

Planning Agenda Item # _____

City of Wichita
City Council Meeting
October 21, 1997

Record -

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3242 - BUILD TECH 2000, LLC (PROPERTY OWNER/APPLICANT);
TIM AUSTIN, AUSTIN MILLER (AGENT) REQUESTS ZONE CHANGE
FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "OW" OFFICE
WAREHOUSE, LOCATED SOUTH OF 45TH STREET NORTH, 1/2 MILE
EAST OF ROCK ROAD.

(DISTRICT #2)

INITIATED BY: Metropolitan Area Planning Department

M. Krout

AGENDA ACTION: Planning

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

CPO Recommendation: Deny (8-1).

Staff Recommendation: Approve, subject to platting within 1 year and subject to the additional provisions of a Protective Overlay.

Background: The applicant requests a zone change from "SF-6" Single-Family Residential to "OW" Office Warehouse for an unplatted 7.3 acre tract located south of 45th Street North, 1/2 east of Rock Road.

The ownership of the applicant, as shown on the vicinity map, extends nearly 4,000 feet south along the railroad spur and measures 20 feet in width. It should be noted that this extension is not included in the rezoning area that terminates at a point in the southeastern portion of the attached site plan. Although the application did not state any specific use for the property, the agent for the applicant has indicated that the location and configuration of the property makes this site better suited for the uses allowed in the "OW" district.

The Office Warehouse district "intends to accommodate office and warehousing activities for the building trades and similar businesses with operating characteristics that do not require highly visible locations or the type of vehicular access needed for retail and high-intensity office development."

Some of the types of uses allowed in this district include: construction sales and service, general office, self-storage warehouse, limited manufacturing, wholesale or business service, and warehousing. The "OW" district also: limits the height of structures to 45 feet; limits a business to a maximum 20% of the floor area for the display and retail sales of items which are accessory to any permitted use; limits outside storage to 100 % of the principle use's floor area and is to be screened.

The property immediately to the north of the application site is currently undeveloped and zoned "SF-6" Single-Family. There is single-family residential developments on "SF-6" Single-Family zoned land to the east and south. West of the application area is railroad property with two industrial-type uses at the southeast corner of 45th Street and Rock Road further to the west on property zoned "LI" Limited Industrial. The Union-Pacific Railroad, running southwest to northeast, makes up the western boundary of the subject tract, with a railroad spur creating a boundary between the application area and the Willowbend development.

The preliminary site plan originally submitted as part of the request shows a 13,600 square foot (27,200 square feet gross floor area), two-story office/warehouse and a 26,800 square foot (53,600 square feet gross floor area), two-story office/warehouse located on the western half of the parcel, with six self-storage units situated along the eastern half of the property. The plan also showed a 10 foot landscape buffer along 45th Street and along the southern property line where adjacent to Willowbend's 6 foot masonry wall, with a 5 foot wall easement buffering the site from the residential uses to the east. The applicant is proposing two 40 foot access drives along 45th Street.

This request met with opposition from area residents, and, during the course of the August 14, 1997 MAPC hearing, the case was deferred in order for the applicants to meet with staff and the neighborhood. An afternoon meeting was held on August 26, 1997 to provide an opportunity for the applicant to describe their proposal and answer questions. Planning staff and a representative of CPO(2) were also in attendance to answer questions. Although no formal compromise was reached, the meeting gave all parties a chance to understand each other's viewpoint on this matter. Following the meeting, staff received a letter (copy attached) from the Willowbend Homeowners' Association with several recommendations. The matter was brought back to CPO(2) on September 8, 1997 for further consideration. During that meeting several residents from Willowbend spoke against the request before the Council voted 8-1 to recommend denial.

During the September 11, 1997 MAPC meeting, the applicant requested and received another deferral to the September 25, 1997 MAPC meeting. Prior to the vote for deferral, several area residents spoke against the request, stating that the letter from the Homeowner's Association did not represent the views of the Willowbend residents most directly affected and that the request would have a negative impact on the area.

The matter was again discussed during the September 25, 1997 MAPC hearing where the applicants offered to restrict the number of permitted uses, increase the landscaping, and further restrict the permitted building height. Neighborhood opponents, citing the CPO recommendation for denial, still felt the request was out of character with the surrounding areas and that the applicants failed to prove the site was unsuitable for residential development.

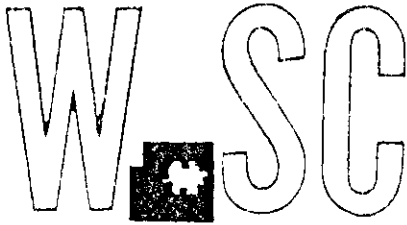
After the discussion, the MAPC voted (10-2) to approve the request, subject to platting and a Protective Overlay limiting the number of permitted uses, additional landscaping and screening provisions, including an offer to plant 30 evergreen trees at least 15 feet in height on the "reserve" owned by the Willowbend Homeowners' Association, in addition to 52 trees on their own property, architectural controls, and height restrictions, as recommended by staff. Following the hearing, staff received valid protest petitions from 24 area property owners of land surrounding the subject tract opposing the request. The protest percentage reached 24.69%, and will therefore require a 3/4 majority vote by the City Council to approve the request.

Recommendation:

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

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

WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

February 4, 1998

Build Tech 2000, LLC
3500 N. Rock Road, Bldg.. 400
Wichita, KS 67226

RE: Z-3242 - Zone change from "SF-6" Single-Family Residential to "OW" Office Warehouse on property generally located south of 45th Street North and ½ mile east of Rock Road.

Dear Sirs:

On January 27, 1998, the City Council considered the above-referenced request. The action of the Council was to DENY the request.

If you have any further questions concerning this matter, please contact the Planning Department office at 268-4421.

Sincerely,

Russ Ewy
Senior Planner

RE/sh

cc: Tim Austin, Austin Miller PA, 254 S. Laura, Ste 210 Wichita, KS 67211
David Babich, 4431 Ironwood, Wichita, KS 67226
John Bell, 8603 Champions, Wichita, KS 67226
Drake Mancuso, 4245 Ironwood, Wichita, KS 67226
Bernley Asel, 8418 Champions, Wichita, KS 67226
Dick Etherington, 4202 S. West, Wichita, KS 67226
Mary Rush, Key Management Co, 155 N. Market #800, Wichita, KS 67202
Kurt Schroeder, OCI
Randy Sparkman, OCI
Paul Hays, OCI
J.R. Cox, OCI



Made with Recycled Paper