

Published in The Wichita Eagle on 11-24-06

ORDINANCE NO. 47-272

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 2004-14

Request for zone change from request from SF-20" Single-family Residential District to "NO" Neighborhood Office District for property described as:

LOT 1, BLOCK 1; RESERVE "B"; OAK CREEK, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; TOGETHER WITH THE WEST HALF OF CHATEAU PARKWAY ADJACENT TO SAID LOT 1, BLOCK 1, AND RESERVE "B".

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

LOTS 1 AND 2, BLOCK 2; RESERVE "C"; THE EAST HALF OF RESERVE "P"; ALL OF RESERVE "Q"; AND THAT PORTION OF LOT 4, BLOCK 2, OAK CREEK ADDITION LYING WITHIN THE NW 1/4 OF THE NE 1/4, SECTION 9, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M.; TOGETHER WITH THE EAST HALF OF CHATEAU PARKWAY ADJACENT TO LOTS 1 AND 4, BLOCK 2, AND RESERVE "C", OAK CREEK ADDITION.

Request for zone change from request from SF-20" Single-family Residential District to "GO" General Office District for property described as:

LOT 8, BLOCK 2, OAK CREEK, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; TOGETHER WITH THE EAST HALF OF CHATEAU PARKWAY ADJACENT TO SAID LOT 8, BLOCK 2.

Request for zone change from request from SF-20" Single-family Residential District to "SF-5" Single-family Residential District for property described as:

LOT 2, BLOCK 1; AND THE WEST HALF OF RESERVE "P", OAK CREEK, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; TOGETHER WITH THE WEST HALF OF CHATEAU PARKWAY ADJACENT TO SAID LOT 2, BLOCK 1.

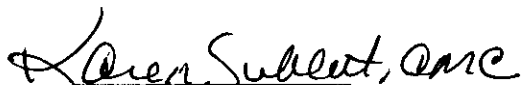
Generally located on the southwest corner of 21st Street North and Greenwich Road.

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.

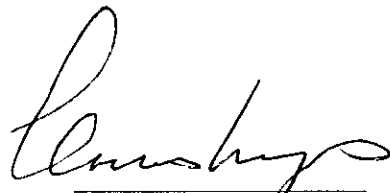
ADOPTED this 24th day of oct, 2006.

ATTEST:


Karen Sublett, City Clerk

(SEAL)




Carlos Mayans, Mayor

Approved as to form:


Gary E. Rebenstorf, City Attorney

AGENDA ITEM REQUEST

FILE COPY

Proposed Agenda Item: CUP2004-09 (Associated with ZON2004-14) DP274 – Create Oak Creek Community Unit Plan; zone change to “LC” Limited Commercial, “GO” General Office, “NO” Neighborhood Office, “SF-5” Single-family Residential. Generally located south of 21st Street North approximately one-fourth mile west of Greenwich Road. (District I)

Presented By: Dale Miller, Current Plans Supervisor

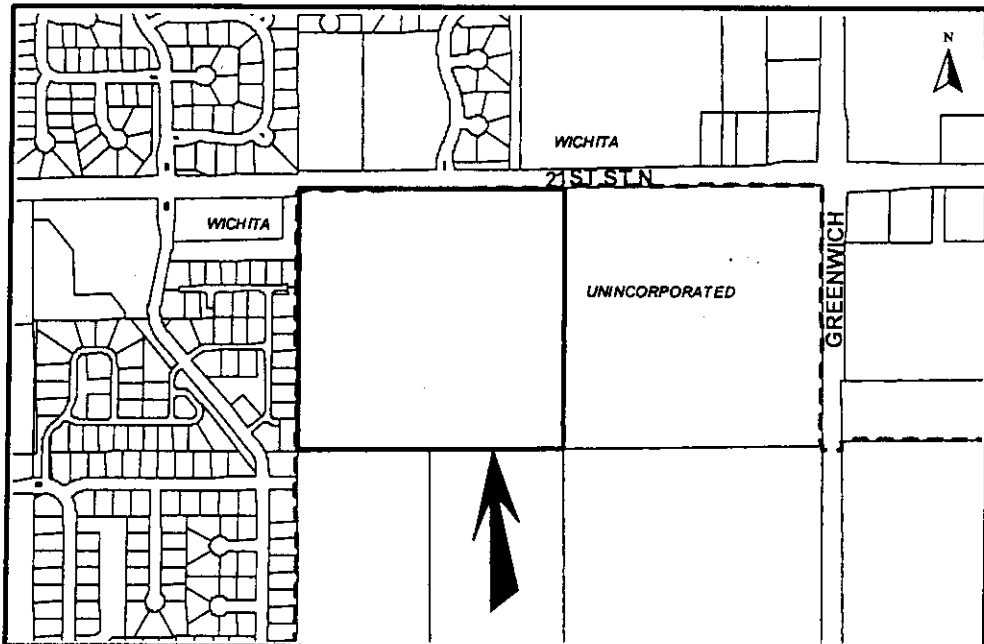
Recommended Action: Approve the zone change and C.U.P. subject to platting within one year and the recommended conditions; direct staff to prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution

Proposed Agenda Date: May 19, 2004

Outside Attendees: Rob Hartman, PEC, 303 S. Topeka, Wichita, KS 67212

Multimedia Presentation: Powerpoint

Donations: Not applicable



Background: The applicant is requesting to create DP-274 Oak Creek Community Unit Plan, which would be a 39-acre development with four parcels located south of 21st Street North approximately one-fourth mile west of Greenwich Road. The proposed development coordinates with the adjoining community unit plan approved as DP-266 The Woodlands C.U.P. currently under the same ownership. Together, DP-274 and DP-266 consist of a quarter section (160 acres) of land.

Parcel 1 (8.12 acres) is proposed for "LC" Limited Commercial and is located along 21st Street North south of the land being developed with a new SuperTarget and the southern tip of the Regency Lakes residential subdivision. Parcel 1 abuts an "LC" parcel of DP-266 to the east. The types of uses would be those permitted by right in "LC" **except:** group homes; correctional placement residences; vehicle storage yards; vehicle repair, general; outdoor storage; pawn shops; taverns; nightclubs; asphalt or concrete plants; adult entertainment; service stations; convenience stores with gas islands; and drinking establishments. No restaurants with drive-in service would be allowed within 200 feet of residentially zoned property.

Parcel 2 (7.71 acres) is proposed for "GO" General Office. It is located south of Parcel 1 and abuts a "GO" on DP-266. A proposed collector separates Parcels 1 and 2 from Parcels 3 and 4, and links DP-274 to the southwest portion of DP-266.

Parcel 3 (3.36 acres) is proposed for "NO" Neighborhood Office is located between the proposed "LC" parcels to the east and Remington Place Office Park being developed to the west, which is also zoned "NO". Parcel 3 would allow all "NO" uses permitted by right **except:** group homes, recycling stations, and asphalt or concrete plants. Individual tenants would be limited to 18,000 square feet of gross floor area.

Parcel 4 (17.35 acres) is proposed for "SF-5" Single-family Residential and allows single family, patio homes, zero lot line homes and townhouses. Density would be 8.6 dwelling units per acre, for a maximum of 150 units.

Maximum building coverage and gross floor area is 20 percent for Parcel 1 and 25 percent for Parcels 2 and 3. This is well below the customary 30 percent coverage and 35 percent gross floor area typical of C.U.P.s. Maximum height is 45 feet for Parcel 2 and 35 feet for remaining parcels. Setbacks are 35 feet for Parcel 3, the standard requirement for C.U.P.s.

Parcels 1 and 2 have setbacks of 35 feet along streets but none shown on the other property lines. Parcel 4, the residential tract, has a setback of 25 feet. The lack of setbacks on exterior property lines requires governing body approval since it would override the standard 35-foot C.U.P. nonresidential minimum setback. The developer has requested these setbacks be omitted to add flexibility in developing the parcels jointly with the parcels in DP-266 to the east and south.

Architecture is to be consistent within Parcel 1, consistent within Parcel 3, and prohibit predominately metal facades on all parcels. Parking lot elements would be consistent for commercial uses and for office uses. Screening walls would be required for commercial adjacent to residential use and landscape buffers or screening walls for office and multi-family use adjacent to "TF-3" or "SF-5", with the exception that a landscaping buffer with a minimum width of 15 feet and plant materials of at least one shade tree and five shrubs per 30 linear feet (one-third evergreen) may

be provided in lieu of the solid masonry wall.

Freestanding monument style signs on 21st Street North would be up to 30 feet in height and 300 square feet in size. Other monument signs on 21st Street North would be limited to 20 feet in height and a maximum size of 200 feet per single sign. Maximum signage on 21st Street North for Parcel 1 would not exceed 0.8 times lineal frontage for Parcel 1. Parcel 3 would be limited to a total of three signs with a maximum size of 96 square feet (0.42 times lineal frontage). On the collector street, monument signage would be limited to eight feet in height and 50 square feet in size with no more than two per parcel. Other sign requirements limit window signage to 25 percent of the window area, prohibit wall signs on the rear of buildings facing residentially zoned districts, and prohibit off-site and portable signs.

Cross-lot circulation is required of all adjacent commercial parcels and a pedestrian circulation plan is required for all parcels.

The site is currently a large estate with a single-family residence located on proposed Parcel 1. Most of the surrounding area is under development that is transforming this area to a highly developed corridor along 21st Street North and Greenwich from K-96 southward. The property to the north of 21st Street North is DP-234 Regency Lakes C.U.P. and a SuperTarget is under construction for the largest parcel of the C.U.P. As previously mentioned, the 120-acre tract to the east and south is DP-266 The Woodlands, which is approved for commercial, office and residential use and intended to be tied together with this development. It is in the same ownership. The property to the west, Remington Place, is zoned "NO" and "SF-5" and developing with an office park along 21st and single-family residential on the balance of the development. Tallgrass East, zoned "SF-5" in single-family use, is located to the northwest. Regency Lakes, zoned "SF-5" in single-family use is located to the northeast. Chaucer Estates (PUD #2), an assisted living facility, is located to the north.

Analysis: At the MAPC meeting held April 22, 2004, MAPC voted (10-0) to approve the creation of DP-274 Oak Creek Community Unit Plan and zone change subject to staff recommendation and including the clarification on Parcel 3 signage, and as follows:

- A. APPROVE the zone change (ZON2004-00014), subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-274), subject to the following conditions:
 - 1. The applicant shall provide a guarantee for a continuous accel/decel lane on 21st Street North at time of platting.
 - 2. Access controls: Access controls shall be in accordance with the Access Management Policy, and shall include the following: The CUP must ensure that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.
 - 3. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 - 4. 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.

5. 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.
6. 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-274) includes special conditions for development on this property.
7. 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.

No citizens were present to speak on the request.

Alternatives:

1. Adopt the MAPC recommendation;
2. Override the MAPC recommendation by a 2/3 majority vote of the membership of the governing body; or
3. Return such recommendation to the MAPC with a statement specifying the basis for the BoCC's failure to approve or disapprove.

Financial Considerations: Not applicable.

Policy Considerations: The MAPC recommendations are based on the findings of fact stated in the MAPC minutes.

Legal Considerations:



Handwritten signature

Approved as to form and signed by County Counselor's Office