OCA150006 BID 37529-009 CID#76383) 47-575

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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 2006-57

Request for Zone change from SF-5" Single-Family Residential District to "LC" Limited Commercial District, for property described as:

Lots 1-3, Block A, and Reserves A and B, Koch Community Park Addition, Wichita, Sedgwick County, Kansas.

Generally located north of 29th Street North and on the west side of Oliver.

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 18 day of Sept, 2007.

ATTEST:

Carl Brewer, Mayor

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

STAFF REPORT

MAPC January 18, 2007
DAB I January 8, 2007

CASE NUMBER: CUP2006-53 AND ZON2006-57 DP-304 Koch Community Park Community Unit Plan

APPLICANT/AGENT: Koch Real Estate Holdings Inc. (Attn: Sher Armstrong) (owner); Baughman Company, PA. c/o Russ Ewy (agent)

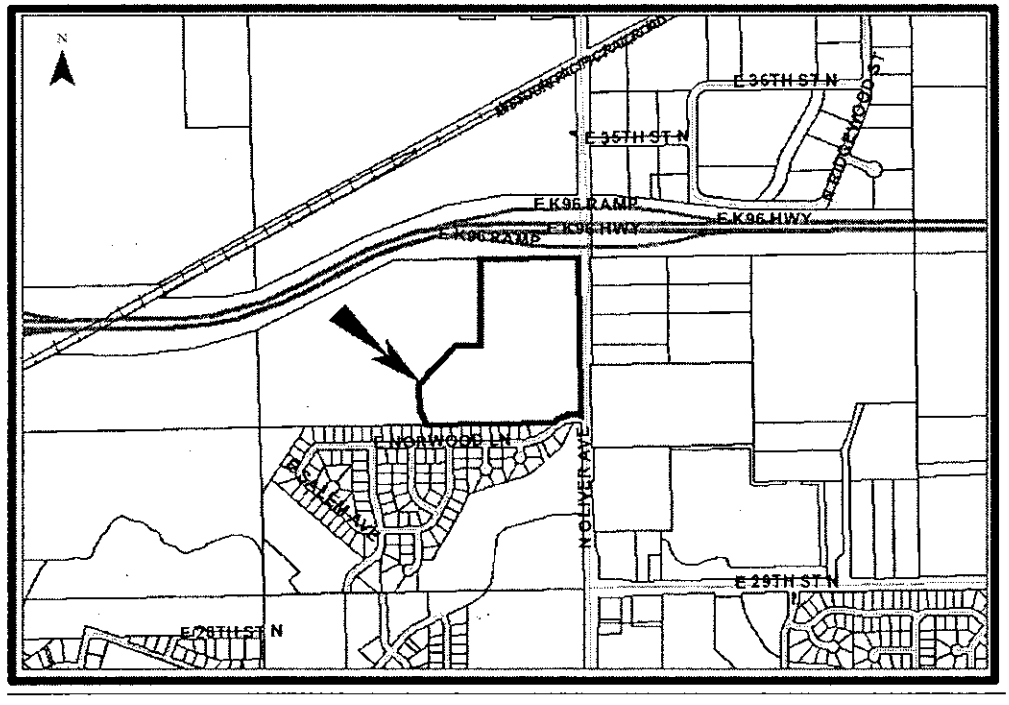
REQUEST: Create DP-304 Koch Community Park Community Unit Plan; zone change to "LC" Limited Commercial

CURRENT ZONING: "SF-5" Single-family Residential

SITE SIZE: 31.04 gross acres; 30.75 net acres

LOCATION: West of Oliver and south of K-96

PROPOSED USE: Office and commercial development



BACKGROUND: The applicant proposes to create DP-304 Koch Community Park Community Unit Plan, containing approximately 31 acres with three parcels located west of Oliver and south of K-96. The property currently is zoned "SF-5" Single-family Residential. "LC" Limited Commercial is the requested zoning for the CUP, although the uses for Parcel 1 (10.57 acres) and Parcel 2 (5.18 acres) would be restricted to those allowed by right in the "GO" General Office zoning district. All parcels would exclude the following uses: adult entertainment, sexually oriented business, correctional placement residence, asphalt/concrete, safety service, pawn shop, agricultural sales and service, commercial wireless facilities or theatre. A private non-profit group, Rainbows United, hopes to develop Parcel 1 with an office/child care use. No specific uses are identified for the remainder of the tract.

Maximum building coverage would be 20 percent for Parcels 1 and 2 and 30 percent for Parcel 3. Maximum gross floor area would be 35 percent for the entire CUP, for a maximum floor area ratio of 0.35:1. Maximum building height is 35 feet for Parcels 1 and 2 and 45 feet for Parcel 3. Building setbacks would be 35 feet along K-96, Oliver Avenue, Norwood Lane and most of the west property line. The setback increases to 50 feet in width to accommodate the existing hedgerow and includes a 30-foot landscape buffer for the south property line and the west property line to a point about 315 feet north of the southwest corner of the tract.

Requested screening for the south and southwest property line would rely on the existing hedgerow combined with a screening wall or decorative fencing in areas where the landscape materials are less densely established than one tree per 20 feet of common property line. The gaps would be planted with a mixture of deciduous and evergreen species at a planting size of 2" or more calipers for deciduous trees and six to eight feet in height for evergreen trees. As proposed, the screening with landscape materials meets the minimum Unified Zoning Code requirement only if the property were zoned GO and not located within a CUP. The Unified Zoning Code requirement for all LC zoning is a solid screening wall and the requirement for commercial zoning within a CUP is with a masonry-type solid screening wall. And, the screening wall would be supplemented with a landscape buffer of one tree per 40 feet of common property line on property zoned LC. The requested waiver of the screening wall will have to be approved by an override of the Wichita City Council.

Also, the applicant has requested a waiver of screening requirements on the rest of the west property line. The same applicant (Koch) owns all the property west of the creek. The western boundary of the CUP lies along the East Fork Chisholm Creek Tributary #3. It is within the 100-year floodplain, and a stand of trees is located along the creek/property line.

The CUP stipulates uniform architectural compatibility within each parcel. All buildings are to have predominately earth-tone color palette, although the more color is designed for the Rainbows United building. All parking lots would have similar or consistent lighting elements, limited to 24 feet in height for the entire CUP.

Signage would be per the Unified Zoning Code for LC zoning, with the following additional

restrictions. Monument signage for Oliver Avenue would be one freestanding sign each on Parcel 1 (located a minimum of 150 feet north of Norwood Lane) and Parcel 2; these signs would have a maximum size of 96 square feet and height of 14 feet and be spaced as closely as 75 feet apart. Alternatively, Parcels 1 and 2 could share one monument sign on Oliver Avenue with a maximum size of 150 square feet and 20 feet in height. Four signs with a maximum size of 96 square feet and height of 14 feet would be allowed on Parcel 3 along Oliver, all spaced 150 feet apart. Flashing signs (except time, temperature or public service messages), rotating or moving signs, signs with moving lights or signs that create the illusion of movement would be prohibited. Also, portable, and off-site signs are prohibited. No special conditions are given for signage along K-96. Building wall signage will be prohibited on the facades along the southern property line.

The site currently is zoned SF-5 and is in agricultural use, as is the property in the same ownership west of the creek. The property is bounded by K-96 on the north, and is zoned "LI" Limited Industrial north of K-96. The property east of proposed Parcel 3 on Oliver is zoned SF-5 and is developed with suburban residences. The property east of proposed Parcel 1 is Chisholm Creek Park, zoned "MF-18" Multi-family Residential. The property south is zoned SF-5 and developed with single-family residences in the Lost Acres Addition.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Koch complex
SOUTH:	SF-5	Single-family subdivision
EAST:	SF-5, MF-18	Suburban tracts, Chisholm Creek Park
WEST:	SF-5	Undeveloped, agricultural

PUBLIC SERVICES: Oliver Avenue is a four-lane major arterial. K-96 has an off-ramp at the intersection with Oliver. Traffic counts in 2006 were 11,503 vehicles per day north of 29th Street North on Oliver.

Proposed access is two major openings, plus one right-in/right-out and one exit only. The southernmost drive is to align with the opening to Chisholm Park east of Oliver Avenue, and the northernmost opening is to align with the existing driveway and end point of the median on Oliver. General Provision #25 indicates that initially a private drive will be installed serving Parcels 1 and 2, but upon development of Parcel 3, this access easement would be converted to a platted public street, improved to public street standards. The CUP proposes an exit-only opening onto Norwood Lane near Oliver.

Other municipal services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "local commercial," which is the type of development proposed.

Commercial Objective III.B encourages future commercial areas to: "Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses." The tract has access due to its location on the K-96/Oliver interchange. No commercial activities are located south of K-96 today; the property north of K-96 is in commercial use. **Strategy III.B.2** seeks to integrate out parcels to planned centers through shared internal circulation, shared signage, similar landscaping and building materials, and combined ingress/egress locations. The proposed CUP incorporates architectural requirements, parking lot elements and lighting consistency, retrained signage particularly on Oliver, cross-lot circulation, a site circulation plan, and combined ingress-egress. **Strategy III.B.3** seeks to reduce access points along arterial streets; the number of access points requested on the CUP is within the range allowed by urban standards of the Access Management Policy.

Commercial Locational Guideline #1 of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with this guideline. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use, and **#4** recommends compact clusters versus extended strip development. The proposed CUP restricts the height of parking lot lighting to 24 feet, restricts Parcels 1 and 2 to uses permitted by right in GO, and reduces the some uses on Parcel 3. Additional restrictions on uses, limitations on overhead doors and drive-through uses, and size of retail uses would benefit nearby residences.

RECOMMENDATION: Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to platting within one year and subject to the following conditions:

A. APPROVE the zone change (ZON2006-57) to LC Limited Commercial subject to platting of the entire property within one year;

B. APPROVE the Community Unit Plan (DP-304), subject to the following conditions:

1. Transportation improvements:
   a. Slight modifications on the CUP drawing may be needed during platting to align the drives in this manner.
   b. Provide petition(s) to guarantee construction of left turn center lanes to both major entrances.
2. Revise General Provision #7E to include "billboards." Add prohibition of building wall signage on south facades on Parcels 1 and 2 and west facades on Parcel 2.
3. Add to General Provision #9: "and away from residential areas."
4. Revise General Provision #13 to provide solid screening for all outdoor work and storage areas, parking lots and loading docks, etc. from residential zoning districts.
5. Add to General Provision #15 "per Unified Zoning Code."

6. Revise General Provision #18 to prohibit overhead doors facing residential zoning except on west property line and prohibit drive-in windows within 200 feet of residential zoning. Limit maximum size of any single retail use to 40,000 square feet except for a grocery store or drug store.
7. Revise General Provision #24 to provide pedestrian connections between buildings.
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 CUP and zone case shall be platted within one year after approval of this CUP 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-304) includes special conditions for development on this property.
12. The applicant shall submit four revised copies of the CUP 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 site currently is zoned SF-5 and is in agricultural use, as is the property in the same ownership west of the creek. The property is bounded by K-96 on the north, and is zoned "LI" Limited Industrial north of K-96. The property east of proposed Parcel 3 on Oliver is zoned SF-5 and is developed with suburban residences. The property east of proposed Parcel 1 is Chisholm Creek Park, zoned "MF-18" Multi-family Residential. The property south is zoned SF-5 and developed with single-family residences in the Lost Acres Addition.

2. The suitability of the subject property for the uses to which it has been restricted: The area is suitable for the SF-5 uses as currently zoned or local commercial uses.

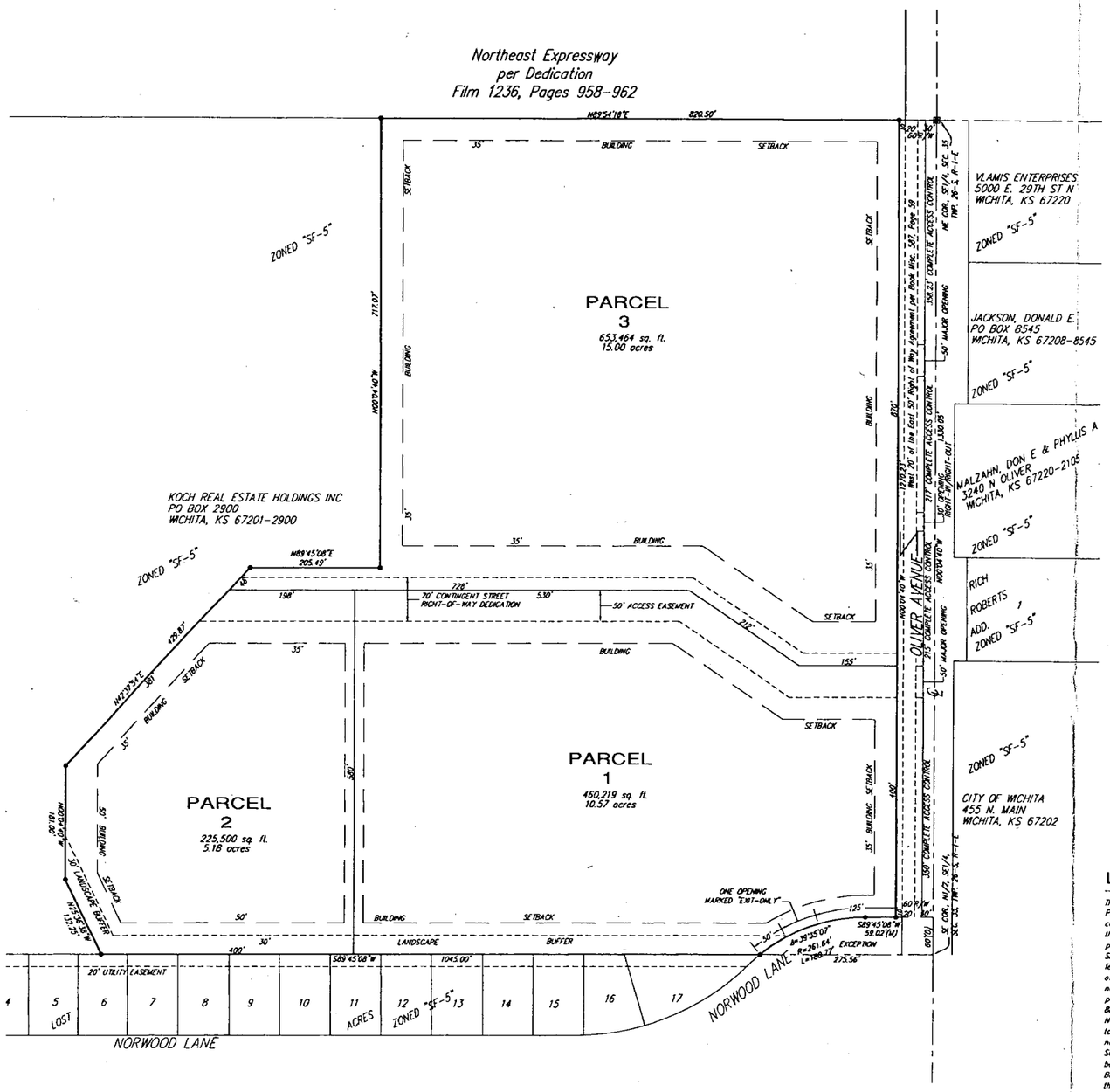
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The impact of the commercial use on the nearby residential areas to the east will be decreased by use restrictions, site restrictions nearer residential development, and design elements of the CUP.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "local commercial," which is the type of development proposed. **Commercial Objective III.B** encourages

future commercial areas to: "Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses." The tract has access due to its location on the K-96/Oliver interchange. No commercial activities are located south of K-96 today; the property north of K-96 is in commercial use. **Strategy III.B.2** seeks to integrate out parcels to planned centers through shared internal circulation, shared signage, similar landscaping and building materials, and combined ingress/egress locations. The proposed CUP incorporates architectural requirements, parking lot elements and lighting consistency, retrained signage particularly on Oliver, cross-lot circulation, a site circulation plan, and combined ingress-egress. **Strategy III.B.3** seeks to reduce access points along arterial streets; the number of access points requested on the CUP is within the range allowed by urban standards of the Access Management Policy. **Commercial Locational Guideline #1** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with this guideline. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use, and **#4** recommends compact clusters versus extended strip development. The proposed CUP restricts the height of parking lot lighting to 24 feet, restricts Parcels 1 and 2 to uses permitted by right in GO, and reduces the some uses on Parcel 3. Additional restrictions on uses, limitations on overhead doors and drive-through uses, and size of retail uses would benefit nearby residences.

5. Impact of the proposed development on community facilities: As proposed, traffic could be expected to increase on Oliver Avenue, which can be mitigated left-turn center lane improvements.

KOCH COMMUNITY PARK
COMMUNITY UNIT PLAN
DP-304



SCALE: 1" = 100'

PARCEL 1

A.	Net Area:	460,219 sq.ft. or 10.57 acres
B.	Maximum Building Coverage:	92,000 sq.ft. or 20 percent
C.	Maximum Gross Floor Area:	161,077 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Buildings:	One (1)
F.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
G.	Setbacks:	See Drawing
H.	Access Points:	See Drawing

PARCEL 2

A.	Net Area:	225,500 sq.ft. or 5.18 acres
B.	Maximum Building Coverage:	45,100 sq.ft. or 20 percent
C.	Maximum Gross Floor Area:	78,925 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Buildings:	One (1)
F.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.	
G.	Setbacks:	See Drawing
H.	Access Points:	See Drawing

PARCEL 3

A.	Net Area:	653,464 sq.ft. or 15.00 acres
B.	Maximum Building Coverage:	196,039 sq.ft. or 30 percent
C.	Maximum Gross Floor Area:	228,712 sq.ft.
D.	Floor Area Ratio:	35 percent
E.	Maximum Number of Buildings:	Five (5)
F.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.	
G.	Setbacks:	See Drawing
H.	Access Points:	See Drawing

REVISIONS

Created: November 16, 2006
Revised: December 3, 2006
Submitted: December 11, 2006

LEGAL DESCRIPTION:

That part of the N ½ of the SE ¼ of Sec. 35, Twp. 26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning at the SE corner of the N ½ of said SE ¼; thence S89°45'08"W along the south line of the N ½ of said SE ¼, 1320.56 feet; thence N25°36'38"W, 132.25 feet to a point 119.50 feet normally distant north of the south line of the N ½ of said SE ¼; thence N00°04'40"W parallel with the east line of said SE ¼, 181.00 feet to a point 1377.56 feet normally distant west of the east line of the N ½ of said SE ¼; thence N42°37'54"E, 429.87 feet to a point 1085.99 feet normally distant west of the east line of said SE ¼; thence N89°45'08"E parallel with the south line of the N ½ of said SE ¼, 205.49 feet to a point 880.50 feet normally distant west of the east line of said SE ¼; thence N00°04'40"W parallel with the east line of said SE ¼, 717.07 feet, more or less, to a point on the north line of said SE ¼; thence N89°54'59"E along the north line of said SE ¼, 880.50 feet to the NE corner of said SE ¼; thence S00°04'40"E along the east line of said SE ¼, 1330.05 feet to the point of beginning; except that part of the N ½ of said SE ¼ described as follows: Beginning at the SE corner of the N ½ of said SE ¼; thence northerly along the east line of said SE ¼, 60.00 feet; thence westerly parallel with the south line of the N ½ of said SE ¼, 109.02 feet to the P.C. of a curve; thence southwesterly on a curve to the left having a radius of 261.64 feet and a delta (erroneously described as deflection) angle of 39°35'07", a distance of 180.77 feet to the south line of said N ½ of said SE ¼; thence east 275.56 feet to the point of beginning, all being subject to road rights-of-way of record.

GENERAL PROVISIONS:

1. Total Land Area: 1,351,953 ± sq.ft. or 31.04 ± acres
   Net Land Area: 1,339,253 ± sq.ft. or 30.75 ± acres
2. Total Gross Floor Area: 473,184 sq.ft.
   Total Floor Area Ratio: 35 percent
3. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description.
4. Setbacks are as indicated on the C.U.P. drawing, or as specified in the parcel descriptions. If contiguous parcels are to be developed under the same ownership, setbacks between those parcels will not be required.
5. A Drainage Plan shall be submitted to City Engineering for approval. Required guarantees for drainage shall be provided at the time of platting improvements.
6. Guarantees for specific street improvements for Oliver St. shall be further reviewed and determined at the time of platting.
7. Signs shall be in accordance with the Sign Code of the City of Wichita with the following conditions:

   A. Each parcel is permitted the following signage along the arterial frontage:

   Parcel 1: One monument style sign to be located a minimum of 150 feet north of Norwood Lane along Oliver. The sign shall have a maximum area of 96 square feet and a maximum height of 14 feet. As an option, Parcels 1 and 2 may share one monument style sign with a maximum combined area of 150 square feet and a maximum height of 20 feet.

   Parcel 2: One monument style sign to be located in a platted reserve near the major opening on Oliver. The sign shall have a maximum area of 96 square feet and a maximum height of 14 feet. As an option, Parcels 1 and 2 may share one monument style sign with a maximum combined area of 150 square feet and a maximum height of 20 feet.

   Parcel 3: Four monument style signs to be located along Oliver. Each sign shall have a maximum area of 96 square feet and a maximum height of 14 feet.

   B. Each parcel is permitted the following signage along the access drive frontage:

   Parcel 1: One monument style sign with a maximum area of 36 square feet and a maximum height of 8 feet.

   Parcel 2: One monument style sign with a maximum area of 36 square feet and a maximum height of 8 feet.

   Parcel 3: Three monument style signs with a maximum area of 36 square feet and a maximum height of 8 feet per sign.

   C. As the frontage develops along the arterial roadway, monument type signs shall be spaced a minimum of 150' apart within Parcel 3, and a minimum of 75' apart between Parcels 1 and 2, irrespective of how land is leased or sold.

   D. Flashing signs (except for signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.

   E. Portable and off-site signs are not permitted.

   F. Window display signs are limited to 25% of the window area.

8. Access Controls shall be as shown on the final plat.
9. All exterior lighting shall be shielded to direct light disbursement in a downward direction.
10. All parcels shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).

   A. Limited height of light poles to 24 feet.

   B. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.

11. Utilities, shall be installed underground on all parcels.
12. Landscaping for this site shall be required as follows:

   A. Development of all parcels within the C.U.P. shall comply with the Landscape Ordinance of the City of Wichita.

   B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.

   C. A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.

13. Screening shall be provided along the south and southwest property lines, as indicated on the plan, by a combination of a 30-foot landscape buffer in conjunction with either a solid screening wall or decorative fencing. This buffer shall provide the equivalent of, at minimum, one tree per 20 feet. The existing tree rows may be used to meet the condition of one tree per 20 feet if the existing trees are located on the subject property. Where there are gaps, a mixture of evergreen and deciduous trees shall be installed with one tree per 20 feet with the planting size of the trees meeting the requirements of the landscape ordinance. Screening shall be waived along the west property lines.
14. Rooftop mechanical equipment shall be screened from ground level view per Unified Zoning Code.
15. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened to reasonably hide them from ground view.
16. All buildings within each parcel of the C.U.P. shall share uniform architectural character, color, texture, and the same predominate exterior building material, as determined by the Director of Planning. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas. Metal as an exterior material shall be limited to incidental accent.
17. Fire lanes shall be in accordance with the Fire Code of the City of Wichita. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of construction prior to the issuance of building permits.
18. All parcels shall be zoned Limited Commercial with the following use restrictions: Parcels 1 and 2 shall be limited to those uses permitted by right in the "GO" General Office District. No parcel within this C.U.P. shall allow the use of adult entertainment establishments, sexually oriented business, correctional placement residences, asphalt/concrete safety service, pawn shop, agricultural sales and service, commercial wireless communication facilities or theater. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.
19. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between parcels within the C.U.P.
20. Amendments, adjustments or interpretations to this C.U.P. shall be done in accordance with the Unified Zoning Code.
21. The Transfer of title of all or any portion of land included within the Community Unit Plan (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
22. 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.
23. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
24. A plan for a pedestrian walk system shall be submitted and approved by the Director of Planning prior to the issuance of building permits. Said walk system shall link sidewalks along Oliver St. with the proposed buildings within the subject property.
25. Site access for Parcels 1 and 2 shall be provided by a 24-foot (minimum) drive located within the 50-foot access easement, as shown on the plan. Upon development within Parcel 3, the contingent right-of-way dedication shall be activated and the existing access drive shall be rebuilt to a City standard street.
26. Approval of a site circulation plan by the Planning Director is required for each phase of construction prior to the issuance of a building permit.

DP-304

KOCH COMMUNITY PARK
COMMUNITY UNIT PLAN

Baughman Company, P.A.
113 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE