OCA 150004

ORDINANCE NO. 48989

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. ZON2011-00004

Zone change from SF-5 Single-Family Residential ("SF-5") to LC Limited Commercial ("LC") on a 0.54-acre property described as:

Lot 6, Block H, Westerlea Village Addition; generally located east of Mid-Continent Road/Ridge Road, between University and Taft Avenues, Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #251:

A. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building or along any street frontage that faces or is across the street from any property that is in a residential zoning district. Signs will be a monument type of sign, as permitted by the sign code in the LC zoning district.

B. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 25-feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and adjacent residential zoned properties

C. Outdoor speakers and sound amplification systems shall not be permitted, with the exception of restaurant order boards.

D. No buildings shall exceed one story in height with a maximum building height of 35 feet.

E. A 6-8 foot high solid wooden fence shall be constructed parallel to the south and east property lines of the subject site, where it abuts existing single-family residences and SF-5 Single-family Residential zoning. Five years after the governing body approves the requested zoning, the wooden fence will be replaced with a 6-8 foot masonry wall, where the subject site abuts residential zoning. A 15-foot wide landscape buffer will be provided along the south and east sides of the subject site.

F. Deliveries and trash service shall be between the hours of 6 AM and 10 PM

G. The subject site shall comply with the compatibility setback standards on the interior side yard (south) and rear yards (east).

H. All access onto public right-of-way, cross lot access, internal circulation, utility easements, drainage and the final size and configuration of the subject site shall be resolved, per the

standards of the Subdivision Standards, as reviewed and recommended by Public Works, Strom Water, Water and sewer, Fire and Traffic; City staff and all franchised utilities. No building permits shall be issued until City staff has reviewed all necessary plans for water and sewer, grading, drainage, access, and all utilities.

I. The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; group home; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; outdoor vehicle sales; service station; tavern and drinking establishment; and vehicle repair.

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.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

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ROUTE

Approved as to form: Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

Agenda Item No. _____

City of Wichita
City Council Meeting
April 12, 2011

TO: Mayor and City Council

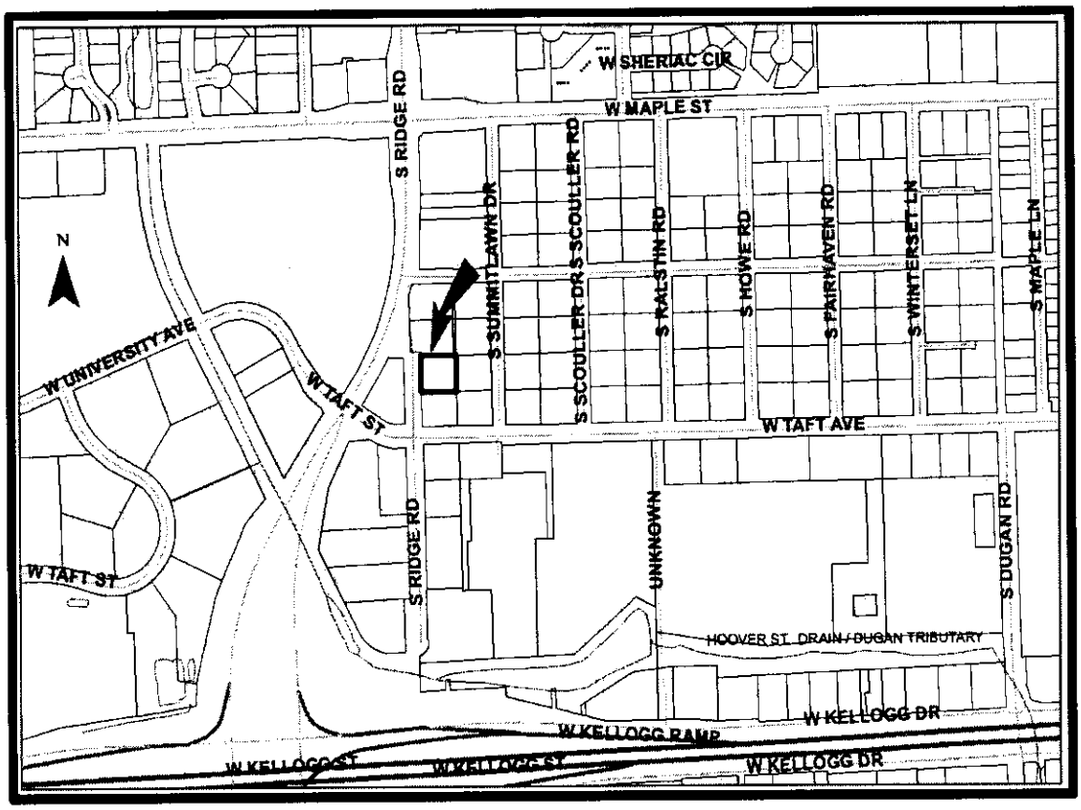
SUBJECT: ZON2011-00004 – City zone change from SF-5 Single-Family Residential to LC Limited Commercial; generally located east of Mid-Continent/Ridge Road between University and Taft Avenues. (District V)

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Consent)

MAPC Recommendation: Approve (11-0), subject to Protective Overlay #251.

MAPD Staff Recommendation: Approve, subject to Protective Overlay #251.



Background: The applicant requests a zone change from SF-5 Single-Family Residential ("SF-5") to LC Limited Commercial ("LC") on Lot 6, Block H, Westerlea Village Addition. The 0.54 acre site is located east of Mid-Continent Road/Ridge Road, between University and Taft Avenues. The applicant proposes to redevelop the site with unspecified commercial uses. The site is currently developed with a one-story single-family residences (built 1955), with access onto Ridge Road.

The site is the latest single-family residence to make application for rezoning from SF-5 to LC in the area from Maple Street, south towards Taft Avenue, between Mid-Continent Road/Ridge Road and Summitlawn Drive. The rezoning, replatting and redevelopment of what were originally single-family residences (all platted in the Westerlea Village Addition) into a line of commercial (restaurants) uses facing Mid-Continent Road/Ridge Road began in 1992 and continues to the present with this application.

The surrounding area is characterized by a mixture of single-family residences, commercial uses and developing commercial uses. The properties to the south and east/northeast (a large single-family neighborhood) are zoned SF-5 and are developed with single-family residences (mid 1950s to mid 1960s). Further south, across Taft Avenue, are the GC General Commercial ("GC," with Community Unit Plan "CUP" DP-151) and LC (CUP DP-37) zoned large box retail, restaurants and a movie theater. The most immediate property located west of the site (across Ridge Road South) is zoned LC with a CUP overlay, DP-37. This parcel is developed as a single-story, brick, medical office (1984). DP-37 extends west across Mid-Continent Road from the site, anchored by the LC and GC zoned big box Lowes building supply center (1998), which faces the site. Properties located north of the site are zoned LC with Protective Overlays (PO) attached to them. These properties are developing as Freddy's Frozen Custard and Panera Bread restaurants. Further north, across University Avenue, are the LC zoned Pizza Hut Bistro (2005) and Applebee's (2009) restaurants, plus an undeveloped commercial site; all have POs with similar standards as those proposed for the subject site.

Although the site has been identified in the Comprehensive Plan as appropriate for "Local Commercial" uses, the close proximity (abutting south and east sides of the site) of the site to an established single-family neighborhood requires any commercial uses on the site to be developed so as to minimize any negative impact on the neighborhood. The site was originally platted as a single-family residential lot and is part of the remaining western edge of the neighborhood. The earlier rezoning (1992 to the present) of properties located north and northeast of the site, on both sides of University Avenue, required similar considerations as the subject site. To buffer the abutting and adjacent existing single-family residences from the unspecified commercial development on the site, planning staff recommends that a PO be approved that continues the development controls established during the prior approval of the zoning changes on the abutting and adjacent northern properties. The recommended PO: limits signage, lighting, noise and building height; requires a six to eight-foot high wooden fence and a landscape buffer along the south and east property lines. The PO also prohibits certain uses that are less compatible with the established residential development. If, in the future, the zoning of the residential properties to the south or east are changed to allow commercial uses, then the provisions of the PO could be amended.

Analysis: At the MAPC meeting held March 10, 2011, the MAPC voted (11-0) to approve the request, with the following provisions of Protective Overlay #251:

A. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building or along any street frontage that faces or is across the street from any property that is in a residential zoning district. Signs will be a monument type of sign, as permitted by the sign code in the LC zoning district.

B. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 25-feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and adjacent residential zoned properties

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D. No buildings shall exceed one story in height with a maximum building height of 35 feet.

E. A six to eight-foot high solid wooden fence shall be constructed parallel to the south and east property lines of the subject site, where it abuts existing single-family residences and SF-5 Single-family Residential zoning. Five years after the governing body approves the requested zoning, the wooden fence will be replaced with a six to eight-foot masonry wall, where the subject site abuts residential zoning. A 15-foot wide landscape buffer will be provided along the south and east sides of the subject site.

F. Deliveries and trash service shall be between the hours of 6:00 a.m. and 10:00 p.m.

G. The subject site shall comply with the compatibility setback standards on the interior side yard (south) and rear yards (east).

H. All access onto public right-of-way, cross lot access, internal circulation, utility easements, drainage and the final size and configuration of the subject site shall be resolved, per the standards of the Subdivision Standards, as reviewed and recommended by Public Works, Strom Water, Water and sewer, Fire and Traffic; City staff and all franchised utilities. No building permits shall be issued until City staff has reviewed all necessary plans for water and sewer, grading, drainage, access and all utilities.

I. The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; group home; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; outdoor vehicle sales; service station; tavern and drinking establishment and vehicle repair.

No one spoke in opposition to this request at the MAPC's advertised public hearing. No written protests have been filed.

Financial Considerations: All improvements will be to City standards and at the applicant's expense.

Goal Impact: The application supports the City's goal to promote Economic Vitality

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

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change subject to the provisions of Protective Overlay #251, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

Attachments:

- Ordinance
- MAPC Minutes