

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. ZON2012-00009

Zone change request from NO Neighborhood Office ("NO") to LC Limited Commercial ("LC") on the north 250 feet and GO General Office ("GO") on the balance of the property on properties described as:

Lot 1, Block 1 AND Reserve N of Remington Place Addition, Wichita, Sedgwick County, Kansas; generally located south of East 21<sup>st</sup> Street North and west of Cranbrook.

**SUBJECT TO THE FOLLOWING AMENDED PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #170:**

**Subject Property:**

**Limited Commercial – "North Parcel"**

The north 250 feet of Lot 1, Block 1, and Reserve N, Remington Place, an addition Wichita, Sedgwick County, Kansas.

**General Office – "South Parcel"**

Lot 1, Block 1, and Reserve N, Remington Place, an addition Wichita, Sedgwick County, Kansas, EXCEPT, the north 250 feet thereof.

**General Provisions:**

1.) Permitted Land Uses for "North Parcel":

- a. All uses allowed within Neighborhood Office District (NO), EXCEPT multi-family, duplex, church or place of worship, Golf Course, Group home (General), Recycling Collection Station (private), Parking Area (Commercial), Wireless Communication Facility, Asphalt or Concrete Plant Limited, and Agriculture.
- b. The only Limited Commercial District (LC) uses are as follows: Bank or Financial Institution (including drive-up teller)
- c. Limited Commercial Zoning District property development standards shall apply for the "North Parcel," unless otherwise stated below, inclusive of Special LC District regulations per the Wichita Sedgwick County Unified Zoning Code.

2.) Permitted Land Uses for "South Parcel":

- a. All uses allowed within Neighborhood Office District (NO), EXCEPT multi-family, duplex, church or place of worship, Golf Course, Group home (General), Recycling Collection Station (private), Parking Area (Commercial), Wireless Communication Facility, Asphalt or Concrete Plant Limited, and Agriculture.
- b. General Office Zoning District property development standards shall apply for the "South Parcel," unless otherwise stated below.
- c. Special General Office (GO) Zoning District regulations per the Wichita Sedgwick County Unified Zoning Code shall apply to the "South Parcel". (Office Use size limitations shall be per GO not per NO District regulations).

3.) Setback Requirements:

- a. Buildings and parking shall be setback 65 feet from the south property line.
- b. All other building setback requirements shall be per the underlying Property Development Standards as stated per the Wichita-Sedgwick County Unified Zoning Code.

4.) Screening Requirements:

- a. Evergreen screening consisting of 8-10 foot tall trees planted at a rate of 8 foot on center shall be installed just north of the south property line creating a living wall. The owner of the subject property their successors, and/or assigns shall maintain the trees.
- b. Tree screening between parking areas and Cranbrook Street shall be placed from southern boundary line to a point 300 feet north of said south boundary. Tree species shall be similar to those planted on the east side of Cranbrook Street, and shall be a minimum of 6-8 feet tall when installed.
- c. Trash enclosures shall not be permitted within 100 feet of the south property line. Enclosures shall be screened with one or a combination of the following: masonry wall, wood fence or similar, or solid fence material.
- d. Installation of the above screening requirements shall occur prior to the issuance of occupancy permits on the subject property.

5.) Architectural and Building Restrictions:

- a. No building heights shall exceed 35 feet as defined by city requirements.
- b. No metal facades permitted.
- c. Exterior façades shall consist of one or a combination of the following materials: Masonry, Stone, Stucco and or Glass.

6.) Signage Restrictions:

- a. Flashing, electronic displays (LED), off-site / billboards, and portable type signs shall not be permitted.
- b. Signage along 21<sup>st</sup> Street shall be monument type signs.
- c. No pole or monument type signs shall be permitted along Cranbrook Street.
- d. Sign heights shall not exceed 22 feet.
- e. No building signage shall be permitted along the south or east building facades for those buildings abutting the single family residences on the south and east.
- f. No more than two monuments signs are allowed spaced no closer than 150 feet apart. The monument signs shall not exceed 150 square feet in area and the total monument sign area shall not exceed 300 square feet.

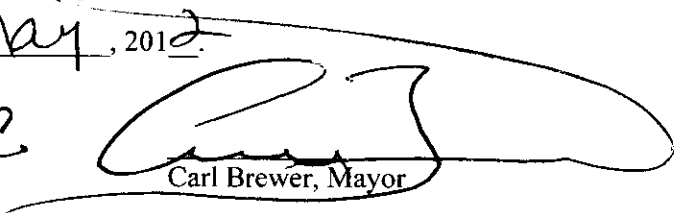
SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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 22 day of May, 2012.

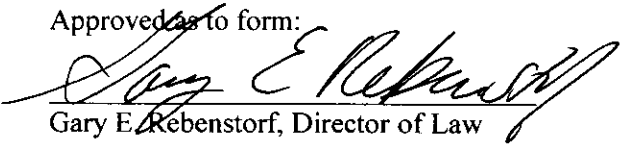
ATTEST:

  
Karen Sublett, City Clerk

  
Carl Brewer, Mayor

(SEAL)

Approved as to form:

  
Gary E. Rebenstorf, Director of Law



**City of Wichita  
City Council Meeting  
May 15, 2012**

**TO:** Mayor and City Council

**SUBJECT:** ZON2012-00009 – City zone change from NO Neighborhood Office with PO-170 to LC Limited Commercial (“LC”) and GO General Office (“GO”) with amendments to PO-170 for a bank with drive through and office development; generally located south of East 21<sup>st</sup> Street North and west of North Cranbrook. (District II)

**INITIATED BY:** Metropolitan Area Planning Department *JWS*

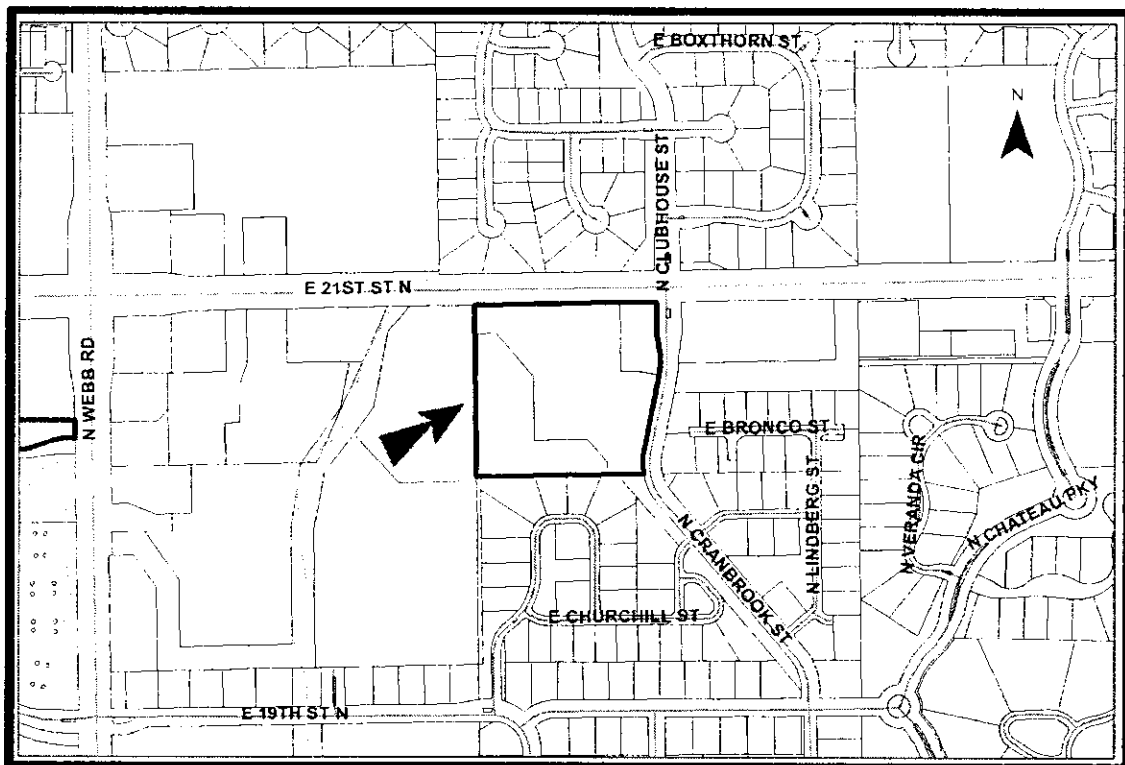
**AGENDA:** Planning (Non-consent)

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**MAPC Recommendation:** Approve the applicant’s request with additional site plan review requirement (6-4-1).

**DAB II Recommendation:** Approve the applicant’s request with additional site plan review requirement (7-1).

**MAPD Staff Recommendation:** Deny applicant’s request for LC zoning, approve GO zoning with Conditional Use for bank with drive through, and staff recommended PO-170 amendment.



**Background:** This site was originally zoned SF-5 Single-family Residential (“SF-5”) and owned by a church. The site was rezoned to NO Neighborhood Office (“NO”) with Protective Overlay PO-170 in 2006 with the intent of developing the site for senior housing and offices. The existing PO limits residential development to SF-5 density and prohibits the following NO uses: multi-family residential, duplex, church or place of worship, day care limited and general, recycling collection station (private), utility (minor), automated teller machine, parking area (commercial), wireless communication facility, asphalt or concrete plant (limited) and agriculture. The PO requires a 125 foot building and parking setback from the south property line. The PO also requires an 8-10 foot tall masonry wall on the southern edge of parking located within 200 feet of the south property line, along with six 8-10 foot tall evergreen trees south of the wall, and tree screening along the southern 300 feet of Cranbrook. The original 2006 request was for GO General Office (“GO”) zoning, but was reduced to NO zoning with the protective overlay after significant communication with residential neighbors. The developer seeking the zone change in 2006 submitted a letter to surrounding home owners stating that proposed buildings would be residential in character with pitched roofs and masonry incorporated into building facades. The property has a 40-foot pipeline easement running from the southeast corner to the northwest corner of the site. The site has an “L”-shaped platted reserve with an existing detention pond along the south and west property lines. The subject property plat has access control with two openings on to 21<sup>st</sup> Street North, and no access controls to Cranbrook.

The applicant now requests a zone change from the existing NO to LC Limited Commercial (“LC”) on the north 250 feet of the property, and GO on the balance of the property, along with an amendment to PO-170. The applicant indicates to staff that he wishes to develop a bank with drive through at the northeast corner of the property, and develop the balance of the property with an office development. Banks are not a permitted use in the existing NO zoning. The applicant indicates that he does not want to be restricted by the NO zoning limitation of 8,000 square feet per business for office use, nor does he want to be restricted by the existing PO 125 foot setback requirement from the south property line. The applicant’s proposed PO amendment only adds the bank with drive through and ATM uses on the property, it reduces the southern building and parking setback to 50 feet, it eliminates the masonry wall requirement and replaces it with evergreen trees spaced 8 feet. It prohibits trash enclosures within 100 feet of the south property line, limits building height to 35 feet (same as NO standards), prohibits metal building facades, and requires that building facades be masonry, stone, stucco, glass, or a combination thereof. The PO proposes sign restrictions that prohibit LED, off-site (billboard), and portable signs; and requires that signs be monuments and a maximum of 22 feet in height. Signage would be prohibited along the south and east property lines, and would be limited to two 150 square-foot signs along 21<sup>st</sup> Street; the proposed signage in LC zoning exceeds what would be permitted in NO or GO zoning.

Property north of this site, across 21<sup>st</sup> Street North, is zoned SF-5 and developed with single-family residences; backyards of these residences face the subject property. South of the site is also zoned SF-5 and developed with residences with direct views of the site from backyards. East of the site, across Cranbrook, is predominantly zoned SF-5 and developed with single-family residences with side yards facing the subject site. Most houses south and east of the site have brick masonry incorporated into their designs. East of the site, across Cranbrook, the north 215 feet of the application area faces an NO zoned neighborhood office development, rezoned from SF-5 in 2001. This NO zoned office development to the east is separated from SF-5 houses by a water detention reserve, the development buildings are 100% brick masonry with hipped slate roofs, brick masonry walls exist adjacent to parking and drive aisle areas, and trash enclosures are brick masonry. Staff and surrounding neighbors feel that the NO zoned office development to the east is a good example of an office development compatible with the residential neighborhood. Property west of the site is zoned B Multi-family (“B”) and developed with apartment buildings; the apartment buildings have gabled roofs, brick columns, and brick chimneys, and are also visually compatible with the surrounding single-family development.

This mile portion of 21<sup>st</sup> Street North has LC zoned Commercial Community Unit Plans (CUPs) at the northeast and southeast corner with Webb, and also has LC zoned CUPs at the northwest and southwest

corners with Greenwich. The intervening mile section is primarily residential zoning and development, with the exception of office zoning on the subject NO zoned property, the discussed NO zoned property immediately to the east, and another NO zoned property further east.

**Analysis:** At the MAPC meeting held April 19, 2012, the MAPC voted (5-5-1) to deny the applicant's LC zoning and PO amendment request, and approve the staff recommended GO zoning with Conditional Use for a bank, and a staff recommended PO amendment. The motion failed with a tie vote, a subsequent motion to approve the applicant's request with the addition of a PO condition requiring site plan approval passed (6-4-1). One citizen spoke against the request at the MAPC hearing, preferring the staff recommended compromise. That citizen's letter of opposition is attached. District Advisory Board (DAB) II heard this request on May 7, 2012. The DAB had a failed vote (6-2) to approve the staff recommendation, a subsequent motion to approve the request per the MAPC recommendation passed (7-1). Protests amounting to over 35% were received, exceeding 20% and therefore requiring a six of seven vote for approval at City Council, see the attached protest map. The applicant provided several letters of support, those are attached.

**Financial Considerations:** There are no financial considerations in regards to the zoning request.

**Goal Impact:** The application will promote Economic Vitality.

**Legal Considerations:** The ordinance has been reviewed and approved as to form by the Law Department.

**Recommendation/Actions:**

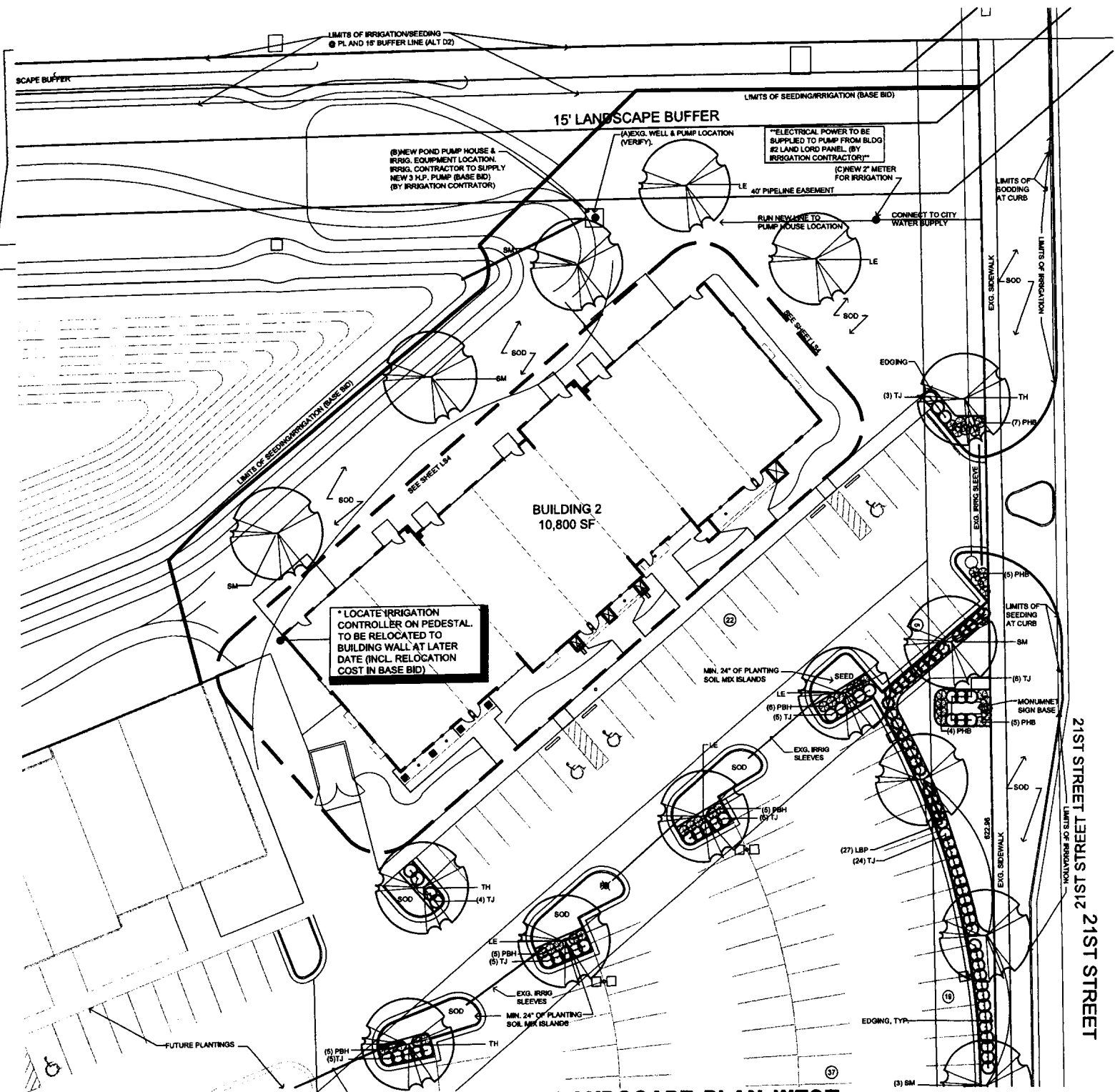
- 1) Adopt the findings of the MAPC and approve the zone change and PO-170 amendment per the MAPC approval, authorize the Mayor to sign the ordinance and place the ordinance on the first reading (three-quarters majority required, 6 of 7 votes of the City Council, to override the 35% protest petition).
- 2) Deny the request (an override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing).
- 3) Return the case to MAPC for re-consideration (requires a simple majority vote of the City Council).

**Attachments:**

- Ordinance
- DAB Memo
- MAPC Minutes
- Protest Map
- Opposition Letter
- Letters of Support

## LANDSCAPE ORDINANCE CALCULATIONS

|                             |                                                                                                   |
|-----------------------------|---------------------------------------------------------------------------------------------------|
| LANDSCAPE REQUIRED:         | 623 TOTAL FEET OF FRONTAGE<br>X 20 SQ. FT. FACTOR<br>= 12,450 TOTAL SQ. FT. REQUIRED              |
| LANDSCAPE SHOWN:            | 14,248 TOTAL SQ. FT.                                                                              |
| SHADE TREES REQUIRED:       | 12,450/500 = 25 TREES                                                                             |
| SHADE TREES SHOWN:          | 12 SHADE TREES<br>40 SHRUBS (north sides of buildings)                                            |
| PARKING LOT TREES REQUIRED: | 175/20 STALLS = 9 SHADE TREES                                                                     |
| PARKING LOT TREES SHOWN:    | 9 SHADE TREES                                                                                     |
| WEST BUFFER REQUIRED:       | 600'/40=15 SHADE TREES                                                                            |
| WEST BUFFER SHOWN:          | 3 SHADE TREES<br>35 UPRIGHT EVERGREENS                                                            |
| SOUTH BUFFER REQUIRED:      | PER PROTECTIVE OVERLAY (PO #170)<br>8-10' EVERGREEN SCREENING                                     |
| SOUTH BUFFER SHOWN:         | 21 UPRIGHT EVERGREEN TREES<br>2 RELOCATED TREES                                                   |
| EAST BUFFER REQUIRED:       | PER PROTECTIVE OVERLAY (PO #170)<br>300' N. OF SOUTH PROPERTY LINE<br>SIM. TO EAST SIDE OF STREET |
| EAST BUFFER SHOWN:          | AS SHOWN<br>6 UPRIGHT EVERGREENS TREES<br>5 NEW SHADE TREES                                       |



## WEST PLANT LIST

| KEY           | QTY | COMMON NAME                | BOTANICAL NAME                      | SIZE            | CONDITION        |
|---------------|-----|----------------------------|-------------------------------------|-----------------|------------------|
| <b>TREES</b>  |     |                            |                                     |                 |                  |
| SM            | 4   | SUNSET MAPLE               | Acer xatum 'Red Sunset'             | 2 1/2" - 3" cal | Balled-In-Burlap |
| LE            | 6   | LACEBARK ELM               | Ulmus parvifolia                    | 2 1/2" - 3" cal | Balled-In-Burlap |
| TH            | 3   | THORNTLESS HONEYLOCUST     | Gleditsia triacanthos "Shademaster" | 2 1/2" - 3" cal | Balled-In-Burlap |
| <b>SHRUBS</b> |     |                            |                                     |                 |                  |
| LBP           | 27  | LOW BOY PYRACANTHA         | Pyracantha coccinea 'Low Boy'       | 5 Gal.          | Container        |
| PHB           | 42  | PURPLE HAZE BUTTERFLY BUSH | Buddleia x 'Purple Haze'            | 3 Gal.          | Container        |
| TJ            | 57  | TAM JUNPER                 | Juniperus sabina 'Tamaricifolia'    | 2 Gal.          | Container        |

 **(A) LANDSCAPE PLAN-WEST**

# LANDSCAPE PLAN

APPROVED 2/6/14 BY NLS  
P-O #170 20N2012-09

GENERAL LANDSCAPE SPECIFICATIONS

1. Landscape contractor shall provide all labor, materials and service necessary to furnish and install plantings as specified herein and as shown on these plans.

2. No material substitutions shall be made without Owner/Architect's approval. Alternate materials of similar size and character may be considered if specified plant materials cannot be obtained. Owner/Architect reserves the right to adjust plant list as deemed necessary.

3. Total quantities of materials shown on drawings shall take precedence over quantities shown on the plant schedule. Landscape contractor shall be responsible for verifying all quantities on the planting plans.

4. When clay soil is encountered in the establishment of the lawn or the installation of the plant material, it shall be improved in accordance with standard trade practice (i.e. addition of lime gypsum, etc.).

5. Re-establish turf in all the areas disturbed by grading or utility trenching in the R.O.W..

6. After planting is completed, repair injuries to all plants as required. Limit amount of pruning to a minimum necessary to remove dead or injured twigs and branches. Prune in such a manner as not to change natural habit or shape of plant. Make cuts flush, leaving no stubs. Cut of one inch(1") or more to be planted with tree paint. Central leaders shall not be removed.

7. Use triangular spacing in all ground cover and annual beds unless stated otherwise on plans.

8. Plant ground cover within one foot(1') of trunk of trees or shrubs planted within area. Planting arrangement shall be triangular, with proper on-center spacing between plants.

9. Commercial grade steel edging shall be used to separate all turf areas from planting beds. Place edging flush with grade(see planting details).

10. Use shredded cypress mulch in all planting beds. Landscape contractor shall supply Owner/Architect with a sample of mulch for approval prior to starting construction.
11. Place mulch in beds and tree saucers per planting details.

12. Planting beds receiving mulch are to be free of weeds and grass. Treat beds with a pre-emergent herbicide prior to planting and mulch placement. Apply in accordance with standard trade practice. Do not apply herbicide in annual/perennial beds.

13. Seasonal annual/perennial beds are to be planted with local materials that will offer the longest lasting, boldest color display beginning at the time of installation.

14. Landscape contractor to remove tree stakes, tree wrap, and remove all dead wood on trees and shrubs one year after provisional acceptance.

15. Report any discrepancies in the planting plan to the architect prior to starting construction.

16. Prior to any excavation for landscaping purposed, the location of underground utilities shall be determined by calling the local utility companies. Landscape contractor shall be responsible for any damage done to existing utilities.

17. The landscape contractor is to be responsible for all permits required and is to see that all work is performed in accordance with state and local codes.

18. Topsoil hauled onto the site shall be fertile, friable, natural loam topsoil, of unifor quality characteristic representing local soils which produce heavy groth of crops, grass or other vegetation. It shall be free of subsoil, clay lumps, brush, weeds, roots, stones, trash, or other matter toxic to plant

19. All grass areas called out on the plans are to be seeded/sodded with local industry standard type variety. Submit seed type to Architect prior to installation. Starter fertilizer is also to be applied using local industry standards.

20. The undersigned agrees to pay liquidated damages, the amount of \$100.00 per calendar day, for each day after the completion date that the project is not completed.

21. Warranty period for planted plants shall be 2 Years from date of installation.

22. Maintenance period for planted plants shall be 1 year from date of installation.

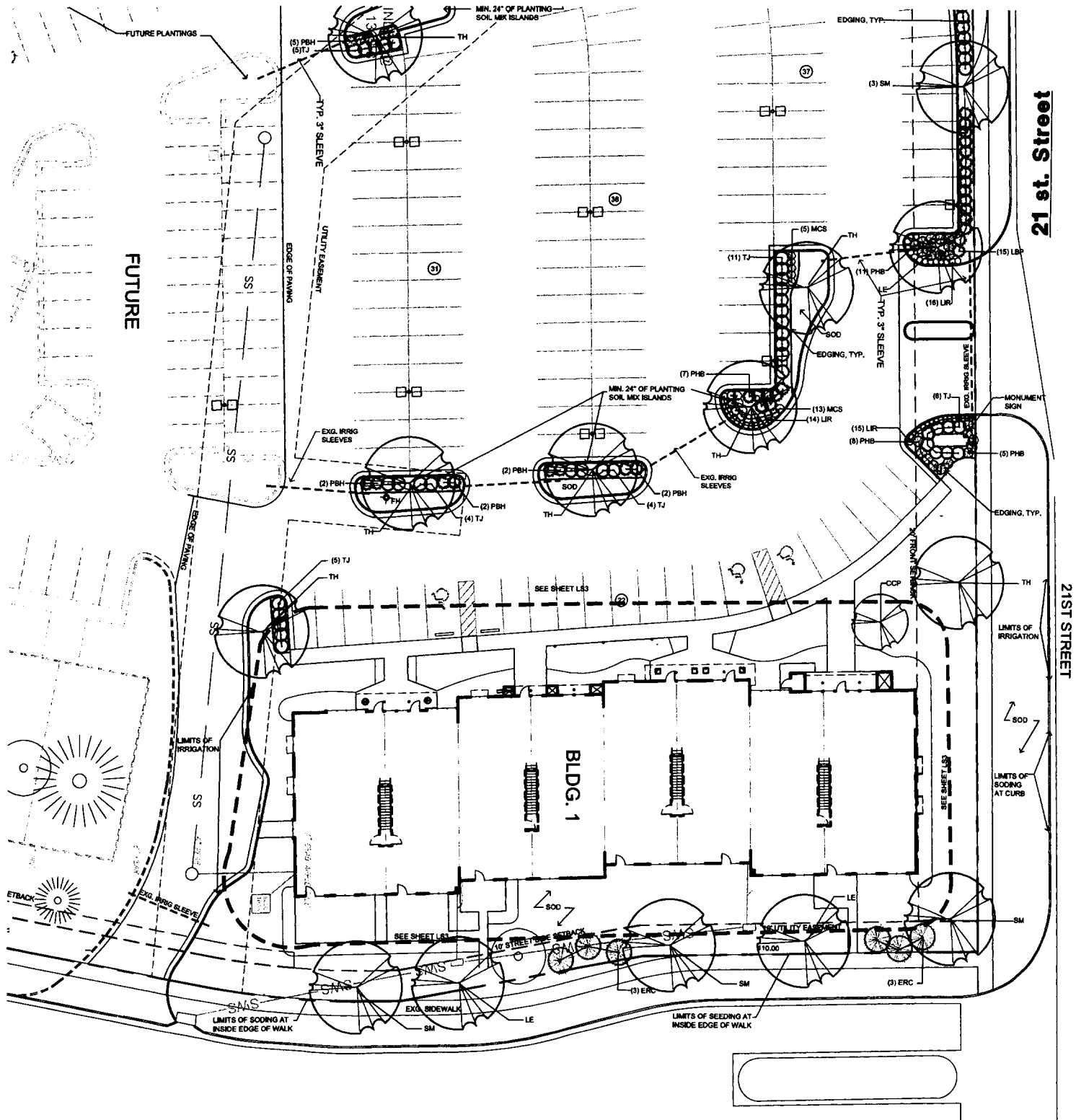
23. At the end of the guarantee period the Owner's Representative and Landscape Contractor shall meet to review for replacements. Dead plants and those not in a vigorous, thriving condition shall be replaced as originally specified in the following planting season. There shall be no additional cost to the Owner for replacements except due to vandalism. Grass areas not acceptable shall be reseeded or resodded immediately in the same planting season or if weather conditions require the following season

24. Landscape Contractor shall submit bid with unit prices for all plants which include mulch, installation, guarantee, etc...

25\*\*All parking lot islands to have min. 24" planting soil mixture.\*\*

EAST PLANT LIST

| KEY           | QTY | COMMON NAME                | BOTANICAL NAME                      | SIZE            | CONDITION        |
|---------------|-----|----------------------------|-------------------------------------|-----------------|------------------|
| TREES         |     |                            |                                     |                 |                  |
| SM            | 6   | SUNSET MAPLE               | Acer rubrum 'Red Sunset'            | 2 1/2" - 3" cal | Balled-in-Burlap |
| LE            | 3   | LACEBARK ELM               | Ulmus parvifolia                    | 2 1/2" - 3" cal | Balled-in-Burlap |
| TH            | 6   | THORNLESS HONEYLOCUST      | Gleditsia triacanthos 'Shademaster' | 2 1/2" - 3" cal | Balled-in-Burlap |
| CCP           | 1   | CHANTICLEAR PEAR           | Pyrus calleryana 'Cleveland Select' | 2.0 - 2.5" cal  | Balled-in-Burlap |
| ERC           | 6   | EASTERN RED CEDAR          | Juniperus virginiana                | 8-10' ht.       | Balled-in-Burlap |
| SHRUBS        |     |                            |                                     |                 |                  |
| LBP           | 15  | LOW BOY PYRACANTHA         | Pyracantha coccinea 'Low Boy'       | 5 Gal.          | Container        |
| MC            | 18  | MAGIC CARPET SPIREA        | Spiraea japonica 'Magic Carpet'     | 2 Gal.          | Container        |
| PHB           | 39  | PURPLE HAZE BUTTERFLY BUSH | Buddleia x 'Purple haze'            | 3 Gal.          | Container        |
| TJ            | 32  | TAM JUNIPER                | Juniperus sabina 'Tamariscifolia'   | 2 Gal.          | Container        |
| GROUND COVERS |     |                            |                                     |                 |                  |
| LUR           | 45  | LIRIOPE                    | Liriope muscari 'Meister'           | 1 Gal.          | Container        |



LANDSCAPE PLAN-EAST

SPANGENBERG PHILLIPS TICE  
ARCHITECTURE  
121 N Mead Ste 201 Wichita KS 67202  
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BUILDINGS 1 & 2  
21ST & CRANBROOK WICHITA, KANSAS 67226

AS-BUILT  
03 FEB 2014

EAST  
LANDSCAPE PLAN

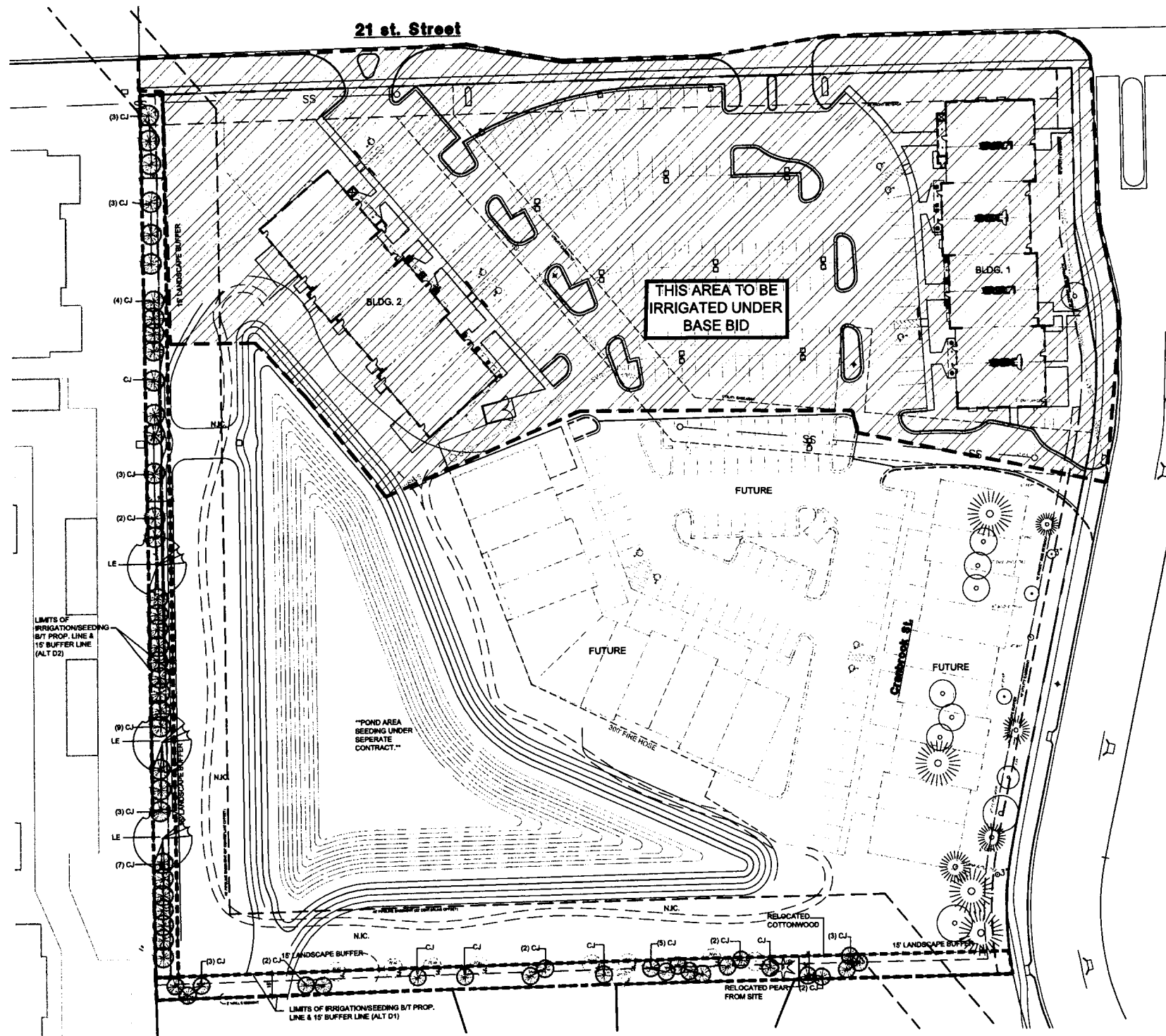
LS2

# WEST BUFFER PLANT LIST

| KEY   | QTY | COMMON NAME     | BOTANICAL NAME                       | SIZE            | CONDITION        |
|-------|-----|-----------------|--------------------------------------|-----------------|------------------|
| TREES |     |                 |                                      |                 |                  |
| LE    | 4   | LACEBARK ELM    | <i>Ulmus parvifolia</i>              | 2 1/2" - 3" cal | Balled-in-Burlap |
| CJ    | 35  | CANAERT JUNIPER | <i>Juniperus chinensis 'Canaert'</i> | 6'-8" H.        | Balled-in-Burlap |

# SOUTH BUFFER PLANT LIST

| KEY   | QTY | COMMON NAME     | BOTANICAL NAME                       | SIZE     | CONDITION        |
|-------|-----|-----------------|--------------------------------------|----------|------------------|
| TREES |     |                 |                                      |          |                  |
| CJ    | 22  | CANAERT JUNIPER | <i>Juniperus chinensis 'Canaert'</i> | 6'-8" H. | Balled-in-Burlap |



# WEST-SOUTH BUFFER LANDSCAPING @ BASE BID IRRIGATED AREA

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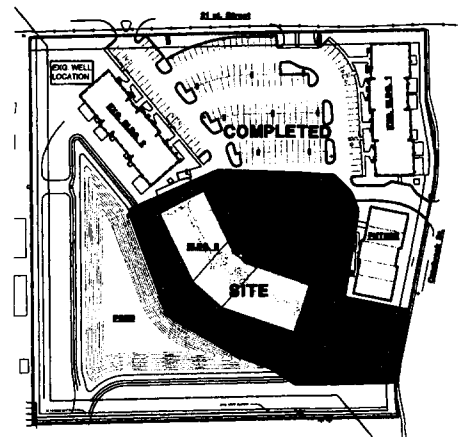
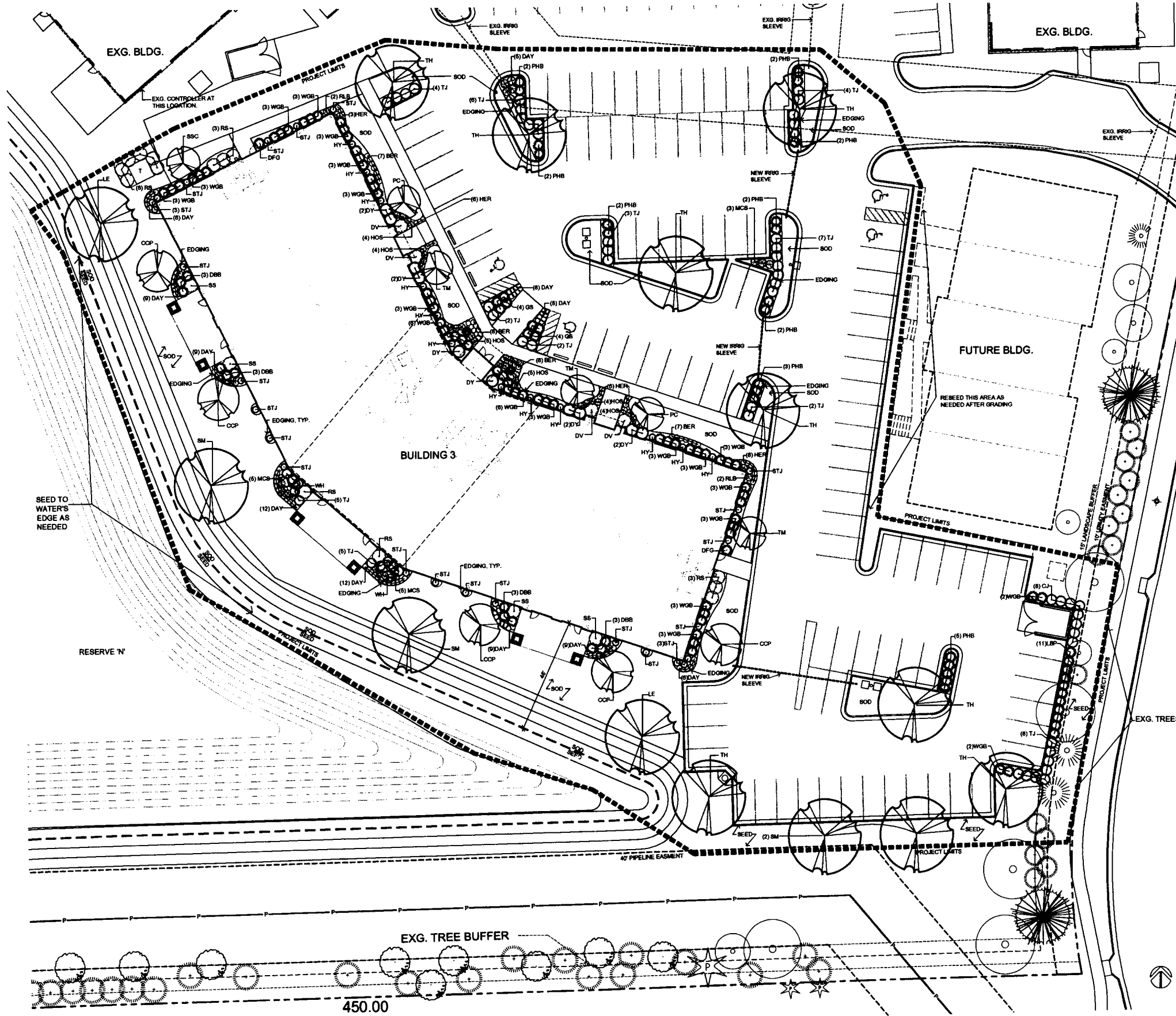
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OFFICES AT CRANBROOK  
BUILDINGS 1 & 2  
21ST & CRANBROOK WICHITA, KANSAS 67226

AS BUILT  
03 FEB 2014

WEST & SOUTH  
BUFFERS

LS3



**OVERALL AREA PLAN**  
NTS

**LANDSCAPE ORDINANCE CALCULATIONS**

|                                |                                                                                             |
|--------------------------------|---------------------------------------------------------------------------------------------|
| LANDSCAPE STREETYARD REQUIRED: | NONE REQUIRED IN THIS PHASE (REQUIREMENT MET IN FIRST PHASE)                                |
| PARKING LOT TREES REQUIRED:    | 100/20 STALLS = 5 SHADE TREES                                                               |
| PARKING LOT TREES SHOWN:       | 4 SHADE TREES                                                                               |
| WEST BUFFER REQUIRED:          | (REQUIREMENT MET IN FIRST PHASE)                                                            |
| SOUTH BUFFER REQUIRED:         | (REQUIREMENT MET IN FIRST PHASE)                                                            |
| EAST PARKING LOT SCREENING:    | SHRUBS (PER DRAWING) (11' LF)                                                               |
| EAST BUFFER REQUIRED:          | PER PROTECTIVE OVERLAY (PO #170) 300' N. OF SOUTH PROPERTY LINE 51M. TO EAST SIDE OF STREET |
| EAST BUFFER SHOWN:             | AS SHOWN<br>66 UPRIGHT EVERGREENS TREES<br>63 EXISTING TREES                                |

**LANDSCAPE PLAN**  
1"=20'  
0 20'

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**OFFICES AT CRANBROOK**  
**BUILDING 3**  
10111 E. 21ST N. WICHITA, KANSAS 67206

This drawing is conceptual in nature and subject to change. The developer reserves the right to modify all aspects of the project.

BID  
10 DEC 2013



## LS2