

Agenda Item # _____

City of Wichita
City Council Meeting
July 17, 2001

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2001-00036 - ZONE CHANGE FROM "SF-5" TO
"GO" GENERAL OFFICE, LOCATED ON THE
SOUTHWEST CORNER OF MAPLE AND 119TH
STREET WEST. (District #V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1 year and the additional provisions of a (P-O) Protective Overlay (10-2).

Staff Recommendation: Deny "GO" zoning; approve "NO" zoning.

DAB Recommendation: DAB V will hear the case on July 9, 2001.

Background: The applicant requests a zone change from "SF-5" Single-Family Residential to "GO" General Office on a 12.5 acre unplatted tract located at the southwest corner of Maple and 119th Street West. The applicant proposes to develop the subject property with office uses. The applicant also proposes a Protective Overlay to limit uses and multi-family density.

The surrounding area is characterized by residential uses on the developing fringe of Wichita with significant amounts of park land in the area. The properties north of the site across Maple are zoned "SF-5" Single Family Residential and are developed with single family residences. The properties east of the site across 119th Street West are zoned "SF-5" Single-Family Residential and are developed with single-family residences and West Millbrook Park. The property south of the site is zoned "SF-5" Single-Family Residential and is The Meadows Park. The property west of the site is zoned "B" Multi-Family Residential and is developed with an assisted living facility.

Planning staff finds that the subject property is appropriate for office development; however, the scale and intensity of office development requested is significantly greater

than recommended by the Far West Side Commercial Development Policy. In addition, the Far West Side Commercial Development Policy recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, and architectural design; therefore, planning staff recommends conditions of a Protective Overlay to require the property to be developed with these appearance characteristics. The applicant has offered to limit uses and multi-family density on the subject property. With the exception of group homes, none of the uses offered to be restricted by the applicant are permitted by right in the "NO" Neighborhood Office district, which also limits the size of individual businesses and the height of buildings consistent with the Far West Side Commercial Development Policy. The "NO" Neighborhood Office district also requires a Conditional Use for multi-family and assisted living so that density and design issues can be more specifically addressed to ensure compatibility with nearby single-family residences. Finally, planning staff recommends that the rezoning be limited to the north 300 feet of the subject property (once road right-of-way is dedicated), which conforms with the scale of business development recommended by the Far West Side Commercial Development Policy and corresponds to the area that was requested by the applicant for office zoning in 1994. Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request for "GO" General Office be denied and instead that "NO" Neighborhood Office be approved, but only for that portion of the subject property that is located north of a line that is 350 feet south of and parallel to the north line of Section 25, Township 27 South, Range 2 West. Approval is recommended subject platting within one year and the following provisions of a Protective Overlay District:

1. Ground signage shall be monument type and shall be limited to 12 feet in height. Ground signage shall be limited to one sign per arterial street frontage.
2. All exterior lighting shall be shielded to prevent light disbursement in a northerly or easterly direction. Light poles shall be limited to 14 feet in height. Backlit canopies and neon or fluorescent lighting on buildings shall not be permitted.
3. Requirements for landscaped street yard and landscaped buffers shall be 1.5 times the minimum requirements of the Landscape Ordinance.
4. The buildings shall be designed with a residential architectural character, with at least 40% of the wall area on each facade in brick. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building materials. Building roofs shall be similar in texture or pattern to the surrounding residential areas and shall be gable or hip in style.

At the MAPC hearing on June 21, 2001, no speakers, other than the applicant, spoke in favor or against the request. The applicant offered to amend their application to rezone only 8.51 acres of the subject property to "GO" General Office. The MAPC voted (10-2) that the request be approved, but only for the 8.51 acre portion of the subject property that is located outside the floodway as illustrated on the attached exhibit. Approval was

recommended subject platting within one year and the following provisions of Protective Overlay District #99:

1. The following uses shall not be permitted: group residence, limited and general; cemetery; correctional placement residence, limited and general; group home, limited, general, and commercial; animal care, limited; bed & breakfast inn; broadcast/recording studio; heliport; hotel/motel; marine facility, recreational; vocational school; warehouse, self-service storage; parking area, commercial; mining or quarrying; oil or gas drilling; rock crushing; and solid waste incinerator.
2. Multi-family density shall be limited to 17.4 units per acre.
3. Ground signage shall be monument type and shall be limited to 12 feet in height. Ground signage shall be limited to one sign per arterial street frontage.
4. All exterior lighting shall be shielded to prevent light disbursement in a northerly or easterly direction. Light poles shall be limited to 14 feet in height. Backlit canopies and neon or fluorescent lighting on buildings shall not be permitted.
5. Requirements for landscaped street yard and landscaped buffers shall be 1.5 times the minimum requirements of the Landscape Ordinance.
6. The buildings shall be designed with a residential architectural character, with exterior colors and materials compatible with surrounding residential areas. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building materials. Building roofs shall be similar in texture or pattern to the surrounding residential areas and shall be gable or hip in style.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration

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

28

(_____) Published in The Wichita Eagle on APR 13 2002

ORDINANCE NO. 45-296

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. ZON2001-00036

Request for zone change from "SF-5" Single-Family Residential to "GO" General Office, and to "P-O" Protective Overlay District #99, on property described as:

Lots 1 and 2, Block A, Thunderbird Office Park Addition.

Generally located on the southwest corner of Maple and 119th Street West.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The following uses shall not be permitted: group residence, limited and general; cemetery; correctional placement residence, limited and general; group home, limited, general, and commercial; animal care, limited; bed & breakfast inn; broadcast/recording studio; heliport; hotel/motel; marine facility, recreational; vocational school; warehouse, self-service storage; parking area, commercial; mining or quarrying; oil or gas drilling; rock crushing; and solid waste incinerator.
2. Multi-family density shall be limited to 17.4 units per acre.
3. Ground signage shall be monument type and shall be limited to 12 feet in height. Ground signage shall be limited to one sign per arterial street frontage.
4. All exterior lighting shall be shielded to prevent light disbursement in a northerly or easterly direction. Light poles shall be limited to 14 feet in height. Backlit canopies and neon or fluorescent lighting on buildings shall not be permitted.
5. Requirements for landscaped street yard and landscaped buffers shall be 1.5 times the minimum requirements of the Landscape Ordinance.
6. The buildings shall be designed with a residential architectural character, with exterior colors and materials compatible with surrounding residential areas. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building materials. Building roofs shall be similar in texture or pattern to the surrounding residential areas and shall be gable or hip in style.

SK

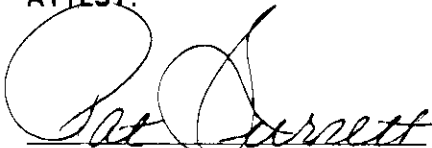
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

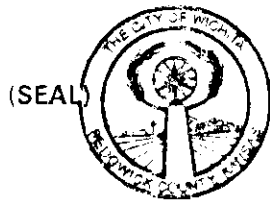
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, APR 9 2002.


Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



Approved as to form:


Gary E. Rebenstorf, City Attorney

STAFF REPORT

MAPC June 21, 2001

DAB V July 9, 2001

CASE NUMBER: ZON2001-00036

APPLICANT/AGENT: Springcreek Resources LLC c/o J. William Owen and Charles W. Aikins (Owner/Applicant); Baughman Company PA c/o Terry Smythe and John T. Arnold Associates c/o Don Arnold, Jr. (Agents)

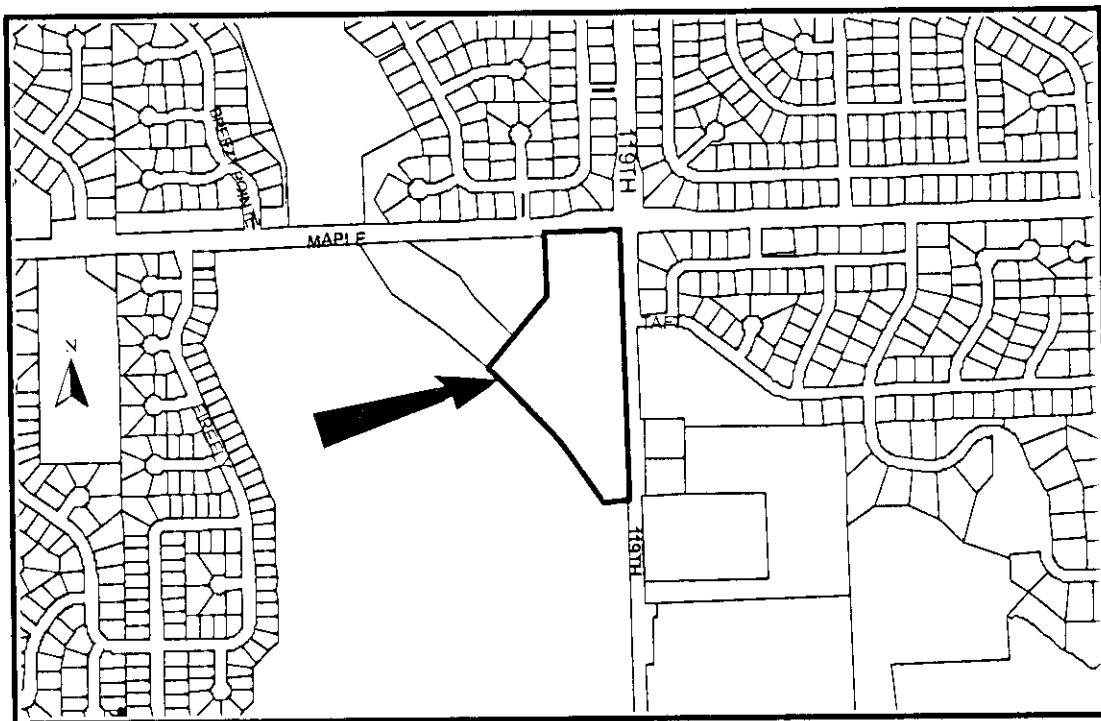
REQUEST: "GO" General Office

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

SITE SIZE: 12.5 acres

LOCATION: Southwest corner of Maple & 119th Street West

PROPOSED USE: Office uses subject to a Protective Overlay



BACKGROUND: The applicant requests a zone change from "SF-5" Single-Family Residential to "GO" General Office on a 12.5 acre unplatted tract located at the southwest corner of Maple and 119th Street West. The applicant proposes to develop the subject property with office uses. The applicant also proposes a Protective Overlay to limit uses and multi-family density.

The surrounding area is characterized by residential uses on the developing fringe of Wichita with significant amounts of park land in the area. The properties north of the site across Maple are zoned "SF-5" Single Family Residential and are developed with single family residences. The properties east of the site across 119th Street West are zoned "SF-5" Single-Family Residential and are developed with single-family residences and West Millbrook Park. The property south of the site is zoned "SF-5" Single-Family Residential and is The Meadows Park. The property west of the site is zoned "B" Multi-Family Residential and is developed with an assisted living facility.

CASE HISTORY: In 1994, a 3.4 acre tract on the subject property located immediately at the southwest corner of Maple and 119th Street West was requested (Z-3143) for "BB" Office District (now "GO" General Office) along with a request for "B" Multi-Family zoning on a 9.6 acre tract located west of the subject property. On August 11, 1994, the MAPC voted (6-5) to approve the request subject to platting, obtaining necessary wetland permits, and filing a restrictive covenant regarding permitted uses, architectural design, building height, residential density, lighting, and landscaping. On September 13, 1994, the City Council considered the request and referred the matter back to the MAPC. At the rehearing on October 6, 1994, the MAPC voted (9-3) to approve the request subject to the same conditions. On October 31, 1994, the applicant withdrew the request for "BB" Office District zoning on the 3.4 acre tract. The City Council approved "B" Multi-Family zoning on the 9.6 acre tract located west of the subject property on November 1, 1994, subject to the recommended conditions. Written protest petitions representing 22.6% of the land area within 200 feet of the subject property were filed against the request. A petition signed by 643 area residents and numerous letters also were submitted protesting the request. The CPO for District 5 twice voted (5-1 on August 10, 1994 and 5-3 on September 28, 1994) to disapprove the request.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-family residences
SOUTH:	"SF-5"	The Meadows Park
EAST:	"SF-5"	Single-family residences; West Millbrook Park
WEST:	"B"	Assisted living facility

PUBLIC SERVICES: The site has frontage along both Maple and 119th Street North. Maple and 119th Street West are both two-lane arterials along the site's frontage; however, the intersection of Maple and 119th Street West has recently been improved

to four lanes with turn lanes and acceleration lanes. The 2001-2010 Capital Improvement Program contains projects to widen both Maple (in 2001) and 119th Street West (in 2010) to four or five lanes along the site's frontage. Along the site's frontage, 119th Street West currently carries approximately 6,700 vehicles per day and is projected by the 2030 Transportation Plan to increase to approximately 12,100 vehicles per day. Maple currently carries approximately 5,700 vehicles per day and is projected by the 2030 Transportation Plan to increase to approximately 12,500 vehicles per day. The 2030 Transportation Plan assumed the subject property would develop with commercial uses in calculating these projected traffic increases. Approximately the southern 1,000 feet of the subject property is within the flood plain, with only a 300 foot by 325 foot tract (once road right-of-way is dedicated) immediately at the southwest corner of Maple and 119th Street West outside the flood plain. Public water and sewer service are available to be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as a location where future commercial development is likely. The Far West Side Commercial Development Policy, adopted by the City Council in 1996, indicates that the scale of commercial development at the intersection of Maple & 119th Street West should be limited to a total of eight acres with no more than four acres of commercial development on any one corner. The Far West Side Commercial Development Policy indicates that individual office businesses on the subject property should be limited to 8,000 square feet in size. The Far West Side Commercial Development Policy also recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, and architectural design. The Office Locational Guidelines of the Comprehensive Plan recommend that office uses be located adjacent to arterial streets and incorporated within or adjacent to commercial development.

RECOMMENDATION: Planning staff finds that the subject property is appropriate for office development; however, the scale and intensity of office development requested is significantly greater than recommended by the Far West Side Commercial Development Policy. In addition, the Far West Side Commercial Development Policy recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, and architectural design; therefore, planning staff recommends conditions of a Protective Overlay to require the property to be developed with these appearance characteristics. The applicant has offered to limit uses and multi-family density on the subject property. With the exception of group homes, none of the uses offered to be restricted by the applicant are permitted by right in the "NO" Neighborhood Office district, which also limits the size of individual businesses and the height of buildings consistent with the Far West Side Commercial Development Policy. The "NO" Neighborhood Office district also requires a Conditional Use for multi-family and assisted living so that density and design issues can be more specifically addressed to ensure compatibility with nearby single-family residences. Finally, planning staff recommends that the rezoning be

limited to the north 300 feet of the subject property (once road right-of-way is dedicated), which conforms with the scale of business development recommended by the Far West Side Commercial Development Policy and corresponds to the area that was requested by the applicant for office zoning in 1994. Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request for "GO" General Office be DENIED and instead that "NO" Neighborhood Office be APPROVED, but only for that portion of the subject property that is located north of a line that is 350 feet south of and parallel to the north line of Section 25, Township 27 South, Range 2 West. Approval is recommended subject platting within one year and the following provisions of a Protective Overlay District:

1. Ground signage shall be monument type and shall be limited to 12 feet in height. Ground signage shall be limited to one sign per arterial street frontage.
2. All exterior lighting shall be shielded to prevent light disbursement in a northerly or easterly direction. Light poles shall be limited to 14 feet in height. Backlit canopies and neon or fluorescent lighting on buildings shall not be permitted.
3. Requirements for landscaped street yard and landscaped buffers shall be 1.5 times the minimum requirements of the Landscape Ordinance.
4. The buildings shall be designed with a residential architectural character, with at least 40% of the wall area on each facade in brick. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building materials. Building roofs shall be similar in texture or pattern to the surrounding residential areas and shall be gable or hip in style.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by residential uses on the developing fringe of Wichita with significant amounts of park land in the area. With the exception of the property to the west that is zoned "B" Multi-Family Residential and is developed with an assisted living facility, all of the property surrounding the site is zoned "SF-5" Single-Family Residential and is either developed with single-family residences or is park land. Business development that is limited in scale and located in buildings with a residential character should not change the character of existing residential uses in the area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-5" Single-Family Residential, which accommodates moderate-density, single-family residential development and complementary land uses. The site is suitable for single-family residential uses; however, the Comprehensive Plan recognizes that business development of the

site is likely due to its location at the intersection of two arterial streets. The Far West Side Commercial Development Policy indicates that business development on the site should be limited in scale; therefore, the recommendation is to support limited business development immediately at the corner and restrict the remainder of the site to the single-family and complementary uses such as churches for which it is suited.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by limiting the scale of business development to the property immediately at the corner of Maple and 119th Street West. The recommended "NO" Neighborhood Office district and the provisions of a Protective Overlay will limit uses; require a Conditional Use for multi-family or assisted living; will limit business size, building height, signage, and lighting; and will require increased landscaping and residential architectural character. The factors should further limit detrimental affects on nearby properties. Additionally, the subject property is separated from adjacent single-family residences properties by arterial streets, and the residences across the street from the portion of the property recommended for rezoning are oriented such that the rear of the residences face the subject property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as a location where future commercial development is likely. The Far West Side Commercial Development Policy indicates that the scale of commercial development at the intersection of Maple & 119th Street West should be limited to a total of eight acres with no more than four acres of commercial development on any one corner. The Far West Side Commercial Development Policy indicates that individual office businesses on the subject property should be limited to 8,000 square feet in size. The Far West Side Commercial Development Policy also recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, and architectural design. The Office Locational Guidelines of the Comprehensive Plan recommend that office uses be located adjacent to arterial streets and incorporated within or adjacent to commercial development. The rezoning of only the property located immediately at the corner of Maple and 119th Street West to "NO" Neighborhood Office with the provisions of a Protective Overlay District conforms to the Comprehensive Plan and policies.
5. Impact of the proposed development on community facilities: Community facilities are adequate to address the additional traffic generated by the development with the recent widening of the intersection of Maple & 119th Street West and the planned improvements to those streets in the CIP.