

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON

Oct. 12, 2018

ORDINANCE NO. 50-867

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. ZON2018-00033

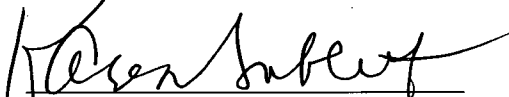
Zone change from LC Limited Commercial to GC General Commercial, generally described as:

Lot 1, Dorothy Addition, Wichita, Sedgwick County, Kansas; generally located at the northeast corner of I-235 Highway and South West Street.

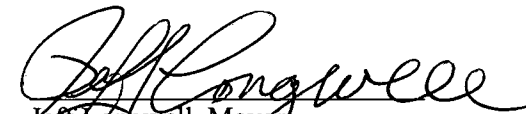
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

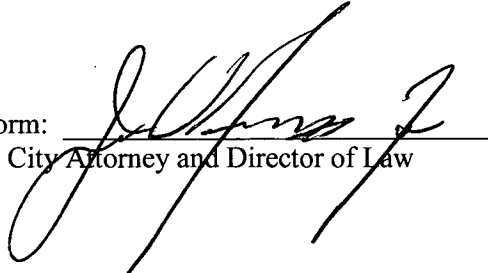
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ATTEST:


Karen Sublett, City Clerk




Jeff Longwell, Mayor

Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law

STAFF REPORT
 MAPC August 23, 2018
 DAB IV September 10, 2018

CASE NUMBER: ZON2018-33 and CUP2018-32

APPLICANT/AGENT: D & P Land, LLC (owner)/ Kaw Valley Engineering, Levi Bond (agent)

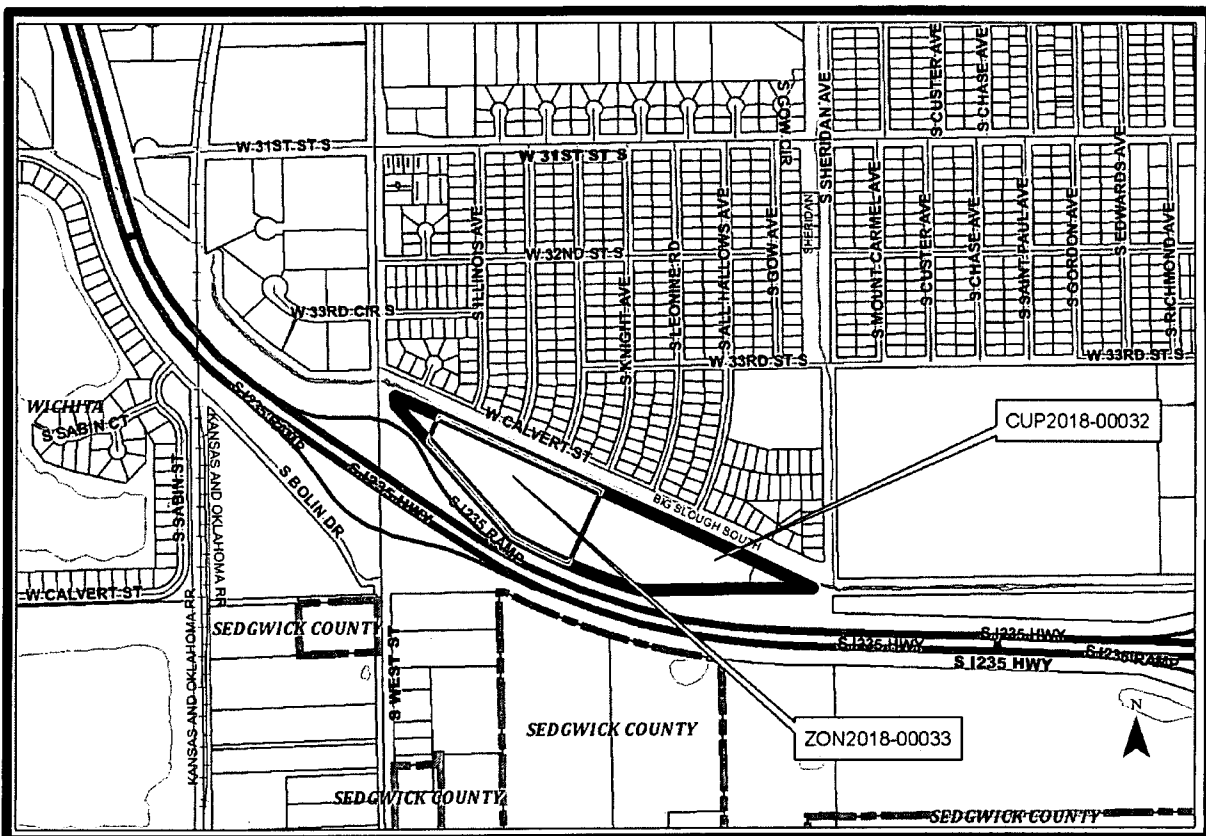
REQUEST: City zone change from LC Limited Commercial to GC General Commercial and amendment to CUP DP-258

CURRENT ZONING: LC Limited Commercial and GC General Commercial

SITE SIZE: 8.97 acres

LOCATION: Northeast corner of I-235 and South West Street

PROPOSED USE: Construction sales and service and construction vehicle sales and service with outdoor storage permitted only as an accessory use



BACKGROUND: The subject site is the Dorothy Community Unity Plan (CUP) DP-258, which is located at the northeast corner of I-235 and South West Street. Total acreage of DP-258 is approximately 18.67 acres. The applicant is requesting a zone change to Parcel 1 from LC Limited Commercial (LC) to GC General Commercial (GC) and an Amendment to DP-258. Parcel 2 is currently zoned GC General Commercial and Reserves A and B are zoned SF-5 Single-Family Residential. Specific GC uses shall be as enumerated in General Provision #3 for Parcels 1 and 2. The proposed zone change will allow Construction Sales and Services and Construction Vehicle Sales and Service with outdoor storage permitted only as an accessory use to an established permitted use.

In addition to amending General Provision #3 additional modifications proposed by the applicant are as follows:

1. General Provision #9: Architectural Controls are proposed to remove a prohibition predominantly metal facades and to remove a requirement that buildings be constructed with a residential character.
2. General Provision #15: The requirement that loading areas, trash receptacles, outside storage, and docks in the CUP be screened from West Street and I-235 is proposed to be removed. The requirement that screening walls match the material of the buildings is proposed to be removed. The prohibition on outdoor storage is proposed to be removed.
3. General Provision #17: The requirement that buildings be connected to sidewalks along Calvert Street and West Street is proposed to be removed.
4. A prohibition on buildings facing Calvert Street is proposed to be removed.
5. Reserves A and B descriptions are added to the CUP drawing as prescribed in the recorded plat.

Land to the north of the application area is a single-family residential subdivision zoned SF-5. Properties located to the east are zoned LC and SF-5 and are developed with the South YMCA complex that includes outdoor pool, athletic fields, tennis courts and other amenities that support the programs of the Greater Wichita YMCA. Properties to the west are zoned LI Limited Industrial and developed with a convenience store and an industrial park. Property south of the site is Interstate Highway 235 Right-of-Way with an exit ramp onto South West Street.

CASE HISTORY: The Dorothy CUP was approved upon platting in November 2003. The plat was officially recorded November 10, 2015. There are two 80-foot access drive permitted to Calvert Street. No access is permitted directly to West Street.

ADJACENT ZONING AND LAND USE:

North:	SF-5	Southwest Village 4 th Addition, single family residences
South:	I-235	Right-of-Way
West:	LI	Convenience store and industrial park
East:	SF-5, LC	South YMCA complex

PUBLIC SERVICES: The site is has access to municipal services on the north side of West Calvert Street. Water and sewer lines will have to be extended across the Big Slough South Drainage Ditch.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, is located within the city limit on the edge three-mile radius of the downtown core. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "new residential and new employment mix," encompassing areas that reflect the full diversity of residential development densities and types typically found in large urban municipality with appropriate businesses that benefit from locating along arterials a major highway exchanges. It is unlikely this property will be redeveloped for residential uses, therefore the continued use for commercial purposes is deemed appropriate.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the zone change and amendments to CUP DP-258 be **APPROVED** subject to the development guidelines of the amended CUP and the following conditions:

- A. **APPROVE** the zone change (ZON2018-00033) to GC for Parcel 1 in DP-258.
- B. **APPROVE** the Amendments to CUP DP-258, subject to the following conditions:
 - 1. General Provision #9 shall be modified to add: There shall be no predominantly metal facades facing Calvert Street.
 - 2. General Provision #15 shall be modified to add the requirement for screening of loading areas, trash receptacles, outdoor storage, and loading docks from I-235 and West Street as well as from Calvert Street.
 - 3. General Provision #17 shall be modified to add: A sidewalk along Calvert Street that connects to the sidewalk along West Street shall be constructed by the development as each phase of the property develops. Accessible pedestrian connections from the buildings within the development to the sidewalk along Calvert Street shall be constructed as each phase of the property develops.
 - 4. Reserves A and B descriptions shall be added to the face of the CUP drawing as prescribed in the recorded plat.
 - 5. Prior to publishing the ordinance/resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-258) includes special conditions for development on this property.
 - 6. 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:** Land to the north of the application area is a single-family residential subdivision zoned SF-5. Properties located to the east are zoned LC and SF-5 and is developed with the South YMCA complex that includes outdoor pool, athletic fields, tennis courts and other amenities that support the programs of the Greater Wichita YMCA. Properties to the west are zoned LI Limited Industrial and developed with a convenience store and an industrial park. Property south of the site is Interstate Highway 235 Right-of-Way with an exit ramp onto South West Street.
- 2. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed zone change and CUP amendments would broaden the range of uses. According to the historic aerials of the subject property, it has served as agricultural land until the I-

235 exchange was built in 1967-68. Since that time, this parcel of land has remained undeveloped. The 1974 historic aerial shows the beginning of the residential neighborhood to the north and by 1997 the lots in the subdivision were all developed.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request represents a gain to the public in that it contributes to the area's long term economic opportunity. Because of the challenges of providing the site with water and sewer and it being landlocked by the I-235 right-of-way on the south property line, this site will not develop as residential and the economic opportunity to the property owner is through commercial development.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, is located within the city limit on the edge three-mile radius of the downtown core. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "new residential and new employment mix," encompassing areas that reflect the full diversity of residential development densities and types typically found in large urban municipality with appropriate businesses that benefit from locating along arterials a major highway exchanges. It is unlikely this property will be redeveloped for residential uses, therefore the continued use for commercial purposes is deemed appropriate.
6. Impact of the proposed development on community facilities: Existing improvements are in place to address anticipated demands.

Attachments:

Dorothy CUP Language
DP-258

DEVELOPMENT GUIDELINES

1. THIS DEVELOPMENT CONTAINS 18.77 NET ACRES MORE OR LESS
2. PARCEL DESCRIPTIONS:

RESERVE A
GROSS AREA=0.65 AC

RESERVE B
GROSS AREA=0.67 AC

PARCEL 1
GROSS AREA= 8.97 AC
MAXIMUM COVERAGE=30%
MAX. GROSS FLOOR AREA= 35%
MAX. HEIGHT 35' FOR COMMERCIAL & NONRESIDENTIAL USE, SINGLE FAMILY OR DUPLEX
MAX. HEIGHT 45' FOR MULTI-FAMILY USE

PARCEL 2
GROSS AREA=8.48 AC
MAXIMUM COVERAGE=30%
MAX. GROSS FLOOR AREA= 35%
MAX. HEIGHT 35' FOR COMMERCIAL & NONRESIDENTIAL USE, SINGLE FAMILY OR DUPLEX
MAX. HEIGHT 45' FOR MULTI-FAMILY USE

RESIDENTIAL DEVELOPMENT SHALL BE ALLOWED TO A MAXIMUM DENSITY OF 8.7 DWELLING UNITS PER ACRE FOR SINGLE-FAMILY, INCLUDING ZERO-LOT LINE AND PATIO HOMES; 14.5 DWELLING UNITS PER ACRE FOR DUPLEX; AND 20.0 DWELLING UNITS PER ACRE FOR MULTI-FAMILY, INCLUDING TOWNHOMES AND GARDEN APARTMENTS.

3. PERMITTED USES: THE FOLLOWING USES ARE PERMITTED FOR ALL PARCELS WITHIN THE C.U.P.:

RESERVE A

DRAINAGE
DRAINAGE STRUCTURES
UTILITIES
SIGNAGE
RETENTION/DETENTION PONDS

PARCEL 1

RESIDENTIAL USES
SINGLE FAMILY
DUPLEX
MULTI-FAMILY
PUBLIC AND CIVIC USES
CHURCH OR PLACE OF WORSHIP
COMMUNITY ASSEMBLY
CONVALESCENT CARE
CEMETERY
CULTURAL GROUP
DAY CARE, LIMITED AND GENERAL
GOVERNMENT SERVICE
PARKS AND RECREATION
SAFETY SERVICE
COMMERCIAL USES
ANIMAL CARE, LIMITED
BED AND BREAKFAST INN
BANK OR FINANCIAL INSTITUTION
BROADCAST/RECORDING STUDIO
CONSTRUCTION SALES AND SERVICE
CONSTRUCTION RELATED VEHICLE SALES AND SERVICE
HOTEL OR MOTEL
MEDICAL SERVICE
PERSONAL IMPROVEMENT SERVICE
PRINTING AND COPYING, LIMITED
RETAIL, GENERAL (8000 S.F. MAX)
RESTAURANT (NO DRIVE THRU)

AGRICULTURAL USES

AGRICULTURAL
AGRICULTURAL RESEARCH
AGRICULTURAL SALES AND SERVICES

OFFICE, GENERAL

4. THE TRANSFER OF THE TITLE ON ALL OR ANY PORTION OF THE LAND INCLUDED IN THE DEVELOPMENT DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF; BUT SAID PLAN SHALL RUN WITH THE LAND FOR THE DEVELOPMENT AND BE BINDING UPON THE PRESENT LAND OWNERS, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES UNLESS AMENDED. HOWEVER, THE PLANNING DIRECTOR, WITH THE CONCURRENCE OF THE CCI SUPERINTENDENT, MAY APPROVE MINOR ADJUSTMENTS TO THE CONDITIONS IN THIS OVERLAY, CONSISTENT WITH THE APPROVED DEVELOPMENT PLAN, WITHOUT FILING A FORMAL ORDINANCE AMENDMENT.

5. LANDSCAPE AND PARKING LOT SCREENING SHALL BE IN ACCORDANCE WITH THE CITY OF WICHITA CODE. A LANDSCAPE PLAN INDICATING THE LOCATION, TYPE, AND SPECIFICATION OF PLANT MATERIAL SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT(S).

A SOLID LANDSCAPE SCREENING WILL BE REQUIRED ALONG CALVERT STREET FOR PARCELS WITH A NON-RESIDENTIAL USE. PARKING LOT LANDSCAPING OR SCREENING FOR NON-RESIDENTIAL USE SHALL BE AT A RATE OF 1 TREE PER 20 PARKING SPACES.

6. MINIMUM SETBACK REQUIREMENTS:

COMMERCIAL USES-FRONT SETBACK.....35'
REAR SETBACK.....35'
INTERIOR SIDE SETBACK.....0' (EXCEPT 35' WHEN NEXT TO A RESIDENTIAL USE.)

7. A MAXIMUM OF THREE POLE OR MONUMENT TYPE SIGNS SHALL BE PERMITTED ALONG I-235 ROAD RIGHT-OF-WAY, MAXIMUM HEIGHT 35 FEET, WITH EACH SIGN FACE LIMITED TO 200 SQUARE FEET. ONE POLE OR MONUMENT TYPE CENTER IDENTIFICATION SIGN SHALL BE PERMITTED IN THE WEST 30 FEET OF PARCEL 1, LIMITED IN HEIGHT TO 25' WITH EACH SIGN FACE LIMITED TO 200 SQUARE FEET. MONUMENT SIGNS WILL BE PERMITTED NEXT TO THE PROTECTION DRAINAGE DITCH AND SHALL BE LIMITED TO 12 FEET IN HEIGHT, 96 SQUARE FEET OF MAXIMUM SIGN FACE, 0.5 FEET OF LINEAR WIDTH, SPACED AT LEAST 150 FEET APART. ALL OTHER SIGNS SHALL BE PER CITY SIGN CODE. NO PORTABLE OR OFF-SITE SIGNS ALLOWED.

8. PARKING SHALL BE IN ACCORDANCE WITH THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE.

9. ARCHITECTURAL CONTROL- ALL BUILDINGS WITHIN EACH PARCEL SHALL HAVE THE SAME PREDOMINATE EXTERIOR BUILDING MATERIALS WITH CONSISTENT ARCHITECTURAL CHARACTER, COLOR AND TEXTURE, AND CONSISTENT LIGHTING DESIGN (FIXTURES, POLES, LAMPS, ETC.) AS APPROVED BY DIRECTOR OF PLANNING. THIS REQUIREMENT SHALL ALSO APPLY TO ANY RETAIL DEVELOPMENT (E.G. RESTAURANTS, BANKS, RECREATION AND ENTERTAINMENT, PERSONAL CARE OR IMPROVEMENT SERVICES) LOCATED ON EACH PARCEL. LIGHT STANDARDS SHALL BE A MAXIMUM HEIGHT OF 25 FEET AND CONSISTENT IN POLE AND FIXTURE THROUGHOUT THE DEVELOPMENTS.

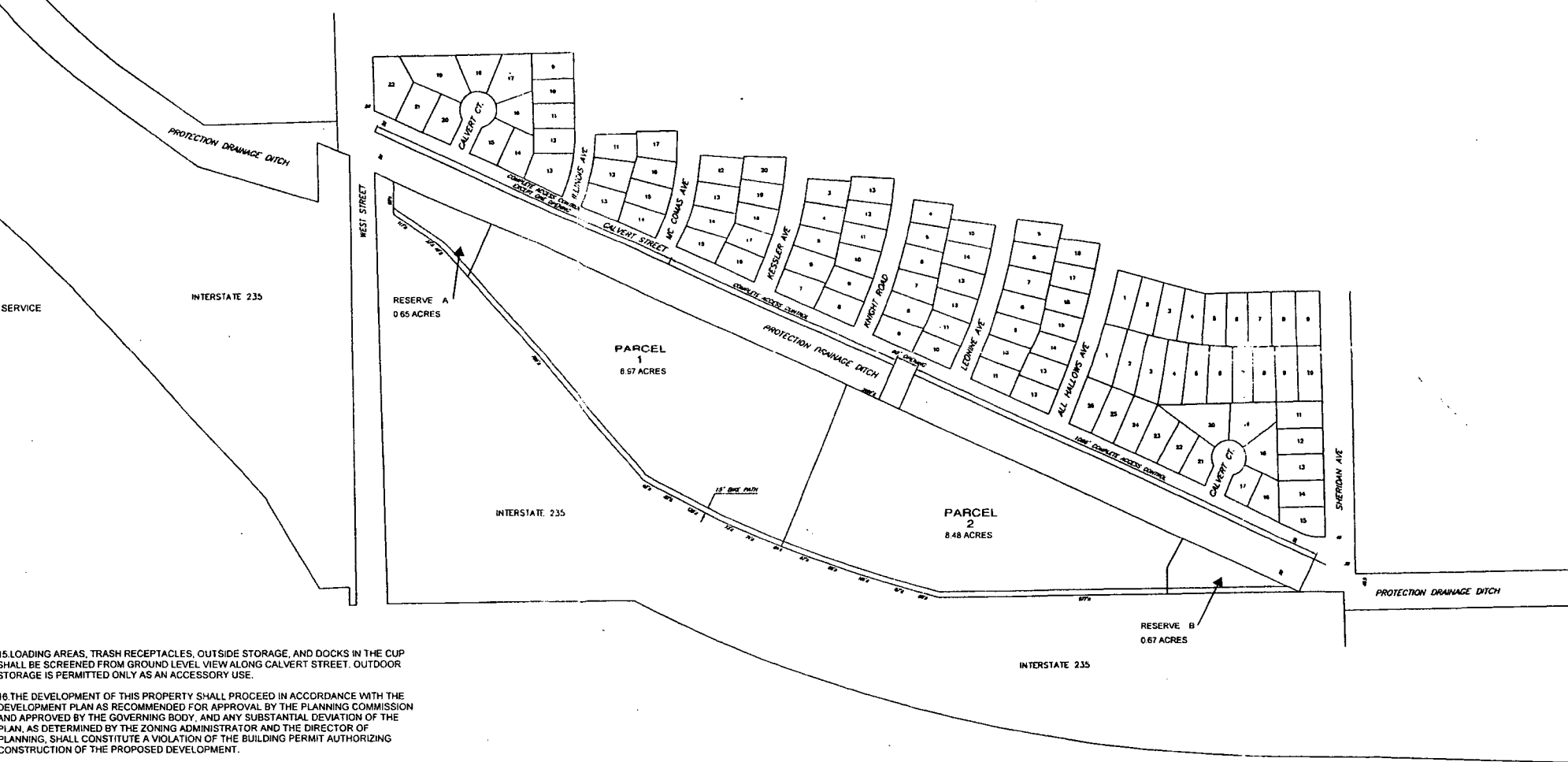
10. AN OWNERS ASSOCIATION AGREEMENT PROVIDING FOR THE MAINTENANCE OF RESERVES, OPEN SPACE, INTERNAL DEVICES, PARKING AREAS, DRAINAGE IMPROVEMENTS, ETC., IS FILED BY THE TIME THE PLAT IS FILED OF RECORD.

11. NO OCCUPANCY PERMITS SHALL BE ISSUED FOR ANY DEVELOPMENT WITHOUT SERVICES BY MUNICIPAL WATER AND SEWER SERVICES.

12. CROSS-LOT CIRCULATION IS TO BE PROVIDED FOR ALL LOTS PLATTED FOR RETAIL, COMMERCIAL OR OFFICE USES.

13. ALL DRAINAGE WAYS AND EASEMENTS SHALL BE DETERMINED AT THE TIME OF PLATTING.

14. A LOT GRADING PLAN WILL BE PREPARED IN CONFORMANCE WITH THE DRAINAGE CONCEPT PLAN FOR REVIEW PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.



15. LOADING AREAS, TRASH RECEPTACLES, OUTSIDE STORAGE, AND DOCKS IN THE CUP SHALL BE SCREENED FROM GROUND LEVEL VIEW ALONG CALVERT STREET. OUTDOOR STORAGE IS PERMITTED ONLY AS AN ACCESSORY USE.

16. 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.

17. PRIOR TO ISSUING BUILDING PERMITS, A PLAN FOR A PEDESTRIAN WALK SYSTEM SHALL BE SUBMITTED AND APPROVED BY THE DIRECTOR OF PLANNING.

18. NO OUTDOOR OR INDOOR RECREATION AND ENTERTAINMENT SHALL BE PERMITTED WITHOUT SUBMISSION AND APPROVAL OF A SEPARATE SITE PLAN IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION V-D OF THE UNIFIED ZONING CODE AS AN AMENDMENT TO THE C.U.P.

19. AN INTERIOR SITE CIRCULATION PLAN SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS. THIS SITE CIRCULATION PLAN SHALL REVIEW THE ORIENTATION OF BUILDINGS, LOADING DOCKS, AND ANY OUTDOOR WORK AND SERVICE AREAS TO ENSURE ORIENTATION OF THESE ACTIVITIES AWAY FROM THE RESIDENTIAL NEIGHBORHOOD TO THE NORTH.

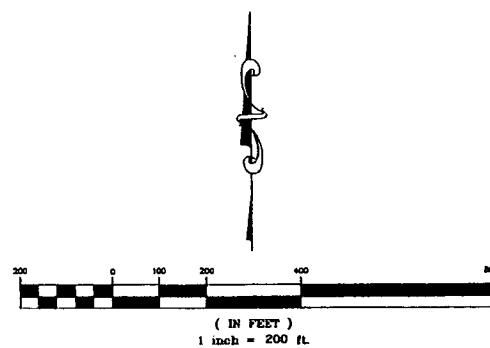
20. IN PARCEL 2, ANIMAL CARE, LIMITED; BANK OR FINANCIAL INSTITUTION; PERSONAL CARE SERVICE; AND PERSONAL IMPROVEMENT SERVICE SHALL NOT BE PERMITTED WITHOUT SUBMISSION AND APPROVAL OF A SEPARATE SITE PLAN IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION V-D OF THE UNIFIED ZONING CODE AS AN AMENDMENT TO THE C.U.P.

21. OUTDOOR SPEAKERS AND SOUND AMPLIFICATION SYSTEMS SHALL NOT BE PERMITTED ON THE SITE.

LEGAL DESCRIPTION

LOTS 1 AND 2, BLOCK 1 ALONG WITH RESERVES A AND B, DOROTHY ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS.

DOROTHY
COMMUNITY UNIT PLAN
DP-258



DP-258 Dorothy CUP
APPROVED CUP
DATE 10/09/03 DM
WCC 11/04/03 DM
MAPD Copy 1 of 2



kemiller
engineering

516 S. Market,
Wichita, KS 67202

316/264-0242