

PUBLISHED IN THE WICHITA EAGLE ON Jan. 31, 2020

ORDINANCE NO. 51-181

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. ZON2019-00048

City zone change from SF-5 Single-Family Residential to LC Limited Commercial and described as follows:

A tract of land lying in a portion of Lot 1, Trinity Academy Addition to Wichita, Kansas, Sedgwick County, Kansas, being more particularly described as follows:

BEGINNING at the Northeast Corner of said Lot 1; thence along the east line of said Lot 1 on a Kansas coordinate system of 1983 south zone bearing of S00°51'52"E, 755.00 feet; thence S89°08'08"W, 342.50 feet; thence N00°51'52"W, 87.50 feet; thence N71°27'32"E, 24.00 feet; thence N28°25'40"E, 30.00 feet; thence N29°12'35"W, 160.00 feet; thence N18°22'36"W, 75.00 feet; thence N08°16'11"W, 35.00 feet; thence N27°40'28"E, 125.00 feet; thence N09°54'15"E, 35.00 feet; thence N05°53'32"W, 35.00 feet; thence N52°17'37"W, 40.00 feet; thence S89°08'08"W, 62.00 feet; thence N11°35'24"W, 112.00 feet; thence N48°52'11"E, 50.00 feet; thence N09°48'07"E, 42.00 feet to a point on the north line of said Lot 1; thence along said north line, N89°13'25"E, 413.00 feet to the POINT OF BEGINNING.

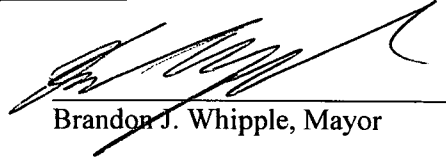
Said tract CONTAINS: 285,968 square feet or 6.56 acres of land, more or less.

(Generally located on the south side of East 21st Street North and west of North 127th Street East).

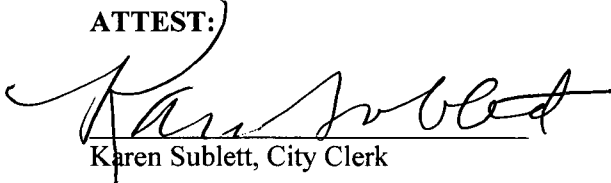
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

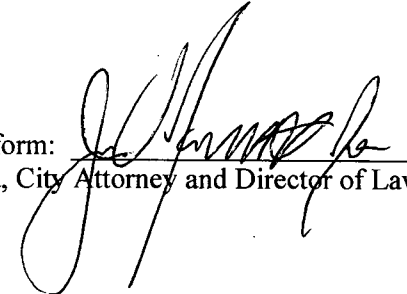
ADOPTED this 28th day of Jan., 2020.


Brandon J. Whipple, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law

CASE NUMBER: ZON2019-00048 and CUP2019-00040

APPLICANT/AGENT: Trinity Academy, Inc. (Peter Ochs, President), Owner/MKEC (Brian Lindebak), Agent

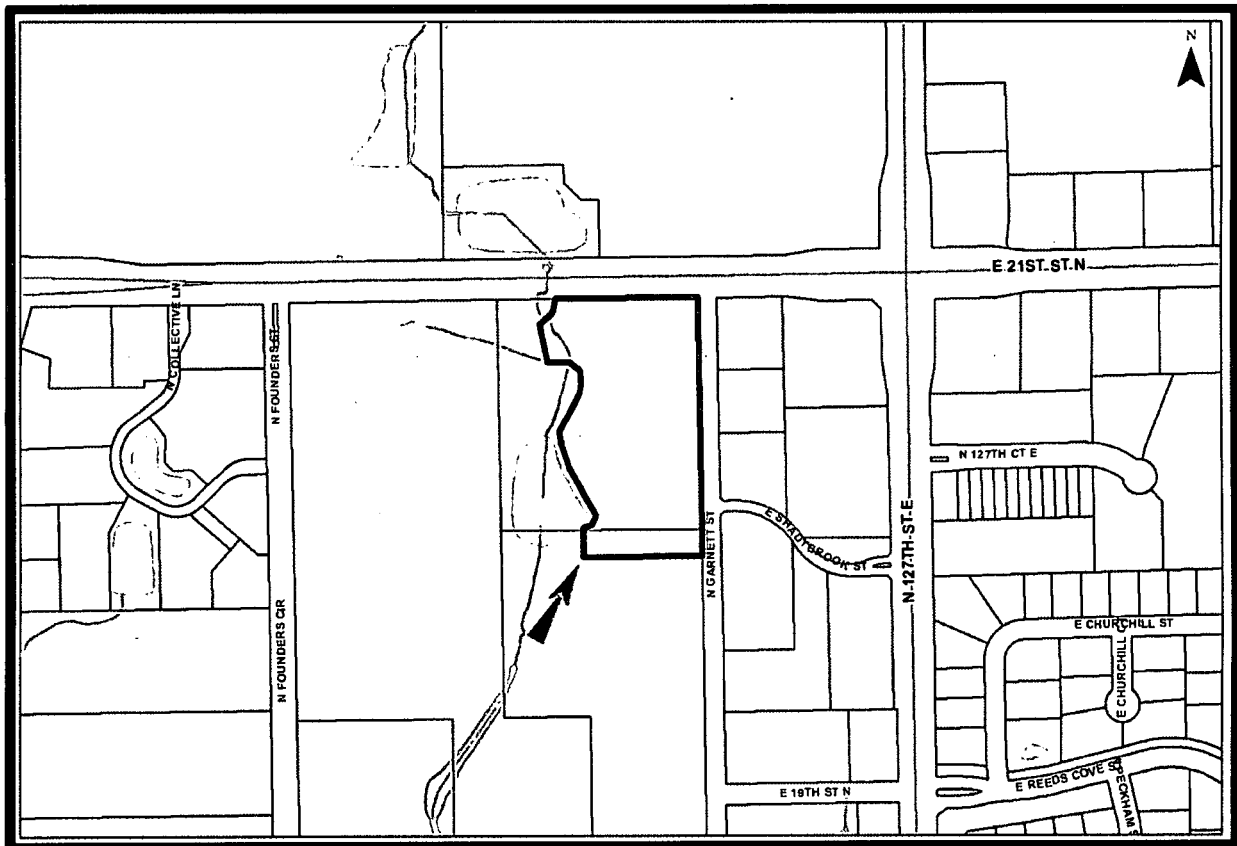
REQUEST: LC Limited Commercial subject to CUP DP-352

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 6.56 acres

LOCATION: South of East 21st Street North, one block west of North 127th Street East

PROPOSED USE: Uses permitted in the LC, except for specified prohibited uses



BACKGROUND: The applicant has submitted a request to rezone approximately 6.56 acres zoned SF-5 Single-Family Residential (SF-5) located south of East 21st Street North and west of North 127th Street East. The subject property is part of the larger Trinity Academy property at this location, mostly located west and south of the subject property. The application concerns the rezoning of the property from SF-5 Single-Family Residential (SF-5) to LC Limited Commercial (LC) and the establishment of a Community Unit Plan (CUP) DP-352 for the Trinity Academy CUP. A separate application for the platting of this property is also being considered, to be known as the Trinity Academy 3rd Addition. The lot layout for the final plat matches the parcel layout in the CUP.

The applicant and agent indicated at the time of application the intention was to provide parcels to develop commercially, with the hope some of the commercial ventures would utilize students of Trinity Academy for apprenticeships and other training opportunities with those business ventures. It was anticipated Parcel 1 would be occupied by a financial institution and that there would be a mixed-use facility constructed on Parcel 5 with support for the sports facility south of the subject property on the lower floor and commercial space on the upper floor of the proposed building.

This land also falls into Zone "C" of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport. The height restrictions for all structures on Zone "A" properties are 150 feet, subject to provisions outlined in the Airport Hazard Zoning Regulations found in Section 28-08 of the Wichita Municipal Code and Sedgwick County Resolution No. 277-1995. The language proposed in the CUP will address the manner in which structures higher than 150 feet will be addressed through the building permit process.

The proposed CUP contains 5 parcels. Parcel size ranges from 0.94 acres to 1.59 acres. All parcels are proposed to be zoned LC, and are to permit all uses permitted by-right by the LC zoning district, except for a list of specifically prohibited uses as outlined in the General Provisions of the CUP. There are modifications recommended within the General Provisions as outlined below.

The surrounding area is dominated by SF-5 Single-Family Residential zoning (SF-5) to the north, south and west and is used to the south and west as part of the Trinity Academy campus. North of the subject property is Church of the Magdalen, owned by the Catholic Diocese and on land zoned SF5. There is another church further to the west on the north side of East 21st Street North, which is also zoned SF-5. East of the subject property across Garnett Street is property zoned LC Limited Commercial (LC) which is included in the Summit Crossing Community Unit Plan and occupied by a bank and medical offices.

CASE HISTORY: The subject property was included in the Trinity Academy Addition, which was recorded with the Sedgwick County Register of Deeds August 20, 1999. As noted above, the subject property is presently being platted as Trinity Academy 3rd Addition (SUB2019-00055).

ADJACENT ZONING AND LAND USE:

North: SF-5: church
South: SF-5: Trinity Academy campus
East: LC: bank, medical offices
West: SF-5: Trinity Academy campus

PUBLIC SERVICES: The public utilities are either in place to the subject property, or will be extended as addressed in the platting process. East 21st Street North is paved, 5-lane arterial with 4 travel lanes and a center turn lane. North Garnett Street is a paved, 2-lane street not to current city standards. Guarantees

to improve North Garnett Street to city standards as determined by traffic analysis shall be addressed at the time of platting, including a potential traffic study if needed.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map indicates the site is appropriate for “residential and employment mix” and is outside Wichita’s 2035 Established Central area. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature.

Community Investments Plan discusses **Location Guidelines** in section 3 of the Future Land Use Policies. In the subsection titled **Development Pattern**, guideline 1.a. states “development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with development. Guideline 3.c. states “small, neighborhood-serving retail and offices uses and high-density residential uses not located at arterial intersections should be limited to the intersection of an arterial and a collector street. Guideline 3.e. states “new development areas be separated from existing developed areas by major barriers (such as: highways, railroads, waterways, and airports) or by significant open space or undeveloped areas should be discouraged unless the scale of the development is sufficient to support the cost of extending infrastructure and services in a manner that supports additional development on surrounding sites.”

In the subsection titled **Design**, guideline 1.a. states “Commercial centers, office parks, and mixed-use developments should be designed with shared internal vehicular and pedestrian circulation, combined signage, coordinated landscaping and building design, and combined ingress/egress locations.” Guideline 1.b. states “Ingress/egress locations to non-residential uses generally should not access residential streets unless such access will not negatively impact nearby residential areas, except that industrial traffic should not feed directly into local streets in residential areas.” Guideline 1.g. states “Building entrances should be oriented to the street or internal circulation drives that connect to the street and designated pedestrian connections should be provided from building entrances to the street.”

The overall spirit and intent of this CUP appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED**, subject to the following conditions:

1. General provision #1 needs to include the overall site size in square feet in addition to acres.
2. General Provision #7 needs to be clarified as to whether the screening will be as required by Sec. IV (standard screening) or Sec. III-C.2.b. (masonry wall requirement). The present language is conflicting.
3. General provision #11 needs to be modified to require monument signs only, and to indicate that no sign on 21st is permitted to be larger than 200 square feet and no sign on Garnett is permitted to be larger than 120 square feet.
4. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP, including the required improvements to Garnett Street and water service addressed in the platting process.

5. The applicant shall record a CUP certificate with the Register of Deeds indicating that this tract (referenced as DP-352 Trinity Academy CUP) has special conditions for development on the property. A copy of the recorded certificate along with four copies of the approved CUP shall be submitted to the Metropolitan Area Planning Department within 60 days of final approval to the Metropolitan Area Planning Department or the amendment shall be deemed null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding area is dominated by SF-5 Single-Family Residential zoning (SF-5) to the north, south and west and is used to the south and west as part of the Trinity Academy campus. North of the subject property is Church of the Magdalen, owned by the Catholic Diocese and on land zoned SF5. There is another church further to the west on the north side of East 21st Street North, which is also zoned SF-5. East of the subject property across Garnett Street is property zoned LC Limited Commercial (LC) which is included in the Summit Crossing Community Unit Plan and occupied by a bank and medical offices.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property is being redeveloped and this amendment supports that effort.
3. **Extent to which removal of the restrictions will detrimentally effect nearby property:** The conditions of approval of the proposed CUP should mitigate detrimental impact on nearby property.
4. **Length of time the property has been vacant as currently zoned:** The subject property is being developed at this time.
5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request will permit the further development of the property. Denial would presumably represent a loss of economic opportunity to the applicant and/or land owner.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2035 Wichita Future Growth Concept map indicates the site is appropriate for “residential and employment mix” and is outside Wichita’s 2035 Established Central area. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature. The overall spirit and intent of this CUP appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.
7. **Impact of the proposed development on community facilities:** The proposed use will have no detrimental impact on community facilities. The platting procedures will address the needed improvements to Garnett Street.

Staff Report Attachments:

Proposed Trinity Academy CUP Drawing

