

ORDINANCE NO. 46-562

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. ZON 2004-59**

Zone change request from SF-5, Single-family Residential District to LC, Limited Commercial District, on property described as:

Lots 1-7, Block 1, North Ridge Village Addition, Wichita, Sedgwick County, Kansas.


Generally located on the north side of 13<sup>th</sup> Street and west of Meridian.

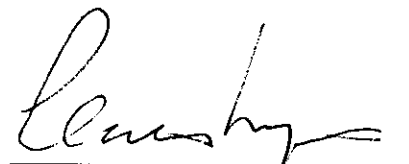
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**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 5<sup>th</sup> day of April, 2005.

ATTEST:

  
Karen Sublett, City Clerk

  
Carlos Mayans, Mayor

(SEAL)

Approved as to form:

  
Gary E. Rebenstorf, City Attorney

internal local nonresidential street, this setback may be adequate. The standard setback of 35 feet is shown for K-96 and the south property line.

The site is currently vacant. The property south, DP-250 Northridge Plaza is approved for commercial use but is vacant. The property southwest of the Big Slough North is being developed as a single-family subdivision. The farm east of Ridge Road is in agricultural use except for a cell tower in the middle of the property. The property north of K-96 is a mix of agricultural and single-family residences, with one non-conforming business to the northeast of Ridge and K-96.

**Analysis:** At the MAPC hearing held on December 10, 2004, no citizens were present to speak. MAPC voted (12-0) to approve the zone change and creation of the CUP subject to staff recommendations, as follows:

- A. APPROVE the zone change (ZON2004-59) subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-280), subject to the following conditions:
  1. The applicant shall guarantee the following improvements at time of platting: (a) southbound decel lane into Village Circle, (b) northbound left turn lane into Village Circle, (c) continuous accel/decel lane from Village Circle to the south property line, and (d) signalization at Village Circle if warranted and approved by the Traffic Engineer.
  2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
  3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
  4. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
  5. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-280) includes special conditions for development on this property.
  6. The applicant shall submit 4 revised copies of the 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.

**Alternatives:**

1. Approve the zone change and CUP subject to platting within one year and the recommended conditions; adopt the findings of MAPC; direct staff to prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution (simple majority vote required).
2. Override the MAPC recommendation (2/3 majority vote of the membership of the governing body required).

# AGENDA ITEM REQUEST

**Proposed Agenda Item:** CUP2004-50 (Associated with ZON2004-59) - Create North Ridge Village Community Unit Plan; zone change from "SF-20" Single-family Residential to "SF-5" Single-family Residential and "LC" Limited Commercial. Generally located at the southwest corner of K-96 and Ridge Road. (District IV)

**Presented By:** John L. Schlegel, Planning Director

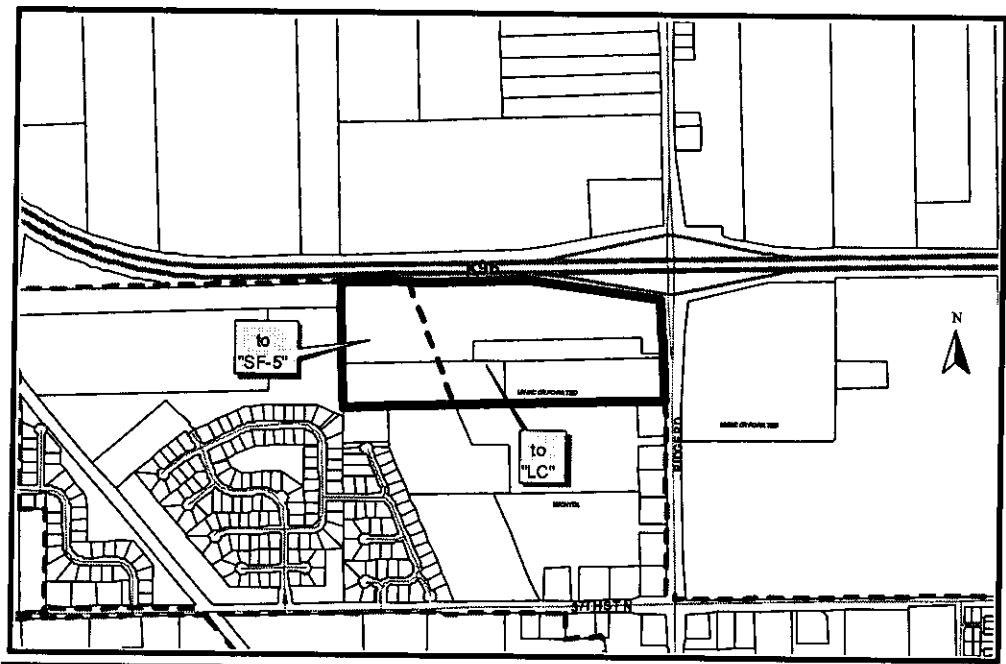
**Recommended Action:** Approve the zone change and CUP subject to platting within one year and the recommended conditions; adopt the findings of MAPC; direct staff to prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution

**Proposed Agenda Date:** January 19, 2005

**Outside Attendees:** Jac Jensik, C.O.F., LLC and Steve Peeples, Kansas Bait & Tackle, LLC

**Multimedia Presentation:** Powerpoint

**Donations:** Not applicable



**BACKGROUND:** The applicant is requesting to create an eight parcel Community Plan containing approximately 52 net acres. The property is located on the south side of K-96 at the Ridge Road interchange. Parcels 5-8 have frontage on K-96 and Parcels 1 and 8 have frontage on Ridge Road. The property is long and narrow. One local nonresidential street is used to provide internal access. A roundabout located one-fourth mile west of Ridge Road would shorten the overall distance to a turn around point on the dead-end street.

The CUP would exclude the following uses entirely: adult entertainment establishment, residential use, recycling processing center, pawn shop, private club, night club, and tavern and drinking establishment.

Three parcels closest to Ridge Road are proposed for commercial/retail development; the other parcels are designed for office development. Specifically, Parcel 1 (1.47 acres), Parcel 2 (1.51 acres) and Parcel 8 (8.73 acres) would allow all uses permitted by right in the "LC" zoning district except those prohibited for the entire CUP. Parcel 3 (4.08 acres), Parcel 4 (4.26 acres), Parcel 6 (5.29 acres) and Parcel 7 (9.89 acres) are proposed for "LC" zoning but limited to uses permitted by right in the "GO" General Office zoning district plus the following five uses: personal care service; personal improvement service; printing and copying, limited; government service; and banking and financial institution. The requested "LC" zoning is to accommodate the request for considerably more signage than allowed by the "GO" zoning district by the Wichita Sign Code. Parcel 5 (16.85 acres), the western portion of the tract, is in the floodway of the Big Slough North and is limited to use as a floodplain, open space, drainage, lakes, landscaping and pedestrian access. It would be zoned "SF-5" Single-family Residential.

Ground signage would consist of one monument sign along K-96 with a maximum height of 30 feet and 300 square feet, to be used for shopping center identification and tenant signage. All remaining signs on K-96, Ridge Road, and Village Circle would be monument style signs limited to 20 feet in height; maximum sign face area would be 150 square feet for signs on K-96 and 100 square feet for signs on Ridge Road and Village Circle. The number of signs would be two per parcel on each street frontage except to allow three for Parcel 8 along Ridge and one for Parcel 6 on Village Circle, plus an additional sign for Reserve A. Spacing is 150 feet apart except reduced to 75 feet adjacent to the sign in Reserve A. Building wall signage would be limited to 20 percent of wall area, 150 square feet of area if one sign is placed on an elevation, or could be divided into three signs with a maximum area of 70 square feet each per elevation. Billboards, flashing, moving, portable signs and pennant signs would be prohibited.

Compatibility is provided for architecture and parking lot lighting. Maximum building coverage would be 30 percent and gross floor area would be 35 percent. Cross-lot circulation is required between parcels and with the parcels to the south in DP-250 Northridge Plaza CUP. Also, access easements corresponding to the access easements on Northridge Plaza are shown. This will connect the commercial development between K-96 and 37<sup>th</sup> Street North.

Height requested is 60 feet for the Parcels 3, 4, 6-8 to allow for possible multi-story office structures or a potential hotel, and 35 feet for Parcels 1 and 2. A building setback of 50 feet would be required for any structure over 35 feet in height. The building setback along Village Circle is shown as 25 feet, which is below the standard 35-foot setback for CUPs. Since Village Circle functions as an

3. Return such recommendation to the MAPC with a statement specifying the basis for the BoCC's failure to approve or disapprove (simple majority vote required).

**Financial Considerations:** Not applicable.

**Policy Considerations:** The MAPC recommendations are based on the findings of fact stated in the MAPC minutes.

**Legal Considerations:**   *Approved as to form and signed by County Counselor's Office*