

(150004) Published in The Wichita Eagle 8-12-04

ORDINANCE NO. 46-182

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 2003-76

Zone change from "SF-5" Single-Family to "TF-3" Two-Family on property described as:

Lots 1-17, Block A, Brentwood South Second Addition to Wichita, Sedgwick County, Kansas.

Zone change from "SF-5" Single-Family to "LC" Limited Commercial on property described as:

Lot 1, Block B, Brentwood South Second Addition to Wichita, Sedgwick County, Kansas.

Generally located on the north side of Pawnee, east of Webb Road

**THE "LC" ZONING IS SUBJECT THE FOLLOWING PROVISIONS PROTECTIVE
OVERLAY DISTRICT #132:**

1. Signage shall be per Sign Code for the "NR" district, including no signs shall be allowed on the rear or sides of any buildings.
2. Parking lot lighting elements (i.e. fixtures, poles, and lamps, and etc.), with light poles, including base, limited to 24 feet in height, and reduced to 14 feet within 150 feet of residential zoning. All lighting shall be behind a 20-foot setback along the north and east sides. Exterior lighting shall be shielded to prevent light disbursement in a northerly or eastern direction.
3. A landscaping plan shall show location, type and specifications of all plant material, to be reviewed and approved by the Planning Department. Landscaping shall be calculated at

1.5 times the minimum ordinance requirements along the sides of the site abutting residential zoning and the street side. Parking lot landscaping shall be per the ordinance. Landscaping shall be required prior to the issuance of any occupancy permit.

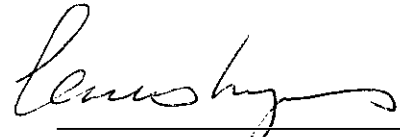
4. A screening wall that is between six (6) feet and eight (8) feet high of concrete/masonry shall be constructed along the north and east property lines. This solid wall shall be constructed of a pattern and a color that is consistent with the building walls, is of uniform construction and placed within a five (5) foot wall easement.
5. Building walls and roofs must have predominately earth-tone colors, with vivid materials limited to incidental accent, and must employ materials similar to surrounding residential areas. No predominately metal elevations shall be allowed, unless the exterior metal elevations have an architectural character that creates shapes, textures, shades and shadows; no plain metal buildings. Exterior treatments may include textured, treated and/or patterned metal exterior walls with brick, masonry, EIFS, stucco, concrete, wood or similar materials.
6. All utilities installed underground.
7. Trash receptacles shall be appropriately screened to hide them from ground view.
8. Rooftop mechanical equipment shall be screened from ground level view per the Code of Wichita.
9. Maximum building height of 35-feet
10. Prohibited uses on the "LC" lot include asphalt or concrete plant, motion picture theaters, liquor stores, tavern and drinking establishments, vocational schools, recycling collection station (public), reverse vending machine, safety service, animal care limited and general, hotel, -motel, marine facility recreational, night clubs, cemeteries, correctional placement residences, group homes, and outdoor storage. Drive through restaurants, convenience stores, service stations, vehicle repair limited, car wash, construction sales and service, and nurseries and garden centers are allowed on the western half of the "LC" site only where it abuts the county yard.
11. A site plan shall be submitted within 180 days for review and approval by the Planning Director.

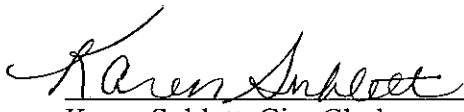
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

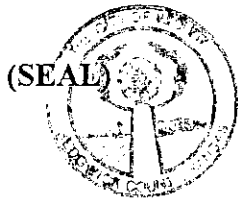
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 25th day of May, 2004.

ATTEST:

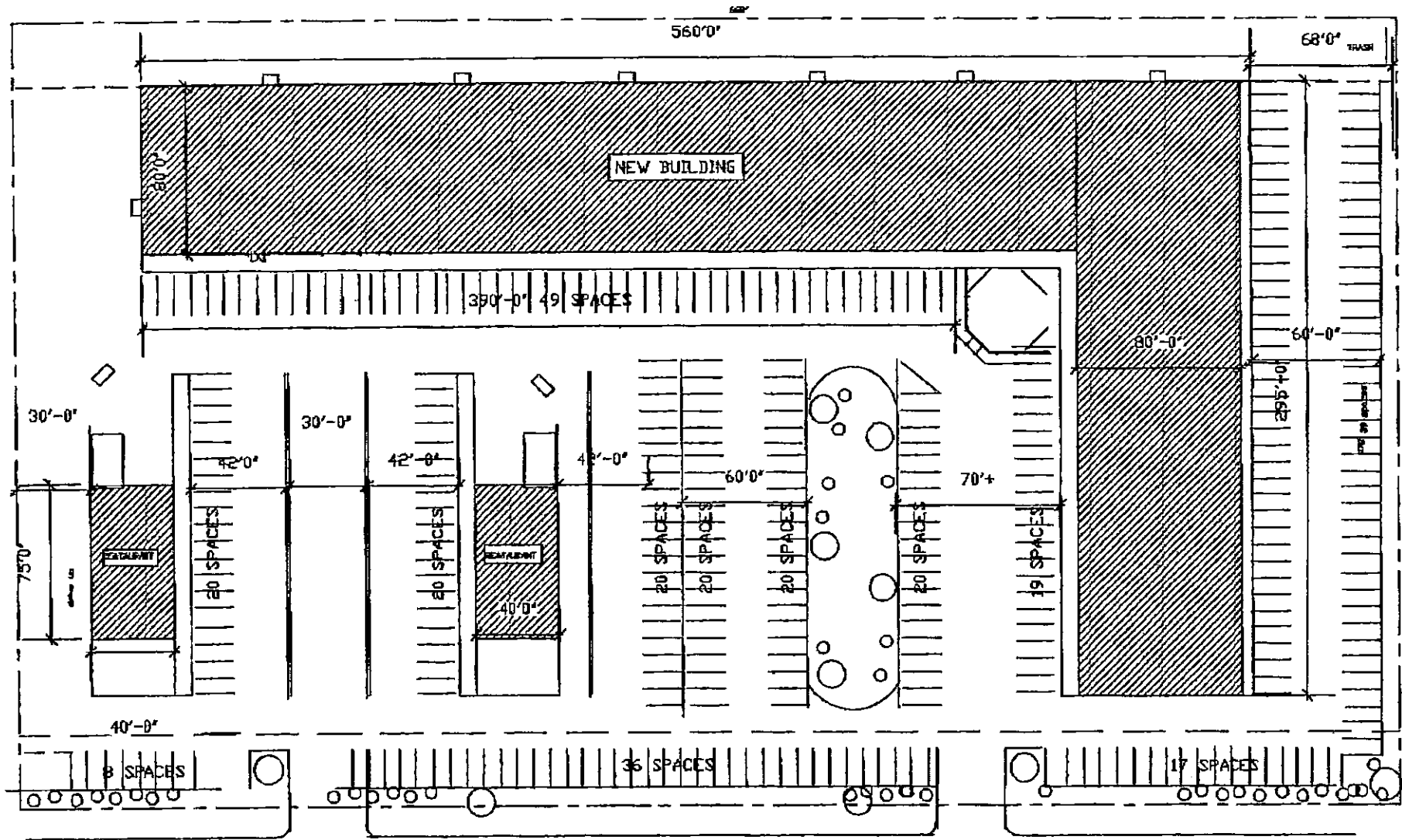

Carlos Mayans, Mayor


Karen Sublett, City Clerk



Approved as to form:


Gary E. Rebenstorf, City Attorney



SITE PLAN

MAIN BUILDING AREA -----67,700 SF = 160 PARKING SPACES
OUT BUILDING AREA-----6,000 SF

320 SPACES SHOWN

APPROVED 6-9-04 BY *[Signature]* subject to change after landscape plan has been approved.

STAFF REPORT

MAPC February 5, 2004

CASE NUMBER: ZON2003-00076

APPLICANT/OWNER: Brentwood Development Inc., c/o Steve Miller

AGENT: Ruggles & Bohm c/o Chris Bohem

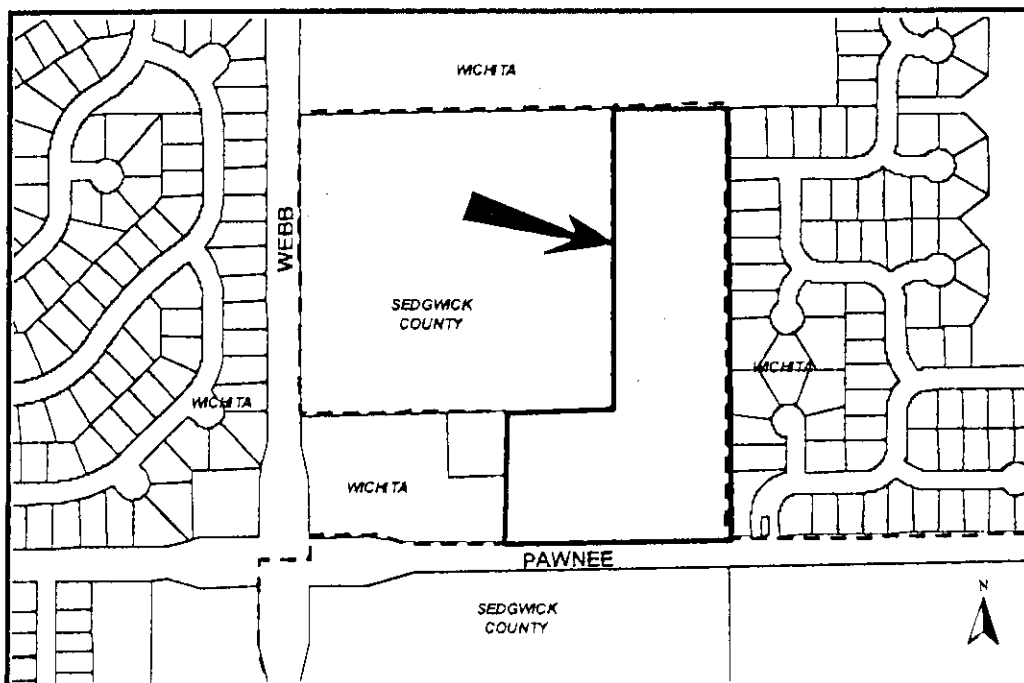
REQUEST: Zone change to "LC" Limited Commercial and "TF-3" Two-family Residential

CURRENT ZONING: "SF-20" Single-family Residential

SITE SIZE: 13.07 acres total; 7.09 acres for "TF-3 zoning" & 5.98 acres for "LC" zoning

LOCATION: Approximately 600-feet east of the Webb Road - Pawnee Avenue intersection, on the north side of Pawnee Avenue

PROPOSED USE: Commercial development and duplexes



BACKGROUND: The applicant is requesting to rezone 13.07-acres located on the north side of Pawnee Avenue, approximately 600-feet east of the Webb Road – Pawnee Avenue intersection from "SF-20" Single-family Residential to "TF-3" Two-family Residential for 7.09-acres and "LC" Limited Commercial for 5.98-acres. The requested "TF-3" zoning is proposed for 17 duplex lots. The density would be 4.79 dwelling units per acre, which is within the density range for low-density residential development although duplexes are categorized as medium density residential by definition in the Comprehensive Plan. The 5.98-acres, for the requested "LC" zoning, is 0.02-acres under the 6-acre trigger that would require it to be developed as a CUP. The applicant has proposed no restrictions on use or specific site development requirements for the proposed "LC" acreage. Development per code would include some minimum requirements for screening, landscaping, compatibility setbacks, and signage. The requested "LC" zoning will extend the existing "LC" zoning at this intersection east along Pawnee, moving the commercial zoning towards the ¼ mile point.

In general, Webb Road serves as a line between two types of development in the immediate area. On the west side of Webb Road, on both sides of Pawnee, there is uninterrupted urban scale single-family residential development, with houses having been built from the late mostly from the 1980's to 2001. All of this area is in the City of Wichita. East of Webb Road, particularly on the north side of Pawnee, there is agricultural land interrupted/replaced by older large tract/lot single-family residential development, including some older subdivisions recorded in the late 1940s and 1950s. This development is still in the county, with the Wichita city limits pressing in from the north and the east. The subject site, east of Webb, will be annexed into the city as part of the platting process.

Abutting the subject site's north and west sides is an 18.99-acre Sedgwick County Public Works maintenance yard, which has been in place since the 1950s. The yard contains garages, accessory structures, trucks, gravel, dirt and other equipment or materials used by the county for maintenance on their equipment, utilities and roads. The county has recently put berms along its east side. The county property is zoned predominately "SF-20" with a small southern section of it zoned "LC". There is also undeveloped "LC" & "OW" Office - Warehouse property on the subject site's west side. At this time, there is no commercial development on the three corners zoned "LC" at the Pawnee – Webb intersection. The fourth corner (northeast) is zoned "SF-5", and is almost completely developed. North of the subject site there is a large church owned property, which is mostly field with the church sitting on its west side. The property east of the subject site is not developed, but has been platted (Brentwood South Addition) for "SF-5" development. The proposed duplex development on the subject site will have access through this single-family development on its east side rather than direct access to Pawnee. Agricultural fields are located south, across Pawnee, of the subject site.

CASE HISTORY: The site is being platted as the Brentwood South 2nd Addition. The MAPC will consider the final plat at their February 12, 2004 meeting.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5" & "SF-20"	Sedgwick County Public Works Maintenance Yard, Church
SOUTH:	"SF-20"	Agricultural field
EAST:	"SF-5"	Vacant
WEST:	"SF-20", "LC", "OW"	Sedgwick County Public Works Maintenance Yard, vacant

PUBLIC SERVICES: Pawnee Avenue and Webb Road straddle the city – county lines at this intersection. North and west of the intersection the roads are in the city, while south and east of the intersection they are in the county. Both are paved 2-lane arterials with the 2030 Transportation Plan projecting Webb and the section of Pawnee west of the intersection to become 4-lane arterials. The 2030 Transportation Plan projects the section of Pawnee east of the intersection to remain a 2-lane arterial. 2002 traffic counts indicate 6,215 ADTs on the north side of the intersection, 3,957 ADTs on the south side of the intersection, 5,992 ADTs on the west side of the intersection and 3,698 ADTs on the south side of the intersection. The 2030 traffic projection has 12,000 ADTs on the north side of the intersection, 11,500 ADTs on the south side of the intersection, 10,000 ADTs on the west side of the intersection and 6,000 ADTs on the south side of the intersection. No improvements are shown on the Capital Improvement Program for the county or city. City water and sewer are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 1/02" of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this area as appropriate for "low density residential" development and industrial/transportation/utility/communication; ITUC. The proposed density for the "TF-3" area fits within the density range for "low density", but the Comprehensive Plan defines the duplex dwelling type as a "medium density" use. The Commercial Locational Guideline of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The proposed "LC" zoning is more appropriate for the area than the ITUC uses, which should be located away from residential areas, per the Locational Guidelines of the Comprehensive Plan.

RECOMMENDATION: The proposed duplex development is probably as good a fit for its proposed location as can be expected. The proposed duplex use conforms to the density levels for low-density residential use but is considered medium density. It serves as a transition piece from the single-family residential development on its east side to the county maintenance facility yard on its northwest side. The yard presents a challenge for any abutting development, as it has been in place since the 1950s. Meanwhile development and the city limits continued to move east into the area in the 1970s; ~~acerbating~~ in the 1980s through the present until the yard is now almost entirely surrounded by either planned urban scale development or built urban scale development. The proposed duplex development will also serve as a transition piece between the already mentioned single-family use on its east side and proposed "LC" zoning on its southwest side.

The 5.98-acre lot proposed for the "LC" zoning is located approximately 600-feet east of the intersection. This lot would ideally be zoned "NO" Neighborhood Office, "GO" General Office or perhaps "NR" Neighborhood Retail. These zoning districts are intended for small commercial uses often used as a buffer between more intense commercial zoning and residential use. Their range of uses is limited to those with fewer impacts on nearby residential use. The commercial area is 0.02 acres below the minimum size of 6 acres of "LC" zoning whereby a Community Unit Plan would be required and as such development per code would include some minimum requirements for screening, landscaping, compatibility setbacks, and signage. Staff feels that either "NO", "GO" or "NR" zoning would be more appropriate for the proposed "LC" site, but feels a Protective Overlay on the proposed "LC" zoning could mitigate the negative impact of the commercial uses on the proposed and existing residential uses in the immediate area.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED, subject to platting within one year and PO #132

1. Signage shall be per Sign Code for the "NR" district with the including no signs shall be allowed on the rear or sides of any buildings.
2. Parking lot lighting elements (i.e. fixtures, poles, and lamps, and etc.), with light poles, including base, limited to 24 feet in height, and reduced to 14 feet within 150 feet of residential zoning. All lighting shall be behind a 20-foot setback along the north and east sides. Exterior lighting shall be shielded to prevent light disbursement in a northly or eastern direction.
3. A landscaping plan shall show location, type and specifications of all plant material, to be reviewed and approved by the Planning Department. Landscaping shall be calculated at 1.5 times the minimum ordinance requirements along the sides of the site abutting residential zoning and the street side. Parking lot landscaping shall be per the ordinance. Landscaping shall be required prior to the issuance of any occupancy permit.
4. A screening wall that is between six (6) feet and eight (8) feet high of concrete/masonry shall be constructed along the north and east property lines. This solid wall shall be constructed of a pattern and a color that is consistent with the building walls, is of uniform construction and placed within a five (5) foot wall easement.
5. Building walls and roofs must have predominately earth-tone colors, with vivid materials limited to incidental accent, and must employ materials similar to surrounding residential areas. **No predominately metal facades shall be allowed.**
6. All utilities installed underground. *Intent of Planning = All Four Sides*
DMR Johnson have
7. Trash receptacles shall be appropriately screened to hide them from ground view.

8. Rooftop mechanical equipment shall be screened from ground level view per the Code of Wichita.
9. Maximum building height of 35-feet
10. Prohibited uses on the "LC" lot include asphalt or concrete plant, motion picture theaters, liquor stores, tavern and drinking establishments, vocational schools, recycling collection station (public), reverse vending machine, safety service, animal care limited and general, **construction sales and service**, hotel, -motel, marine facility recreational, night clubs, cemeteries, correctional placement residences, group homes, and outdoor storage. Drive through restaurants, convenience stores, service stations, vehicle repair limited, car wash and nurseries and garden centers are allowed on the western half of the "LC" site only where it abuts the county yard.
11. A site plan shall be submitted within 180 days for review and approval by the Planning Director.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is agricultural, large tract/lot single-family residential and in the county or developed as urban scale residential and in the city. The area to the east has recently been platted for urban scale single-family use as the Brentwood South Addition. The city limits are pressing into the county from the north and west sides. The 18.99-acre Sedgwick County public works maintenance yard is not typical of the current predominately single-family residential development in the area as it pre-dates (1950s) the city's expansion in the 1970s and 1980s through the present. The county yard resembles an industrial use. The County has no plans to move this facility. None of the commercial zoned property has been developed.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed as intended, but its proximity to the county yard makes it less likely to be developed for single-family residential.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental effects on nearby property should be mitigated by the recommended restrictions to lower intensity commercial uses and the site development requirements to buffer the residential uses from the commercial uses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended 1/02" of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this area as appropriate for "low density residential" development and industrial/transportation/utility/communication uses. The proposed density for the "TF-3" are fits within the density range for "low density", but the Comprehensive Plan

defines the duplex dwelling type as a "medium density" use. The proposed use restrictions and site development requirements for the proposed "LC" zoning seek to follow commercial and residential objectives and locational guidelines.

5. Impact of the proposed development on community facilities: Impact should be minimal as they are addressed by the PO and the platting requirement.