Agenda Item #

City of Wichita
City Council Meeting
December 2, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: **ZON2003-00054 – Amendment to Protective Overlay #17 to revise signage restrictions, access controls, and architectural consistency requirements. Located at the northeast corner of Maple and 135th Street West. (District V)**

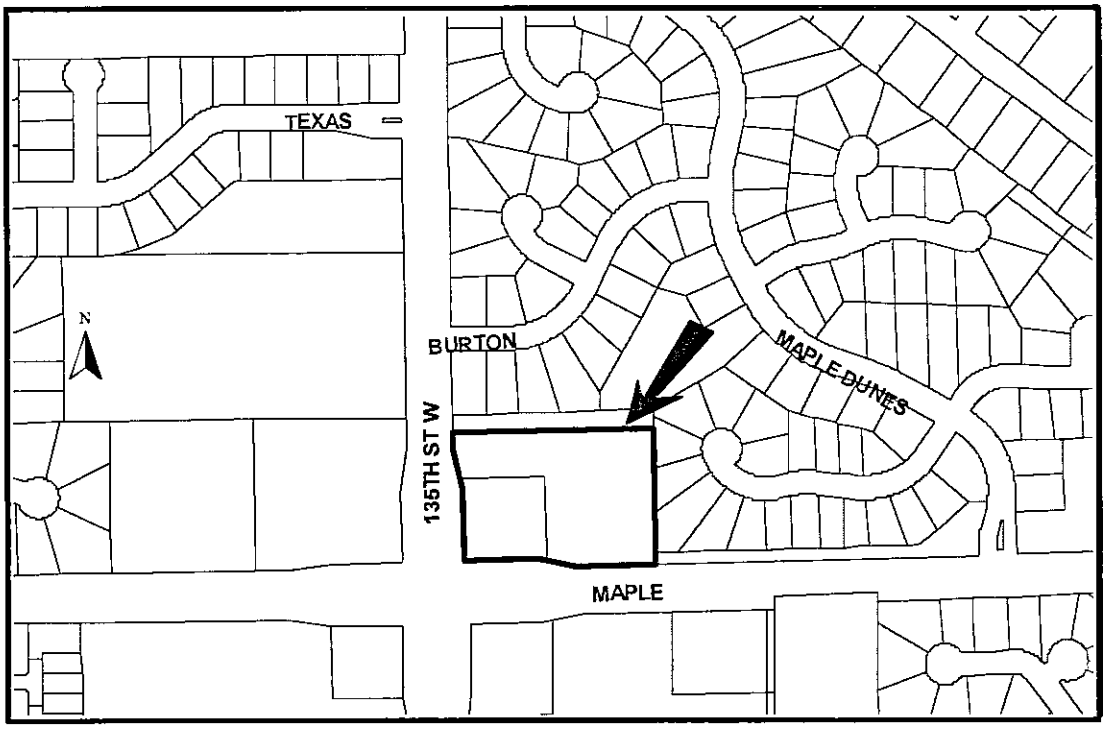
INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, subject to conditions. (12-0)

DAB Recommendation: Approve, subject to conditions. (7-0)

Staff Recommendation: Approve, subject to conditions.



BACKGROUND: The application area is the 3.53 acres located at the northeast corner of Maple and 135th Street West. The applicant is seeking to amend Protective Overlay #17 to: (1) revise signage restrictions; (2) amend access controls and (3) revise architectural consistency requirements. If this request is approved, the applicant will revise boundaries of the existing lots. These amendments are requested in order to facilitate anticipated development of a bank and a drug store on this site.

Signage

Existing PO # 17 Condition: Condition 1A prohibited flashing signage (except for time and temperature and public service messages). Condition 1E limited signage for the entire site to three signs displaying a combined 192 square feet as follows: Lot 1, along Maple, one 96 square foot sign at 20 feet in height; Lot 1, along 135th Street, one 48 square foot sign at 8 feet in height and Lot 2, one 48 square foot sign at 8 in height. Condition 1F restricted building signs for buildings located within 150 feet of the arterial streets to the "NR" Neighborhood Retail District standards (32 square feet in area for a single tenant sign, up to 96 square feet for multi-tenant sites, 30 feet maximum height and limited to one sign per building elevation for each major user provided the total building signage does not exceed 32 square feet, provided the building elevation has street frontage, is adjacent to nonresidential zoning or has 150 feet of area between the façade and residential zoning and lighting is limited to indirect or internal illumination with white light only and without flashing or moving images), and no signs shall face the residential area to the east. All ground signs are to be monument type signs.

Applicant's request: Amend Condition 1A to clarify that electronic message boards are a permitted sign type. Modify Condition 1E to permit 246 square feet of signage as follows: one 75 square foot sign allocated to Parcel 2 along 135th Street; one 75 square foot sign allocated to Parcel 2 along Maple and one 96 square foot sign allocated to Parcel 1 to be located along Maple. Both 75 square foot signs are limited to 18 feet in height and the 96 square foot sign is limited to 10 feet in height. Revise Condition 1F to permit building signs in accordance with the standards of the "LC" Limited Commercial District (no more than three signs for each business on each building elevation having street frontage or a parking area of 150 feet or more; signage area is limited to no more than 20% of each building area or more than 400 square feet in area, nor taller than 30 feet), except the aggregate signage for each elevation shall not exceed 110 square feet in area. No building sign, except for directional signs, shall face the residential area to the east.

Access Controls

Existing PO # 17 Condition: Condition 3 indicates that both Maple and 135th Street West are limited to two points of access each.

Applicant's request: Modify Condition 3 to allow one full movement joint opening along Maple to be shared between Parcels 1 and 2, one full movement opening along Maple for Parcel 2, and one full movement opening along 135th Street to be shared between Parcels 1 and 2 via an access easement.

Architectural Consistency

Existing PO # 17 Condition: All building in Lot 2 shall be uniform in architectural character, color, texture and the same predominate exterior building materials. Building walls and roofs must have predominately 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.

Applicant's request: Revise Condition 11 to require all buildings within a parcel to share uniform architectural character, color, texture and have the same predominate exterior building material as the other buildings located in such parcel. Building walls and roofs must have predominately earth toned colors, with vivid colors limited to incidental accent. Metal shall not be permitted as a predominate exterior building material for any building within either parcel.

Surrounding properties are developing in the typical land use pattern seen at the intersection of two section line, arterial streets – commercial and office zoning and uses on or near the corners with residential zoning and uses removed from the corner lots. The two "LC" zoned corners located south of Maple have restrictions that limit ground sign size and height. The southeast corner is a 12-acre site that is restricted to 240 square feet of ground/pole signage with sign heights ranging from 8 to 20 feet. The southwest corner is a six-acre site that is restricted to 288 square feet of ground/pole signage up to 20 feet in height. The northwest corner is zoned "GO" General Office and is restricted to "GO" ground/pole signage (32 square feet single tenant, up to 96 square feet for multi-tenant sites, 22 feet in height) by the sign code. All ground or pole signs on all three sites are to be monument type signs. On the two commercial sites, building signs are limited to "NR" Neighborhood Retail standards.

DAB V considered the request at the November 3, 2003 meeting and voted 7-0 to approve the request subject to the recommended conditions with the exception that the signs for Lot 2 be limited to 75 square feet in size. MAPC considered the request at the November 6, 2003 meeting and voted 12-0 to approve the request subject to the following conditions:

1. Amend Condition 1A to clarify that electronic message boards are a permitted sign type.

2. Modify Condition 1E to permit 246 square feet of pole/ground signage as follows: one 75 square foot sign allocated to Parcel 2 along 135th Street; one 75 square foot sign allocated to Parcel 2 along Maple and one 96 square foot sign allocated to Parcel 1 to be located along Maple. Both 75 square foot signs are limited to 18 feet in height and the 96 square foot sign is limited to 10 feet in height. All ground/pole signs are to be monument type signs.

3. Revise Condition 1F to permit Lot 1 to have building signs in accordance with the standards of the "LC" Limited Commercial District (no more than three signs for each business on each building elevation having street frontage or a parking area of 150 feet or more; signage area is limited to no more than 20% of each building area or more than 400 square feet in area, nor taller than 30 feet), except the aggregate signage for each elevation shall not exceed 110 square feet in area. No building sign, except for directional signs, shall face the residential area to the east. Building signage on Lot 2 shall be that permitted in the "LC" Limited

Commercial district except that the aggregate signage for each elevation is limited to 75 square feet, and no building signs, except directional signs, shall face east.)

4. Modify Condition 3 to allow one full movement joint opening along Maple to be shared between Parcels 1 and 2, one full movement opening along Maple for Parcel 2, and one full movement opening along 135th Street to be shared between Parcels 1 and 2 via an access easement.

5. Revise Condition 11 to require all buildings within a parcel to share uniform architectural character, color, texture and have the same predominate exterior building material as the other buildings located in such parcel. Building walls and roofs must have predominately earth toned colors, with vivid colors limited to incidental accent. Metal shall not be permitted as a predominate exterior building material for any building within either parcel.

6. None of these amendments shall become effective unless, within 90 days following final approval, the applicant elects to dedicate, by separate instrument, the access controls recommended above.

RECOMMENDATION:

1. Concur with the findings of the MAPC and approve the amendment to Protective Overlay District #17 and place the ordinance amending the Protective Overlay on first reading; 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.)

(150004) Published in The Derby Reporter on 12-19-03

ORDINANCE NO. 45-954

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. ZON2003-00054

Amendment to Protective Overlay #17 as adopted by Ordinance No. 43-523 on property described as:

Lots 1 and 2, Block 5, Maple Dunes Addition to Wichita, Sedgwick County, Kansas.
Generally located at the northeast corner of Maple and 135th Street West.

THE RESTRICTIONS OF PROTECTIVE OVERLAY DISTRICT #17 ARE HEREBY AMENDED AS FOLLOWS:

1. Amend Restriction 1A to clarify that electronic message boards are a permitted sign type.

2. Modify Restriction 1E to permit 246 square feet of pole/ground signage as follows: one 75 square foot sign allocated to Parcel 2 along 135th Street; one 75 square foot sign allocated to Parcel 2 along Maple and one 96 square foot sign allocated to Parcel 1 to be located along Maple. Both 75 square foot signs are limited to 18 feet in height and the 96 square foot sign is limited to 10 feet in height. All ground/pole signs are to be monument type signs.

3. Revise Restriction 1F to permit Lot 1 to have building signs in accordance with the standards of the "LC" Limited Commercial District (no more than three signs for each business on each building elevation having street frontage or a parking area of 150 feet or more; signage area is limited to no more than 20% of each building area or more than 400 square feet in area, nor taller than 30 feet), except the aggregate signage for each elevation shall not exceed 110 square feet in area. No building sign, except for directional signs, shall face the residential area to the east. Building signage on Lot 2 shall be that permitted in the "LC" Limited Commercial district except that the aggregate signage for each elevation is limited to 75 square feet, and no building signs, except directional signs, shall face east.)

4. Modify Restriction 3 to allow one full movement joint opening along Maple to be shared between Parcels 1 and 2, one full movement opening along Maple for Parcel 2, and one full movement opening along 135th Street to be shared between Parcels 1 and 2 via an access easement.

5. Revise Restriction 11 to require all buildings within a parcel to share uniform architectural character, color, texture and have the same predominate exterior building material as the other buildings located in such parcel. Building walls and roofs must have predominately earth toned colors, with vivid colors limited to incidental accent. Metal shall not be permitted as a predominate exterior building material for any building within either parcel.

6. None of these amendments shall become effective unless, within 90 days following final approval, the applicant elects to dedicate, by separate instrument, the access controls required above.

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, December 9, 2003

Vice Mayor
Sharon Fearey for
Carlos Mayans - Mayor

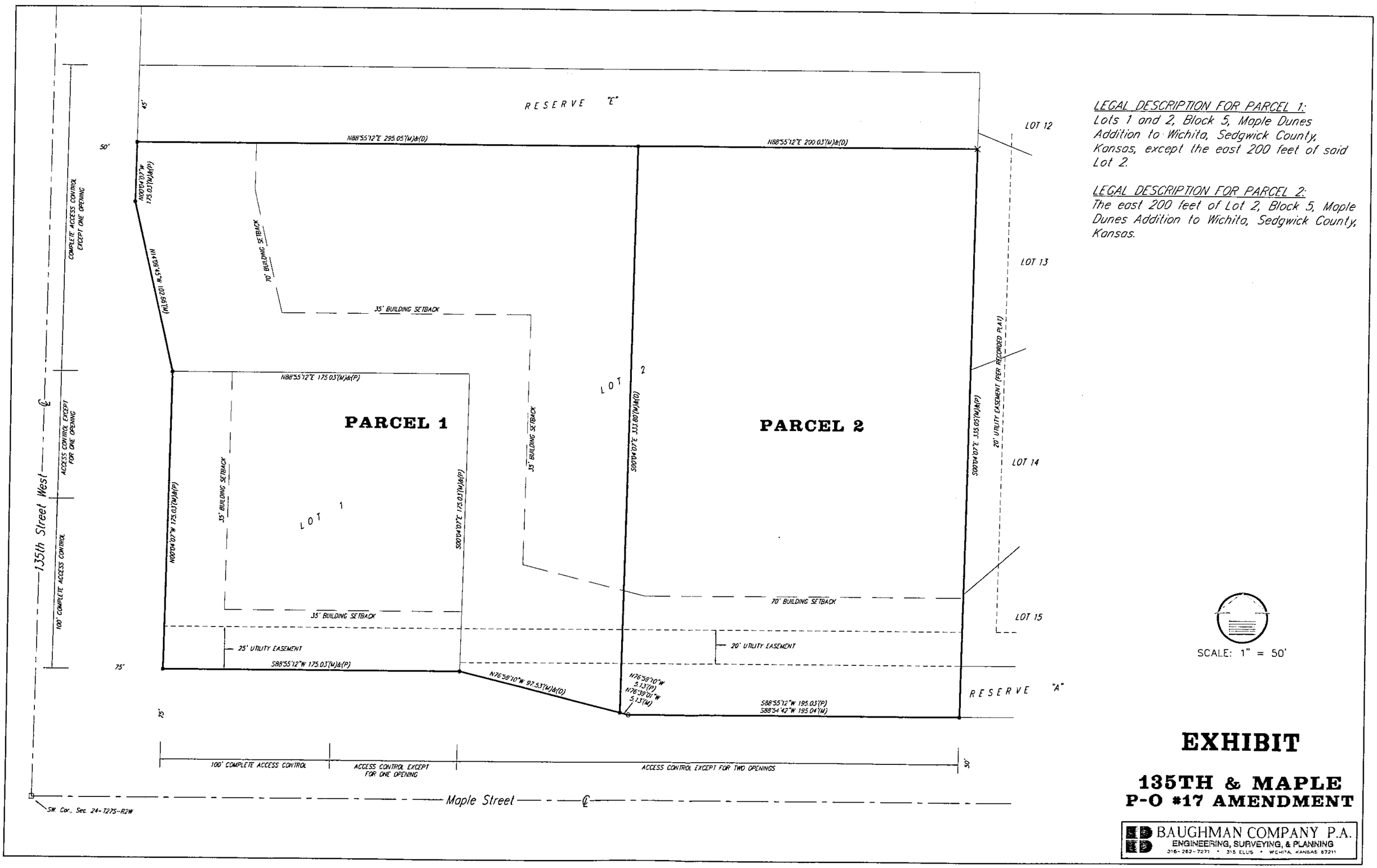
ATTEST:

Karen Schofield
Karen Schofield, City Clerk

(SEAL)

Approved as to form:

Gary E Rebenstorf CTK
Gary E. Rebenstorf, City Attorney



LEGAL DESCRIPTION FOR PARCEL 1:
Lots 1 and 2, Block 5, Maple Dunes Addition to Wichita, Sedgwick County, Kansas, except the east 200 feet of said Lot 2.

LEGAL DESCRIPTION FOR PARCEL 2:
The east 200 feet of Lot 2, Block 5, Maple Dunes Addition to Wichita, Sedgwick County, Kansas.

EXHIBIT

135TH & MAPLE
P-O #17 AMENDMENT

BAUGHMAN COMPANY P.A.
ENGINEERING, SURVEYING, & PLANNING
316-262-7271 • 315 ELLIS • WICHITA, KANSAS 67211