

(150004) I ished in The Wichita Eagle on 7-1 04

ORDINANCE NO. 46-193

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 2002-29

Zone change from SF-5, Single-Family Residential District to LC, Limited Commercial District, on property described as:

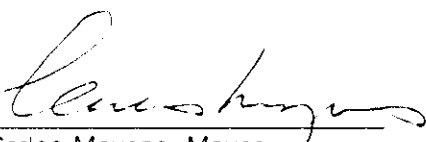
Lots 1-9, Hampton Square Addition, Wichita, Sedgwick County, Kansas.

Generally located on the northeast corner of Maize Road and 37th 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 15th day of June, 2004.

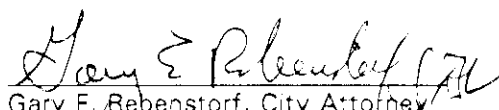

Carlos Mayans, Mayor

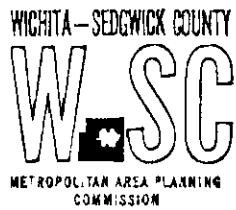
ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Gary E. Rebenstorf, City Attorney



AGENDA ITEM NO. _____

STAFF REPORT

MAPC October 10, 2002

Maize PC October 3, 2002

CASE NUMBER: ZON2002-00029 & CUP2002-00025 DP-262 37th & Maize Commercial Community Unit Plan

APPLICANT/AGENT: Thelma R. Smith Revocable Trust c/o Marv Schellenberg (owner); PEC, P.A. c/o Rob Hartman (agent)

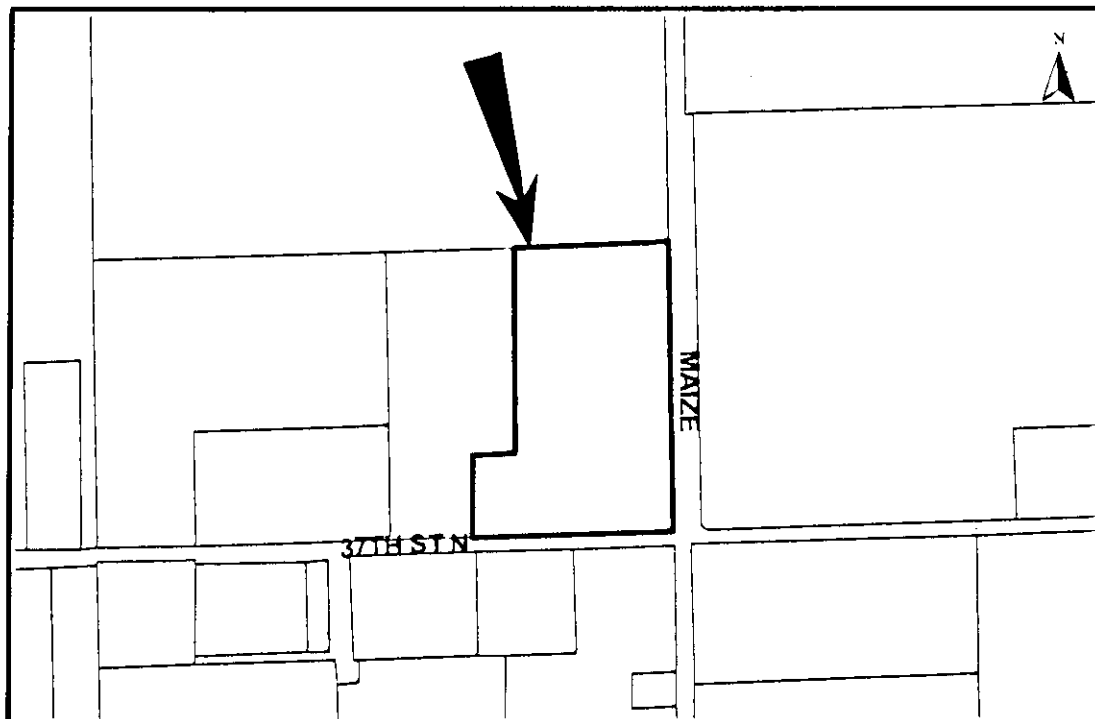
REQUEST: Zone Change to "LC" Limited Commercial; creation of 37th & Maize Commercial C.U.P.

CURRENT ZONING: "SF-20" Single-Family Residential

SITE SIZE: 22.3 acres

LOCATION: Northwest corner of 37th Street North and Maize Road

PROPOSED USE: Commercial development



BACKGROUND: The applicant is requesting the creation of a Community Unit Plan on a 22.3-acre tract located on the northwest corner of 37th Street North and Maize Road. The property occupies one-quarter mile of frontage along Maize Road. The proposed C.U.P. has a total of nine parcels and all parcels would be zoned "LC" Limited Commercial.

All uses permitted in the "LC" Limited Commercial district would be allowed except group homes, correctional placement residences, outdoor storage, and asphalt or concrete plants. In addition, Parcels 1, 8, and 9 and would prohibit service stations, convenience stores with gas islands, and vehicle repair, limited, with overhead doors facing residential districts. Also, service stations, convenience stores with gas islands, and restaurants with drive-in and drive-through facilities would be prohibited within 200 feet of residentially zoned property on the other parcels.

The C.U.P. proposes a 30 percent maximum building coverage and 35 percent maximum gross floor area on all parcels. The 35 percent build-out exceeds the amount of gross floor area typically achieved in suburban-type commercial centers and is in conflict with the 30 percent build-out used by the applicant as the basis for the traffic study in conjunction with the C.U.P. request.

Maximum building heights are 35 feet except for Parcels 1 and 2, the two parcels on the northern boundary. Maximum height for these parcels would be 45 feet. Setbacks are shown as 35 feet along the edge of the entire C.U.P.

A screening wall in a five-foot wall easement would be required on the northern and western boundaries of the C.U.P.; however, the type of wall construction is not included in the C.U.P. The C.U.P. requires pedestrian connections between the buildings and the arterial streets, but does not require connections to the residential property to the west, and the C.U.P. requires cross-lot circulation among parcels but does not identify an internal circulation system. It is recommended that the site circulation plan be prepared prior to the issuance of building permits.

Two 35-foot pole or monument signs (one on Maize Road and one on 37th Street North) are requested at a maximum size of 250 square feet. Additional free-standing signage would be monument signs with a maximum height of 20 feet, spaced a minimum of 150 feet apart, with a maximum amount of signage being 0.8 square feet per foot of lineal frontage. This exceeds typical sign allowances in Wichita by not including the 35-foot signs as part of the 0.8 lineal footage calculation and including them within the 150-foot spacing. Standard sign height is 25 feet, but could be increased to 35 feet only by eliminating one freestanding sign for each five feet of height above 25 feet. Limitations on backlit canopies and on wall and window signage, and on lighting standards were not included within the proposed provisions. (See Recommendations section).

The property is currently in agricultural use, as is the surrounding area to the east, north and west. The property to the south is in several large suburban tracts located along 37th Street North and also extending southward along Maize Road. Urban-scale residential development is anticipated to occupy the majority of the square-mile to the south and most of the 80 acres to the east. An undeveloped (agricultural) tract is located to the north of the application area between the proposed C.U.P. and the proposed alignment of the Northwest Bypass. It is likely that commercial development also would be requested for this tract to the north and road connections between these properties would be very important to ensure the usability of this tract.

CASE HISTORY: The area is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Agriculture
SOUTH:	"SF-20" Single-Family	Large lot suburban residential
EAST:	"SF-20" Single-Family	Agriculture
WEST:	"SF-20" Single-Family	Agricultural

PUBLIC SERVICES: Municipal water and sewer services are being extended to serve the site.

Maize is a four-lane county arterial; 37th Street North is an unpaved two-lane township road. Both are classified as two-lane arterial streets on the 2030 Transportation Plan.

Traffic counts were made by Sedgwick County on July 1, 2002, and again on September 4, 2002. Peak traffic was from 4 p.m. to 5 p.m. on the July date. It shifted to 3 p.m. to 4 p.m. for southbound Maize Road on September 4th, reflecting school related traffic. Northbound peak was between 6 p.m. and 7 p.m. The applicant provided a traffic impact study based on the July data and projected development of the shopping center based on a 30 percent gross floor area build-out. The study did not account for increase in background traffic generated by other development in the vicinity, so traffic volumes for 2030 are lower than would be anticipated if all development had been included in the analysis.

CONFORMANCE TO PLANS/POLICIES:

The Wichita Land Use Guide in the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* classifies this area as being on the boundary between the 2010 and the 2030 urban service area, and is shown as low density residential.

The site falls within the area shown on the Land Use Guide as the potential location of

the proposed Northwest Bypass. The most likely location of the bypass is 1/4 mile north of the proposed shopping center.

RECOMMENDATION: The proposed site was shown as low density residential on the Wichita Land Use Guide and is located on the boundary between the 2010/2030 urban service areas for Wichita. However, both Wichita and Maize are in the process of extending services to this site and other development in the vicinity, including the new Maize Middle School located one mile to the east at the southwest corner of 37th Street North and Tyler Road. This will make the area available for development earlier within the next year or soon thereafter.

The southern limit for the Maize small city growth area is located ½ mile to the north of the application area. The likely alignment of the Northwest Bypass straddles the property to the north of the application area and the area shown in the small city growth area. The bypass would be an excellent buffer between the municipal boundaries of Wichita and Maize.

A key consideration in reviewing this proposal was to ensure that the nature of the site development and circulation pattern did not preempt the ability to build a potential interchange on the Northwest Bypass at Maize Road. City and county officials indicated that an interchange on Maize is a high priority and one that should not be compromised by this application.

The impact of the proposed C.U.P. on a possible future interchange of the Northwest Bypass with Maize Road between was discussed in a joint meeting of Kansas Department of Transportation officials and city and county transportation staff. While KDOT was unable to guarantee selection of this location for a future interchange, it was agreed that the location and scale of the C.U.P. would probably not deter or influence KDOT's decision whether or not to locate the Northwest Bypass interchange on Maize Road. The transportation recommendations identified in this meeting were viewed as critical to access management necessary to allow for this possible interchange. It also included providing connectivity to the properties to the north and west because of the likelihood that the property to the north would be denied direct access onto Maize Road because of its proximity to a Maize Road/Northwest Bypass interchange.

Based on the recommendations proposed from the meeting between KDOT and city and county staff, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2002-00029) to "LC" Limited Commercial subject to platting of the entire property within one year.

B. APPROVE the Community Unit Plan (DP-262), subject to the following conditions:

1. Transportation requirements:

- a. If KDOT decides to locate the interchange on Maize Road, then there should be no more breaks in access north of the northernmost access opening on Maize Road (1,000 feet north of 37th Street) as proposed on the CUP.
- b. If KDOT chooses to not build the interchange at Maize Road, the highway-oriented traffic will access the proposed site from 37th Street.
- c. To ensure adequate and balanced access of adjacent properties to the arterial street system, the CUP should show access/connectivity to properties north and west of the proposed CUP.
- d. The (right-in / right-out) driveway on Maize Road between parcels 3 and 4 should be eliminated.
- e. Internal circulation between all parcels should be improved.
- f. The CUP should show raised center medians on all main driveways to prevent left-turns in and out of adjacent parcels for a distance of at least 150 feet back from the right-of-way line. (Sedgwick County's Access Management Policy requires a corner clearance/ of 150' on collector type streets, and the volume of site-traffic on these commercial driveways are typical of collector streets.)
- g. The CUP must ensure that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.
- h. Continuous right-turn deceleration lane should be provided along the Maize Road frontage and also along 37th Street up to the major entrance into the CUP.
- i. The CUP should provide 300-foot long (minimum) raised center-medians at the north and west leg of the intersection of 37th and Maize.
- j. The CUP should guarantee the cost of configuring and installing a traffic signal, if warranted in the future, at the northernmost entrance on Maize Road (1,000 feet north of 37th Street).
- k. CUP should provide left-turn lanes with adequate storage for queued vehicles on both Maize and 37th Street.
- l. The scale and timing of all public and internal improvements should be identified so that there is a distinction between interim improvements (in advance of street or highway improvements) and ultimate improvements.
- m. Revision to the applicant's traffic impact report is not necessary if the applicant accepts the above recommendations.

2. A requirement shall be added stating that prior to the issuance of any building permit, a site circulation plan shall be approved for the overall circulation of the C.U.P. that provides for smooth flow of traffic among all parcels, and provides

connectivity with the properties to the north and west.

3. An area for detention shall be identified on the C.U.P. with the area set out as a reserve and the C.U.P. parcels adjusted accordingly.
4. Maximum gross floor area shall be reduced to a total of 30 percent for the net acreage of the C.U.P. This can be adjusted within parcels to allow a higher gross floor area for Parcels 1 and 2 where an additional height of 45 feet is requested.
5. All exterior lighting shall be shielded to direct light disbursement downward and away from residential zoning.
6. Parcels 1-9 shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps, and etc.).
 - a. Light poles shall be limited in height to 24 four feet, except within 200 feet of residentially zoned property where light poles shall not exceed 14 feet in height.
 - b. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
7. (Replacing General Provision #7): Signs shall be in accordance with appropriate codes with the following additional conditions:
 - a. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150' apart, irrespective of how land is leased or sold.
 - b. Flashing signs (except for signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
 - c. Portable and off-site signs are not permitted.
 - d. Window display signs are limited to 25 percent of the window area.
 - e. No signs shall be allowed on the rear of any buildings.
 - f. All freestanding signs must be monument type and shall have a maximum height of 20 feet. The maximum square footage of sign face allowed in Parcels 1-9 shall not exceed 80 percent of lot frontage.
8. (Replacing General Provision #16): Masonry Walls:
 - a. A six (6) foot high masonry wall shall be constructed along property lines of the C.U.P. in conformance with the provisions of Article, III, Section III.C.2.b(2)(d) of the Unified Zoning Code.
 - b. This solid masonry wall shall be constructed of a pattern and color that is

consistent with the building walls.

9. (Add to General Provision #18): and with pedestrian connectivity being provided for residential development to the west.
10. (Add to General Provision #9): No facades that are predominantly metal shall be allowed.
11. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
12. 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.
13. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
14. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-257) includes special conditions for development on this property.
15. 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 property to the south/southwest is zoned "SF-20" Single-Family and is in large suburban acreages. Beyond these suburban residences, the rest of the land is agricultural but near the urban fringe and zoned "SF-20" (south, west, east, and southeast) and "RR" Rural Residential (north). Maize Road is a main corridor between west Wichita, with a large commercial node two miles to the south at the intersection of 21st Street North and the city of Maize to the north.
2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for continued agricultural use, but is on the boundary of the 2010/2030 urban service areas. Municipal services will be extended to the site in

the near future, making urban-type development a logical step rather than keeping the property as "SF-20" large lot suburban development. Use of the property at an extremely low density would be contrary to urban-type development recommendations of the *Comprehensive Plan*.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The surrounding area is mostly undeveloped, and Maize Road is a major arterial, with the anticipated interchange for the Northwest Bypass ¼ mile north of the proposed C.U.P. Approval of the C.U.P. with its general provisions should ensure a quality development that should eliminate detrimental impacts on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The proposed use of the property for commercial development is contrary to the *Comprehensive Plan*, which shows the property for low-density (urban-scale) residential development. However, the property is in proximity to Maize Road, the proposed Northwest Bypass, and is two miles away from the closest major retail node at 21st Street North and Maize Road. This makes commercial use, if developed in conformance with the strategies of **Objective III.B** "Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses" as appropriate at this location. **Strategy III.B2** recommends to "integrate the development of out parcels in relation to planned retail centers through shared internal vehicular and pedestrian circulation, combined signage, similar landscaping and building materials, and combined ingress/egress locations. The proposed general provisions, as recommended, embody this strategy.
5. Impact of the proposed development on community facilities: Traffic increases generated by the new commercial development would be substantial; however, the proposed transportation access features and improvements should allow the traffic to be accommodated.