

City of Wichita  
City Council Meeting  
June 15, 2004

Agenda Report No. \_\_\_\_\_

TO: Mayor and City Council

SUBJECT: ZON2004-21 – Zone change from “MF-29” Multi-family Residential to “GO” General Office and “LC” Limited Commercial with a Protective Overlay, Protective Overlay #140. Generally located approximately 760-feet south of the Maple Street - 135<sup>th</sup> Street West intersection, on the east side of 135<sup>th</sup> Street West. (District V)

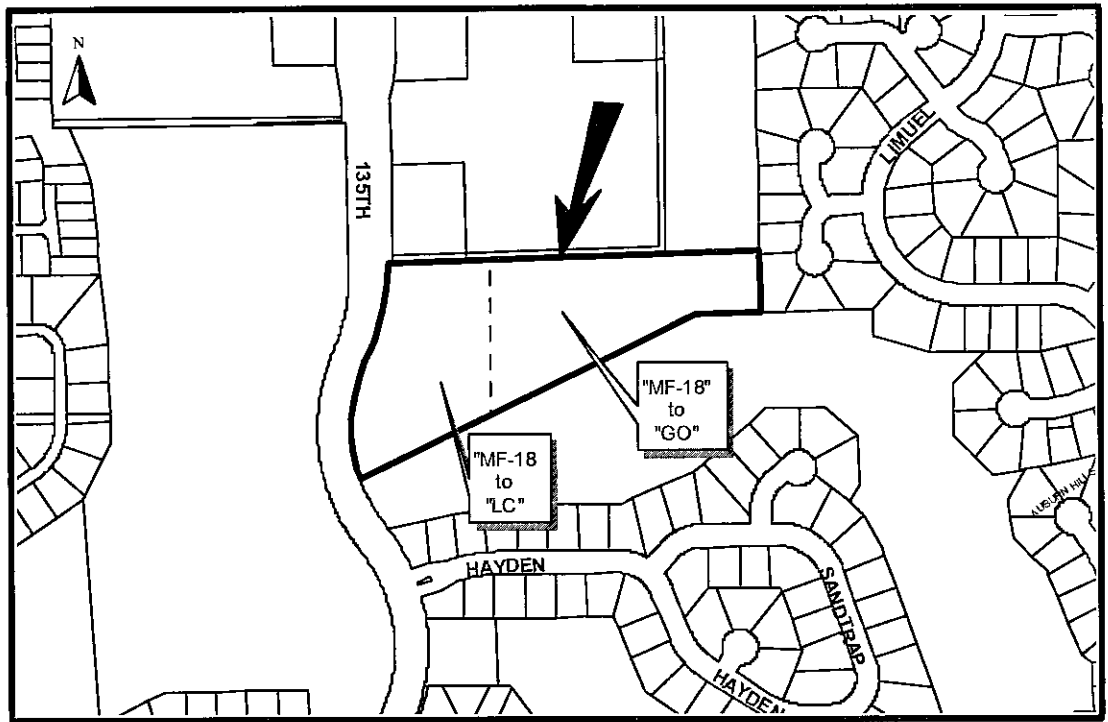
INITIATED BY: Metropolitan Area Planning Department *DMA for 2/5*

AGENDA: Planning (Consent)

**MAPC Recommendations:** Approve, subject to staff recommendation and Protective Overlay #140. (12-0-1)

**MAPD Staff Recommendations:** Approve, subject to Protective Overlay #140.

**DAB Recommendations:** DAB V will consider June 9, 2004.



**BACKGROUND:** The applicant requests a zone change from “MF-29” Multi-family Residential to “LC” Limited Commercial (3.9-acres) and “GO” General Office (4.7-acres) with a Protective Overlay (PO) on the 8.6-acre Auburn Hills 7<sup>th</sup> Addition subject site. The subject site has frontage on 135<sup>th</sup> Street West and is approximately 760-feet south of the Maple Street – 135<sup>th</sup> Street West intersection, on the east side of 135<sup>th</sup> Street West. The proposed “LC” portion of the site would be located along the 135<sup>th</sup> Street West frontage and the proposed “GO” zoning would be on the site’s east side abutting single-family residences.

**Analysis:** The subject site is located west of the previously mentioned established single-family residential subdivision (Auburn Hills 3<sup>rd</sup> Addition, houses built through the mid 1990s to 2000) and south of a developing commercial center (DP-219, the Auburn Hills C.U.P.), anchored by a Dillons, and undeveloped neighborhood retail. The undeveloped neighborhood retail has a Protective Overlay, PO#130, on it. The Auburn Hills Golf Course is located south and west, across 135<sup>th</sup> Street West, of the subject site.

This site, along with the other corners of the Maple and 135<sup>th</sup> Street intersection are covered by the Far West Side Commercial Development Policy, which intended to limit this intersection to 24-acres of nonresidential development, with no more than 12-acres of nonresidential development per corner. This policy also recommended development standards that included; signage be low, small and monument style, that there be architectural compatibility within developments and that commercial developments should be compatible with surrounding residential uses. The intersection has already exceeded the recommended 24-acres of nonresidential development, with a current total of approximately 31.41-acres of approved commercial zoning, but otherwise has established development guidelines that comply with the west side development policy. The proposed zoning change would bring the total non-residential zoned properties at the intersection up to approximately 40-acres, with approximately 25-acres of it located on this southeast corner of the intersection. The applicant’s proposed PO complies with the west side development policy; in fact it almost mirrors the provisions of DP-219, the Auburn Hills C.U.P. The difference is that the proposed PO is more restrictive in the uses allowed and signage, but does not restrict the total square footage of buildings allowed on the subject site. The creation of the Far West Side Commercial Development Policy was triggered by the DP-219 application.

The MAPC considered this case at their May 20, 2004 meeting and recommended approval (12-0-1) of the zoning change with Protective Overlay #140. No one person spoke in opposition to the requested zoning change at the meeting. DAB V will consider this case at their June 9, 2004 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.

**Recommendation/Actions:** It is recommended that the City Council

1. Concur with the findings of the MAPC and approve the zone change subject to the additional recommended provisions of a Protective Overlay District; place the ordinance establishing the zone change on first reading; 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 Wichita Eagle on June 30, 2004

ORDINANCE NO. 46-198

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. ZON2004-00021**

Zone change from "MF-29" Multi-family Residential to "GO" General Office and "LC" Limited Commercial and create Protective Overlay District #140 on property described as:

**LC Zoning**

That part of Lot 1, Auburn Hills 7th Addition, Wichita, Sedgwick County, Kansas lying west of the following described line: Commencing at the NW corner of said Lot 1; thence N 88 degrees 59'02"E along the north line of said Lot 1, 280.00 feet for a point of beginning; thence S 00 degrees 05'53"W parallel with the west line of the NW 1/4 of Sec. 25, Twp. 27-S, R-2-W of the 6th P.M., Sedgwick County, Kansas, 435.27 feet to a point on the southeast line of said Lot 1, said point being 396.46 feet northeast of the SW corner of said Lot 1, and there ending.

**GO Zoning**

Lot 1, Auburn Hills 7th Addition, Wichita, Sedgwick County, Kansas EXCEPT that part of said Lot 1 lying west of the following described line: Commencing at the NW corner of said Lot 1; thence N 88 degrees 59'02"E along the north line of said Lot 1, 280.00 feet for a point of beginning; thence S 00 degrees 05'53"W parallel with the west line of the NW 1/4 of Sec. 25, Twp. 27-S, R-2-W of the 6th P.M., Sedgwick County, Kansas, 435.27 feet to a point on the southeast line of said Lot 1, said point being 396.46 feet northeast of the SW corner of said Lot 1, and there ending. Generally located approximately 760-feet south of the Maple Street – 135<sup>th</sup> Street West intersection, the east side of 135<sup>th</sup> Street West.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #140:**

1. Parking shall be provided in accordance with Section 28.04.140 et.seq. of the Code of the City of Wichita. unless otherwise specified in the parcel description.
2. A Drainage Plan shall be submitted to City Engineering for approval. Required guarantees for drainage shall be provided at the time of platting improvements.
3. Major street improvements for 135th Street West shall be in conformance with the Plat of Auburn Hills 7th.
4. The maximum square footage of sign area permitted for monument type signs only will be according to the Neighborhood Retail Zoning District. As the frontage develops along the arterial roadways monument type signs shall be spaced a minimum of 150' apart. irrespective of how land is leased or sold, with the following stipulations:
  - a. Flashing signs (except for signs showing only time, temperature and other public service messages) rotating or moving signs, signs with moving lights of signs which create illusions of movement are not permitted.
  - b. Portable and off-site signs ore not permitted.
  - c. Window display signs ore limited to 25% of the window area.
  - d. No signs shall be allowed on the rear of any buildings.
  - e. Building Signs for buildings located within 150 feet of the arterial streets are limited to standards for the Neighborhood Retail District.
5. A plan for a pedestrian walk system shall be required to link proposed buildings with the major entrance and sidewalks along 135th Street West. The pedestrian walk system shall be assured by the required submission and approval of an overall site traffic circulation plan by the Planning Director for each parcel prior to issuing building permits.
6. Access Controls are shown on the plat, with the total number of access points being as follows: 135th Street West: 2 Points of Access
7. All exterior lighting shall be shielded to prevent light disbursement in a southerly or easterly direction.
8. All parcels shall share similar or consistent parking lot lighting elements (i.e.. fixtures, poles, and lamps, and ect.).
  - a. Limited height of light poles to 14 feet within 100 feet of abutting residential-zoned property, and 20 feet on the remainder of the tract.
  - b. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
9. Utilities shall be installed underground on all parcels.

10. Landscaping for this site shall be required as follows:

- a. Development of all parcels shall comply with the Landscape Ordinance of the City of Wichita.
- b. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
- c. Requirements for street yard landscaping and buffer strip trees will be calculated at 1.5 times the minimum ordinance requirements. Requirements for parking lot landscape shall comply with the landscape ordinance.
- d. A financial guarantee for the plant material approved on the landscape plan for that portion being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.

11. Masonry Walls:

- a. A six (6) foot high masonry wall shall be constructed along the south and east property lines of the Commercial Request and on the east abutting Auburn Hills 3rd Addition. This said masonry wall shall be constructed of a pattern and color that is consistent with the building walls

12. Rooftop mechanical equipment shall be screened from ground level view per Code of the City of Wichita.

13. Trash receptacles shall be appropriately screened to reasonably hide them from ground view.

14. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominantly 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 predominant exterior building material for any building on the site.

15. Fire lanes shall be in accordance with the Fire Code of the City of Wichita. No parking shall be allowed in said fire lane & although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of the construction prior to the issuance of building permits.

16. No parcel shall allow the use of adult entertainment establishments, group homes, group residential, halfway houses, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. No restaurant with drive-in or drive-through service, no convenience stores, service stations, carwashes, and no overhead doors for auto supply or services uses are permitted within 150 feet of residential zoned areas.

**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, June 22, 2004

Carlos Mayans  
Carlos Mayans, Mayor

ATTEST:

Karen Sublett  
Karen Sublett, City Clerk



Approved as to form:

Gary E. Rebenstorf  
Gary E. Rebenstorf, City Attorney