

Agenda Item # _____

**City of Wichita
City Council Meeting
May 14, 2002**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2002-00018 – Request for zone change from “SF-5” Single-Family Residential to “GO” General Office for development of a medical office park; and
CUP2002-00010 – The creation of DP-260 THE WILSON ESTATES MEDICAL PARK Community Unit Plan.
Generally located south of Wilson Estates Parkway and west of Webb Road. (District II)

INITIATED BY: Metropolitan Area Planning Department

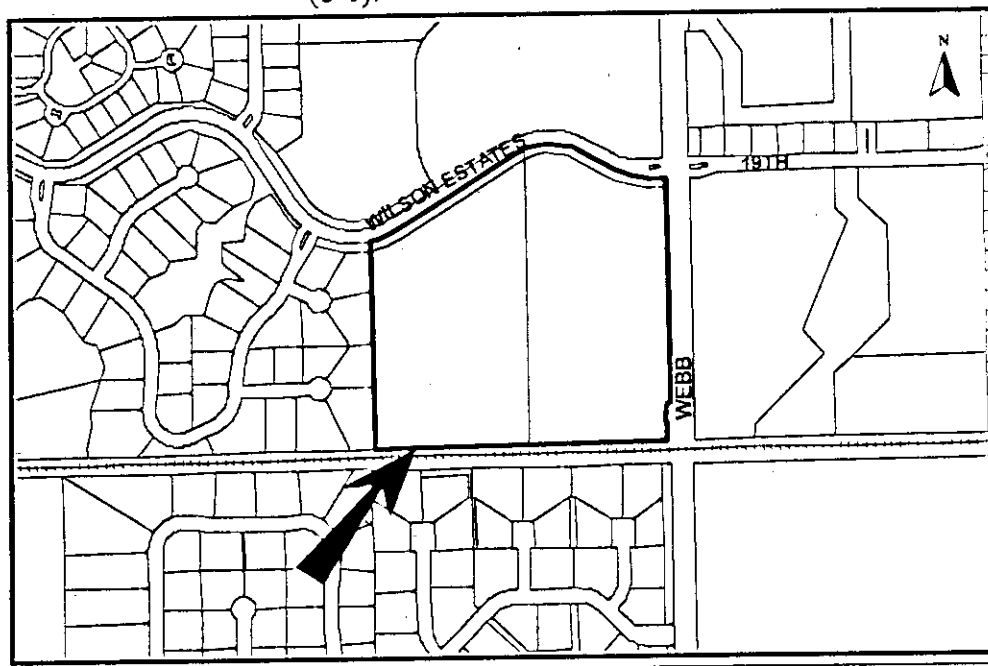


AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions and staff recommendations (11-0).

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: Approve, subject to conditions and staff recommendations (8-1).



BACKGROUND: The applicant is requesting that a 33-acre tract known as Parcel 11 of DP-201 Wilson Estates Residential C.U.P. be removed from DP-201 and be created as a new, separate Community Unit Plan. The new C.U.P. would be known as DP-260 Wilson Estates Medical Park.

The tract would be divided into ten parcels. A total of 220,000 square feet of office use is requested, with over one-third being located on Parcel 10 (14.67 acres). The remaining nine lots range in size from 0.81 acre to 3.17 acres. The floor area ratio for the development would be 0.17.

Permitted uses are general office and medical service; all residential uses previously permitted on this property are excluded.

Setbacks and landscape buffers are proposed as follows: 40 feet on the north; 53 feet of the east (setback only, landscaping would be only a landscaped street yard per the Unified Zoning Code); 100 feet on the south; and 200 feet on the west.

Access is proposed via Webb and Wilson Estates Parkway. Two access points are shown on Webb, with one roughly opposite the main entrance to Eastminster United Presbyterian Church and the other approximately 50 feet offset from the southern entrance to Eastminster. Two access points are shown on Wilson Estates Parkway, with one near Webb and the other near the western edge of the tract.

The applicant's agent has agreed to additional restrictions on the C.U.P. First, Parcels 1, 3, 4, and 5, located along Wilson Estates Parkway, would be restricted to one-story buildings. Second, left turns would be prohibited at the eastern entrance onto Wilson Estates Parkway. Also, landscape berms six to seven feet in height would be installed along Wilson Estates Parkway, even if it requires more than a 40-foot wide landscape buffer. Within this bermed area, there would be a landscaped street yard at least equivalent to one shade tree every 25 feet. Architecture would be consistent with that at Bradley Fair and Legacy Park, but with the possibility of adding a brick as an additional accent material. All building sides would be finished with the same architectural materials and any rooftop mechanical units would be screened from view around the whole building. Finally, the development would be responsible to install pedestrian crosswalks with red pavers and appropriate signage at both driveways of Clubhouse Villas in order to connect with the arterial sidewalk on the south side of Wilson Estates Parkway.

The agent also agreed to limit signage one monument sign at each of the two driveways on the two streets, for a total of four signs, each with a maximum height of ten feet and size of 44 square feet.

The surrounding area is low-density single-family (3/4 to one acre per lot) development to the south (The Foliage), southeast (Country Place) and west (The Preakness) on "SF-5" Single-Family zoning. The property to the north also is zoned "SF-5" and developing with four-plex condominium units, Clubhouse Villas at Wilson Estates. The density of this

development is five dwelling units per acre, which is considered low to moderate density. Eastminster is located across Webb Road.

At the District II Advisory Board meeting held April 15, 2002, citizens from the nearby residential areas (The Foliage, Wilson Estates, and residents of Clubhouse Villas and their legal counsel), and a representative from Eastminster United Presbyterian Church were present to ask questions and provide comments. They expressed concerns with traffic on Wilson Estates Parkway, the need for a greater buffer along the southern property line, limitation in building height and potential light spillage toward the residential area to the south. The counsel for Clubhouse Villas stated that he was working out restrictive covenants with the developer and asked for the DAB to include these covenants as part of the recommended conditions for approval. The DAB felt the covenants were a private matter. However, the majority of the covenants were incorporated in the recommendations as presented by staff. The agent for the developer objected to the transportation improvements as requested by staff and recommended that they be worked out later with the City's Traffic Engineer. The DAB voted (11-0) to recommend approval subject to staff recommendations.

At the MAPC meeting held April 18, 2002, there were residents and legal counsel from the surrounding residential areas. Concerns included the proper location of drive entrances along Webb Road to minimize conflicts with Eastminster and The Foliage, the configuration of Parcel 9 closest to The Foliage (in terms of height of buildings, lighting, parking within the buffer area). Signage was clarified that the applicant is requesting a total of six monument signs on Webb Road and two monument signs on Wilson Estates Parkway. Again, neighbors addressed the issue of not wanting commercial traffic traveling westbound on Wilson Estates Parkway from the office development. Transportation improvements were discussed. Staff recommendations were modified to state that details would be determined at time of platting; the agent, Rob Hartman, objected to all transportation requests except the traffic signal, and wanted all decisions postponed to platting. Staff pointed out that the public would normally not be aware of changes in transportation improvements if done during the platting process. To avoid this situation, staff would provide courtesy notice to the interested parties in the case. MAPC voted (8-1) to recommend approval subject to the developer's requests concerning signage and traffic improvements.

Protests have been filed, representing just under 20 percent of the eligible land. Staff has also been informed that another agreement had been reached between The Foliage homeowners and the applicant, and so some of these protests may be rescinded before the Council meeting.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and C.U.P., subject to the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
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2. Return the application to the MAPC for reconsideration

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

W 14

(150004) Published in The Derby Reporter on 2-11-2004

ORDINANCE NO. 45-933

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 2002-18

Request for zone change from "SF-5" Single-family Residential District to "GO" General Office District on property described as:

Wilson Estates Medical Park Second Addition, Wichita, Sedgwick County, Kansas.

Generally located west of Webb Road, south of 21st Street North.

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 NOV 18 2003,

ATTEST:

Karen Schofield
for Karen Schofield, Deputy
Karen Schofield, City Clerk

Carlos Mayans
Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

RECEIVED

FEB 18 2004

METROPOLITAN PLANNING
ROUTE 3



AGENDA ITEM NO. 5A/5B

STAFF REPORT

MAPC April 18, 2002

DAB II April 15, 2002

CASE NUMBER: CUP2002-00010 DP-260 Wilson Estates Medical Park
C.U.P. AND ZON2002-00018

APPLICANT/AGENT: Barbara Waddell (owner); Laham Holding Co, L.L.C. (agent);
P.E.C., P.A. c/o Rob Hartman (agent)

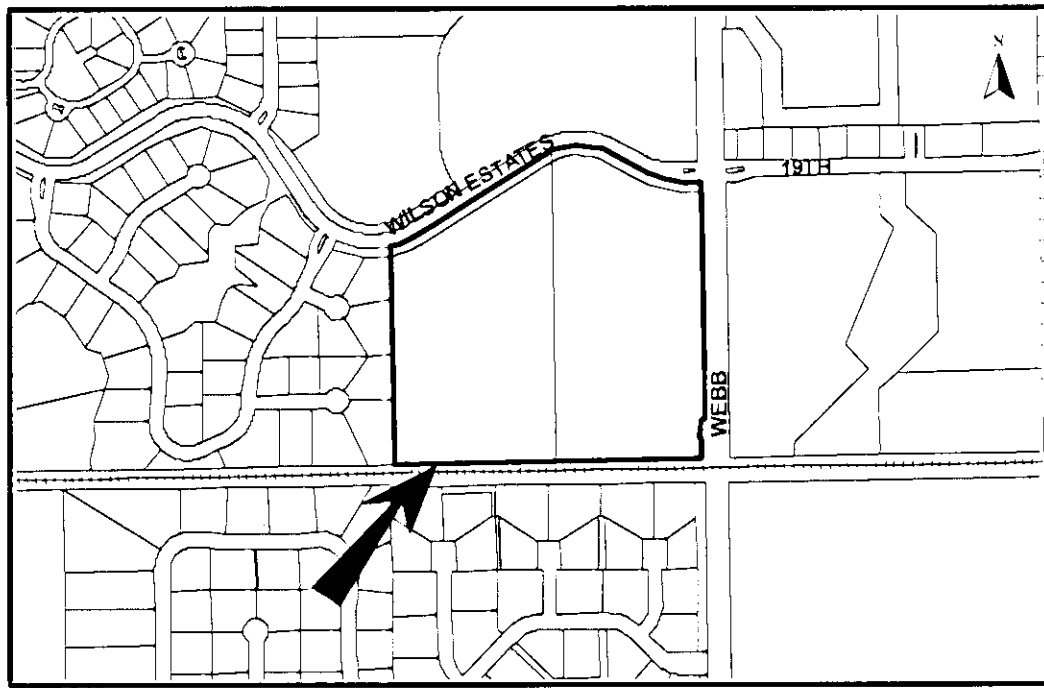
REQUEST: Creation of DP-260 Wilson Estates Medical Park

CURRENT ZONING: "SF-5" Single-Family

SITE SIZE: 33 acres

LOCATION: South of Wilson Estates Parkway and west of Webb Road

PROPOSED USE: Medical office and general office uses



BACKGROUND: The applicant is requesting that a 33-acre tract known as Parcel 11 of DP-201 Wilson Estates Residential C.U.P. be removed from DP-201 and be created as a new, separate Community Unit Plan. The new C.U.P. would be known as DP-260 Wilson Estates Medical Park.

The tract would be divided into ten parcels. A total of 220,000 square feet of office use is requested, with over one-third being located on Parcel 10 (14.67 acres). The remaining nine lots range in size from 0.81 acre to 3.17 acres. The floor area ratio for the development would be 0.17.

Permitted uses are general office and medical service; all residential uses previously permitted on this property are excluded.

Setbacks and landscape buffers are proposed as follows: 40 feet on the north; 53 feet of the east (setback only, landscaping would be only a landscaped street yard per the Unified Zoning Code); 100 feet on the south; and 200 feet on the west.

Access is proposed via Webb and Wilson Estates Parkway. Two access points are shown on Webb, with one roughly opposite the main entrance to Eastminster United Presbyterian Church and the other approximately 50 feet offset from the southern entrance to Eastminster. Two access points are shown on Wilson Estates Parkway, with one near Webb and the other near the western edge of the tract.

The applicant's agent has agreed to additional restrictions on the C.U.P. First, Parcels 1, 3, 4, and 5, located along Wilson Estates Parkway, would be restricted to one-story buildings. Second, left turns would be prohibited at the eastern entrance onto Wilson Estates Parkway. Also, landscape berms six to seven feet in height would be installed along Wilson Estates Parkway, even if it requires more than a 40-foot wide landscape buffer. Within this bermed area, there would be a landscaped street yard at least equivalent to one shade tree every 25 feet. Architecture would be consistent with that at Bradley Fair and Legacy Park, but with the possibility of adding a brick as an additional accent material. All building sides would be finished with the same architectural materials and any rooftop mechanical units would be screened from view around the whole building. Finally, the development would be responsible to install pedestrian crosswalks with red pavers and appropriate signage at both driveways of Clubhouse Villas in order to connect with the arterial sidewalk on the south side of Wilson Estates Parkway.

The agent also agreed to limit signage one monument sign at each of the two driveways on the two streets, for a total of four signs, each with a maximum height of ten feet and size of 44 square feet.

The surrounding area is low-density single-family (3/4 to one acre per lot) development

to the south (The Foliage), southeast (Country Place) and west (The Preakness) on "SF-5" Single-Family zoning. The property to the north also is zoned "SF-5" and developing with four-plex condominium units, Clubhouse Villas at Wilson Estates. The density of this development is five dwelling units per acre, which is considered low to moderate density. Eastminster is located across Webb Road.

CASE HISTORY: The property is platted as Legacy Park Wilson Estates Addition, recorded June 27, 2000. It is Parcel 11 of DP-201 Wilson Estates Residential C.U.P.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Residential (Clubhouse Villas at Wilson Estates)
EAST:	"SF-5"	Eastminster United Presbyterian Church
SOUTH:	"SF-5"	Residential (The Foliage), abandoned railroad right-of-way
WEST:	"SF-5"	Residential (The Preakness)

PUBLIC SERVICES: The site has access from Webb Road. Traffic counts are not available for 19th Street/Webb. Average traffic (ADTs) in 2000 at the 21st Street North/Webb intersection was 12,276 cars/day for the west leg of the 21st/Webb intersection and 13,000 to 14,500 for the north and south legs of the intersection. Traffic is projected to increase to 19,700 ADTs on the west leg, 26,000-28,000 for the south leg, and 24,000-26,000 for the north leg in 2030.

Wilson Estates Parkway is a residential collector street connecting the residential areas within Wilson Estates with commercial and office development located along the arterials (Bradley Fair on Rock Road and Wilson Estates Office Park on 21st Street North).

Normal municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the *1999 Update to the Comprehensive Plan* identifies the general location as appropriate for "low density residential" development rather than office development.

If the property is developed with offices, it should be in conformance with the *Comprehensive Plan's* goals/strategies and locational guidelines for office use that are intended to minimize detrimental impacts on adjacent residential use. The **Commercial/Office Objective III.B** of the *1999 Update* seeks to "develop future retail/commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses". **Commercial/Office Strategy III.B2** seeks to integrate outparcels and planned centers through shared circulation, combined

signage, similar landscaping and building materials, and combined ingress/egress. This is reiterated in the **Residential Objective/Strategy II.B.4** for higher intensity land uses near residential that recommends plan review “to ensure that building placement and height, circulation, signage, screening and lighting for non-residential land uses do not adversely impact residential areas”. **Commercial/Office Strategy III.B3** seeks to reduce the number of access points along arterial streets to improve traffic safety and flow. **Commercial/Office Strategy III.B6** seeks to channel commercial traffic to the closest major thoroughfare with minimum impact upon local residential streets.

Office locational guidelines again stipulate that commercial development should be located adjacent to arterial streets. The remaining office locational guidelines relate to the scale of office development, with “large-scale” being encouraged in the CBD, “local service-oriented” being incorporated within or adjacent to neighborhood or community-scale commercial uses, and “low-density” being a transitional use to residential.

RECOMMENDATION:

The proposed C.U.P. is not in conformance with the Land Use Guide of the *Comprehensive Plan*. Also, it is a large development, with one particular parcel being permitted 80,000 square feet of office use and a total potential of 220,000 square feet. This makes the development well beyond the “low-density office” classification as addressed by the *Comprehensive Plan*, and argues for evaluating it as a “local service-oriented” office park that is incorporated within or adjacent to neighborhood or community-scale commercial uses. This fits the situation for Legacy Office Park (21st Street North and Webb) and Wilson Estates Office Park (21st Street North and Bradley Fair Parkway) where the office development is between “LC” commercial areas and “SF-5” residential neighborhoods. This proposed medical park differs by having “SF-5” residential use on three sides, and institutional on the other side.

The developer has endeavored to eliminate the conflicts between the office and residential uses by providing exceptionally wide buffering and screening on the southern and western property lines. While the distance of separation provided along the northern boundary is not as great, the applicant’s recent changes enhance the separation between Clubhouse Villas with a buffer that is to be bermed and heavily landscaped, plus adding other changes to building heights, architectural materials, rooftop screening. This is a significant improvement, particularly since the office development impacts a larger number of residential units (80 units are planned for Clubhouse Villas and 24 are located directly across Wilson Estates Parkway).

Access generally corresponds to recommended strategies for good internal vehicular and pedestrian circulation and having limited, shared accesses.

Based upon these recommendations and the information available prior to the public hearing, staff recommends the request be APPROVED subject to replatting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2002-000018) to "GO" General Office, subject to replatting of the property within one year.
- B. APPROVE creation of DP-260 Wilson Estates Medical Park C.U.P., subject to the following conditions:
 - 1. Relocate the southern access point to be directly across from the southernmost drive entrance to Eastminster United Presbyterian Church on Webb Road.
 - 2. The following transportation improvements shall be guaranteed at the time of platting:
 - a. Provide a raised median or a channelized-Y for right-in/right-out only movements on southbound Webb Road at the middle entrance, with details to be determined at time of platting.
 - b. Extend the left-turn storage lane on Webb southward, tapering between the southern entrance on Webb and the railroad right-of-way.
 - c. Provide a third lane on Wilson Estates Parkway between the first entrance and Webb, said lane being designed for dual eastbound lanes onto Webb at the intersection and transitioning to dual westbound lanes (one left-turn only, one through) at the first entrance to the medical office park. A medial strip shall be designed to align the lane configurations.
 - d. Signalize the intersection of Wilson Estates Parkway and Webb Road.
 - e. Prohibit left-turns onto Wilson Estates Parkway from the eastern entrance by use of directional raised median.
 - f. Limit signage to one monument sign at each of the two driveways on the two streets, for a total of four signs, each with a maximum height of ten feet and size of 44 square feet.
 - 3. Revise the C.U.P. to incorporate the conditions that have been accepted:
 - a. Parcels 1, 3, 4, and 5 shall be restricted to one-story buildings.
 - b. Landscape berms that are six to seven feet in height would be installed along Wilson Estates Parkway, even if it requires more than a 40-foot wide landscape buffer. Within this bermed area, there would be a landscaped street yard at least equivalent to one shade tree every 25 feet.
 - c. All buildings shall have similar architectural design and exterior building materials consistent with Bradley Fair/Wilson Estates Office Park, and

Legacy Park Centers, with the possible addition of brick as an additional accent material. Buildings shall be constructed of a combination of two building materials, synthetic plaster finish and/or stucco and precast panels (individual cast stone appearance). Neither material may be used exclusively as the exterior building finish but must be used in conjunction with one another. Design precedence has been established by the Bradley Fair Shopping Center/Wilson Estates Office Park, and Legacy Park, and therefore the acceptable color range for the exterior materials are the same color range for the exterior materials are the same colors as those centers. Other accent colors and materials may be acceptable if they are used in conjunction with the predominant materials, but not as a replacement. Metal shall not be permitted as a predominant exterior building finish. The predominant roof material shall be red tile when the roofing material is visible. The same predominant exterior building material (façade) shall be used on all building elevations. Architectural design and exterior building materials shall be reviewed and approved by the Planning Director prior to the issuance of building permits. Exterior utility boxes, mechanical equipment, etc. shall be screened according to the acceptable color range as approved by the Planning Director. Any rooftop mechanical units would be screened from view around the whole building.

- d. The development would be responsible to install pedestrian crosswalks with red pavers and appropriate signage at both driveways of Clubhouse Villas in order to connect with the arterial sidewalk on the south side of Wilson Estates Parkway.
4. Prohibit wall and building signage on facades facing Wilson Estates Parkway.
 5. Locate parking lots south of buildings on Parcels 1, 3, 4 and 5.
 6. 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.
 7. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 8. 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.

9. 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 proposed tract is surrounded by property zoned "SF-5" Single-Family. Residential development at low density (0.6 to one acre per dwelling unit) is located to the south and west and at low to moderate density (5.38 dwelling units/acre) to the north. A large institutional use, Eastminster Presbyterian Church, is located to the east of Webb Road.
2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed for residential use as approved.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The main impact is on Clubhouse Villas at Wilson Estates to the north and the low-density residential development to the south and west. As proposed by the developer, buffer, setbacks and architectural requirements are provided to mitigate these impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The project is not in conformance with the Land Use Guide of the adopted Comprehensive Plan. If the proposed C.U.P. provisions for buffer, screening, architectural requirements, and other provisions are incorporated, the office use is in conformance with **Commercial/Office Strategy III.B2** to integrate outparcels and planned centers through shared circulation, combined signage, similar landscaping and building materials, and combined ingress/egress, **Residential Objective/Strategy II.B.4** for higher intensity land uses near residential that recommends plan review "to ensure that building placement and height, circulation, signage, screening and lighting for non-residential land uses do not adversely impact residential areas", **Commercial/Office Strategy III.B3** to reduce the number of access points along arterial streets to improve traffic safety and flow, and **Commercial/Office Strategy III.B6** to channel commercial traffic to the closest major thoroughfare with minimum impact upon local residential streets.
5. Length of time the land has been vacant as currently zoned: The property has been zoned "SF-5" and was platted as one single lot in 2000.
5. Impact of the proposed development on community facilities: 220,000 square feet of office development will add roughly four times the additional traffic of

residential use at a density of 3 dwelling units per acre, as approved by the existing C.U.P. The proposed access controls and transportation improvements should mitigate these impacts.