, and/or monuments. Also, the "21st Street North Corridor Revitalization Study" (which as received and filed by the City Council) indicates that this site is appropriate for redevelopment. The proposed plan depicts the site as part of a larger commercial redevelopment project located at the southwest corner of Hillside and 21st Street, which is in the Shadybrook Commercial Community Unit Plan (DP-210).

The CUP to the east includes a number of architectural design requirements, use restrictions, and site development requirements. These requirements include the consistent use of red brick as the prominent exterior building material and as the base for ground signs. Also, all signs are limited to a maximum height of 17 feet and all parking lot light poles / fixtures must meet a specified style and height. DP-210 is limited to financial institutions, offices, retail, business, personal services, and restaurants (except drive-thru restaurant services).

Prior to the public hearings, planning staff expressed some concern to the applicant about granting unrestricted 'LC' zoning in this area. Staff feels that some of the uses permitted in 'LC' would not be appropriate for this area and also the subject property should include some aesthetic restrictions so the property will develop in a manner that is compatible and consistent with the surrounding area and the redevelopment plans along the 21st Street Corridor. Staff suggested the restrictions listed below for any development on this property. At the MAPC meeting, the applicants indicated that they would volunteer items 2 and 3 as a restrictive covenant. However, they were not willing to place restrictions on the architectural design for structures on the property. Staff agreed that items 2 and 3 were more important than item 1, and voiced support for the request with items 2 and 3 being volunteered.

1. The predominant exterior building material on the ground level of any building shall be red brick, with the use of cast stone trim.

Case No. Z-3182

12-12-95

Page 3

2. Signage to be restricted to the requirements of the 'BB' Office District.
3. Drinking establishments, adult entertainment establishments, liquor stores, and outside sales or rental of vehicles shall not be permitted.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting; 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.)

STATE OF KANSAS)
County of Sedgwick) ss.

Letha Stephenson, being first
duly sworn, Deposes and says: That he/she is
Legal Manager of

THE DAILY REPORTER

a daily newspaper printed in the State of
Kansas, and published in and of general
circulation in Sedgwick County, Kansas, with
a general paid circulation on a daily basis in
Sedgwick County, Kansas, and that said
newspaper is not a trade, religious or fraternal
publication.

Said newspaper is a daily published Monday
through Friday, and has been so published
continuously and uninterrupted in said county
and state for a period of more than five years
prior to the first publication of said notice, and
has been admitted at the post office of Derby,
Kansas, in said county as second class matter.

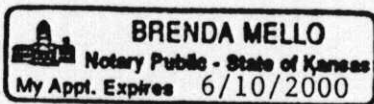
That the attached notice is a true copy
thereof and was published in the regular and
entire issue of said newspaper for 1
consecutive week, the first publication
thereof being made as aforesaid on the
28th day of November, 1997,
with subsequent publications being made on
the following dates:

Letha M. Stephenson

Subscribed and sworn to before me this
1st day of December, 1997

Brenda Mello

Notary Public



Printer's fee \$ 531.48 = 25.44
Additional copies \$ _____

CW97-1484 (First Published in The Daily
Reporter, November 28, 1997)

ORDINANCE NO. 43-646

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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3182

Zone change request from "TF-3" Two-Family Residential District and "MF-29" Multi-Family Residential District to "LC" Limited Commercial District, described as:

Lot 1, JM Office Park Addition, Wichita, Sedgwick County, Kansas. Generally located south of 21st Street North, west of Carmen.

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, November 25, 1997.

Bob Knight, Mayor
ATTEST: (Seal)
Pat Burnett, City Clerk
(N28)