

ORDINANCE NO. 49-614

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. ZON2013-00023**

A zone change from SF-5 Single-family Residential ("SF-5") to LC Limited Commercial ("LP") with the provisions of Community Unit Plan DP-305 on property described as:


The East 23 feet of Lot 4 and the West 33 feet of Lot 5, Block 10, Eastridge Addition to Wichita, Sedgwick County, Kansas, together with Lots 1 through 8, Block 1, Eastridge 5<sup>th</sup> Addition to Wichita, Sedgwick County, Kansas; generally located on both sides of East Orme Street between South Drury Lane (extended) and South Gouverneur Road.

**SUBJECT TO A REPLAT WITHIN ONE YEAR OF APPROVAL BY THE GOVERNING BODY AND THE PROVISIONS OF COMMUNITY UNIT PLAN DP-305**


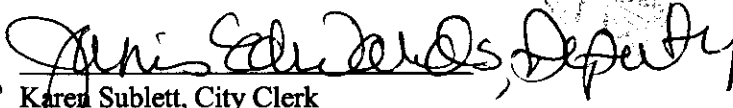

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

**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, November 26, 2013

  
Carl Brewer, Mayor

ATTEST:

  
  
UPK:  Karen Sublett, City Clerk

Approved as to form:

  
Gary E. Rebenstorf, City Attorney

City of Wichita  
City Council Meeting  
November 19, 2013

**TO:** Mayor and City Council

**SUBJECT:** CUP2013-00031 and ZON2013-00023 - Amendment to the Schofield Honda Commercial Community Unit Plan (CUP) DP-305 and zone change from SF-5 Single-family Residential ("SF-5") to LC Limited Commercial (LC) on property generally located on the north and south sides of East Orme Street, between South Drury Lane and South Gouverneur Road (6932 East Orme Street and all lots located on the south side of East Orme Street between south Drury Lane and South Gouverneur Road (District II)

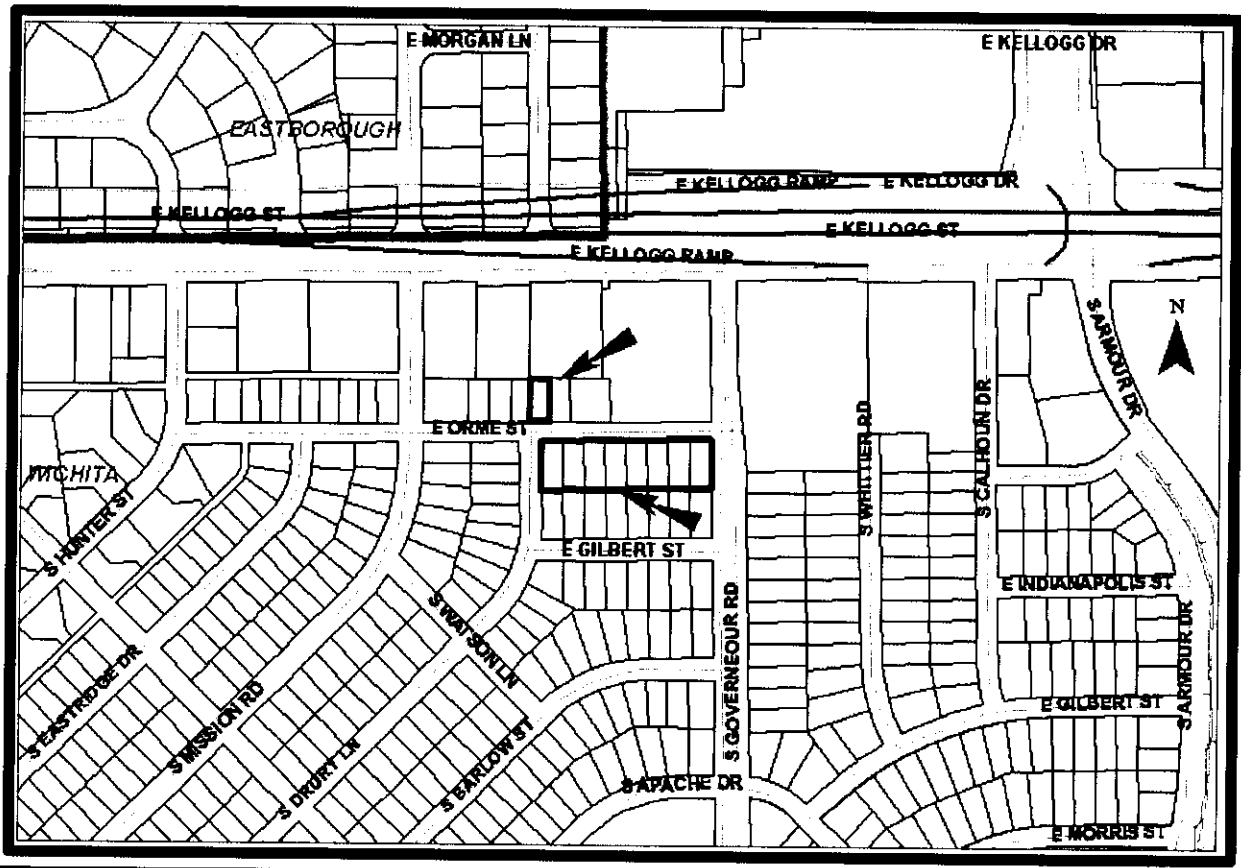
**INITIATED BY:** Metropolitan Area Planning Department *JLS*

**AGENDA:** Planning (Consent)

**MAPC Recommendation:** The Metropolitan Area Planning Commission recommends approval (9-0-1) subject to the development standards listed below.

**MAPD Staff Recommendation:** Planning staff recommends approval subject to the development standards listed below.

**DAB Recommendation:** The District Advisory Board recommends approval (4-0).



**Background:** The applicant is seeking LC Limited Commercial (LC) zoning and inclusion in the Schofield Honda Commercial Community Unit Plan (CUP) DP-305 of 2.2 acres of platted property located on both sides of East Orme Street, between South Drury Lane (extended) and South Gouverneur Road. Part of the application area (.21 acre and addressed as 6932 East Orme Street) is located north of East Orme Street, is zoned TF-3 Two-family Residential (TF-3), is the only portion of the block located north of East Orme Street, between South Mission Road and South Gouverneur Road, that is not owned by the applicant and has not been previously incorporated into the existing Schofield Honda Commercial CUP DP-305. The second part of the application area contains 1.99 platted acres that are zoned SF-5 Single-family Residential (SF-5), and is located south of East Orme Street, between South Drury Lane and South Gouverneur Road. All nine of the properties comprising the application area are developed with single-family residences built between 1952 and 1954, and have frontage onto East Orme Street. It is proposed by the applicant to vacate East Orme Street; however, the vacation of East Orme Street will require a separate action - either replatting the property or the completion of a street vacation. If East Orme Street is vacated, the applicant proposes to incorporate the vacated street right-of-way and the application area located south of East Orme Street into a wall-enclosed unified dealership, and to use the portion of the application area located south of East Orme Street for vehicle storage and employee parking. The portion of the application area located north of East Orme Street would be incorporated into the main dealership as well and enclosed by a wall. (If East Orme Street is vacated as proposed, the next intersection allowing a left-turn to go north-bound on South Gouverneur Drive is at South Apache Drive, located three blocks south of Orme Street.)

The proposal will increase the size of DP-305 from 6.98 acres to 9.19 acres (General Provision 1). Signage standards will be unchanged (General Provision 2). Thirty-five-foot building setbacks along the perimeter of the property will be applied to the application area and match existing setback requirements (General Provision 3). Complete access control between Mission Road and Drury Lane will be extended to apply to the application area located north of East Orme Street (General Provision 4). If East Orme Street is vacated as proposed, gates will be installed at the eastern and western ends of the vacated portions of East Orme Street; at the intersection of East Orme Street and North Drury Lane and South Gouverneur Drive. Off-street parking standards will remain per City Code (General Provision 5). A solid masonry wall will be installed along the perimeter of the application area, and said wall is to match the existing wall with respect to color and materials (General Provision 6A). General Provision 12 gives the applicant up to 12 months from the date of approval to defer the installation of the masonry wall with an opportunity for City Council to grant additional extensions. Landscaping standards, screening of trash receptacles, rooftop mechanical equipment and outdoor work areas will remain the same General Standards 6B-E). It is proposed that a drainage plan will be submitted at the time of development (General Provision 8). Parking lot lighting elements (fixtures, poles, lamps, etc.) are to be similar and are to use cutoff luminaries and the height of lighting poles located within 120 feet of residential zoning will have a maximum height of 15 feet (General Provision 9). The Unified Zoning Code limits maximum light pole height to 15 feet when located within 200 feet of residential zoning. Proposed General Provision 10 permits outdoor speakers and sound amplification systems and the use of elevated platforms to display vehicles in the north 270 feet of Parcel 1 not included in BZA 30-85, and is consistent with existing General Provision 10. Overhead doors are prohibited from facing residential zoning within the south 120 feet of the CUP.

Properties in the larger area are zoned LC, TF-3 or SF-5 and are primarily developed with commercial or residential uses. The county appraiser has valued the eight properties located south of East Orme Street between \$50,100-68,600. Traditionally, East Orme Street was generally viewed as the southern boundary for the expansion of commercial uses fronting East Kellogg Street. However, with the expansion of East Kellogg Street, properties located south of East Orme Street have come under increasing pressure to transition to more intense zoning and uses. The current request is a continuation of that trend.

**Analysis:** At the District Advisory Board (DAB) II meeting held on October 7, 2013, the DAB voted to approve the request (4-0) with the additional provision that a cutout is made in the median on South Gouverneur Road to allow left turns at the intersection of South Gouverneur Road and East Gilbert Street. One citizen was present to speak at the DAB II meeting. The citizen objected to the proposed vacation of the segment of East Orme Street located between South Drury Lane and South Gouverneur Road. The DAB

recommendation to add the requirement to cut the South Gouverneur Road median at East Gilbert Street was in response to the citizen's concern. (It should be noted that the vacation of East Orme Street right-of-way can only be accomplished by a vacation action or by replat, not by a zone change or CUP amendment. Approval of the requested CUP amendment and zone change does not automatically authorize the vacation of East Orme Street, nor does it commit the City Council to the approval of such a vacation request or replat.)

On October 10, 2013, the Metropolitan Area Planning Commission ("MAPC") reviewed the application. The MAPC voted (9-0-1) to approve the application subject to re-platting within 1-year, and the following development standards:

- A. Approve the zone change (ZON2013-00023) to LC Limited Commercial.
- B. Approve the amendments to Community Unit Plan DP-305, subject to the development standards contained in submitted CUP DP-305, except for General Provision 14.
- C. Revise General Provision 14 to state: The ordinance establishing the zone change shall not be published until the replat has been recorded with the Register of Deeds.
- D. Complete access control shall be granted along the application area located south of existing East Orme Street; additional access controls and other traffic related controls or improvements shall be determined at the time of re-platting.
- E. The re-plat of the site may require modification to the submitted CUP DP-305. CUP DP-305 shall be considered to be adjusted without further review so long as four copies of a revised CUP that is consistent with the approved plat are submitted to planning staff within 60 days of the recording of the re-plat.
- F. The applicant shall submit four copies of the approved CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

There was not anyone present at the MAPC meeting other than the agent to speak on the item. The MAPC did not include the DAB requirement for the median cut in South Gouverneur Road.

There were not any protest petitions filed; the application may be approved by a simple majority vote.

**Financial Considerations:** Approval of the request will not create any atypical financial considerations to the City.

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

**Recommendation/Actions:** It is recommended that the City Council adopt the findings of the MAPC and approve the creation of the Scholfield Honda Commercial CUP DP-305 and the zone change to LC Limited Commercial, subject to re-platting within one year and the recommended conditions of approval (simple majority vote); withhold publication of the ordinance until the re-plat is recorded and authorize the Mayor to sign the ordinance.

**Attachments:** CUP drawing, MAPC minutes, DAB minutes and ordinance.