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ORDINANCE NO. 50-328

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. ZON2015-00029

Zone change request from Single-Family Residential (SF-20) to Limited Commercial (LC) on property described as:

A tract of land lying in a portion of the Southwest Quarter of Section 27, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; said tract of land being more particularly described as follows:

POINT OF BEGINNING at the northeast corner of Lot 1, Block 4, Estancia Commercial Addition an addition to Wichita, Sedgwick County, Kansas; said point being a point on the south right of way line of Kansas Highway 96 (K-96); thence along said south right of way line on an extended platted bearing of N88°42'31"E, 486.04 feet; thence continuing along said south right of way line for the next two courses, N84°51'10"E, 501.10 feet to a point on the north line of said Southwest Quarter; thence along said north line, N88°55'10"E, 314.60 feet to the northeast corner of said Southwest Quarter; thence along the east line of said Southwest Quarter, S01°20'41"E, 888.70 feet; thence S88°55'10"W, 902.34 feet to a point on the east line of exception tract described on Film 1696, Page 457; thence along the boundary of said exception tract for the next two courses, N01°27'56"W, 208.71 feet; thence S88°55'10"W, 395.17 feet to the east line of said Estancia Commercial Addition; thence along said east line, N01°35'09"E, 642.68 feet to the POINT OF BEGINNING.

Generally located on the south side of West K-96 Highway, East of North Ridge 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 27 day of Sept, 20 16

ATTEST:


Karen Sublett, City Clerk


Jeff Longwell, Mayor



APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law



STAFF REPORT
MAPC 7-23-2015
DAB V 8-10-2015

CASE NUMBER: ZON2015-00029 and CUP2015-00015

APPLICANT/AGENT: Tier 1, LLC (Marv Schellenberg) / MKEC Engineering, Inc. (Brian Lindebak)

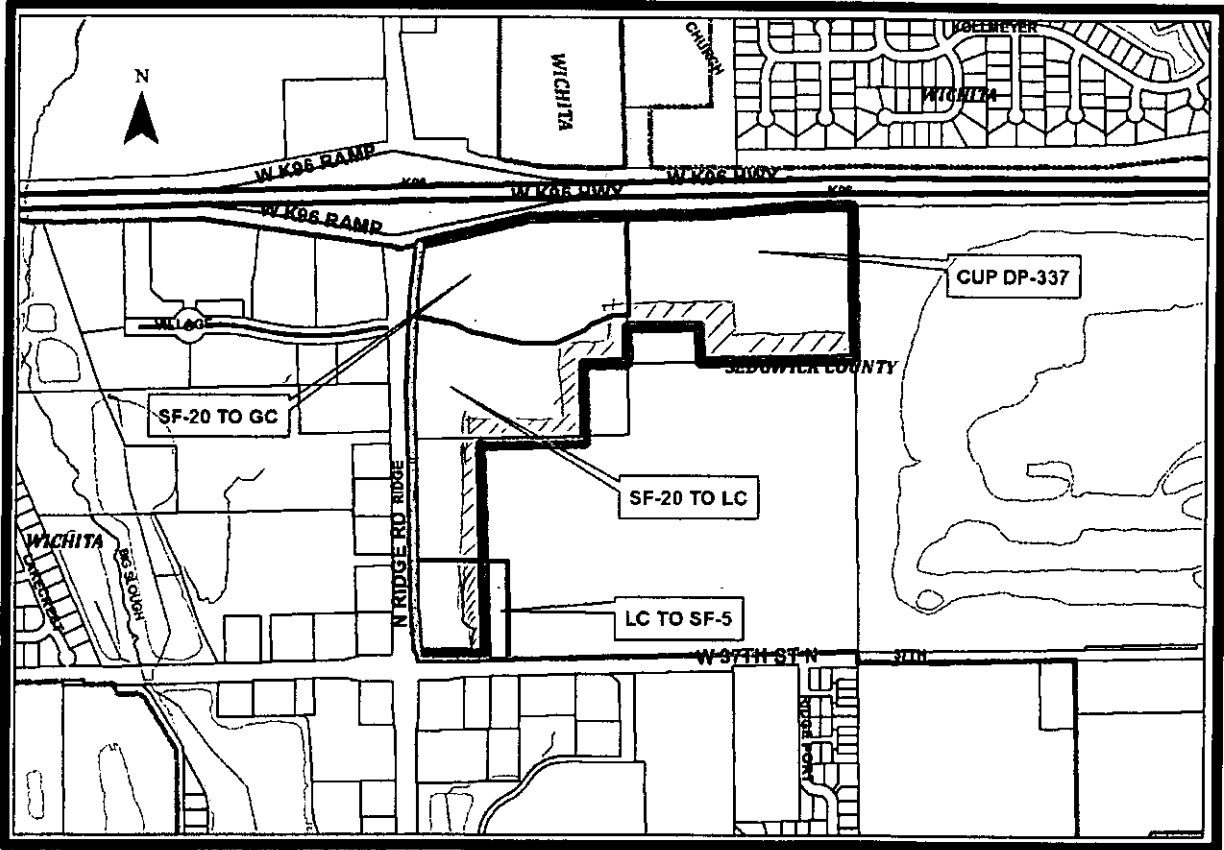
REQUEST: LC Limited Commercial, GC General Commercial and SF-5 Single-Family Residential

CURRENT ZONING: SF-20 Single-Family Residential and LC Limited Commercial

SITE SIZE: Approximately 69.11 acres

LOCATION: North of West 37th Street North and east of North Ridge Road

PROPOSED USE: Uses permitted in the LC Limited Commercial and GC General zoning districts except for uses specifically listed below



BACKGROUND: The applicant is requesting Limited Commercial (LC), General Commercial (GC) and SF-5 Single-Family Residential (SF-5) zoning subject to the development standards contained in the proposed Valencia Commercial Community Unit Plan (CUP) DP-337. The subject site is currently zoned LC and SF-20 Single-Family Residential (SF-20), and is located in Sedgwick County. A request for annexation by the City of Wichita has been submitted and is expected to be completed prior to consideration by the governing body. The application area is 69.11 acres shaped like an upside-down “L” that abuts the east side of North Ridge Road north of West 37th Street North, and the land abutting the south side of Highway K-96, one-half mile east of North Ridge Road. It is proposed that all uses in the LC and GC district be permitted except for a list of specifically excepted uses, such as: manufactured home, correctional placement residence, night club, animal kennel, sexually oriented business, rock crushing and vehicle and equipment sales outdoor. The complete list of excepted uses can be found in the proposed CUP, General Provision 3.

A total of 13 CUP parcels are proposed. Parcels 1-10 abut the eastern side of North Ridge Road, south of the proposed eastward extension of West Village Circle. Parcels 12 and 13 abut the south side of Highway K-96, north of the proposed extension of West Village Circle. Parcel 14 is surrounded by Parcels 12 and 13 and contain an existing “wireless communications facility.” Parcel 11 is located east of Parcels 8, 9 and 10 and south of Parcel 12, and does not have frontage along North Ridge Road or Highway K-96. Parcel 11 has frontage on the proposed extension of West Village Circle and proposed Summitlawn Avenue. Reserve C is located east Parcels 1-7 and 11, and is also located south of Parcels 11 and 12. All of Reserve C is proposed to be zoned SF-5, including the southern 540 feet of Reserve C is currently zoned LC. Located to the east of the southern portion of Reserve C is a 132-foot by 540-foot rectangle that is currently zoned LC but is proposed to be down-zoned to SF-5, and is not to be included in the final boundary of the proposed CUP. Reserves A and B are islands located within the proposed eastward extension of West Village Circle. Proposed uses for all reserves, Parcels 1-11 and Parcel 13 are LC uses except for those uses specifically excepted by the CUP, as described in General Provision 3A. Proposed uses for Parcels 12 and 14 are GC uses except for those uses specifically excepted by the CUP, as described in General Provision 3B.

The proposed CUP also requires:

- 1) Architectural consistency between parcels.
- 2) Landscaping per City ordinance.
- 3) Lighting per City code with all parcels sharing similar or consistent parking lot lighting elements. Maximum height of light poles is 27 feet except when located within 100 feet of residential zoning, which shall be 15 feet.
- 4) Rooftop mechanical equipment, trash receptacles, outdoor work areas and loading docks are to be screened from ground level view.
- 5) Setbacks of 15 feet are shown along North Ridge Road for Parcels 1-7. The setback for Parcel 7's North Ridge Road should be 35 feet to allow for adequate line of sight for traffic exiting Palmetto Street.
- 6) Parking is to be per code.
- 7) Signs are to be per code, except as specified differently by the CUP. Initially the applicant proposed (General Provision 12B) to permit flashing, moving, portable, banner or pennant signage along Highway K-96 and at the northeast corner of North Ridge Road and West 37th Street North. However, after discussion with staff the request has been withdrawn. Small tenant monument signs are limited to 150 square and a maximum height of 14 feet. Three large development signs are proposed along Ridge Road and two along K-96. Large development signs have a maximum height of 35 feet and a maximum sign area of 300 square feet. Three off-site signs are proposed, two along K-96 and one at the intersection of North Ridge Road and West 37th Street.

- 8) Access controls shall be determined at the time of platting. Cross-lot circulation agreements are required at the time of platting to assure internal traffic between parcels.

As noted above, the site is located at the southeast corner of Highway K-96, a divided four-lane freeway, and North Ridge Road, a four-lane arterial. Land located to the north of the subject property, across Highway K-96 is zoned SF-20 or SF-5 and is farmland or single-family residential. Land located to the east and south of the application area is zoned SF-20. A large-lot single-family residence nearly surrounded by a berm and a private lake is located to the east. South of Parcel 13 is a SF-20 zoned 2.012-acre tract that contains a single-family residence, addressed as 4104 North Ridge Road that is not included in the subject application and is not included in the proposed plat noted below in the case history section. Currently a private drive provides access from North Ridge Road to the residence and to the wireless communication facility. If the subject application is approved, access to the residence would switch from a private drive to West Village Circle. Other land located south and east of the application area is currently undeveloped and is currently zoned SF-20; however, it is owned by the current applicant and is proposed to be annexed. Upon annexation the adjoining property will become zoned SF-5. Land located to the south of West 37th Street is zoned LC and GO General Office (GO) subject to CUP DP-239, and developed with a convenience store, strip office center, church and assisted living. Land to the west is zoned LC subject to three different CUP's, and is vacant or is developed with a bank or medical offices.

CASE HISTORY: A preliminary plat, The Valencia Addition (SUB2015-00022), has been submitted for consideration by the Subdivision Committee on July 16, 2015. The proposed preliminary plat includes the property that is the subject of this application in addition to the remainder of the quarter-section except for the 2.012-acre SF-20 zoned residence noted above. With exception of the 2.012-acre tract, a request for annexation of the entire quarter-section has been requested.

ADJACENT ZONING AND LAND USE:

North: SF-20 and SF-5; farmland or single-family residential
South: SF-20, LC and GO; single-family residence, vacant, convenience store, strip office center, church and assisted living
East: SF-20; single-family residence, vacant
West: LC; vacant, bank, medical offices

PUBLIC SERVICES: Usual municipal services are either available or can be extended to serve the site. At the time the property is platted specific utility and transportation needs will be identified, and guarantees for the provision of needed services can be guaranteed. The CUP drawing depicts 75-feet of half-street right-of-way at the northeast corner of the intersection of North Ridge Road and West 37th Street North. Sixty feet of half-street right-of-way is shown farther east on West 37th Street North. Sixty feet of half-street right-of-way is shown on the east side of North Ridge Road widening to 85 feet at the intersection with K-96.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "regional commercial" uses. The regional commercial category encompasses major destination area containing concentrations of commercial, office and personal service uses that have predominately regional market areas and high volumes of retail traffic.

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 development standards:

- 1) Approve the zone change and the Community Unit Plan DP-337 subject to the development standards contained therein, subject to platting within one year.
- 2) At the time of platting the applicant shall guarantee the installation of all required improvements, including but not limited to, stormwater, sanitary sewer, water, access controls and traffic circulation.
- 3) If the plat requires modification of CUP DP-337, CUP DP-337 shall be considered to be adjusted without further review so long as four copies of the revised CUP that are consistent with the approved plat are submitted to planning staff.
- 4) Proof shall be provided to planning staff that notice of the development standards contained in CUP DP-37 has been filed on the application area with the register of deeds.
- 5) The applicant shall submit four copies of the approved CUP to planning staff within 60 days after approval by the governing body, or the request shall be considered null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is located at the southeast corner of Highway K-96, a divided four-lane freeway, and North Ridge Road, a four-lane arterial. Land located to the north of the subject property, across Highway K-96 is zoned SF-20 or SF-5 and is farmland or single-family residential. Land located to the east and south of the application area is zoned SF-20. A large-lot single-family residence nearly surrounded by a berm and a private lake is located to the east. South of Parcel 13 is a SF-20 zoned 2.012-acre tract that contains a single-family residence, addressed as 4104 North Ridge Road that is not included in the subject application and is not included in the proposed plat noted below in the case history section. Currently a private drive provides access from North Ridge Road to the residence and to the wireless communication facility. If the subject application is approved, access to the residence would switch from a private drive to West Village Circle. Other land located south and east of the application area is currently undeveloped and is currently zoned SF-20; however, it is owned by the current applicant and is proposed to be annexed. Upon annexation the adjoining property will become zoned SF-5. Land located to the south of West 37th Street is zoned LC and GO General Office (GO) subject to CUP DP-239, and developed with a convenience store, strip office center, church and assisted living. Land to the west is zoned LC subject to three different CUP's, and is vacant or is developed with a bank or medical offices.
2. The suitability of the subject property for the uses to which it has been restricted: The majority of the property is currently zoned SF-20 that primarily permits single-family residential and a few civic and institutional uses, such as, church, school or park, by right. A small portion (approximately 5 acres) located in the southwestern corner of the application area is zoned LC, which permits a wide range of residential, office and commercial uses, by right. Given the site's location at the intersection of a Highway K-96 and North Ridge Road the property's SF-20 zoning is not suitable. Other property similarly situated is zoned LC.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The development standards associated with the CUP and the zoning code will minimize detrimental impacts of the proposed zone change. Code requirements include solid screening, landscape buffers, maximum building heights below base zoning standards and maximum gross floor area limitations. Platting will address street access, stormwater and the extension of utilities.
4. 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 add to the community's inventory of commercially zoned land and provide additional shopping and personal service

offerings for the larger neighborhood. Denial would presumably represent a loss of economic opportunity to the applicant.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “regional commercial” uses. The regional commercial category encompasses major destination area containing concentrations of commercial, office and personal service uses that have predominately regional market areas and high volumes of retail traffic.
6. Impact of the proposed development on community facilities: The development standards contained in the CUP and those required by platting will ensure that required community facilities are in place or are installed.