

Agenda Item # _____

City of Wichita
City Council Meeting
November 19, 2002

Agenda Report # _____

TO: Mayor and City Council Members

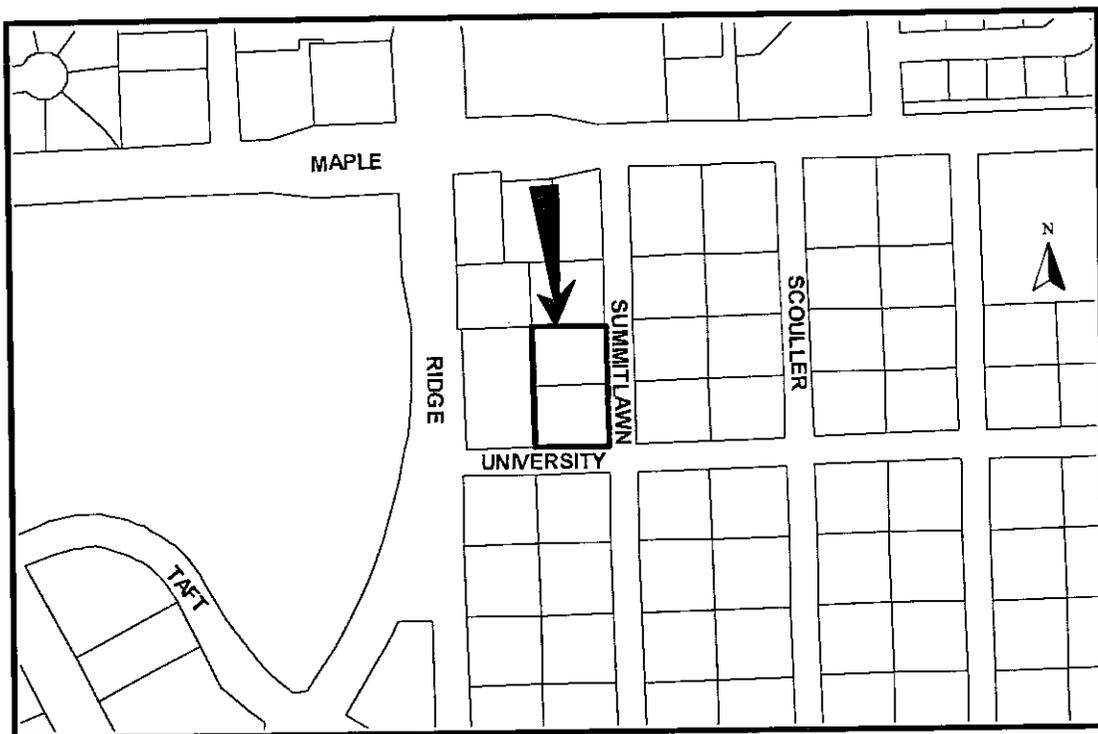
SUBJECT: ZON2002-00056 – Zone change from “SF-5” Single-family Residential to “LC” Limited Commercial. Generally located south of Maple and east of Ridge. (District V)

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within one year and the provisions of a Protective Overlay District. (10-4)

Staff Recommendation: Approve, subject to platting within one year and the provisions of a Protective Overlay District.



BACKGROUND: The applicants request a zone change from "SF-5" Single Family Residential to "LC" Limited Commercial on a 0.9 acre platted tract generally located south of Maple and east of Ridge. The applicants propose to redevelop the subject property with unspecified commercial uses. The subject property is currently developed with two single family residences.

The surrounding area is characterized by a mixture of residential uses, commercial uses, and undeveloped property zoned for or in the process of being zoned for commercial uses. The properties to the south and east are zoned "SF-5" Single Family Residential and are developed with single family residences. The property to the west has been approved for rezoning to "LC" Limited Commercial, subject to a pending plat of the property, and is currently developed with a single-family residence. The properties to the north are vacant and are currently zoned "LC" Limited Commercial and "SF-5" Single Family Residential. The properties to the north that are zoned "SF-5" Single Family Residential have been approved for rezoning to "LC" Limited Commercial, subject to a pending plat of the property.

Although the subject property has been identified in the Comprehensive Plan as appropriate for commercial uses, planning staff finds that the close proximity of the subject property to established low-density residential uses requires that commercial uses on the subject property be held to high development standards. To buffer commercial development on the subject property from existing residences to the south and east, planning staff recommends that a Protective Overlay be approved that continues the development controls established during the approval of the zoning changes on the adjacent properties to the north and west. The recommended Protective Overlay limits signage, lighting, noise, and building height; requires a six foot high masonry wall and a landscape buffer along the south and east property lines; and prohibits certain uses that are less compatible with residential development. If in the future the zoning of the residential properties to the south or east is changed to allow commercial uses, then the provisions of the Protective Overlay could be amended, but planning staff finds that high-intensity, auto-oriented commercial use of the subject property is not appropriate at this time.

Additionally, the character of the adjacent streets, the potential intensity of commercial traffic, and the potential for "cut-through" commercial traffic using University and Summitlawn all argue against the subject property gaining access from the streets to which it is adjacent and instead argue for the subject property gaining access only from Maple or Ridge through the adjoining properties to the west or north. Planning staff recommends that the subject property be replatted to ensure that sufficient street right-of-way, access controls, drainage plans, street improvements, and/or utility easements are in place to support commercial development of the property. More specifically, planning staff will recommend at the time of platting that access to the subject property be limited to cross-lot access from the adjoining properties to the north or west. Additionally, although planning staff does not recommend permitting commercial traffic to access University, if access is to be granted to University at the time platting, planning staff will recommend that the access be right-out only and that a guarantee be required to improve the street to commercial standards.

At the public hearing on October 24, 2002, the MAPC heard from a neighboring resident who protested the request and stated that she did not think a residential area with existing houses should be converted to a commercial use. The neighboring resident also presented written protest petitions representing six properties in the area (see attached map and protests). As illustrated on the attached map, only two of the properties are within 200 feet of the subject property, and since those two properties represent only 10.21% of the total land area within a 200-foot radius of the subject property, only a simple majority (four affirmative votes) of the City Council is required to approve the request at this time.

At the public hearing, the applicant requested that staff's recommended prohibition of billboards and drive-thru restaurants be eliminated. The MAPC agreed with the applicant's request to allow billboards and drive-thru restaurants and recommended approval (10-4) of the zone change subject to replatting within one year and the following conditions of a Protective Overlay District:

- A. No portable signs shall be permitted on the subject property. An off-site sign shall only be permitted in the northwest quadrant of Lot 8, Block G, Westerlea Village Addition. No signs shall be permitted along the face of any building or along any street frontage that faces any property that is in a residential 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 adjoining property or property across the street from the subject property that is in a residential zoning district. Light poles shall be limited to a maximum height of 14 feet.
- C. Outdoor speakers and sound amplification systems shall not be permitted.
- D. No buildings shall exceed one story in height with a maximum building height of 25 feet.
- E. A 6 foot high masonry wall shall be constructed parallel to the south and east property lines where property in a residential zoning district is across the street from the subject property. The masonry wall along the south property line shall be setback from the property line a sufficient distance to provide the required landscaped street yard on the south side of the wall. The masonry wall along the east property line shall be setback from the property 20 feet, and a 20-foot deep landscaped street yard shall be provided adjacent to the entire length of the east property line on the east side of the masonry wall.
- F. 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; service station; tavern and drinking establishment; and vehicle repair.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of replatting 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.)

(150004) Published in The Wichita Eagle on MAR 9 2004

ORDINANCE NO. 45-980

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 2002-56

Zone change from "SF-5" Single-family Residential to "LC" Limited Commercial and to P-O #117 -- Protective Overlay Districon property described as:

The east 157.75 feet of Lot 1, Block 1, University and Ridge Addition, Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY #117:

- A. No portable signs or off-site 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 any property that is in a residential 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 adjoining property or property across the street from the subject property that is in a residential zoning district. Light poles shall be limited to a maximum height of 14 feet.
- C. Outdoor speakers and sound amplification systems shall not be permitted.
- D. No buildings shall exceed one story in height with a maximum building height of 25 feet.
- E. A 6 foot high masonry wall shall be constructed parallel to the south and east property lines where property in a residential zoning district is across the street from the subject property. The masonry wall along the south property line shall be setback from the property line a sufficient distance to provide the required landscaped street yard on the south side of the wall. The masonry wall along the east property line shall be setback from the property 20 feet, and a 20-foot deep landscaped street yard shall be provided adjacent to the entire length of the east property line on the east side of the masonry wall.
- F. The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; group home; recycling collection station;

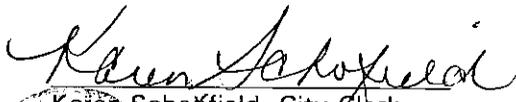
reverse vending machine; car wash; convenience store; night club; recreation and entertainment; service station; tavern and drinking establishment; and vehicle repair.

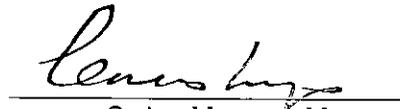
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

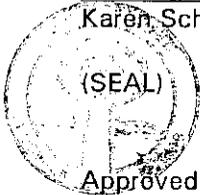
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this FEB 3 2004

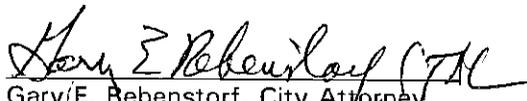
ATTEST:


Karen Schofield, City Clerk


Carlos Mayang, Mayor



Approved as to form:


Gary E. Rebenstorf, City Attorney