

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Jan. 31, 2020

ORDINANCE NO. 51-181

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. ZON2019-00048**

City zone change from SF-5 Single-Family Residential to LC Limited Commercial and described as follows:

A tract of land lying in a portion of Lot 1, Trinity Academy Addition to Wichita, Kansas, Sedgwick County, Kansas, being more particularly described as follows:

BEGINNING at the Northeast Corner of said Lot 1; thence along the east line of said Lot 1 on a Kansas coordinate system of 1983 south zone bearing of S00°51'52"E, 755.00 feet; thence S89°08'08"W, 342.50 feet; thence N00°51'52"W, 87.50 feet; thence N71°27'32"E, 24.00 feet; thence N28°25'40"E, 30.00 feet; thence N29°12'35"W, 160.00 feet; thence N18°22'36"W, 75.00 feet; thence N08°16'11"W, 35.00 feet; thence N27°40'28"E, 125.00 feet; thence N09°54'15"E, 35.00 feet; thence N05°53'32"W, 35.00 feet; thence N52°17'37"W, 40.00 feet; thence S89°08'08"W, 62.00 feet; thence N11°35'24"W, 112.00 feet; thence N48°52'11"E, 50.00 feet; thence N09°48'07"E, 42.00 feet to a point on the north line of said Lot 1; thence along said north line, N89°13'25"E, 413.00 feet to the POINT OF BEGINNING.


Said tract CONTAINS: 285,968 square feet or 6.56 acres of land, more or less.

(Generally located on the south side of East 21<sup>st</sup> Street North and west of North 127<sup>th</sup> Street East).

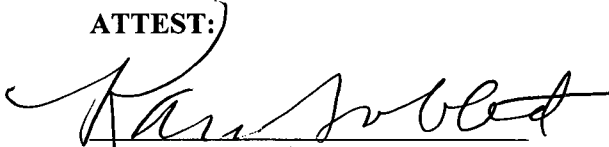
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

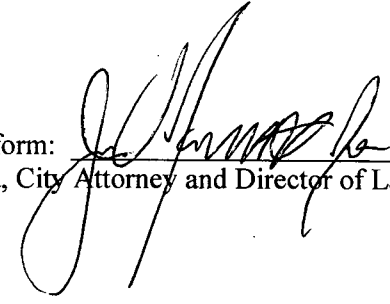
ADOPTED this 28<sup>th</sup> day of Jan., 2020.

  
\_\_\_\_\_  
Brandon J. Whipple, Mayor

ATTEST:

  
\_\_\_\_\_  
Karen Sublett, City Clerk



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

**STAFF REPORT**  
MAPC 12-19-2019  
DAB II 1-14-2020

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CASE NUMBER: ZON2019-00048 and CUP2019-00040

APPLICANT/AGENT: Trinity Academy, Inc. (Peter Ochs, President), Owner/MKEC (Brian Lindebak), Agent

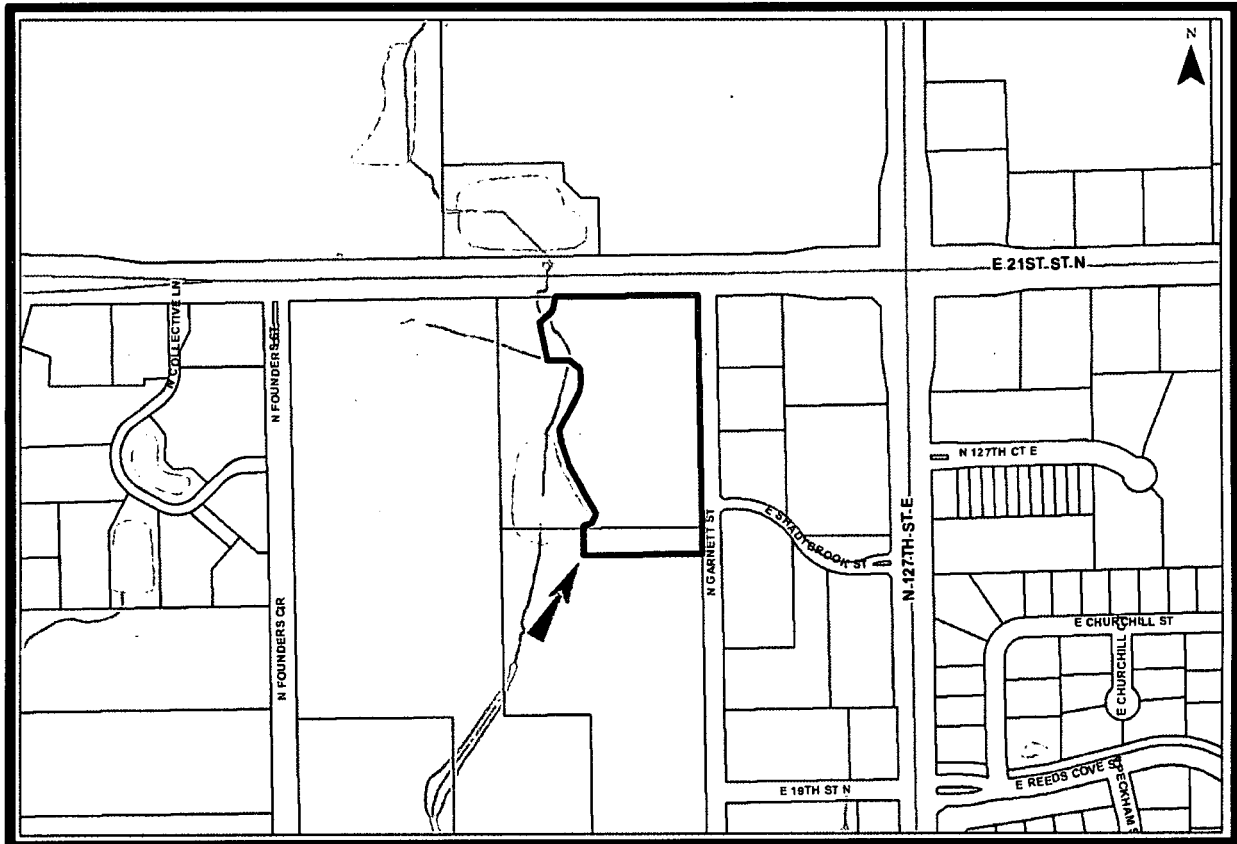
REQUEST: LC Limited Commercial subject to CUP DP-352

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 6.56 acres

LOCATION: South of East 21<sup>st</sup> Street North, one block west of North 127<sup>th</sup> Street East

PROPOSED USE: Uses permitted in the LC, except for specified prohibited uses



**BACKGROUND:** The applicant has submitted a request to rezone approximately 6.56 acres zoned SF-5 Single-Family Residential (SF-5) located south of East 21<sup>st</sup> Street North and west of North 127<sup>th</sup> Street East. The subject property is part of the larger Trinity Academy property at this location, mostly located west and south of the subject property. The application concerns the rezoning of the property from SF-5 Single-Family Residential (SF-5) to LC Limited Commercial (LC) and the establishment of a Community Unit Plan (CUP) DP-352 for the Trinity Academy CUP. A separate application for the platting of this property is also being considered, to be known as the Trinity Academy 3<sup>rd</sup> Addition. The lot layout for the final plat matches the parcel layout in the CUP.

The applicant and agent indicated at the time of application the intention was to provide parcels to develop commercially, with the hope some of the commercial ventures would utilize students of Trinity Academy for apprenticeships and other training opportunities with those business ventures. It was anticipated Parcel 1 would be occupied by a financial institution and that there would be a mixed-use facility constructed on Parcel 5 with support for the sports facility south of the subject property on the lower floor and commercial space on the upper floor of the proposed building.

This land also falls into Zone "C" of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport. The height restrictions for all structures on Zone "A" properties are 150 feet, subject to provisions outlined in the Airport Hazard Zoning Regulations found in Section 28-08 of the Wichita Municipal Code and Sedgwick County Resolution No. 277-1995. The language proposed in the CUP will address the manner in which structures higher than 150 feet will be addressed through the building permit process.

The proposed CUP contains 5 parcels. Parcel size ranges from 0.94 acres to 1.59 acres. All parcels are proposed to be zoned LC, and are to permit all uses permitted by-right by the LC zoning district, except for a list of specifically prohibited uses as outlined in the General Provisions of the CUP. There are modifications recommended within the General Provisions as outlined below.

The surrounding area is dominated by SF-5 Single-Family Residential zoning (SF-5) to the north, south and west and is used to the south and west as part of the Trinity Academy campus. North of the subject property is Church of the Magdalen, owned by the Catholic Diocese and on land zoned SF5. There is another church further to the west on the north side of East 21<sup>st</sup> Street North, which is also zoned SF-5. East of the subject property across Garnett Street is property zoned LC Limited Commercial (LC) which is included in the Summit Crossing Community Unit Plan and occupied by a bank and medical offices.

**CASE HISTORY:** The subject property was included in the Trinity Academy Addition, which was recorded with the Sedgwick County Register of Deeds August 20, 1999. As noted above, the subject property is presently being platted as Trinity Academy 3<sup>rd</sup> Addition (SUB2019-00055).

**ADJACENT ZONING AND LAND USE:**

North: SF-5: church  
South: SF-5: Trinity Academy campus  
East: LC: bank, medical offices  
West: SF-5: Trinity Academy campus

**PUBLIC SERVICES:** The public utilities are either in place to the subject property, or will be extended as addressed in the platting process. East 21<sup>st</sup> Street North is paved, 5-lane arterial with 4 travel lanes and a center turn lane. North Garnett Street is a paved, 2-lane street not to current city standards. Guarantees

to improve North Garnett Street to city standards as determined by traffic analysis shall be addressed at the time of platting, including a potential traffic study if needed.

**CONFORMANCE TO PLANS/POLICIES:** The 2035 Wichita Future Growth Concept map indicates the site is appropriate for “residential and employment mix” and is outside Wichita’s 2035 Established Central area. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature.

*Community Investments Plan* discusses **Location Guidelines** in section 3 of the Future Land Use Policies. In the subsection titled **Development Pattern**, guideline 1.a. states “development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with development. Guideline 3.c. states “small, neighborhood-serving retail and offices uses and high-density residential uses not located at arterial intersections should be limited to the intersection of an arterial and a collector street. Guideline 3.e. states “new development areas be separated from existing developed areas by major barriers (such as: highways, railroads, waterways, and airports) or by significant open space or undeveloped areas should be discouraged unless the scale of the development is sufficient to support the cost of extending infrastructure and services in a manner that supports additional development on surrounding sites.”

In the subsection titled **Design**, guideline 1.a. states “Commercial centers, office parks, and mixed-use developments should be designed with shared internal vehicular and pedestrian circulation, combined signage, coordinated landscaping and building design, and combined ingress/egress locations.” Guideline 1.b. states “Ingress/egress locations to non-residential uses generally should not access residential streets unless such access will not negatively impact nearby residential areas, except that industrial traffic should not feed directly into local streets in residential areas.” Guideline 1.g. states “Building entrances should be oriented to the street or internal circulation drives that connect to the street and designated pedestrian connections should be provided from building entrances to the street.”

The overall spirit and intent of this CUP appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED**, subject to the following conditions:

1. General provision #1 needs to include the overall site size in square feet in addition to acres.
2. General Provision #7 needs to be clarified as to whether the screening will be as required by Sec. IV (standard screening) or Sec. III-C.2.b. (masonry wall requirement). The present language is conflicting.
3. General provision #11 needs to be modified to require monument signs only, and to indicate that no sign on 21<sup>st</sup> is permitted to be larger than 200 square feet and no sign on Garnett is permitted to be larger than 120 square feet.
4. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP, including the required improvements to Garnett Street and water service addressed in the platting process.

5. The applicant shall record a CUP certificate with the Register of Deeds indicating that this tract (referenced as DP-352 Trinity Academy CUP) has special conditions for development on the property. A copy of the recorded certificate along with four copies of the approved CUP shall be submitted to the Metropolitan Area Planning Department within 60 days of final approval to the Metropolitan Area Planning Department or the amendment shall be deemed null and void.

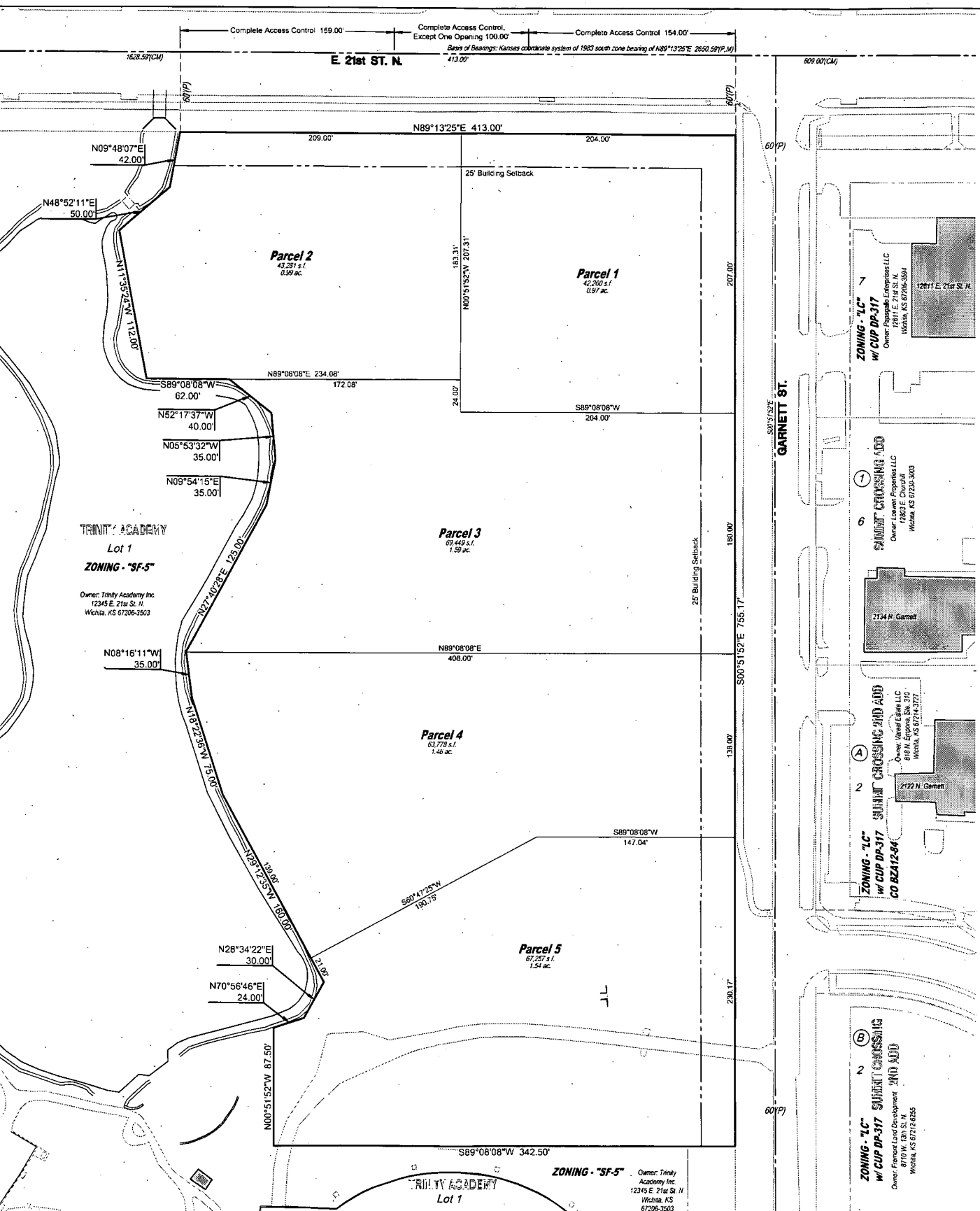
This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding area is dominated by SF-5 Single-Family Residential zoning (SF-5) to the north, south and west and is used to the south and west as part of the Trinity Academy campus. North of the subject property is Church of the Magdalen, owned by the Catholic Diocese and on land zoned SF5. There is another church further to the west on the north side of East 21<sup>st</sup> Street North, which is also zoned SF-5. East of the subject property across Garnett Street is property zoned LC Limited Commercial (LC) which is included in the Summit Crossing Community Unit Plan and occupied by a bank and medical offices.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property is being redeveloped and this amendment supports that effort.
3. **Extent to which removal of the restrictions will detrimentally effect nearby property:** The conditions of approval of the proposed CUP should mitigate detrimental impact on nearby property.
4. **Length of time the property has been vacant as currently zoned:** The subject property is being developed at this time.
5. **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 will permit the further development of the property. Denial would presumably represent a loss of economic opportunity to the applicant and/or land owner.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2035 Wichita Future Growth Concept map indicates the site is appropriate for “residential and employment mix” and is outside Wichita’s 2035 Established Central area. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature. The overall spirt and intent of this CUP appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.
7. **Impact of the proposed development on community facilities:** The proposed use will have no detrimental impact on community facilities. The platting procedures will address the needed improvements to Garnett Street.

**Staff Report Attachments:**

Proposed Trinity Academy CUP Drawing

Trinity Academy CUP DP-352



### DEVELOPMENT GUIDELINES

#### General Provisions

- This development contains 6.56 acres, more or less.
- Parcel Descriptions:
 

Parcel 1	Parcel 2	Parcel 3	Parcel 4	Parcel 5
Gross Area = 0.97 Ac. or 42,260 Sq. Ft. Maximum Height = 45 feet Maximum Coverage = 25% or 10,565 Sq. Ft. Max. Gross Floor Area = 25%	Gross Area = 0.99 Ac. or 43,281 Sq. Ft. Maximum Height = 45 feet Maximum Coverage = 30% or 12,984 Sq. Ft. Max. Gross Floor Area = 35% or 15,148 Sq. Ft.	Gross Area = 1.59 Ac. or 69,449 Sq. Ft. Maximum Height = 45 feet Maximum Coverage = 30% or 20,835 Sq. Ft. Max. Gross Floor Area = 35% or 24,307 Sq. Ft.	Gross Area = 1.46 Ac. or 63,778 sq. ft. Maximum Height = 45 feet Maximum Coverage = 30% or 19,133 Sq. Ft. Max. Gross Floor Area = 35% or 22,322 Sq. Ft.	Gross Area = 1.54 Ac. or 67,257 sq. ft. Maximum Height = 45 feet Maximum Coverage = 30% or 20,177 Sq. Ft. Max. Gross Floor Area = 40% or 26,903 Sq. Ft.
- Land Uses:
 

The following uses are permitted for Parcels within the CUP:

A. All allowed uses permitted by right within the LC Limited Commercial Zoning District with the following **EXCEPTIONS**:

  - No Parcels within this CUP shall allow:
    - Single Family Residential; Duplex; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Reverse Vending Machine; Animal Care, General; Marine Facility, Recreational; Monument Sales; Parking Area, Commercial; Night Club in the City; Tavern and Drinking Establishment; Pawn Shop; Recreational Vehicle Campground; Sexually Oriented Business in the City; Tattooing and Body Piercing Facility; Construction Sales and Service; Kennel - Hobby; Kennel - Boarding/Breeding/Training; Asphalt or Concrete Plant, Limited and General; Manufacturing, Limited and General; Mining or Quarrying; Rock Crushing; Solid Waste Incinerator; Agricultural Sales and Services.
  - Secondhand Store, as defined by the UZC, shall be permitted only as incidental and subordinate to the principal use.
  - The uses permitted by the CUP are only those uses permitted by right and not by conditional use unless specifically identified.
  - Parcel compatibility shall be managed by the developer with covenants, conditions, and restrictions.

B. Secondhand Store, as defined by the UZC, shall be permitted only as incidental and subordinate to the principal use.

C. The uses permitted by the CUP are only those uses permitted by right and not by conditional use unless specifically identified.

D. Parcel compatibility shall be managed by the developer with covenants, conditions, and restrictions.
- Architectural Controls: All buildings within the CUP shall share a uniform architectural character, color, and similar predominate exterior building material, as determined by the Director of Planning. The predominant exterior building materials shall be non-metal unless approved by the Director of Planning.
- Landscaping for this site shall be required as follows:
 

A. Landscaped street yards, buffers, and parking lot landscaping and screening shall be in accordance with the City of Wichita Landscape Ordinance.

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 Metropolitan Area Planning Department (MAPD) for its review and approval prior to issuance of any building permit(s).

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

D. Failure to properly maintain the required landscaping shall be considered a violation of the CUP after the determination by the Director of Planning.
- Lighting:
 

A. Lighting shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV, as well as the provisions of the Wichita-Sedgwick County Airport Hazard Zoning Code, Section 28-08 of the Wichita Municipal Code, and the amendments thereto, provided, however, the following:

B. All Parcels shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.), as approved by the Director of the MAPD.

C. All Parcels are allowed light poles up to 30 feet including the ground bases. This 30-foot height allowance shall be permitted within the north 100 feet of Parcels 1 and 2 where adjoining the existing place of worship land use and along the balance of Trinity property to the west.

D. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- Screening for this site shall be required as follows:
 

A. Rooftop mechanical equipment shall be screened from ground level view per Wichita-Sedgwick County Unified Zoning Code.

B. Trash receptacles, loading docks, and loading areas shall be appropriately screened to reasonably hide them from ground level view with fencing and/or landscaping.

C. Unless otherwise noted screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV, and Section III-C.2.b.

D. No screening walls are required on the subject property where abutting residential zoning classification due to the existing uses of places of worship and school and due to the compatibility of the use of this CUP.
- Building Setbacks are as shown hereon; 25 foot along 21st Street and Garnett Street frontages, if not shown they shall be as specified in Wichita-Sedgwick County Unified Zoning Code for the corresponding base zoning district property development standards or as specified below. If contiguous Parcels are developed under the same ownership, setbacks between such Parcels will not be required. If not contiguous owned the minimum side/rear setback shall be 10 feet.
- Parking: All Parcels, shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV-A, and amendments thereto unless otherwise specified.
- Utilities: No occupancy permits shall be issued for any development without services by municipal water and sewer services. All proposed new utilities shall be installed underground; unless it is prohibitive due to groundwater depth.
- Signs: Are as permitted under the current Sign Code of the City of Wichita for "LC" Limited Commercial Zoning District, and amendments thereto. Additionally, the following conditions apply:
 

All tenant and development signs shall be either monument or pylon type signs.

21st Street Frontage - Three signs having a maximum height of 21 feet and having a total area not exceeding 344 square feet, minimum separation between signs shall be 130 feet.

Garnett Street Frontage - Five signs having a maximum height of 15 feet and having a total area not exceeding 378 square feet minimum separation between signs shall be 150 feet.

The developer/owners shall be responsible for allocating the sign areas per the below frontage limitations.

Sign area square footages shall be defined by the tenant advertising area.

Development identification areas shall be excluded from the area calculation.

A. Temporary signs are permitted on all Parcels.

B. Flashing signs, rotating or moving signs, signs with moving lights, signs which create the illusion of movement are not permitted; provided, however, electronic message signs are allowed on the north and east frontages.

C. Portable, billboards, and off-site type signs are prohibited.

D. Window display signs are limited to 20% of the window area.

E. Building signage shall be permitted within the CUP. Building signage shall be limited to 20% of the wall area.

F. Accent lighting of monument and monument signs shall be permitted.
- Transportation improvements and Parcel access shall be provided as follows:
 

A. A cross-lot circulation agreement shall be required prior to the issuance of building permits.

B. Access controls are as shown and/or on the revised upon the CUP.

C. An overall site circulation plan shall be submitted for review and approval by the Director of Planning, in concurrence with the Zoning Administrator, Fire Chief/Marshal, and Traffic Engineer. The circulation plan shall assure smooth internal vehicular and pedestrian movements, pedestrian connectivity to major arterial and within buildings on the CUP.

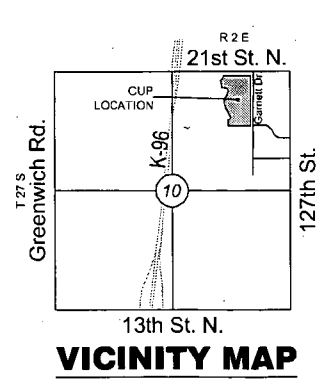
D. A plan for a pedestrian walk system shall be a requirement of the CUP. The walking system shall link proposed buildings with the entrances and sidewalks to 21st Street and/or Garnett Street shall be assured by required submission and approval of circulation plans by the Director of Planning prior to issuing building permits.
- Title: The transfer of the title on all or any portion of the land included in 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 and amended. However, the Director of the MAPD, with the concurrence of the Zoning Administrator, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal ordinance amendment.
- 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.
- Any major changes within this Community Unit Plan shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations of the CUP shall be done in accordance with the Unified Zoning Code.

### LEGAL DESCRIPTION

A tract of land lying in a portion of Lot 1, Trinity Academy, an addition to Sedgwick County, Kansas, being more particularly described as follows:

BEGINNING at the Northeast Corner of said Lot 1; thence along the east line of said Lot 1 on a Kansas coordinate system of 1983 south zone bearing of 00°51'52"E, 755.00 feet; thence S89°08'08"W, 342.50 feet; thence N00°51'52"W, 87.50 feet; thence N71°27'32"E, 24.00 feet; thence N28°25'40"E, 30.00 feet; thence N29°12'35"W, 160.00 feet; thence N18°22'36"W, 75.00 feet; thence N08°16'11"W, 35.00 feet; thence N27°40'28"E, 125.00 feet; thence N09°54'15"E, 35.00 feet; thence N05°53'32"W, 35.00 feet; thence N52°17'37"W, 40.00 feet; thence S89°08'08"W, 62.00 feet; thence N11°35'24"W, 112.00 feet; thence N48°52'11"E, 50.00 feet; thence N09°48'07"E, 42.00 feet to a point on the north line of said Lot 1; thence along said north line, N89°13'25"E, 413.00 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 285,968 square feet or 6.56 acres of land, more or less.



# COMMUNITY UNIT PLAN DP-352

# TRINITY ACADEMY

OWNER / DEVELOPER: Trinity Academy Inc., 12345 E. 21st St. North, Wichita, KS 67206-3503 316.262.6400



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