

Corrected and Republished January 4, 2013
ORDINANCE NO. 49-253-150004

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. ZON2010-00002

Zone change from OW Office Warehouse ("OW") to MF-18 Multi-Family Residential ("MF-18") on property described as:

Lot 2, Block E, Meadowland Addition, Wichita, Sedgwick County, Kansas, EXCEPT that part of Lot 2, Block E, Meadowland Addition, Wichita, Sedgwick County, Kansas described as follows: Beginning at the Northwest corner of said Lot 2 thence N89°09'09"E, 260.09 feet; thence S45°48'56"E, 42.43 feet; thence S03°22'14"E, 341.50 feet; thence S89°11'04"W, 305.31 feet; thence N00°48'56"W, 371.03 feet to beginning, Wichita, Sedgwick County, Kansas, generally located between 127th Street East and K-96, north of the Turnpike.

Zone change from OW Office Warehouse ("OW") to GO General Office ("GO") on property described as:

Lot 1, Block E, Meadowland Addition, Wichita, Sedgwick County, Kansas generally located between 127th Street East and K-96, north of the Turnpike.

Zone change from OW Office Warehouse ("OW") to LC Limited Commercial ("LC") on property described as:

That part of Lot 2, Block E, Meadowland Addition, Wichita, Sedgwick County, Kansas described as follows: Beginning at the Northwest corner of said Lot 2 thence N89°09'09"E, 260.09 feet; thence S45°48'56"E, 42.43 feet; thence S03°22'14"E, 341.50 feet; thence S89°11'04"W, 305.31 feet; thence N00°48'56"W, 371.03 feet to beginning, Wichita, Sedgwick County, Kansas, generally located between 127th Street East and K-96, north of the Turnpike.

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 AT WICHITA, KANSAS, 27th day of March, 2012.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

BACKGROUND: The applicant proposes a zone change from OW Office Warehouse (“OW”) to LC Limited Commercial (“LC”), GO General Office (“GO”) and MF-18 Multi-Family Residential (“MF-18”) and Amendment #1 to DP-248 Meadowland Commercial Community Unit Plan. The amendment would transition the property located west of K-96, south and east of the off-ramp from K-96, east of 127th Street East and north of the turnpike from OW industrial use to LC and GO commercial use and MF-18 Multi-Family Residential use. The site size is large, 36.65 acres.

The area is only a portion of the total area encompassed by DP-248 Meadowland Commercial CUP. The remaining 145-acre tract is located east of K-96, north of Kellogg and west of 143rd Street East. This amendment would not affect the development rights and zoning of the area east of K-96 or any of the provisions of Parcel 3 through Parcel 23 or the Reserves.

The proposed CUP divides Parcel 1 into two parcels. The new Parcel 1A would be a 2.52-acre parcel surrounded on three sides by the edges of the K-96 off-ramp and 127th Street East. Requested zoning for Parcel 1A is LC. The zone change request for the remainder of Parcel 1, 19.85 acres, is MF-18. Reserve A for drainage purposes divides Parcel 1 from Parcel 2 and would be unchanged from its current SF-5 zoning and boundaries. Parcel 2, 12/13 acres in size, is located south of Reserve A, east of K-96 and extending southward to the turnpike would be zoned GO. The majority of Parcel 2 is located in the Zone X floodplain; probably one-fourth of Parcel 1 also is in Zone X.

In terms of multi-family use, the CUP would allow a build-out at the MF-18 density of 18 dwelling units per acre. This would permit 45 dwelling units on Parcel 1A, 357 on Parcel 1 and 218 on Parcel 2. In terms of nonresidential use, Parcel 1A would allow two nonresidential buildings, Parcel 1 would allow three and Parcel 2 would allow three. Building height would be 45 feet, maximum building coverage is 30 percent and maximum gross floor area is 35 percent for nonresidential use and 41.5 percent for residential use. Setbacks would remain as 35 feet along the K-96 off-ramp and 127th Street East, reduced to 15 feet along the right-of-way of K-96. The three parcels will share consistent parking lot elements, limited to 24 feet in height, and architectural elements and employ residential type materials.

The property to the west of 127th Street East is zoned SF-5 Single-Family Residential. North of Douglas Avenue, the land is developed with scattered single-family residences on large acreages; south of Douglas Avenue the property is a large vacant tract. 127th Street East ceased to afford through public access at Douglas Avenue for a number of years. The land north of Parcel 1A and the K-96 off-ramp is zoned SF-5 Single-Family Residential and is vacant. K-96 and the turnpike form major barriers dividing the tract from the land to the east and south.

CASE HISTORY: The property is platted as Meadowland Addition, recorded April 3, 2002. DP-248 Meadowland Commercial Community Unit Plan was approved April 11, 2000.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Vacant
SOUTH:	GC	Vacant commercial building, equipment rental, vehicle repair

EAST: LC, SF-20 Highways, vacant
WEST: SF-5 Residential, vacant

PUBLIC SERVICES: The property has direct access to 127th Street East, an urban collector from the K-96 off-ramp to Douglas Avenue and a local street with access closed to through traffic south of Douglas Avenue. Three points of access are permitted from Parcel 1A and 1, and three points of access from Parcel 2. The nearest traffic counts are for the freeway ramps from K-96 to Kellogg (which does not affect the surface streets) and ½ mile north at Central and 127th Street East. All traffic must flow north on 127th Street East, and from there east or west on Central, or west on Douglas Avenue.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “employment/industry center.” Other than the proposed use of the GO tract for office use and the LC uses also typical of employment/industry center, the requested change would not be in conformance with its current guidelines. In terms of compatibility with surrounding land use recommendations, the tract to the north is recommended as “local commercial,” which would correspond to the proposed LC use, the tract to the northwest of 127th Street East and Douglas Avenue is shown for “urban residential” and the tract to the southwest of 12th Street East and Douglas is shown as “urban development mix.” This would be in conformance with the requested amendment.

RECOMMENDATION: Parcel 2 abuts the turnpike, K-96 and the tip touches Kellogg, yet its only access is northbound on 127th Street East because this street does not allow public access across Kellogg. The use of the property for GO could result in more intense uses than OW, but primarily adds the ability to mix office and residential uses instead of strictly industrial with office mix. The transition of Parcel 1 to multi-family use is a major shift from industrial use. The site is isolated on all sides but the west. It can be seen as a transition from lower-intensity single-family uses west of 127th to higher intensity residential uses buffering the highways. The corner parcel for LC represents an extension of LC type uses, but the tract across the road to the north was approved with similar use and CUP provisions in 2008. Based on these factors, plus the information available prior to the public hearing, staff recommends the request be **APPROVED** subject to the following conditions:

- A. **APPROVE** the zone change (ZON2010-00002) to LC, GO and MF-18.
- B. **APPROVE** DP-248 Amendment #1(CUP2010-00002), subject to the following conditions:
 1. Rename the CUP to reflect its combined residential/nonresidential status.
 2. Remove the prohibition on group homes.
 3. Add the following language: Gas islands, ATMs, bank drive-through windows, overhead doors and similar utilitarian items shall be screened or sited behind buildings to minimize their view from 127th Street East.
 4. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

5. 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.
6. The ordinance/resolution establishing the zone change shall not be published until the platting has been recorded with the Register of Deeds.
7. Prior to publishing the ordinance/resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-~~221~~²⁴⁴) includes special conditions for development on this property.
8. The applicant shall submit four revised copies of the CUP 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 west of 127th Street East is zoned SF-5 Single-Family Residential. North of Douglas Avenue, the land is developed with scattered single-family residences on large acreages; south of Douglas Avenue the property is a large vacant tract. 127th Street East ceases to be a public street at Douglas Avenue. The land north of Parcel 1A and the K-96 off-ramp is zoned SF-5 Single-Family Residential and is vacant. K-96 and the turnpike form major barriers dividing the tract from the land to the east and south.
2. The suitability of the subject property for the uses to which it has been restricted: The transition from industrial to residential uses is more compatible for the residential area to the northwest, although it will be allow multi-family densities rather than low density residential.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The use will be different but may be less detrimental than the original approval, although it will probably increase traffic volumes on 127th Street East and Douglas Avenue.
4. Length of time the subject property has remained vacant as zoned: Eight years.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “employment/industry center.” Other than the proposed use of the GO tract for office use and the LC uses also typical of employment/industry center, the requested change would not be in conformance with its current guidelines. In terms of compatibility with surrounding land use recommendations, the tract to the north is recommended as “local commercial,” which would correspond to the proposed LC use, the tract to the northwest of 127th Street East and Douglas Avenue is shown for “urban residential” and the tract to the southwest of 12th Street East and Douglas is shown as “urban development mix.” This would be in conformance with the requested

amendment.

7. Impact of the proposed development on community facilities: The requested amendment probably will result in an increase in traffic since office generally creates more traffic demand than industrial use. A total of 620 dwelling units (if whole tract is built-out at the maximum 18 dwelling unit rate and no mix of other office/commercial uses) would yield about 6000 trips per day, whereas 36 acres of industrial use could offer a wide variety of traffic generation, but typically more in the range of 4,000 trips per day.