

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM:

SCZ-0797 – request for zone change from “SF-20” Single Family District to “LC” Limited Commercial and “GO” General Office; and

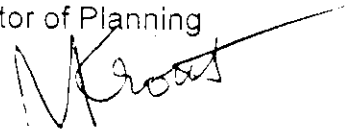
DP-251 – the creation of the Ubiquity Community Unit Plan, located on the northwest corner of 29th Street West and 119th Street West.

PRESENTED BY:

Marvin S. Krout, Director of Planning

PROPOSED AGENDA DATE:

February 9, 2000



COMMISSION DISTRICT #4

MAPC Recommendation:

Approve, subject to platting within 1 year and to conditions (6-4).

Staff Recommendation:

Approve, subject to platting within 1 year and to conditions.

Background/Discussion The applicant is requesting to rezone a 21.82 acre unplatted tract from “SF-20” Single Family Residential to “LC” Limited Commercial and “GO” General Office and the creation of the Ubiquity Community Unit Plan located at the northwest corner of 29th Street North and 119th Street West. The site is currently the Coleman Employees’ Recreational Facility. As shown on the site plan (attached), the applicant is proposing to split this property into two parcels and one reserve. Parcel 1 (8.73 acres) would be located on the west side of the application area and is proposed for “GO” zoning. Parcel 2 (13.09 acres) would be located on the east side of the application area and is proposed for “LC” zoning. The reserve would be located along the north property line at the site of an existing pond and would be used for drainage and detention purposes.

Parcel 1 is proposed for all uses permitted in the “GO” district except: Correctional Placement Residences, Limited; Correctional Placement Residences, General; Group Home, Limited, General, and Commercial; Recycling Collection Stations; Asphalt or Concrete, Limited; Manufacturing, Limited; Mining or Quarrying; Oil or Gas Drilling; Rock Crushing; Solid Waste Incinerator, and all “Industrial” uses. Parcel 2 is proposed for all “Commercial” uses permitted in the “LC” district. The applicant is also proposing to limit signs to 20 feet in height and be monument type. The proposed signage would be 300 square feet in up to 2 signs on the 29th Street North frontage of Parcel 1 and 300

square feet in up to 3 signs on *both* the 29th Street North and 119th Street West frontage of Parcel 2. A six foot masonry wall is proposed along the property lines of the C.U.P. where adjacent to residential zoning except for along the reserve area. The proposed access controls do not conform with more recent standards for CUPs because they do not provide for complete access control within 100 feet of the arterial intersection.

Undeveloped land located to the south and east of the site is zoned "SF-20" and is used for agriculture. The property to the north of the site is zoned "SF-20" and is used for large-lot residential development. The property to the west of the site is developed with single family residences and is zoned "SF-20" and platted as the Balmoral Briar Addition and the Creekside Estates Addition. The single family residences to the north and west are immediately adjacent to the site. The applicant also owns the property on the southeast corner of 29th Street North and 119th Street West, and this property has been approved (subject to pending platting) for "LC" (10.1 acres) and "NR" (1.9 acres) zoning and the Westridge CUP.

This case was deferred from the December 16, 1999 MAPC hearing. The applicant requested the deferral to discuss with planning staff the possibility of changing some of the recommended conditions of approval. Specifically, the applicant requested: (1) an increase in floor area ratio to 35%, (2) a reduction in the number of lanes of guaranteed off-site improvements for 29th Street North, (3) the base height restrictions of the "GO" General Office district for Parcel 1 because of the potential for multifamily use on this parcel, and (4) "LC" Limited Commercial zoning for all of Parcel 2. Planning staff concurred only with the request for an increase in floor area ratio, and that change is reflected in the recommended conditions of approval below. Planning staff is willing to support some slight modification to the recommended height restrictions on Parcel 1, but does not support the base height restrictions of the "GO" district as the applicant has requested.

At the January 13, 2000 MAPC hearing, one citizen spoke against project citing potential problems with lighting, noise, traffic, and negative visual impact. The MAPC approved the request subject to platting within one year and the following conditions:

1. Prior to issuing building permits, a plan for a pedestrian walk system shall be submitted and approved by the Director of Planning. This walk system shall link sidewalks along 29th Street North and 119th Street North with proposed buildings within the subject property as determined necessary by the Director of Planning.
2. Parcel 1 and 2 shall be limited to a maximum building coverage of 30 percent, per Section III.C.2.b.(2).(b). of the Unified Zoning Code. Parcel 1 and 2 shall also be limited to a maximum floor area of 35 percent.
3. The following uses shall be prohibited from all parcels in the CUP: adult entertainment establishments, group homes, group residences, halfway houses, correctional placement residences, private clubs, taverns, and drinking

establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.

4. The development of this property shall only be permitted if public water and sewer services are provided.
5. At the time of platting, the applicant shall guarantee off-site street improvements. These improvements are anticipated to include the construction of two lanes of roadway along 29th Street North along the property frontage to the furthest major opening from the intersection and left turn lanes at the intersection 29th Street North and 119th Street West. The applicant shall guarantee 1/8 the cost of signaling the intersection of 29th Street North and 119th Street West. The applicant shall also guarantee the construction of accel/decel lanes along the 29th Street North and 119th Street West frontages to the furthest major openings from the intersection.
6. All parcels approved for "GO" uses, shall comply with all of the City of Wichita sign code requirements for development in the "GO" district. All signs shall be spaced 150 feet apart on both parcels. Window display signs shall be limited to 25 percent of the window area. No signs shall be permitted on the rear of any building facing north or west within 200 feet of the north and west boundaries of the CUP.
7. Hotel or motel uses shall not be permitted on Parcel 1.
8. Buildings in Parcel 1 shall be limited to a height of 45 feet within 200 feet of the north and west boundaries of the CUP.
9. The north 250 feet of Parcel 2 east of the reserve shall be prohibited from drive thru establishments, car washes, convenience stores, fast food restaurants, and establishments with outdoor sound amplification systems and speakers and shall be limited to a building height of 1 story. A 20 foot landscape buffer shall be provided along the north and west property lines of the entire CUP.
10. General Provision #1A shall be clarified that it refers to 35 foot building setbacks.
11. At the time of platting, the applicant shall guarantee the required drainage improvements.
12. Complete access control shall be provided along the first 150 feet from the intersection of 29th Street North and 119th Street West, and any openings in the first 250 feet from the intersection shall be restricted by design to right turn in-out only.

13. General Provision #9 shall be modified to require similar/consistent parking lot lighting elements, light poles limited to 24 feet in height, and a prohibition on extended use of backlit canopies and neon lighting.
14. General Provision #9B shall be modified to remove the provision for allowing further division of parcels without adjustment to the CUP.
15. General Provision #10 shall be modified to require screening of loading docks and services from *all* residential areas.
16. General Provision #11 shall be modified to require a financial guarantee for plant material approved on the landscape plan for that portion of the CUP being developed prior to the issuance of any occupancy permit, if the required landscaping has not been planted.
17. General Provision #14 shall be modified to require building exteriors to share uniform architectural character, to be predominantly earth-tone colors with vivid colors limited to incidental accent, and to use materials similar to surrounding residential areas.
18. General Provision #15 shall be modified to require the 6 foot masonry wall to be constructed with a pattern and color that is consistent with the buildings on the site.
19. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
20. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
21. Prior to publishing the resolution or ordinance establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-251) includes special conditions for development on this property.
22. The applicant shall submit 4 revised copies of the CUP to the Metropolitan Area Planning Department within 30 days after approval of this amendment by the Governing Body, or the request shall be considered denied and closed.

Recommended Action:

1. Adopt the findings of fact of the MAPC and approve the zone change and CUP subject to the condition of platting; adopt the resolution and authorize the chairman to sign; and instruct the Planning Department to withhold publication until the plat has been recorded with the Register of Deeds; or
2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants:

John Dugan 2416 Morning Dew Wichita KS 67205

Austin Miller PA %Tim Austin 254 S Laura Suite 210 Wichita KS 67211

Protestors:

Dennis Leierer 3212 N 124th Wichita KS 67223



Wichita-Sedgwick County Metropolitan Area Planning Department

June 4, 2002

John Dugan
2416 Morning Dew
Wichita, KS 67205

RE: DP-251 with SCZ-0797 – Creation of the Ubiquity Commercial C.U.P. associated with a zone change from “SF-20” Single Family Residential to “LC” Limited Commercial and “GO” General Office on property located at the northwest corner of 29th Street North and 119th Street West.

Dear Mr. Dugan:

On January 10, 2002, I sent you the enclosed letter indicating the conditions upon which the decision to deny and close the above-referenced requests would be rescinded. Since none of the conditions stated in the January 10 letter have been initiated, this letter is notification that DP-251 and SCZ-0797 are hereby denied and closed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Knebel'.

Scott Knebel
Senior Planner
Current Plans Division

cc: Austin Miller, P.A., 355 N. Waco, Suite 200, Wichita, KS 67202
Carol Bloodworth, City of Maize, PO Box 245, Maize, KS 67101