

**City of Wichita
City Council Meeting
April 6, 2004**

Agenda Report No. _____

TO: Mayor and City Council

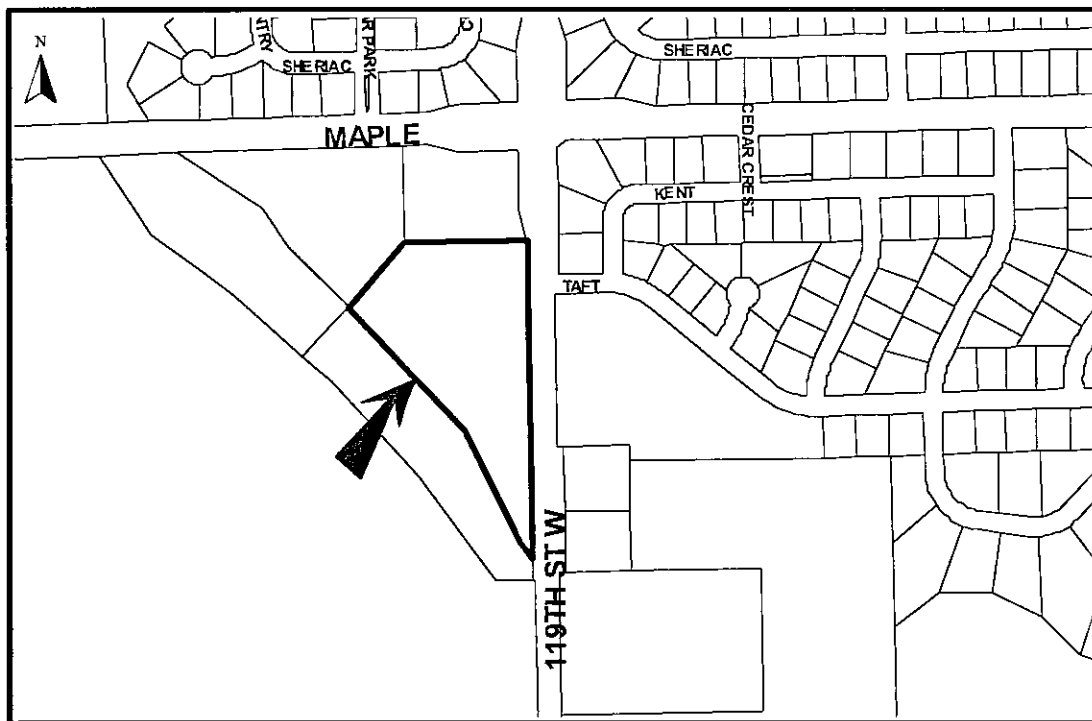
SUBJECT: ZON2004-00005 – Zone change from “GO” General Office and “NR” Neighborhood Retail to “LC” Limited Commercial. Generally located at the southwest corner of Maple and 119th Street West. (District V)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to staff recommendations and conditions. (11-0)

MAPD Staff Recommendations: Approve subject to amended Protective Overlay #99.



BACKGROUND: The applicant requests a zone change from “GO” General Office and “NR” Neighborhood Retail to “LC” Limited Commercial on Lot 2, Block A, Thunderbird Office Park Addition. The subject site is not developed and is located approximately 350-feet south of the Maple Street and 119th Street West intersection, on the west side of 119th Street West. The subject site is approximately 6.2 acres in size with approximately 0.9-acres of it zoned “NR” with the remaining approximate 5.3-acres zoned “GO”. The applicant proposes additional uses as permitted in the “LC” zoning district, including restaurants over 2,000-square feet.

The surrounding area is characterized by residential uses on the developing fringe of Wichita with significant amounts of parkland in the area. Three corners of the Maple Street and 119th Street West intersection are zoned “SF-5” Single-Family Residential and are developed with single-family residences; this intersection does not have the typical commercial node on its four corners. The southwest corner, where the subject site is located, has properties zoned “B” Multi-Family Residential, “LC”, and the subject site’s “NR” and “GO” zoning. The undeveloped property abutting a portion of the subject site’s north side is the previously mentioned “LC” zoned property. The “LC” zoned property is located immediately on the southwest corner of the Maple Street and 119th Street West intersection. This “LC” zoned property has a Protective Overlay in effect; amended PO #99. The previously mentioned “B” zoned property abuts the rest of the subject site’s northwest side. The “B” zoned property is developed as an assisted living facility. The properties east of the site across 119th Street West are zoned “SF-5” Single-Family Residential and are developed with single-family residences and West Millbrook Park. The property south of the site is zoned “SF-5” Single-Family Residential and is The Meadows Park. The property west of the site is zoned “SF-5” Single-Family Residential and is a floodway.

ANALYSIS: The Far West Side Commercial Development Policy, adopted by the City Council in 1996, indicates that the scale of commercial development at the intersection of Maple & 119th Street West should be limited to a total of eight acres with no more than four acres of commercial development on any one corner. The proposed “LC” zoning of the subject property coupled with the existing and abutting 2.27-acres of “LC” zoned property, would bring the total “LC” zoning to 8.54-acres on this one side of the intersection; potential commercial development exceeds the recommended totals for the intersection and for this quarter of the intersection. The Far West Side Commercial Development Policy indicates that individual office businesses on the subject property should be limited to 8,000 square feet in size. The Far West Side Commercial Development Policy also recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, and architectural design. The Protective Overlay brings the subject site into substantial compliance with this policy.

The subject property now is a contiguous area of “LC” zoning over 6-acres in size and under the control of common ownership. A Community Unit Plan would be required if not for the existing Protective Overlay. The existing 2.27-acres zoned “LC” abutting the north side of the subject property is under PO #99 and is under the same ownership as the subject property.

The MAPC considered this case at their March 11, 2004 meeting and recommended approval (11 -0) of the zoning change. No one spoke in opposition to the requested zoning change at the meeting. Staff has received no written protest or phone calls protesting the requested zoning change.

Financial Considerations: None

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommended Action: It is recommended that the City Council

1. Concur with the findings of the MAPC and approve the zone change subject to the provisions of amended Protective Overlay District #99; approve first reading of the ordinance establishing the zone change; or

2. Return the application to MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the members of the membership of the governing body on the first hearing.)

(150004) Published in The Derby Reporter on 4-16-04

ORDINANCE NO. 46-133

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. ZON2004-00005

Zone change from "GO" General Office and "NR" Neighborhood Retail to "LC" Limited Commercial on property described as:

Lot 2, Block A, Thunderbird Office Park, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Maple & 119th Street West.

Subject to the following provisions of amended Protective Overlay District #99:

1. The following uses shall not be permitted: restaurants with drive up window service or in-vehicle service on Lot 2 (permitted on Lot 1); convenience store; group residence, limited and general; cemetery; correctional placement residence, limited and general; group home, limited, general, and commercial; recycling collection station, private and public; reverse vending machine; animal care, limited and general; bed & breakfast inn; broadcast/recording studio; car wash; construction sales and service; heliport; hotel/motel; kennel, hobby, and boarding/breeding/training; marine facility, recreational; monument sales; night club in the city; nurseries and garden centers; parking area, commercial; pawn shop; printing and publishing, general; recreation and entertainment, indoor and outdoor; recreational vehicle campground; secondhand store; service station; tavern and drinking establishment; vehicle and equipment sales, outdoor; vehicle repair, limited; vocational school; wireless communication facility; asphalt or concrete plant, limited and general; manufacturing, limited; warehouse, self-service storage; parking area, commercial; mining or quarrying; oil or gas drilling; rock crushing; and solid waste incinerator; storage, outdoor; agricultural research; agricultural sales and service.
2. Multi-family density shall be limited to 17.4 units per acre.
3. Ground signage shall be monument type and shall be limited to 8 feet in height. Ground signage shall be limited to five total signs, spaced a minimum of 150-feet apart.
4. All exterior lighting shall be shielded to prevent light disbursement in a northerly or easterly direction. Light poles shall be limited to 14 feet in height. Backlit canopies and neon or

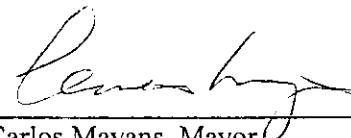
fluorescent lighting on buildings shall not be permitted.

5. Requirements for landscaped street yard and landscaped buffers shall be 1.5 times the minimum requirements of the Landscape Ordinance.
6. The buildings shall be designed with a residential architectural character, with exterior colors and materials compatible with surrounding residential areas. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building materials. Front and side building facades shall have brick as the predominant exterior building material. Building roofs shall be similar in texture or pattern to the surrounding residential areas and shall be gable or hip in style.
7. All utilities installed underground
8. Trash receptacles shall be appropriately screened, per code, to hide them from ground view.
9. Rooftop mechanical equipment shall be screened from ground level view per the Code of Wichita.

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.

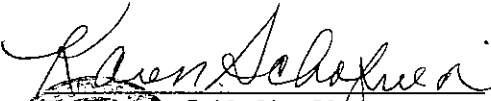
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, April 13 2004



Carlos Mayans, Mayor

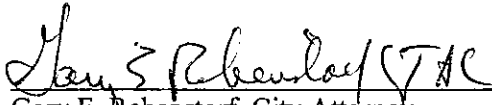
ATTEST:



Karen Schopf, City Clerk



Approved as to form:



Gary E. Rebenstorf, City Attorney