

Planning Agenda Item # _____

City of Wichita
City Council Meeting
July 8, 1997

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3237 - CHRISTIAN ABLAH, CLASSIC REAL ESTATE (APPLICANT);
TIM EWALD, TIM EWALD REALTY (APPLICANT); TIM AUSTIN, AUSTIN
MILLER (AGENT), REQUESTS ZONE CHANGE FROM "GO" GENERAL
OFFICE, TO "LC" LIMITED COMMERCIAL TO LOCATED WEST OF RIDGE
ROAD, NORTH OF MAPLE,

(DISTRICT #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Deny "LC" zoning; approve "NR" with the additional provisions of a P-O Protective Overlay District (10-1).

Staff Recommendation: Deny "LC" zoning; approve "NR" with the additional provisions of a P-O Protective Overlay District (10-1).

CPO Recommendation: Deny (6-1).

Background: The applicant requests a zone change from "GO" General Office to "LC" Limited Commercial on a 1.60 acre platted tract located north of Maple and west of Ridge Road. The applicant intends to rezone in order to sell the property for commercial development.

The surrounding area is characterized by a mixture of residential uses, commercial uses, and undeveloped property zoned for office and commercial uses. The subject property is located north of an existing Texaco convenience store, located at the northwest corner of Maple and Ridge Road, and a Horton's carpet store, located at the northeast corner of Brunswick Avenue and Maple. Both properties to the south are zoned LC Limited Commercial. The application area has been zoned GO since 1981. The subject property is bordered by two single-family residential homes to the north and several on the west side of Brunswick. The subject property currently has complete access control to Brunswick and the applicant indicates that the access controls would be maintained, and is permitted one opening along Ridge Road.

In order to buffer the commercial property to the south from the nearby residential homes, the applicant in that case (Z-3167) volunteered a restrictive covenant to restrict the uses permitted on the property to 'OC' Office Commercial (NR) and carpet showrooms and establish a 35 foot building setback requirement along Maple. The applicant also volunteered to place a wrought iron fence and a 20 foot landscape buffer with solid screening of evergreen trees along Brunswick and construct a wood fence along the north side of their application area. That restrictive covenant also agreed to ground or pole signs along Maple being restricted to the requirements of the BB Office District (GO) - or 32-square feet of gross surface area for a single tenant.

CPO 5 members heard from 6 area citizens who expressed concerns about the zoning request, the development of the carpet store, and the condition of the vacant lot. Most of the citizens expressed a preference for a screening wall along Brunswick. The CPO voted 6-1 to deny "LC", but approve "NR" with the restrictions recommended by staff.

During the Planning Commission's discussion of this matter on June 12, 1997, the Commissioners questioned staff on their recommendation for "NR" Neighborhood Retail zoning and the various elements of the Protective Overlay. Staff stated that the Protective Overlay was a continuation of the restrictions placed on the Horton's carpet store located to the south of the subject property and the MAPD was opposed to the "LC" zoning due to the fact that that district would allow the site to develop with a fast food restaurant in close proximity to several residences. The agent for the applicant stated that there were no neighbors opposed to the zoning request, and that the applicant would be willing to install a masonry wall along the property lines were adjacent to residential zoning.

After the discussion, the MAPC voted (6-5) to deny the request for "LC" zoning, as recommended by staff, and then voted (10-1) to approve "NR" Neighborhood Retail with a Protective Overlay providing additional landscaping and fencing requirements, access controls, height restrictions, and lighting and signage limitations, as recommended by staff.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change to "NR" Neighborhood Retail, subject to the additional recommended provisions of a Protective Overlay district; place the ordinance establishing the zone change on first reading, or:
2. Override the findings of fact of the Metropolitan Area Planning Commission with a 2/3 majority vote and approve the zone change to "LC" Limited Commercial, subject to the additional recommended provisions of a Protective Overlay District; place the ordinance establishing the zone change on first reading; or
3. Return the application to the MAPC for reconsideration.

(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.)

Revised July 7-8-97 WCC
Approved

() Published in The Daily Reporter 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 CITY OF WICHITA CODE SEC. 28.04.010.

FILE COPY

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-3237

Zone change request from "GO" General Office District to "LC" Limited Commercial District, and to "P-O" Protective Overlay District #20 described as:

North half of Lot 1, Westview 3rd Addition, Wichita, Kansas, Sedgwick County, Kansas. Generally located west of Ridge Road, north of Maple,

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The following uses are not permitted: car wash, convenience store, funeral home, hotel/motel, kennel, marine facility, nightclub, pawnshop, RV campground, secondhand store, tavern or drinking establishment, and self-storage warehouse.
2. A six foot tall masonry screening wall shall be constructed and maintained along the west property line and east of a 20 foot landscape buffer strip extending along the Brunswick frontage of the property.
3. No off-site or portable signs shall be permitted on the property, and no building signs shall be permitted along the north or west face of any buildings or walls.
4. Light poles shall be of the same color and design, and shall have cut-off fixtures which direct light away from nearby residential area. Light poles must be limited to a maximum height of 14 feet.

5. Access to the site shall be limited to one opening along Ridge Road as determined by the City Traffic Engineer. The applicant shall obtain and maintain a cross-lot access agreement providing a second point of access for the subject property to Maple prior to the issuance of building permits for any uses higher than those permitted in the "GO" General Office district.
6. No buildings shall exceed one story in height with a maximum height of 25 feet.

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

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney