

ORDINANCE NO. 46-810

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 2005-23

Zone change request from SF-5, Single-Family Residential District to GO, General Commercial District, described as:

Lots 1-3, Block A, and Reserves A, B and C, Lillie Addition, Wichita Sedgwick County, Kansas.

Generally south of Maple and on the west side of Maize 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 1ST day of November, 2005.

ATTEST:

Karen Sublett, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

STAFF REPORT

DAB V June 6, 2005

MAPC June 9, 2005

CASE NUMBER: CUP2005-00028 (DP-286) with ZON2005-00023

APPLICANT/AGENT: Matt Lillie (Owner/Applicant); Baughman Company c/o Russ Ewy (Agent)

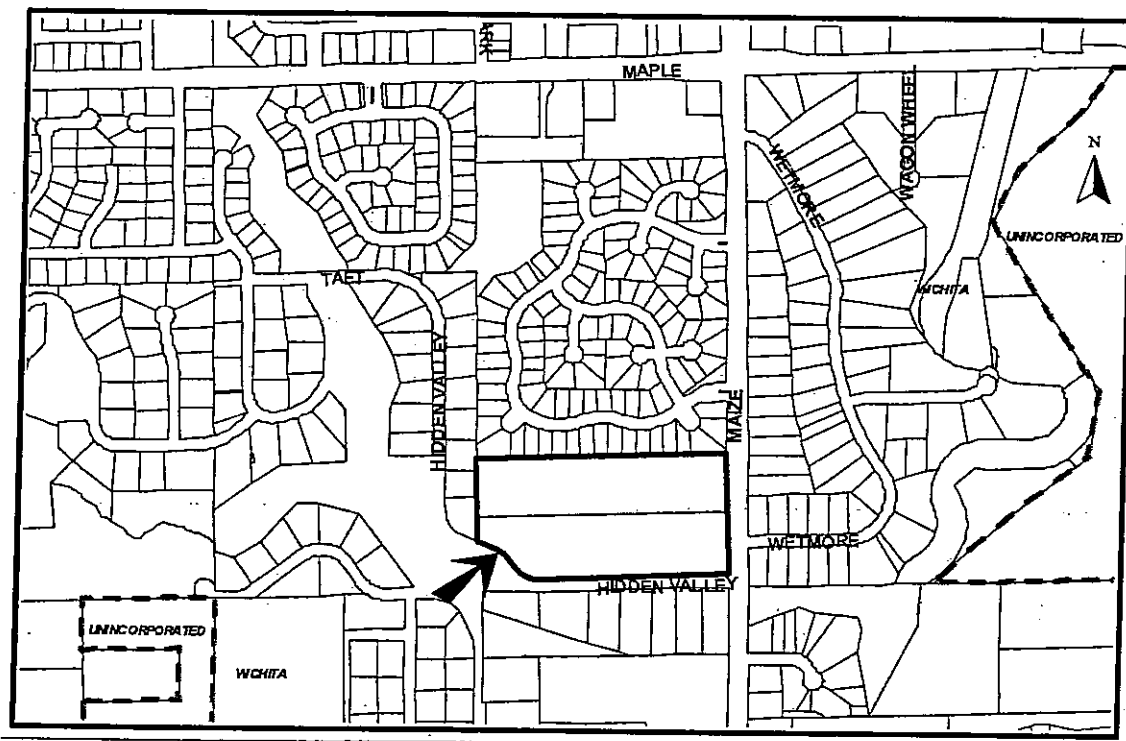
REQUEST: Creation of the Lillie Office Park CUP and a zone change to "GO" General Office

CURRENT ZONING: "SF-5" Single Family

SITE SIZE: 17.28 acres

LOCATION: South of Maple and west of Maize

PROPOSED USE: Office park



BACKGROUND: The applicant is requesting to create the Lillie Office Park Community Unit Plan on a 17.28 acre unplatted tract located south of Maple and west of Maize. The applicant also is requesting a zone change for the subject property from "SF-5" Single Family to "GO" General Office.

The subject property is currently developed with a vacant school/church building. The existing building is proposed to be razed and the site redeveloped. The character of the area is low density residential. All of the surrounding properties are zoned "SF-5" Single Family and are developed with single family residences.

The applicant proposes to develop the subject property with uses permitted in the "GO" General Office zoning district, with the exception of residential uses, cemetery, correctional placement residence, golf course, group home, recycling collection station, hotel or motel, marine facility, parking area, asphalt or concrete plant, and agriculture. The subject property is proposed to be divided into six parcels, with three of the parcels containing office development and the other three parcels containing open space and drainage retention ponds. A maximum of 234,890 square feet of floor area in a maximum of 12 buildings is proposed. A maximum building height of 35 feet is proposed. One access point to Maize Road is proposed, and no access points are proposed to Hidden Valley Road. Building setbacks of 35 feet are proposed along all street right-of-way and where the subject property abuts residential properties. Signs are proposed to be permitted per the Sign Code with one 96 square foot, 16-foot high monument sign permitted for each of the three parcels along Maize Road and with additional restrictions on off-site and portable signs, sign type, and sign spacing. The screening wall requirement is proposed to be waived, with screening provided by evergreen vegetation or landscaped earth berms, including a 25-foot buffer provided along the north, west, and south property lines to protect existing trees. Landscaping is proposed per the Landscape Ordinance, with the addition that landscaped street yards and parking lot screening and landscaping will be provided along the interior street. Light poles are proposed to be limited to 24 feet in height. Buildings are proposed to share a uniform residential architectural character with predominate exterior materials of brick, stone, or stucco and building roofs that are compatible with typical residential construction.

CASE HISTORY: In 2003, the applicant proposed the creation of a Planned Unit Development (PUD2003-00003) to permit office, community assembly, indoor recreation, and townhouse residential development. The applicant subsequently withdrew the request for a PUD.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-family residences
SOUTH:	"SF-5"	Single-family residences
EAST:	"SF-5"	Single-family residence
WEST:	"SF-5"	Single-family residences

PUBLIC SERVICES: The site will have one point of access to Maize, a four-lane arterial street. Traffic volumes on Maize are approximately 15,000 vehicles per day and are projected to increase to approximately 19,000 vehicles per day in the 2030 Transportation Plan, which recommends that this stretch of Maize remain a four-lane arterial street. As proposed, office development on the subject property would generate sufficient traffic in the peak hour to trigger the requirement for a traffic study to determine the necessary street improvements to handle the additional traffic generated by the subject property. The traffic study will be reviewed, and guarantees for any needed street improvements will be acquired through the platting process. Water and sewer service are provided to the subject property the City of Wichita. The area has drainage problems during moderate to heavy rains, and a drainage plan will be required to be approved and implemented through the platting process to ensure that post-development storm water run-off from the site does not increase.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide in the Comprehensive Plan indicates that the site is appropriate for "Public/Institutional" development. While the proposed office park does not specifically comply with the Comprehensive Plan's recommended use of the site, the applicant's proposal places significant restrictions on uses and requires high development standards to increase compatibility with surrounding low-density residential uses. The proposed office park would have similar impacts on the surrounding area as a large school or church, which could be developed by right with very few development standards and would conform with Land Use Guide's recommended use for the subject property.

RECOMMENDATION: Based on the information available prior to the public hearing, planning staff recommends the request be APPROVED subject to the following conditions:

- A. APPROVE the zone change (ZON2005-00023) to "GO" General Office subject to platting within one year.
- B. APPROVE the Community Unit Plan (DP-286 Lillie Office Park CUP) subject to platting within one year and subject to the following conditions:
 - 1. The following shall be removed from General Provision #15: "Buildings shall be designed with a residential architectural character, including roofs that are gable or hip in style. Building elevation drawings shall be required for review and approval by the Planning Director prior to the issuance of any building permits to ensure compliance with these provisions."
 - 2. Prior to publishing the ordinance establishing the zone change, the applicant shall record a document with the Register of Deeds indicating that this tract (referenced as DP-286 Lillie Office Park CUP) includes special conditions for development on this property.
 - 3. The applicant shall submit four 24" x 36" and one 11" x 17" 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the area is low density residential. All of the surrounding properties are zoned "SF-5" Single Family and are developed with single family residences. With the proposed limitations on uses and high-development standards, the proposed office park will have a residential character in keeping with the neighborhood; therefore, the request is consistent with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is currently zoned "SF-5" Single-Family Residential and could be developed with uses permitted in the "SF-5" zoning district. The "SF-5" district permits low-density residential development as well as public/institutional uses such as churches or schools. Since the site is currently developed with a vacant school/church building, the economics involved with razing the structure make low-density residential reuse of the subject property unlikely.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed restrictions of the CUP, including the limitation on the proposed uses, signage restrictions, architectural control, and landscaping requirements should mitigate detrimental affects on surrounding properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita Land Use Guide in the Comprehensive Plan indicates that the site is appropriate for "Public/Institutional" development. While the proposed office park does not specifically comply with the Comprehensive Plan's recommended use of the site, the applicant's proposal places significant restrictions on uses and requires high development standards to increase compatibility with surrounding low-density residential uses. The proposed office park would have similar impacts on the surrounding area as a large school or church, which could be developed by right with very few development standards and would conform with Land Use Guide's recommended use for the subject property.
5. Impact of the proposed development on community facilities: The applicant will be required to provide any necessary improvements to streets and drainage through the platting process. These improvements should mitigate any negative impacts of the proposed development on community facilities.