(150004) Published in The Wichita Eagle on 1-11-03

ORDINANCE NO. 45-536

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. ZON2002-00062

Zone change from "GO" General Office to "LC" Limited Commercial on property described as:

Lot 1, Block A, Thunderbird Office Park, an Addition to Wichita, Sedgwick County, Kansas, EXCEPT that part of said Lot 1 described as follows: Beginning at the Southwest corner of said Lot 1; thence N 00 degrees 00'00" E along the West line of said Lot 1, 56.00 feet; thence S 53 degrees 34'14" E, 91.96 feet to a point on the South line of said Lot 1, said point being 74.00 feet East of the Southwest corner of said Lot 1; thence S 88 degrees 55'15" W along the South line of said Lot 1, 74.00 feet to the point of beginning. Generally located at the southwest corner of Maple & 119th Street West.

AND

Zone change from "GO" General Office to "NR" Neighborhood Retail on property described as:

That part of Lot 2, Block A, Thunderbird Office Park, an Addition to Wichita, Sedgwick County, Kansas described as follows: Beginning at the Northeast corner of said Lot 2; thence S00 degrees 00'00" E along the east line of said Lot 2, 193.00 feet; thence N 90 degrees 00'00" W, 205.00 feet; thence N 06 degrees 01'15" W, 85.44 feet; thence N 00 degrees 00'00" E parallel with the east line of said Lot 2, 104.00 feet to a point on the north line of said Lot 2; thence N 88 degrees 55'15" E along the north line of said Lot 2, 214.00 feet to the point of beginning. Generally located at the southwest corner of Maple & 119th Street West.

SUBJECT TO THE FOLLOWING AMENDED PROVISIONS OF PROTECTIVE OVERLAY #99:

1. The following uses shall not be permitted: convenience store, group residence, limited and general; cemetery; correctional placement residence, limited and general; group home, limited, general, and commercial; recycling collection station, private and public; reverse vending machine; animal care, limited and commercial; bed & breakfast inn; broadcast/recording studio; car wash; construction sales and service; heliport; hotel/motel; kennel, hobby, and boarding/breeding/training; marine facility, recreational; monument sales; night club in the city; nurseries and garden centers; parking area, commercial; pawn shop; printing and publishing, general; recreation and entertainment, indoor and outdoor; recreational vehicle campground; secondhand store; service station; tavern and drinking establishment; vehicle and equipment sales, outdoor; vehicle repair, limited; vocational school; wireless communication facility; asphalt or concrete plant, limited and general; manufacturing, limited; warehouse, self-service storage; parking area, commercial; mining or quarrying; oil or gas drilling; rock crushing; and solid waste incinerator; storage, outdoor; agricultural research; agricultural sales and service.

2. Multi-family density shall be limited to 17.4 units per acre.

3. Ground signage shall be monument type and shall be limited to 8 feet in height. Ground signage shall be limited to four total signs, spaced a minimum of 150 feet apart.

4. All exterior lighting shall be shielded to prevent light disbursement in a northerly or easterly direction. Light poles shall be limited to 14 feet in height. Backlit canopies and neon or fluorescent lighting on buildings shall not be permitted.

5. Requirements for landscaped street yard and landscaped buffers shall be 1.5 times the minimum requirements of the Landscape Ordinance.

6. The buildings shall be designed with a residential architectural character, with exterior colors and materials compatible with surrounding residential areas. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building materials. Front and side building facades shall have brick as the predominant exterior building material. Building roofs shall be similar in texture or pattern to the surrounding residential areas and shall be gable or hip in style.

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, 1-7-03

ATTEST:

Pat Graves, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney



BUILDING AND PARKING DATA

OFFICE "A"	5,000 SF	20 CARS	(4.0 CARS / 1,000 SF)
OFFICE "B"	5,000 SF	26 CARS	(5.2 CARS / 1,000 SF)
OFFICE "C"	5,000 SF	26 CARS	(5.2 CARS / 1,000 SF)
OFFICE "D"	6,500 SF	34 CARS	(5.2 CARS / 1,000 SF)
OFFICE "E"	5,000 SF	32 CARS	(6.4 CARS / 1,000 SF)
RETAIL	20,762 SF	125 CARS	(6.0 CARS / 1,000 SF)
BANK	4,200 SF	27 CARS	(6.4 CARS / 1,000 SF)

SITE PLAN
0 50'

SPANGENBERG PHILLIPS
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121 N. Mead, Suite 201, Wichita, KS 67202
TEL: 316.267.4002 FAX: 316.2657.1509
www.spangenbergphillips.com

W e s t L a k e

119TH AND MAPLE - WICHITA KS

16 OCT 2002

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

MAPC November 21, 2002
DAB V December 2, 2002

FILE COPY

CASE NUMBER: ZON2002-00062

APPLICANT/AGENT: William Owen (Owner), William G. Fahra (Contract Purchaser), Baughman Company PA c/o Terry Smythe (Agent)

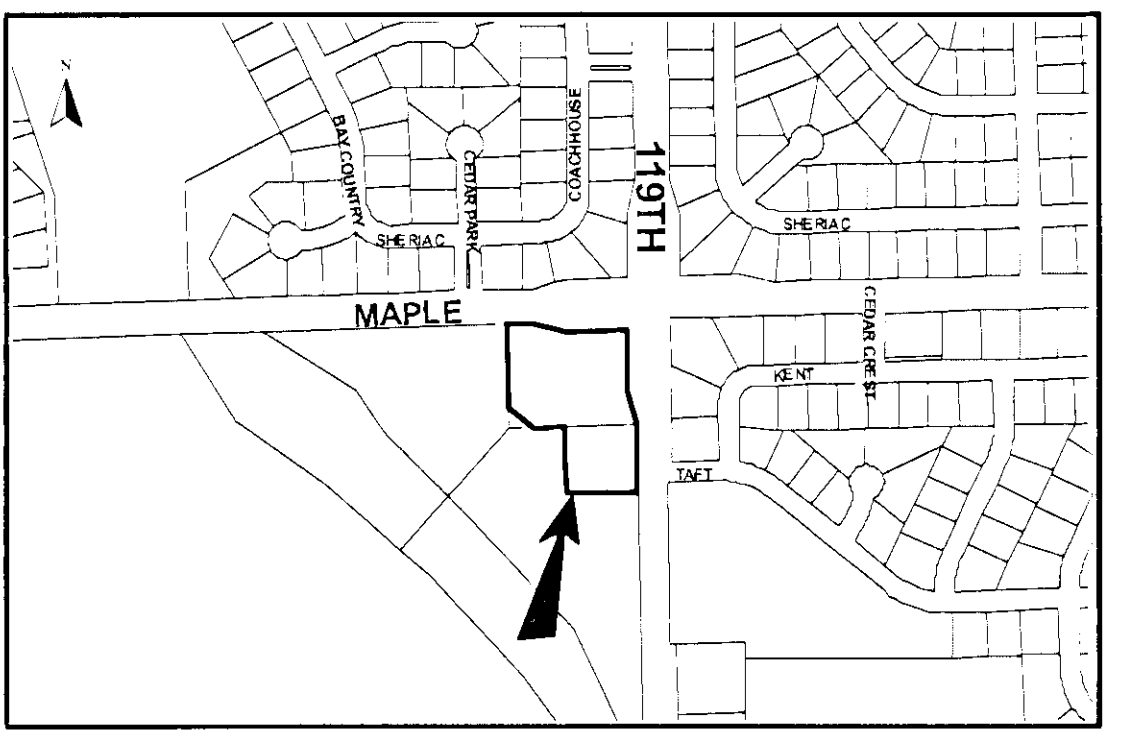
REQUEST: "LC" Limited Commercial, "NR" Neighborhood Retail

CURRENT ZONING: "GO" General Office

SITE SIZE: 3.2 acres

LOCATION: Southwest corner of Maple & 119th Street West

PROPOSED USE: Commercial uses subject to a Protective Overlay



BACKGROUND: The applicant requests a zone change from "GO" to "LC" and "NR" on a 3.2 acre platted site located at the southwest corner of Maple and 119th Street West. The applicant proposes to develop the subject property with Neighborhood Retail and Limited Commercial uses. The applicant proposes amending the existing Protective Overlay on the property to exclude certain "LC" uses, such as convenience stores, car washes, self-storage warehouses, and many others. The applicant requests "LC" zoning at the intersection on this site to retain the flexibility of drive-through restaurants, and restaurants larger than 2,000 square-feet, both of which are prohibited in "NR" zoning. The existing Protective Overlay (P-O) limits uses in the "GO" district; it limits multi-family density; it controls signage, lighting, and landscaping; and it controls architecture on the site.

The surrounding area is characterized by residential uses on the developing fringe of Wichita with significant amounts of parkland in the area. The properties north of the site across Maple are zoned "SF-5" Single Family Residential and are developed with single-family residences. The properties east of the site across 119th Street West are zoned "SF-5" Single-Family Residential and are developed with single-family residences and West Millbrook Park. The property immediately south of the application area is zoned "GO" and undeveloped, further south is property zoned "SF-5" Single-Family Residential and developed with The Meadows Park. The property west of the site is zoned "B" Multi-Family Residential and is developed with an assisted living facility.

CASE HISTORY: In 1994, a 3.4-acre tract on the subject property, located at the southwest corner of Maple and 119th Street West, requested (Z-3143) "BB" Office zoning (now "GO" General Office) along with a request for "B" Multi-Family zoning on a 9.6 acre tract located west of the subject property. On August 11, 1994, the MAPC voted (6-5) to approve the request subject to platting, obtaining necessary wetland permits, and filing a restrictive covenant regarding permitted uses, architectural design, building height, residential density, lighting, and landscaping. On September 13, 1994, the City Council considered the request and referred the matter back to the MAPC. At the rehearing on October 6, 1994, the MAPC voted (9-3) to approve the request subject to the same conditions. On October 31, 1994, the applicant withdrew the request for "BB" Office District zoning on the 3.4 acre tract. The City Council approved "B" Multi-Family zoning on the 9.6 acre tract located west of the subject property on November 1, 1994, subject to the recommended conditions. Written protest petitions representing 22.6% of the land area within 200 feet of the subject property were filed against the request. A petition signed by 643 area residents and numerous letters also were submitted protesting the request. The CPO for District 5 twice voted (5-1 on August 10, 1994 and 5-3 on September 28, 1994) to disapprove the request.

In 2001, 8.5 acres, including the current application area, requested a zone change from existing "SF-5" to "GO" zoning. MAPC heard the request and voted 10-2 to

approve the zone change, subject to a Protective Overlay. District Advisory Board (DAB) IV then heard the request and voted 6-3 to recommend denial. Staff received two letters of opposition in that case. City Council approved the zone change request, subject to platting within one year and subject to P-O #99 (see attached ordinance to include P-O #99).

The application area was recently platted as the Thunderbird Office Park Addition. Platting included right of way dedications on Maple and 119th, access control except one opening on Maple and two openings on 119th, and other typical infrastructure improvements.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-family residences
SOUTH:	"GO","SF-5"	Vacant, The Meadows Park
EAST:	"SF-5"	Single-family residences; West Millbrook Park
WEST:	"B"	Assisted living facility

PUBLIC SERVICES: The site has frontage along both Maple and 119th Street North. Maple is a four lane arterial at the application area, 119th Street West is a two-lane arterial at the application area, the intersection of Maple and 119th Street West has been improved to include additional turn lanes and acceleration lanes. The Capital Improvement Program projects to widen 119th Street West (in 2011) to four lanes, plus a turn lane at the intersection. At the application area, 119th Street West currently carries approximately 7,004 vehicles per day and is projected to carry 12,100 by 2030. Maple currently carries approximately 6523 vehicles per day and is projected to carry 12,500 by 2030. The 2030 Transportation Plan designates both 119th and Maple as four-lane arterials. Flood plain does exist south of the application area. Public water and sewer service are available to be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita/Sedgwick County Comprehensive Plan,* amended in January 2002, identifies this location as planned for office development. The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial uses be located at arterial intersections.

The Far West Side Commercial Development Policy, adopted by the City Council in 1996, indicates that the scale of commercial development at the intersection of Maple & 119th Street West should be limited to a total of eight acres with no more than four acres of commercial development on any one corner. The Far West Side Commercial Development Policy also recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, and architectural design.

RECOMMENDATION: This application does not conform to the Land Use Guide of the *Comprehensive Plan;* it does, however, meet the Commercial Locational Guidelines of the Plan, and it is within the limits of the Far West Side Commercial Development Policy. Planning staff therefore finds that the subject property is appropriate for Limited Commercial and Neighborhood Retail development. The Far West Side Commercial Development Policy recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, and architectural design; therefore, planning staff recommends that the existing Protective Overlay (P-O #99) be amended to further ensure meeting the standards of that policy. Staff has met with the applicant and agent, they agree to recommendations for predominantly brick exterior buildings, eight-foot monument signage, and prohibition of certain "LC" uses.

Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request for "LC" and "NR" zoning be APPROVED, subject to amended Protective Overlay #99, as follows:

1. The following uses shall not be permitted: convenience store, group residence, limited and general; cemetery; correctional placement residence, limited and general; group home, limited, general, and commercial; recycling collection station, private and public; reverse vending machine; animal care, limited and commercial; bed & breakfast inn; broadcast/recording studio; car wash; construction sales and service; heliport; hotel/motel; kennel, hobby, and boarding/breeding/training; marine facility, recreational; monument sales; night club in the city; nurseries and garden centers; parking area, commercial; pawn shop; printing and publishing, general; recreation and entertainment, indoor and outdoor; recreational vehicle campground; secondhand store; service station; tavern and drinking establishment; vehicle and equipment sales, outdoor; vehicle repair, limited; vocational school; wireless communication facility; asphalt or concrete plant, limited and general; manufacturing, limited; warehouse, self-service storage; parking area, commercial; mining or quarrying; oil or gas drilling; rock crushing; and solid waste incinerator; storage, outdoor; agricultural research; agricultural sales and service.

2. Multi-family density shall be limited to 17.4 units per acre.

3. Ground signage shall be monument type and shall be limited to 8 feet in height. Ground signage shall be limited to four total signs, spaced a minimum of 150 feet apart.

4. All exterior lighting shall be shielded to prevent light disbursement in a northerly or easterly direction. Light poles shall be limited to 14 feet in height. Backlit canopies and neon or fluorescent lighting on buildings shall not be permitted.

5. Requirements for landscaped street yard and landscaped buffers shall be 1.5 times the minimum requirements of the Landscape Ordinance.

6. The buildings shall be designed with a residential architectural character, with exterior colors and materials compatible with surrounding residential areas. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building materials. Front and side building facades shall have brick as the predominant exterior building material. Building roofs shall be similar in texture or pattern to the surrounding residential areas and shall be gable or hip in style.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by residential uses on the developing fringe of Wichita with significant amounts of parkland in the area. West of the application area is property zoned "B" Multi-Family Residential and developed with an assisted living facility; vacant "GO" zoned property exists south of the site; all other property surrounding the site is zoned "SF-5" Single-Family Residential, and is developed with single-family residences or park land. Commercial development that is limited in scale and located in buildings with a residential character should not change the character of existing residential uses in the area.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "GO", and could be developed with office uses permitted in that district, and under the current P-O. The Far West Side Commercial Development Policy indicates that commercial development on the site should be limited in scale; therefore, the recommendation is to support limited "LC" development immediately at the corner, and "NR" development further south, bordering the existing "GO" zoning.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by limiting the commercial uses, and by requiring high design standards through the proposed P-O amendment. The subject property is separated from adjacent single-family residential properties by arterial streets; the residences across the street from

the application area are oriented such that the rear of the residences face the subject property.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the *Comprehensive Plan* identifies this area as suitable for office development; however, the Commercial Locational Guidelines of the Plan encourage commercial uses at arterial intersections. The Far West Side Commercial Development Policy indicates that the scale of commercial development at the intersection of Maple & 119th Street West should be limited to a total of eight acres with no more than four acres of commercial development on any one corner, this request is for 3.2 acres. The Far West Side Commercial Development Policy also recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, and architectural design, which should be achieved through the recommended PO amendment.

5. Impact of the proposed development on community facilities: Community facilities are adequate to address the additional traffic generated by the development with the recent widening of the intersection of Maple & 119th Street West and the planned improvements to those streets in the CIP.