

Agenda Item # _____

City of Wichita
City Council Meeting
May 14, 2002

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2002-00015 – Request for zone change from “GO” General Office to “LC” Limited Commercial, and CUP2002-00007 – Transfer a portion of Parcels from DP-201 Wilson Estates residential C.U.P. to DP-200 Wilson Property N.E. Commercial C.U.P. Generally located south of 21st Street North and west of Webb Road. (District II)

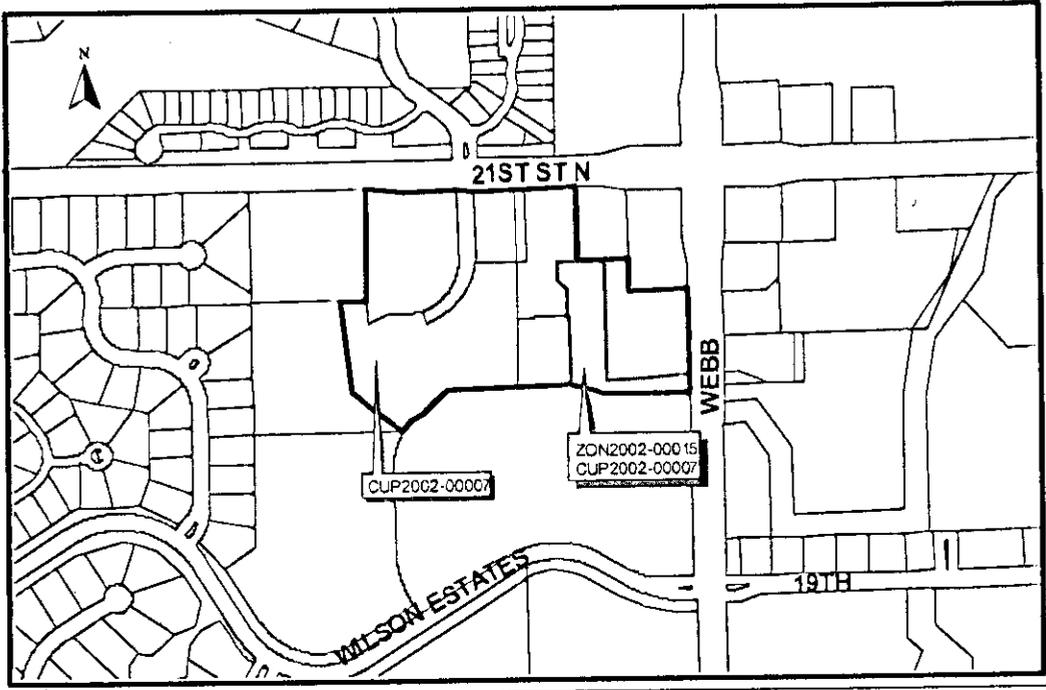
INITIATED BY: Metropolitan Area Planning Department *Krout*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions and staff recommendations (11-0).

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: Approve, subject to conditions and staff recommendations (9-0).



BACKGROUND: The applicant is requesting that approximately 13 acres from Parcels 8, 8B and 8C of DP-201 Wilson Estates Residential C.U.P. be transferred to DP-200 Wilson Estates N.E. Commercial C.U.P. Although office uses were permitted in these parcels by DP-201 (the residential C.U.P.), the applicant would like to consolidate the commercial/office tracts into DP-200 to make a clearer division between the residential and commercial tracts, and to add signage on Webb Road.

The requested "LC" Limited Commercial zoning is a buffer strip currently zoned "GO" General Office along the southern edge that was intended to separate commercial uses from the Clubhouse Villas residential development to the south. Additional "LC" is requested on the west of Parcels 2 and 3 of DP-200.

Currently, DP-200, known as Legacy Park, is developed with a bank (Prairie State Bank) on Parcel 1. A slight reduction in size of Parcel 1 from 1.10 to 1.05 acres is shown to correct a land conveyance from Prairie State Bank to Laham Holding. Parcel 2 is developed with a Walgreens. Although the C.U.P. drawing shows some other changes on Parcels 1 and 2 (Parcel 1 has a reduction of the interior west setback from 35 feet to 15 feet and Parcel 2 has an increase in the west setback line from five to 15 feet), these changes are being removed because the owners of the parcels are not included as signatories in the application.

Parcel 3 of DP-200 is currently undeveloped. The amendment proposes to split Parcel 3 in an east/west direction and recombine it with an additional 1.8 acres from Parcel 8 of DP-201 currently zoned "GO" General Office. The reconfigured Parcel 3 is 1.37 acres in size and is proposed for "LC" Limited Commercial zoning. It is located west of Walgreens with a narrow tail of property extending to Webb Road. Proposed uses are restaurant, retail, office and personal service uses. Four currently allowed uses are removed: small animal clinics, tire, battery and accessory stores, hardware, and furniture stores. Parcel 12 is located along the southern property line of the commercial development, adjoining a residential development, Clubhouse Villas. "LC" zoning is requested for all of Parcel 12, including the 60-foot buffer strip and possible access drive that currently separates the commercial uses from Clubhouse Villas. Proposed uses are the same as for Parcel 3, but the proposed floor area is greater (0.30 for Parcel 12 and 0.167 for Parcel 3). The setback along the south property line is 35 feet, the minimum required for commercial C.U.P.s with a common property line with residential zoning.

The remaining land to be added to DP-200 consists of eight office parcels. Three are already developed: Parcel 5 (1.06 acres, "FAR" floor area ratio 0.126) is developed with a dentist office; Parcel 6 (3.12 acres, FAR 0.199) is occupied by Wichita Clinic; and Parcel 11 (1.02 acres, 0.125) is being developed with a chiropractic office. The undeveloped parcels are: Parcel 4 (1.07 acres, FAR 0.214), Parcel 7 (1.11 acres, FAR 0.196), Parcel 8 (1.03 acre, FAR 0.179), Parcel 9 (0.68 acre, FAR 0.203), and Parcel 10 (0.92 acre, FAR 0.231). Permitted uses for "GO" tracts are general office and medical service; all residential uses previously permitted on this property are excluded.

Setbacks have changed in two ways. First, because of exclusion of residential uses, the previous setbacks that were based primarily on residential development are eliminated. Second, the property fronting onto 21st Street North currently had a setback for office uses of 90 feet for one-story offices and 200 feet for two-story offices, but the 200 feet for two-story use is eliminated (affects Parcel 4). The C.U.P. drawing showed a 25-foot setback on the southern office parcels, but the applicant has agreed to increase these to 35 feet, which is the minimum requirement of nonresidential C.U.P.s.

Signage is relatively restrictive in terms of the amount requested per parcel, although no monument sign height is specified. There are no restrictions proposed by the C.U.P. for building signage, and the typical spacing of 150 for freestanding signs is reduced to 75 feet on Webb.

The applicant has agreed to additional restrictions on the C.U.P. First, drive-in and drive-through restaurants and uses with overhead doors would be prohibited. Buildings on Parcels 9-12 would be limited to one-story in height. Landscape buffering would be provided at a rate of 1.5 times the requirements of the Landscape Ordinance and all would be coniferous. The developer did ask for flexibility to spread landscaping on both the north and south sides of the screening wall between Clubhouse Villas at Wilson Estates. Also, the screening wall would be constructed as commercial/office development occurs. Architecture would be consistent with that at Bradley Fair and Legacy Park, but with the possibility of adding a brick as an additional accent material. All building sides would be finished with the same architectural materials and any rooftop mechanical units would be screened from view around the whole building.

The surrounding area includes Tallgrass residential areas to the north of 21st Street North and a new shopping center, Cambridge Market, being developed east of Webb Road. A vacant tract directly west of the application area is being discussed for residential use, probably twin homes. The next tract of land to the west is under development with patio homes and single-family homes. Clubhouse Villas, a townhouse condominium development, is located directly south of the application area. Additionally, the vacant tract south of Clubhouse Villas is being requested for creation of another C.U.P. for office development, DP-260 Wilson Estates Medical Park, associated with a zone change from "SF-5" Single-Family to "GO" General Office.

At the District II Advisory Board meeting held April 15, 2002, residents from The Foliage, Wilson Estates, legal counsel to the residents of Clubhouse Villas, and representatives from Eastminster United Presbyterian Church were present. The citizens had numerous questions and comments. The Board voted (9-0) to recommend the requested C.U.P. amendment and zone change be approved subject to staff recommendations.

At the MAPC meeting held April 18, 2002, MAPC voted (11-0) to recommend approval subject staff's recommendations except to reduce the setback for Parcel 12 (the commercial parcel adjoining the Clubhouse Villas) to 35 feet. Staff had recommended the setback should either be 50 feet or could be reduced to 35 feet with elimination of all

service drives and openings along the abutting southern property line near the residential dwellings.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and C.U.P. Amendment #2, subject to the recommended conditions; 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

(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.)

ORDINANCE NO. 45-725

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 2002-15

Zone change from "GO" General Office District to "LC" Limited Commercial District, on property described as:

Lots 1 and 8, Block 1, Legacy Park Wilson Estates Second Addition, Wichita, Sedgwick County, Kansas.

Generally located on the southwest corner of 21st Street North and Webb Road.

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 20th day of May, 2003.

ATTEST:

Pat Graves
Pat Graves, City Clerk

Carlos Mayans
Carlos Mayans, Mayor

(SEAL)



Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

RECEIVED
MAY 3 0 2003
METROPOLITAN PLANNING
ROUTE 3

STAFF REPORT
MAPC April 18, 2002
DAB II April 15, 2002

CASE NUMBER: CUP2002-00007 DP-200 Wilson Property N.E. Commercial C.U.P. Amendment #2 AND ZON2002-00015

APPLICANT/AGENT: Laham Holding Co, L.L.C., Legacy Park Group, LLC, and North Point Development, LLC, c/o George Laham (owner); P.E.C., P.A. c/o Rob Hartman (agent)

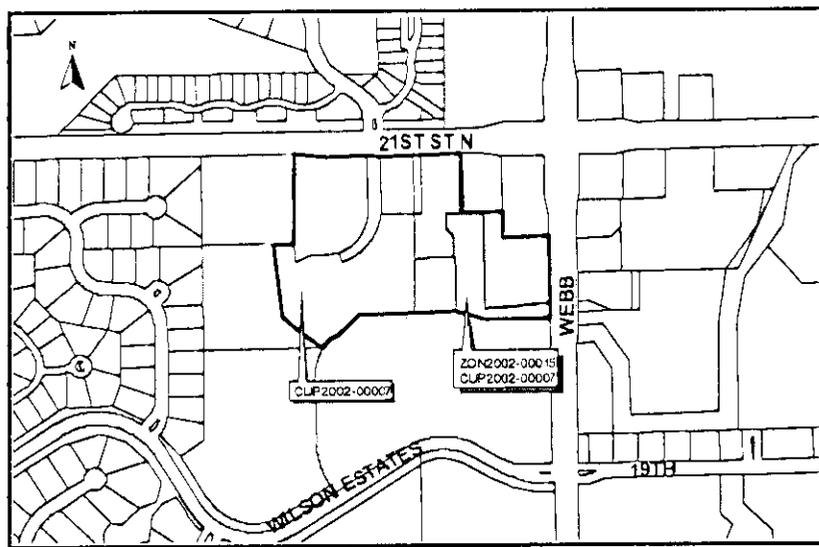
REQUEST: Transfer a portion of Parcels 8, 8B, and 8C from DP-201 Wilson Estates Residential C.U.P. to DP-200 Wilson Property N.E. Commercial C.U.P.; rezone 1.8 acres to "LC" Limited Commercial

CURRENT ZONING: "GO" General Office and "LC" Limited Commercial

SITE SIZE: 18.4 acres (1.8 for rezoning tract)

LOCATION: South of 21st Street North and west of Webb Road

PROPOSED USE: Retail/restaurant and/or office uses



The "Recommendation" section of the Staff Report has been revised as follows:

RECOMMENDATION:

The site design features of this proposed amendment affords somewhat less protection for the residential uses to the south than in place to benefit the residential development north of 21st Street North (Tallgrass). This gap has been narrowed by requirements the applicant has agreed to add to the C.U.P in terms of eliminating some of the more intense commercial uses (drive-in restaurants, uses with overhead doors), increasing setbacks to 35 feet for the office parcels, and requiring one-story buildings on the southern parcels. The requested additional conditions are designed to improve the compatibility of development with the residential uses to the south.

Based upon these recommendations and the information available prior to the public hearing, staff recommends the request be APPROVED subject to replatting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2002-000015) to "LC" Limited Commercial, subject to replatting of the property within one year.

- B. APPROVE Amendment #2 to the Community Unit Plan (DP-200), subject to the following conditions:
 - 1. Complete administrative adjustment to DP-201 to correspond with property transferred into DP-200. Vacate right-of-way of the drive located between Parcels 5 and 6 to make it a private drive as part of the replatting.

 - 2. Revise the C.U.P. to incorporate the conditions that have been accepted:
 - a. Drive-in and drive-through restaurants and uses with overhead doors shall be prohibited.
 - b. Buildings on Parcels 79-12 shall be limited to one-story in height.
 - c. Landscape buffering would be provided at a rate of 1.5 times the requirements of the Landscape Ordinance where on "LC" zoned property, and all would be coniferous, with flexibility to spread a portion of landscaping on both the north and south sides of the screening wall between Clubhouse Villas at Wilson Estates.
 - d. The screening wall along the southern and western property line shall be installed at the time of commercial/office development occurs.
 - e. All buildings shall have similar architectural design and exterior building materials consistent with Bradley Fair/Wilson Estates Office Park and Legacy Park. Buildings shall be constructed of a combination of two building materials, synthetic plaster finish and/or stucco and precast panels (individual cast stone appearance). Neither material may be used exclusively as the exterior building finish but must be used in conjunction

with one another. Design precedence has been established by the Bradley Fair Shopping Center/Wilson Estates Office Park and Legacy Park, and therefore the acceptable color range for the exterior materials ~~are the same color range for the exterior materials~~ are the same colors as those centers. Other accent colors and materials may be acceptable if they are used in conjunction with the predominant materials, but not as a replacement. Metal shall not be permitted as a predominant exterior building finish. The predominant roof material shall be red tile (except Parcel 1) when the roofing material is visible. The same predominant exterior building material (façade) shall be used on all building elevations.

Architectural design and exterior building materials shall be reviewed and approved by the Planning Director prior to the issuance of building permits. Exterior utility boxes, mechanical equipment, etc. shall be screened according to the acceptable color range as approved by the Planning Director. Any rooftop mechanical units would be screened from view around the whole building.

3. Increase the building setback on the southern property line to 50 feet for Parcel 12, or allow a reduction of the setback to 35 feet if there is no service drive or openings along the south ~~behind~~ wall of the retail building.
4. The height of coniferous trees shall be a minimum of eight feet at time of installation.
5. All wall signs are to be individual letters, black matte in color, in cast aluminum, or fabricated aluminum reverse channel type with either indirect (ground lighted) or halo-lighted illumination and limited in size to 32 square feet per tenant. Buildings having a minimum of 15,000 square feet and exceeding a 150 feet setback from either Webb Road or 21st Street North may be allowed 64 square feet of wall sign, providing only one sign is used for the entire building, with a maximum of 24" tall letters. The maximum height for this sign shall be 30 feet. This criteria does not eliminate the use of "building identification" type signage. No building ~~and or~~ wall signs shall be permitted on the southern facing and ~~western faeades~~ of all structures on Parcels 7-12, except for small identification signs as described in Section 24.04.190.3 of the Sign Code.
6. All dumpsters shall be screened from ground level view with materials of same type as the predominant building materials.
7. Light fixtures shall be of uniform design on all parcels and not exceed 24 feet in height.

~~7-8.~~ Revise the acreage in GP#1 to correspond to the total amount of the individual parcels and reserves.

~~8-9.~~ Change the wording in GP #2 to "limited" rather than "light" commercial.

~~9-10.~~ 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.

~~10-11.~~ Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

~~11-12.~~ 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.

~~12-13.~~ 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.

ADDENDUM
STAFF REPORT
MAPC April 18, 2002
DAB II April 15, 2002

FILE COPY

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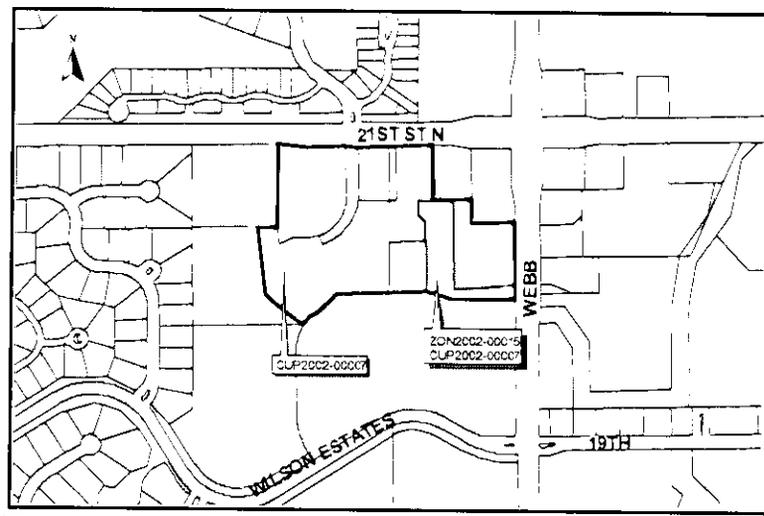
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The surrounding area includes Tallgrass residential areas to the north of 21st Street North and a new shopping center, Cambridge Market, being developed east of Webb Road. A vacant tract directly west of the application area is being discussed for residential use, probably twin homes. The next tract of land to the west is under development with patio homes and single-family homes. Clubhouse Villas, a townhouse condominium development, is located directly south of the application area. Additionally, the vacant tract south of Clubhouse Villas is being requested for creation of another C.U.P. for office development, DP-260 Wilson Estates Medical Park, associated with a zone change from "SF-5" Single-Family to "GO" General Office.

CASE HISTORY: The property is platted as Legacy Park Wilson Estates Addition, recorded June 27, 2000. DP-200 and DP-201 were both approved November 5, 1991, and were amended in January 2000.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|-------------------|---|
| NORTH: | "SF-5"; "LC" | Residential (Tallgrass) |
| EAST: | "LC"; "B" | Shopping center, offices |
| SOUTH: | "SF-5" | Townhouse condos (Clubhouse Villas), vacant |
| WEST: | "GO"; "B"; "SF-5" | Assisted living, single-family, patio homes, vacant |

PUBLIC SERVICES: The site has access from 21st Street North and Webb Road. Both are paved with left-turn lanes and two through lanes at the intersection. Access locations on the proposed C.U.P. correspond to the same locations as shown on the existing C.U.P.s (DP-200 and DP-201). Average traffic (ADTs) in 2000 was 12,276 cars/day for the west leg of the 21st/Webb intersection and 13,000 to 14,500 for the north and south legs of the intersection. Traffic is projected to increase to 19,700 ATDs on the west leg, 26,000-28,000 for the south leg, and 24,000-26,000 for the north leg in 2030.

Normal municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the *1999 Update to the Comprehensive Plan* identifies the general location as appropriate for "office and commercial" development, which makes the requested C.U.P. amendment and zone change generally in conformance with the *Comprehensive Plan*. A more detailed review of goals and locational guidelines prescribes that proposed development should minimize detrimental impacts on adjacent residential use. The **Commercial/Office Objective III.B** of the *1999 Update* seeks to "develop future retail/commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses". This is reiterated in the **Residential Objective/Strategy II.B.4** for higher intensity land uses near residential that recommends plan review "to ensure that building placement and height, circulation, signage, screening and lighting for non-residential land uses do not adversely impact residential areas".

Commercial locational guidelines stipulate that commercial development should require site design features to limit noise, lighting, and other aspects of commercial development to not adversely impact surrounding residential areas. The office locational guidelines recommend that low-density offices may be placed as a transitional land use between residential uses and higher intensity uses.

RECOMMENDATION:

The site design features of this proposed amendment affords somewhat less protection for the residential uses to the south than in place to benefit the residential

development north of 21st Street North (Tallgrass). This gap has been narrowed by requirements the applicant has agreed to add to the C.U.P in terms of eliminating some of the more intense commercial uses (drive-in restaurants, uses with overhead doors), increasing setbacks to 35 feet for the office parcels, and requiring one-story buildings on the southern parcels. The requested additional conditions are designed to improve the compatibility of development with the residential uses to the south.

Based upon these recommendations and the information available prior to the public hearing, staff recommends the request be APPROVED subject to replatting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2002-000015) to "LC" Limited Commercial, subject to replatting of the property within one year.
- B. APPROVE Amendment #2 to the Community Unit Plan (DP-200), subject to the following conditions:
 1. Complete administrative adjustment to DP-201 to correspond with property transferred into DP-200. Vacate right-of-way of the drive located between Parcels 5 and 6 to make it a private drive as part of the replatting.
 2. Revise the C.U.P. to incorporate the conditions that have been accepted:
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3. Increase the building setback on the southern property line to 50 feet for Parcel 12, or allow a reduction of the setback to 35 feet if there is no service drive or openings along the south behind the retail building.
4. The height of coniferous trees shall be a minimum of eight feet at time of installation.
5. All wall signs are to be individual letters, black matte in color, in cast aluminum, or fabricated aluminum reverse channel type with either indirect (ground lighted) or halo-lighted illumination and limited in size to 32 square feet per tenant. Buildings having a minimum of 15,000 square feet and exceeding a 150 feet setback from either Webb Road or 21st Street North may be allowed 64 square feet of wall sign, providing only one sign is used for the entire building, with a maximum of 24" tall letters. The maximum height for this sign shall be 30 feet. This criteria does not eliminate the use of "building identification" type signage. No building and wall signs shall be permitted on the southern and western facades of all structures on Parcels 7-12.
6. All dumpsters shall be screened from ground level view with materials of same type as the predominant building materials.
7. Revise the acreage in GP#1 to correspond to the total amount of the individual parcels and reserves.
8. Change the wording in GP #2 to "limited" rather than "light" commercial.
9. 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.
10. Any major changes in this development plan shall be submitted to the Planning