

City of Wichita  
City Council Meeting  
August 5, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: CUP2003-23 (Associated with ZON2003-23) – DP265 Crystal Creek Commercial Plaza Community Unit Plan. Create DP265 Crystal Creek Commercial Plaza Community Unit Plan and Zone Change from “SF-5” Single-Family Residential to “LC” Limited Commercial and “GO” General Office. Generally located north of Harry and west of Greenwich. (District II)

INITIATED BY: Metropolitan Area Planning Department

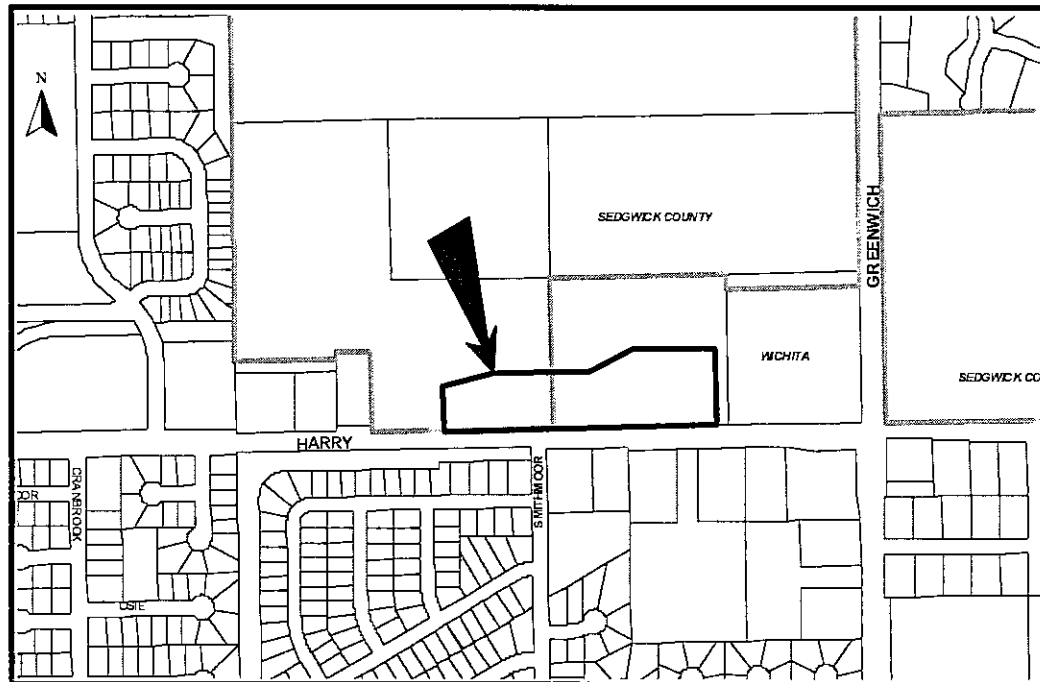
AGENDA: Planning

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MAPC Recommendation: Approve. (12-0)

Staff Recommendation: Approve.

D.A.B. Recommendation: Approve (7-0).



**BACKGROUND:** The applicant is requesting to create DP-265 Crystal Creek Community Unit Plan, which would be a 6.55-acre development with six parcels for commercial use. The property is located between 1/8 mile and 1/3 mile west of Greenwich. It is separated from the intersection of Harry and Greenwich by a narrow strip zoned for residential use and accessing the property north and a traditional 600x600 commercial tract on the northwest corner of the intersection held under separate ownership.

Maximum building coverage is 30 percent; floor area ratio is 35 percent. Maximum height is 45 feet. The C.U.P. includes provisions for landscaping per Landscape Ordinance of the City of Wichita, lighting limited to 24 feet in height, architectural compatibility among the tracts and use of materials similar to nearby residential areas. Requested signage exceeds standard City of Wichita signage requirements. No screening wall is proposed. The north and west property lines border the drainage easement for Spring Branch to Four-Mile Creek, which forms a buffer about 180 feet in width between the single-family lots to the north.

Requested zoning was "LC" Limited Commercial. Uses proposed for exclusion are adult entertainment, bars and taverns, group homes, group residences and correctional placement residences.

The easterly four lots are situated north of DP-243 Smithmoor Commercial C.U.P., and the westerly two lots are directly north of Smithmoor First Addition, a single-family neighborhood zoned "SF-5". Zoning on tracts in Smithmoor Commercial south of the proposed C.U.P. ranges from "LC" on the east, to "NR" Neighborhood Retail, and "GO" General Office for the westernmost tract. This tract is developed with a real estate office with residential design of the structure. The property to the north and west is zoned "SF-5" and proposed for development as Crystal Creek Addition, a single-family subdivision.

At the MAPC meeting held May 22, 2003, staff discussed a change in the recommended zoning. The recommendation in the staff report was for "GO" for Parcels 1-2, "NR" for Parcels 3-4 and "LC" for Parcels 5-6; but staff had modified the recommendation to "LC" for all parcels, but with restrictions on Parcels 1-3 (contained in Item B.5) of prohibiting drive-in or drive-through restaurants, auto-related uses and uses with overhead doors, and no uses allowed to exceed 8,000 square feet in size. Banks with drive-through windows would be permitted. Signage was modified to allow 160 square feet of signage for each parcel, but with a maximum of 0.8 of lineal frontage for total frontage on Harry. MAPC voted (12-0) to recommend approval subject to platting within one year and to the following conditions:

- A. APPROVE the zone change (ZON2003-00023) to "LC" Limited Commercial subject to platting of the entire property within one year.
- B. APPROVE the Community Unit Plan (DP-265), subject to the following conditions:
  1. Transportation requirements:
    - a. The CUP must ensure that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.
    - b. Guarantee for right-turn deceleration lanes with 100 feet of storage and 150 feet of taper to the entrances.
    - c. Guarantee for center left-turn lane along the property.
    - d. Provision of a traffic impact study is not required if the applicant accepts the above recommendations.
  2. General Provision #7 shall be amended as follows:
    - a. Add the word "monument" to GP#7A to clarify that one monument sign is permitted for each parcel. Monument signage shall be subject to the following area restrictions:  
Parcel 1: 160 sq. ft. of signage (total)  
Parcel 2: 160 sq. ft. of signage

- Parcel 3: 160 sq. ft. of signage  
Parcel 4: 160 sq. ft. of signage  
Parcel 5: 160 sq. ft. of signage  
Parcel 6: 160 sq. ft. of signage
- b. Add to B: "and the total square footage of monument signs shall not exceed 80 % of arterial street frontage."
  - c. Insert the word "Interior" to GP#7E to clarify the provision applies to interior window display signs
  - d. Limit the maximum height of monument signs to 20 feet.
2. Clarify General Provision #10 as follows: " and shall comply with the Unified Zoning Code standards in Art. IV, Sec. IV-B.4." Add to GP#10A as follows: "Limited height of light poles to 24 feet, including pole base."
  3. Add to General Provision #14: " , with these areas being screened by a screening wall consisting of materials similar to the materials of the main structure and being connected to the building whenever possible." The intent of this requirement is to provide screening that meets the intent of the Unified Zoning Code Art. III, Sec. III-C.2.b(2)(d) without provision of a solid screening wall in those areas where over 100 feet of open space separates the residential zoning from the commercial zoning.
  4. Add to General Provision #15: All parcels shall share a similar landscape palette.
  5. Modify General Provision #17 by replacing the first sentence to state "The uses allowed shall be those permitted by-right in the zoning district." Add the following: "On Parcels 1-3, restaurants shall not be permitted with drive-up window service or in-vehicle food service; delivery and carry-out services are acceptable. No auto-related uses and/or uses with overhead doors shall be permitted. No individual commercial use shall exceed 8,000 square feet of gross floor area."
  6. Add to General Provision #23: The pedestrian walk system shall link proposed buildings with the entrances and sidewalks along Harry Street and shall be assured by required submission and approval of circulation plans by the Planning Director prior to issuance of any building permits."
  7. The height of buildings in Parcels 1-4 shall be limited to 35 feet.
  8. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
  9. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
  10. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
  11. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-265) includes special conditions for development on this property.
  12. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

At the District Advisory II Board meeting held June 5, 2003, DAB II voted (7-0) to approve the requested zone change and creation of DP-265 Crystal Creek subject to the conditions recommended by MAPC. DAB members asked questions about the transportation improvements and access. Citizens were present but did not request to speak.

The western portion of the property was annexed to the city of Wichita on July 18, 2003, making the entire tract within the city of Wichita. A plat is being forwarded to the Wichita City Council for action on August 5, 2003. Action on the plat would need to occur subsequent to the decision on this case.

**Recommendations:**

1. Concur with the findings of the MAPC and approve the zone change and C.U.P. subject to platting within one year and the recommended conditions; 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 2/3rd majority vote of the membership of the governing body on the first hearing.)

**CASE NO. CW03-868**  
**ORDINANCE NO. 45-782**

STATE OF KANSAS )

ss.

County of Sedgwick )

Susan Sublet, being first  
duly sworn, Deposes and says: That he/she is  
Business Manager of

**THE DERBY REPORTER**

a daily newspaper printed in the State of Kansas,  
and published in and of general circulation in  
Sedgwick County, Kansas, with a general paid  
circulation on a daily basis in Sedgwick County,  
Kansas, and that said newspaper is not a trade,  
religious or fraternal publication.

Said newspaper is a daily published Monday  
through Friday, and has been so published con-  
tinuously and uninterrupted in said county and  
state for a period of more than five years prior to  
the first publication of said notice, and has been  
admitted at the post office of Derby, Kansas, in  
said county as second class matter.

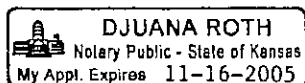
That the attached notice is a true copy there-  
of and was published in the regular and entire  
issue of said newspaper for 1 DAY the  
publication thereof being made as aforesaid on  
the 18TH day of AUGUST, 2003.

*Susan Sublet*

Subscribed and sworn to before me this  
18TH day of AUGUST, 2003.

*Djuana Roth*

Notary Public



Printer's fee: **\$ 29.70**

Additional copies \$ \_\_\_\_\_

**CW03-868** (First Published in The  
Derby Reporter, August 18, 2003)  
(150004)

**ORDINANCE NO. 45-782**

AN ORDINANCE CHANGING THE  
ZONING CLASSIFICATIONS OR DIS-  
TRICTS OF CERTAIN LANDS LOCAT-  
ED IN THE CITY OF WICHITA,  
KANSAS, UNDER THE AUTHORITY  
GRANTED BY THE WICHITA-SEDC-  
WICK COUNTY UNIFIED ZONING  
CODE, SECTION V-C, AS ADOPTED  
BY SECTION 28.04.010, AS AMEND-  
ED.

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 hav-  
ing 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 2003-23**

Request for a zone change from "SF-  
20" Single-Family Residential District  
to "LC" Limited Commercial District  
on property described as:

Lots 1 and 2 and the west 60' of  
Lot 3, Block D; and

"SF-5" Single-Family Residential  
District to "LC" Limited  
Commercial District on property  
described as:

The east 140' of Lot 3 and all of  
Lots 4-6 (inc.), Block D, Crystal  
Creek Addition, Wichita,  
Sedgwick County, Kansas.

Generally located north of Harry  
and west of Greenwich Road.

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 12th day of August,  
2003:

Carlos Mayans, Mayor

ATTEST:

Pat Graves, City Clerk

(SEAL)

(Aug 18)

**RECEIVED**

100222003

METROPOLITAN PLANNING  
ROUTE ☐