RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM: CUP2000-00021 –Request to create the Kiser West Community Unit Plan (DP-254); and

ZON2000-00022 - Zone change from 'LC" Limited Commercial and "SF-20" Single-Family Residential to "LC" Limited Commercial, located at the southwest corner of 13th Street North and Greenwich Road.

PRESENTED BY: Marvin S. Krout, Director of Planning

PROPOSED AGENDA DATE: June 20, 2001

COMMISSION DISTRICT #1

MAPC Recommendation: Approve zone change subject to platting within 1 year; approve CUP, subject to conditions (9-0).

Staff Recommendation: Approve, subject to conditions.

Background/Discussion: The applicant is requesting to create the Kiser West Community Unit Plan on a 13.71 acre unplatted tract located at the southwest corner of 13th Street North and Greenwich. The applicant is also requesting to rezone a portion the subject property from "SF-20" Single Family Residential to "LC" Limited Commercial. The remainder of the subject property is currently zoned "LC" Limited Commercial.

The surrounding area is characterized by a three-square mile industrial complex for Raytheon to the north, south, and west and a developing suburban area with significant amounts of remaining undeveloped property for both residential and commercial use to the east. Undeveloped property east and northeast of the site across Greenwich has been approved for commercial development under the 59 acre Gateway Center CUP and the 20 acre Dillon's 13th and Greenwich CUP. Undeveloped property zoned for residential development also is located east and northeast of the site. The nearest properties developed with residential uses are located in the Preston Trails subdivision that is located southeast of the site across Greenwich.

Due to the subject property's close proximity to the runway at Raytheon, planning staff encouraged the applicant to work with Raytheon to limit their proposal's impact on the operations of the runway. Planning staff understands that the applicant has reached an agreement with Raytheon on the sale of land south and west of the subject property and that the land will be incorporated into Raytheon's industrial complex. This land sale limits the commercial development to a depth of 250 feet along 13th Street North and

Greenwich, which limits the impacts of the proposal on the operations of Raytheon's runway. To further limit the impacts of the proposal on the operations of Raytheon's runway, planning staff recommends that residential development not be permitted on the site and that buildings be limited to 25 feet in height unless an Airport Hazard Zoning Permit for Area A is granted.

As shown on the development plan (attached), the applicant proposes to divide the subject property into nine parcels. All parcels are proposed for "LC" Limited Commercial zoning and all uses permitted by-right in the "LC" district except correctional placement residences; group residences; group homes; halfway houses; and night clubs including adult entertainment, taverns, and drinking establishments. The proposed uses also include microbreweries when associated with an eating establishment; however, a microbrewery is first permitted in the "GC" General Commercial district and is not permitted in the "LC" district requested by the applicant.

All parcels are proposed for a maximum 30% building coverage and a maximum 35% gross floor area ratio. The maximum building height proposed is 35 feet for all parcels. Landscaping is proposed per the City of Wichita landscape code. Signs are proposed to be monument type with a height not to exceed 20 feet. Sign square footage is proposed to be limited to 80 percent of street frontage with signs spaced at least 150 feet apart. Building setbacks of 35 feet on the front and 20 feet on the rear are proposed. Architectural control is proposed for all parcels. Access controls line up with the access points to the property across Greenwich to the east. No off-site traffic improvements are proposed.

At the MAPC hearing on May 24, 2001, no speakers, other than the applicant, appeared in favor of or in opposition to the request. Raytheon submitted a written statement (attached) indicating support of the request. The MAPC voted (9-0) to approve the zone change to "LC" Limited Commercial subject to platting within one year and to approve the creation of the Kiser West CUP. (DP-254) subject to the following conditions:

1. Microbreweries shall be removed from the list of permitted uses.
2. Service stations, convenience stores, drive-in/drive-through restaurants, and vehicle repair shall be prohibited on Parcels 7, 8, and 9.
3. Residential uses shall be prohibited on all parcels.
4. Buildings shall not exceed 25 feet in height unless an Airport Hazard Zoning Permit for Area A is granted prior to the issuance of a building permit.
5. All utilities shall be installed underground.
6. Off-site and portable signs shall not be permitted.
7. A plan for a pedestrian walk system to link proposed buildings with the entrances and sidewalks along 13th Street North and Greenwich shall be submitted for approval by the Planning Director prior to the issuance of building permits.
8. The shared access openings between Parcels 1 and 2, Parcels 2 and 3, and Parcels 6 and 7 shall be limited to right-in/right-out only.

9. Traffic improvements shall be guaranteed at the time of platting. The required traffic improvements are anticipated to be: an accel/decel lane along the entire 13th Street North and Greenwich frontage, a left turn lane at all openings not restricted to right-in/right-out only, and a portion of the cost of signalization at the major opening along Greenwich.
10. Prior to publishing the resolution establishing the zone change, the applicant shall record a document with the Register of Deeds indicating that this tract (referenced as DP-254: Kiser West CUP) includes special conditions for development on this property.
11. The applicant shall submit 4 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.

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:
Kiser Inc. c/o John L. Kiser, 7765 Killarney Pl., Wichita, KS 67206
Ritchie Associates, Inc. c/o Rob Ramseyer, 8100 E. 22nd St. N., Bldg. 1000, Wichita, KS 67226
MKEC Engineering Consultants, Inc. c/o Greg Allison, 411 N. Webb Rd. Wichita, KS 67206

Protestors:
None

Dup ( ) Published in The Wichita Eagle on APR 25 2002

ORDINANCE NO. 45-204

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 2000-00022

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

Kiser West Addition, Wichita, Sedgwick County, Kansas

Generally located on the southwest corner of 13th 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.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

FILE COPY

5A + 5B

AGENDA ITEM NO. 5B

STAFF REPORT

MAPC April 5, 2001
MAPC May 24, 2001

CASE NUMBER: CUP2000-00021 (DP-254: Kiser West CUP) with ZON2000-00022

APPLICANT/AGENT: Kiser Properties LLC c/o John L. Kiser (Owner); Ritchie Associates, Inc. c/o Rob Ramseyer (Applicant); MKEC Engineering Consultants, Inc. c/o Greg Allison (Agent)

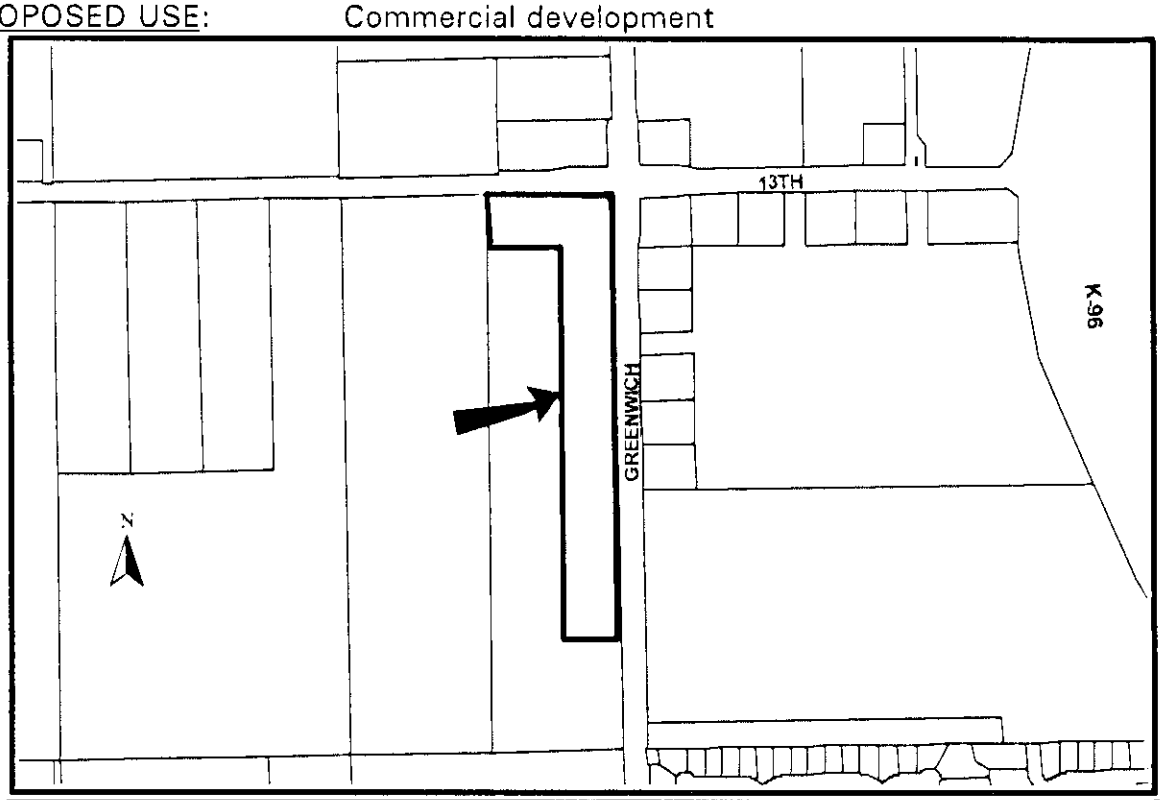
REQUEST: Creation of the Kiser West Community Unit Plan and rezoning to "LC" Limited Commercial

CURRENT ZONING: "LC" Limited Commercial and "SF-20" Single-Family Residential

SITE SIZE: 13.71 acres

LOCATION: Southwest corner of 13th Street North and Greenwich

PROPOSED USE: Commercial development



BACKGROUND: The applicant is requesting to create the Kiser West Community Unit Plan on a 13.71 acre unplatted tract located at the southwest corner of 13th Street North and Greenwich. The applicant is also requesting to rezone a portion the subject property from "SF-20" Single Family Residential to "LC" Limited Commercial. The remainder of the subject property is currently zoned "LC" Limited Commercial.

The surrounding area is characterized by a three-square mile industrial complex for Raytheon to the north, south, and west and a developing suburban area with significant amounts of remaining undeveloped property for both residential and commercial use to the east. Undeveloped property east and northeast of the site across Greenwich has been approved for commercial development under the 59 acre Gateway Center CUP and the 20 acre Dillons 13th and Greenwich CUP. Undeveloped property zoned for residential development also is located east and northeast of the site. The nearest properties developed with residential uses are located in the Preston Trails subdivision that is located southeast of the site across Greenwich.

Due to the subject property's close proximity to the runway at Raytheon, planning staff encouraged the applicant to work with Raytheon to limit their proposal's impact on the operations of the runway. Planning staff understands that the applicant has reached an agreement with Raytheon on the sale of land south and west of the subject property and that the land will be incorporated into Raytheon's industrial complex. This land sale limits the commercial development to a depth of 250 feet along 13th Street North and Greenwich, which limits the impacts of the proposal on the operations of Raytheon's runway. To further limit the impacts of the proposal on the operations of Raytheon's runway, planning staff recommends that residential development not be permitted on the site and that buildings be limited to 25 feet in height unless an Airport Hazard Zoning Permit for Area A is granted.

As shown on the development plan (attached), the applicant proposes to divide the subject property into nine parcels. All parcels are proposed for "LC" Limited Commercial zoning and all uses permitted by-right in the "LC" district except correctional placement residences; group residences; group homes; halfway houses; and night clubs including adult entertainment, taverns, and drinking establishments. The proposed uses also include microbreweries when associated with an eating establishment; however, a microbrewery is first permitted in the "GC" General Commercial district and is not permitted in the "LC" district requested by the applicant.

All parcels are proposed for a maximum 30% building coverage and a maximum 35% gross floor area ratio. The maximum building height proposed is 35 feet for all parcels. Landscaping is proposed per the City of Wichita landscape code. Signs are proposed to be monument type with a height not to exceed 20 feet. Sign square footage is proposed to be limited to 80 percent of street frontage with signs spaced at least 150 feet apart. Building setbacks of 35 feet on the front and 20 feet on the rear are proposed. Architectural control is proposed for all parcels. Access controls line up

with the access points to the property across Greenwich to the east. No off-site traffic improvements are proposed.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC", "SF-20", & "GI"	Undeveloped, Raytheon
SOUTH:	"SF-20"	Raytheon
EAST:	"LC" & "SF-20"	Undeveloped
WEST:	"SF-20" & "LI"	Raytheon

PUBLIC SERVICES: The site has access to 13th Street North, a four-lane arterial, and Greenwich, a two-lane arterial. Traffic volumes on 13th Street North are approximately 5,700 vehicles per day and are projected to increase to approximately 17,500 vehicles per day in the 2030 Transportation Plan. Traffic volumes on Greenwich are approximately 3,500 vehicles per day and are projected to increase to approximately 16,500 vehicles per day in the 2030 Transportation Plan. The estimated traffic volumes in the 2030 Transportation Plan do not include the impact of the 59 acre Gateway Center CUP, which is estimated to generate an additional 23,600 vehicles per day. As proposed, commercial development on the subject property would generate another 8,900 vehicles per day; therefore, planning staff is recommending access controls and traffic improvements to mitigate negative impacts on the through-traffic capacity of the adjoining arterial streets. The site is not currently served by public water or sewer service; however, public water and sewer are available to be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide in the 1999 Update to the Comprehensive Plan indicates that the site is appropriate for "Industrial" development. The proposed commercial development is compatible with the "Industrial" designation in the Land Use Guide. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial uses be located adjacent to arterial streets; in compact clusters; and have site design features that limit noise, lighting, and other aspects of commercial activity that may adversely impact surrounding residential areas. The proposed commercial development conforms to the Commercial Locational Guidelines.

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 (ZON2000-00022) to "LC" Limited Commercial subject to platting within one year.

B. APPROVE the Community Unit Plan (DP-254: Kiser West CUP) subject to platting within one year and subject to the following conditions:

1. Microbreweries shall be removed from the list of permitted uses.

2. Service stations, convenience stores, drive-in/drive-through restaurants, and vehicle repair shall be prohibited on Parcels 7, 8, and 9.

3. Residential uses shall be prohibited on all parcels.

4. Buildings shall not exceed 25 feet in height unless an Airport Hazard Zoning Permit for Area A is granted prior to the issuance of a building permit.

5. All utilities shall be installed underground.

6. Off-site and portable signs shall not be permitted.

7. A plan for a pedestrian walk system to link proposed buildings with the entrances and sidewalks along 13th Street North and Greenwich shall be submitted for approval by the Planning Director prior to the issuance of building permits.

8. The shared access openings between Parcels 1 and 2, Parcels 2 and 3, and Parcels 6 and 7 shall be limited to right-in/right-out only.

9. Traffic improvements shall be guaranteed at the time of platting. The required traffic improvements are anticipated to be: an accel/decel lane along the entire 13th Street North and Greenwich frontage, a left turn lane at all openings not restricted to right-in/right-out only, and a portion of the cost of signalization at the major opening along Greenwich.

10. Prior to publishing the resolution establishing the zone change, the applicant shall record a document with the Register of Deeds indicating that this tract (referenced as DP-254: Kiser West CUP) includes special conditions for development on this property.

11. 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is surrounded on three sides by industrially-zoned property located within the three-square mile Raytheon industrial complex. The size and intensity of this industrial complex, including an airfield runway located immediately west of the subject property, dominates the existing character of the neighborhood. East of the subject property is undeveloped land approved for extensive commercial development.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is currently zoned "LC" Limited Commercial and "SF-20" Single-Family Residential. Due to the site's proximity to the Raytheon runway where aircraft accidents are most likely to occur and noise from the airfield will significantly impact adjacent uses, the site is not suitable for residential uses. The site is most suitable for commercial or industrial uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The recommended conditions of approval, including the limitation on the proposed uses, and the applicant's proposed 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 1999 Update to the Comprehensive Plan indicates that the site is appropriate for "Industrial" development. The proposed commercial development is compatible with the "Industrial" designation in the Land Use Guide. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial uses be located adjacent to arterial streets; in compact clusters; and have site design features that limit noise, lighting, and other aspects of commercial activity that may adversely impact surrounding residential areas. The proposed commercial development conforms to the Commercial Locational Guidelines.

5. Impact of the proposed development on community facilities: The proposed commercial development will increase the traffic on the two arterial streets which serve the site. However, the recommended access controls and traffic improvements should mitigate the negative impacts on the through-traffic capacity of the adjoining arterial streets.