

To Scott
Knebel

see recomm action

Agenda Item #

City of Wichita
City Council Meeting
December 12, 2000

RECEIVED

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METROPOLITAN PLANNING

ROUTE ☐



Agenda Report # _____

TO:

Mayor and City Council Members

SUBJECT:

ZON2000-00046 - REQUEST FOR ZONE CHANGE
FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO
"LC" LIMITED COMMERCIAL; AND

CON2000-00040 - CONDITIONAL USE TO PERMIT A
MAJOR UTILITY (PUMP STATION), LOCATED ON
THE SOUTHEAST CORNER OF 135TH STREET WEST
AND 21ST STREET. (District #V)

INITIATED BY:

Metropolitan Area Planning Department

M. Knebel

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to the conditions of a (P-O) Protective
Overlay (12-0).

Staff Recommendation: Approve, subject to the conditions of a (P-O) Protective
Overlay.

D.A.B. Recommendation: Approve (10-0).

Background: The City of Wichita is currently developing a new wastewater treatment plant at 37th Street North and 135th Street West. In order for the new plant to effectively serve its designated service area, a pumping station is needed to pump sewage from the collection lines to the wastewater treatment plant. The collection lines feeding the pump station operate on gravity flow so the potential location of the pump station is strongly influenced by the station's elevation relative to the service area's collection system. The City has acquired 2.19 acres of "SF-6" Single-family Residential zoned land located at the southeast corner of 21st Street and 135th Street West. The City would like to develop the pump station, a fire station and two retail pad sites at this location. This location was selected after a lengthy analysis of possible sites by both city staff and a consultant.

To accomplish this project, a Conditional Use permit to allow a "major utility" is necessary for the pump station. A Conditional Use to permit a "government service" is required for the fire station (if the parcel on which the fire station is proposed is not

zoned "LC") and "LC" Limited Commercial is needed for the two-retail pad sites. The application area is currently developed with a home and outbuildings. A significant tree row exists along most of the east and south property lines.

The proposed site plan indicates that the pump station is to occupy Parcel 4, located in the southeast corner of sites. Parcel 4 is 36,371 square feet in size. The pump station would be enclosed within a 40 by 60-foot building that is to be constructed of either brick or split-face block. Height of the building is expected to be 20 to 25 feet. No noise should be discernable from the pump station during normal operations as the pumps are driven by electric motors, except during emergency situations. A back-up generator will be on-site and may make some noise when it is utilized or test run. The latest odor control equipment will also be installed. A 50-foot building setback line is shown along the south and east property line. Access to Parcel 4 is via an access easement across Parcel 3 connecting to 135th Street or by an access drive located between Parcels 1 and 2 that leads to 21st Street. A 20-foot wide landscape buffer is depicted along the east and south property line. The only use proposed for Parcel 4 is a pump station. The pump station is scheduled to go in use in June 2002. Parcel 4 would remain zoned "SF-6" Single-family Residential even with the approval of the Conditional Use request.

Parcel 3 is 45,400 square feet in size and is located in the southwest corner of the application area. A fire station may be located on Parcel 3. Adopted plans depict the need for a fire station in the 13th Street and 135th Street to 37th Street and 119th Street area. Construction for this station is scheduled for 2007. This parcel will have direct access to 135th Street. This parcel would also have access to 21st Street via an access drive that is centered on the lot line between Parcels 1 and 2. A 20-foot landscape buffer is depicted along the south property line. A 35-foot building setback is shown along 135th Street. In addition to the fire station, proposed uses are: all uses allowed in the "LC" zoning district except adult entertainment, group houses, group residential half-way houses, correctional placement residences, private clubs, taverns, drinking establishments, drive in or drive through restaurants, convenience stores, service stations, car wash or auto repair or supply store with overhead doors. Parcel 3 would be rezoned from SF-6 to "LC" Limited Commercial if this request is approved. If the "LC" rezoning is not approved, a Conditional Use to permit a "government service" is needed, as "government services" are permitted uses in the "LC" district, but require a "CU" in the "SF-6" district.

Parcels 1 and 2 both front 21st Street. Parcel 1 also has frontage along 135th Street. Parcel 1 contains approximately 49,720 square feet while Parcel 2 contains approximately 45,276 square feet. A 35-foot building setback is shown along the north side of Parcel 2 and along the north and west side of Parcel 1. Both parcels would take access from a single joint access drive off of 21st Street. Proposed uses for these two parcels are: all uses allowed in the "LC" zoning district except adult entertainment, group houses, group residential half-way houses, correctional placement residences, private clubs, taverns, and drinking establishments.

provided at 1 1/2 times minimum code standards. Lighting will be shielded to reflect away from residential areas. Trash receptacles will be screened to reasonably hide them from ground view.

All neighboring land is zoned "SF-20" Single-family Residential, and developed with single-family residential or agricultural uses or is vacant.

The Unified Zoning Code requires screening by fencing, evergreen vegetation or landscaped berms along the side and rear lot lines of nonresidential uses when those uses are adjacent to residential zoning.

On November 9, 2000, the MAPC reviewed these requests and recommended approval (12 - 0) of "LC" zoning for Parcel 1,2 & 3, subject to use and architectural controls contained on the site plan and the recommended Protective Overlay. No one but the applicant, staff and Commissioners spoke. Commissioners inquired about buffer and platting requirements, and if this area fell under the "Far West Commercial Development" policy.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and Conditional Use to allow a major utility, subject to the recommended Protective Overlay No. 80 and conditions and subject to platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)

() Published in The Wichita Eagle on _____

ORDINANCE NO. _____

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. ZON2000-00046

Request for zone change from "SF-6" Single-Family Residential to "LC" Limited Commercial District and to "P-O" Protective Overlay District #80 described as:

A tract of land in the Northwest Quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M. described as beginning 30 feet South and 25 feet East of the Northwest corner of the Northwest Quarter of said Section 12, thence East 457.1 feet; thence South 15 feet; thence East 9.75 feet; thence South 451.85 feet; thence West 466.85 feet; thence North 466.85 feet to the beginning.

EXCEPT

A tract of land described as beginning on the West line, 450 feet South of the Northwest corner of the Northwest Quarter of Section 12, Township 27 South, Range 2 West; thence North along the West line of the Northwest Quarter a distance of 450 feet to the Northwest corner of the Northwest Quarter; thence East along the North line of the Northwest Quarter a distance of 482.10 feet; thence South 45 feet; thence East 9.75 feet; thence South 20 feet to a point 491.85 feet East and 65 feet South of the Northwest corner of the Northwest Quarter; thence West parallel to the North line of the Northwest Quarter, to a point 65 feet South and 50.59 feet East of the Northwest corner of the Northwest Quarter of Section 12; thence Southerly to a point 400 feet South and 40 feet East of the Northwest corner of the Northwest Quarter; thence Southerly to a point 450 feet South and 25 feet East of the Northwest corner of the Northwest Quarter of Section 12, thence West 25 feet to the point of beginning, as deeded to the Board of County Commissioners of Sedgwick County, Kansas, all in Sedgwick County, Kansas. Generally located on the southeast corner of 135th Street West and 21st Street North.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

- A. Those parcels requiring a Conditional Use shall be developed and maintained in compliance with approved site plans and permitted uses listed on the approved site plan.
- B. Buildings on Parcel 4 shall be developed with an exterior of split face block or brick. If Parcel 3 is developed with a government service, it shall use exterior building materials similar to those used on Parcel 4.
- C. Prior to the issuance of a building permit, the applicant shall submit a landscape plan prepared by a Landscape Architect for approval by the Planning Director.
- D. Any violation of the conditions of approval shall declare the Conditional Use null and void.

Protective Overlay for the "LC" Zoned Parcels

- A. Development shall occur on these parcels that is consistent with the approved site plan.
- B. Building coverage shall be limited to 30% of parcel size (Parcel 1: 14,916 sq. ft.; Parcel 2: 13,582 sq. ft.; Parcel 3: 15,360 sq. ft.) and a floor area ratio of 35%.
- C. Signage shall be monument type signs that are a maximum of 20 feet in height and 100 square feet in area. No temporary display signs are permitted, including the use of commercial flags, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting, off-site signs and balloons. Banners are also prohibited except they may be permitted during the grand opening
- D. Lighting standards shall be architecturally similar and be a similar color and be limited to a maximum height of 14 feet.
- E. Buildings on Parcels 1 and 2 shall be developed with exterior building materials and colors that are consistent. If Parcel 3 is not developed with a government service, and is zoned "LC", then buildings built on Parcel 3 shall be developed with exterior architectural materials consistent with those on Parcels 1 and 2. Use of metal as an exterior facade is prohibited on all parcels. Exterior use of backlit canopies and neon or fluorescent tube lighting on buildings shall not be permitted.
- F. Prior to the issuance of a building permit, the applicant shall submit for approval by the Planning Director a landscape plan for all required landscaping prepared by a Landscape Architect that supercedes minimum code requirements by 1-1/2 times.
- G. If Parcel 3 is not developed with a government service, access along 135th Street should be limited to one drive shared by Parcels 1, 3 and 4.

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, _____

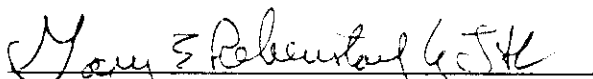
ATTEST:

Pat Burnett, City Clerk

Bob Knight, Mayor

(SEAL)

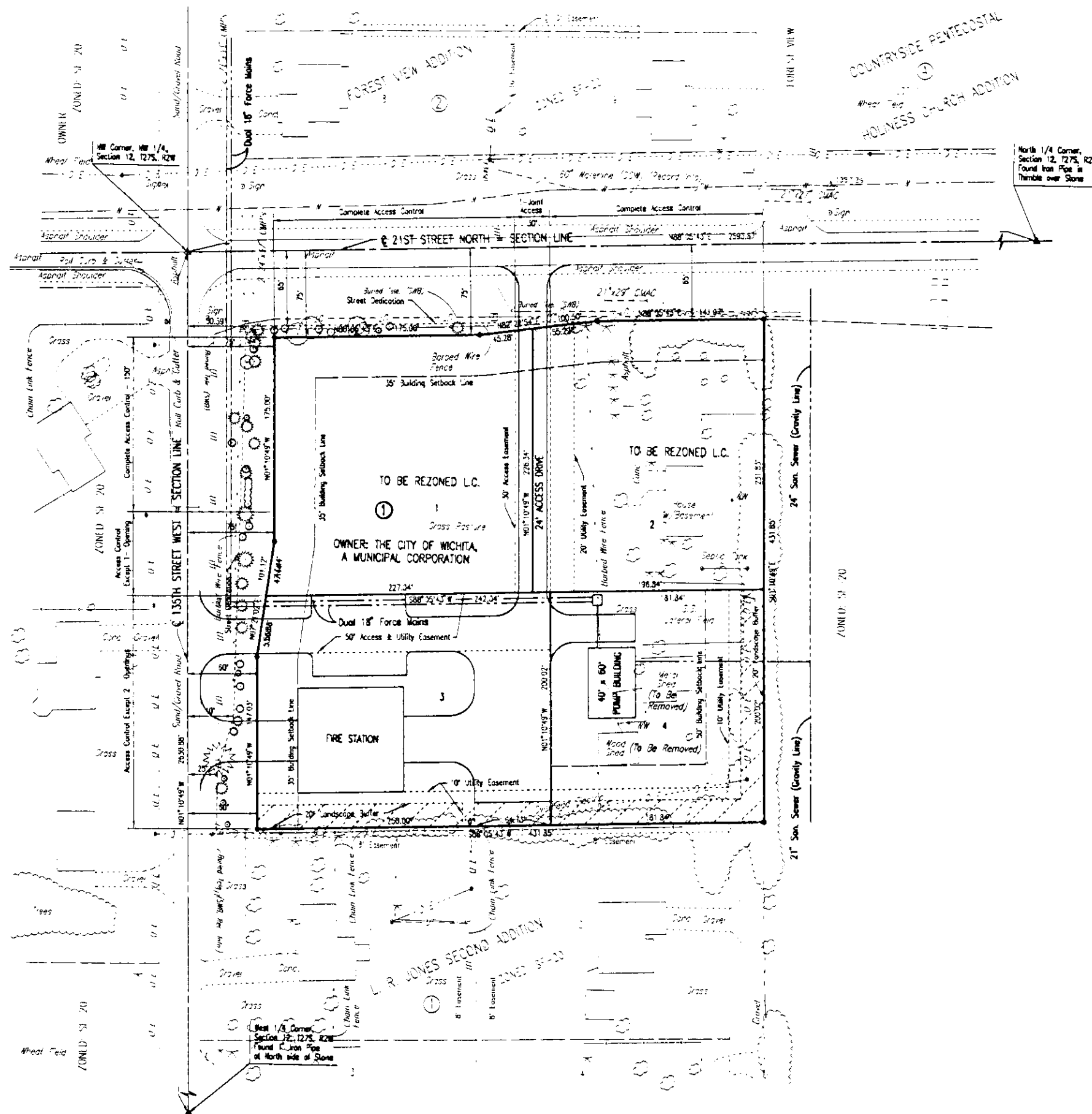
Approved as to form:



Gary E. Rebenstorf, City Attorney

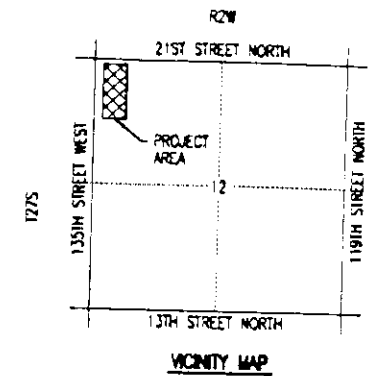
NW PUMP STATION CONDITIONAL USE SITE PLAN

PREPARED FOR : CITY OF WICHITA, 455 N. MAIN, WICHITA, KANSAS 67202



SCALE: 1" = 50'

• = 3/4" R.O.M. PIPE, 1/2" DIA. UNLESS OTHERWISE NOTED



LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 27 SOUTH, RANGE 2 WEST OF THE 6TH P.M., DESCRIBED AS BEGINNING 30 FEET SOUTH AND 25 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE EAST 457.1 FEET; THENCE SOUTH 15 FEET; THENCE EAST 9.75 FEET; THENCE SOUTH 45.85 FEET; THENCE WEST 466.85 FEET; THENCE NORTH 466.85 FEET TO THE BEGINNING, EXCEPT.

A TRACT OF LAND DESCRIBED AS BEGINNING ON THE WEST LINE, 450 FEET SOUTH OF THE NW CORNER OF THE NW 1/4 OF SECTION 12, TOWNSHIP 27 SOUTH, RANGE 2 WEST; THENCE NORTH ALONG THE WEST LINE OF THE NW 1/4 A DISTANCE OF 450 FEET TO THE NW CORNER OF THE NW 1/4; THENCE EAST ALONG THE NORTH LINE OF THE NW 1/4 A DISTANCE OF 482.10 FEET; THENCE SOUTH 45 FEET; THENCE EAST 9.75 FEET; THENCE SOUTH 20 FEET TO A POINT 481.85 FEET EAST AND 85 FEET SOUTH OF THE NW CORNER OF THE NW 1/4; THENCE WEST PARALLEL TO THE NORTH LINE OF THE NW 1/4, TO A POINT 85 FEET SOUTH AND 50.59 FEET EAST OF THE NW CORNER OF THE NW 1/4 OF SECTION 12; THENCE SOUTHERLY TO A POINT 400 FEET SOUTH AND 40 FEET EAST OF THE NW CORNER OF THE NW 1/4; THENCE SOUTHERLY TO A POINT 450 FEET SOUTH AND 25 FEET EAST OF THE NW CORNER OF THE NW 1/4 OF SECTION 12; THENCE WEST 25 FEET TO THE POINT OF BEGINNING, AS DECIDED TO THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ALL IN SEDGWICK COUNTY, KANSAS.

1. PARCEL DESCRIPTIONS:

PARCELS 1 & 2:

PROPOSED USE: ALL USES ALLOWED IN "L.C." ZONING EXCEPT ADULT ENTERTAINMENT, GROUP HOUSES, GROUP RESIDENTIAL HALF-WAY HOUSES, CORRECTIONAL PLACEMENT RESIDENCES, PRIVATE CLUBS, TAVERNS AND DRINKING ESTABLISHMENTS, RESTAURANTS THAT SERVE ALCOHOL CAN BE DEVELOPED IF FOOD IS THE PRIMARY SERVICE OF THE ESTABLISHMENT.

PARCEL 3:

PROPOSED USE: SHALL PERMIT THE SAME USES AS PARCELS 1 & 2 WITH THE ADDITION OF A FIRE STATION AND EXCEPT DRIVE IN OR DRIVE THROUGH RESTAURANTS, CONVENIENCE STORES, SERVICE STATIONS, CAR WASH OR AUTO SUPPLY WITH OVER-HEAD DOORS.

PARCEL 4:

PROPOSED USE: PUMP STATION FOR TREATMENT FACILITY

2. SCREENING:

ALL PARCELS SHALL COMPLY WITH THE CITY LANDSCAPE CODE. IN ADDITION, THERE SHALL BE A 20 FEET LANDSCAPE BUFFER ALONG THE SOUTH PROPERTY LINES OF PARCELS 3 & 4 AND ALONG THE EAST PROPERTY LINE OF PARCEL 4. SAID BUFFER SHALL BE 1 1/2 TIMES THE LANDSCAPE REQUIREMENTS SPECIFIED IN THE CITY LANDSCAPE CODE. EXISTING TREES MAY BE UTILIZED TO MEET THESE REQUIREMENTS.

3. SETBACKS:

35 FEET ALONG 21ST STREET NORTH AND 135TH STREET WEST, 30 FEET ALONG THE SOUTH PROPERTY LINE OF PARCEL 3 AND 30 FEET ALONG THE SOUTH AND EAST PROPERTY LINE OF PARCEL 4.

4. SIGNS:

AS PERMITTED IN THE SIGN CODE OF THE CITY OF WICHITA.

5. LIGHTS:

ALL LIGHTS SHALL BE SHIELDED TO REFLECT LIGHT DOWNWARD AND AWAY FROM RESIDENTIAL AREAS.

6. ACCESS CONTROL:

ACCESS TO 21ST STREET NORTH SHALL BE LIMITED TO ONE JOINT OPENING BETWEEN PARCELS 1 & 2. ACCESS TO 135TH STREET WEST SHALL BE LIMITED TO ONE OPENING TO PARCEL 1 ON THE SOUTH FEET AND TWO OPENINGS TO PARCEL 3.

7. TRASH RECEPTACLES:

TRASH RECEPTACLES SHALL BE APPROPRIATELY SCREENED TO REASONABLY HIDE THEM FROM GROUND VIEW.

8. UTILITIES:

ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.