

City of Wichita
City Council Meeting
October 12, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: CUP2004-39 Associated with (ZON2004-44) – Creation of DP279 Crosspointe Community Unit Plan; zone change to “LC” Limited Commercial. Generally located at the southeast corner of Greenwich Road and 21st Street North. (District II)

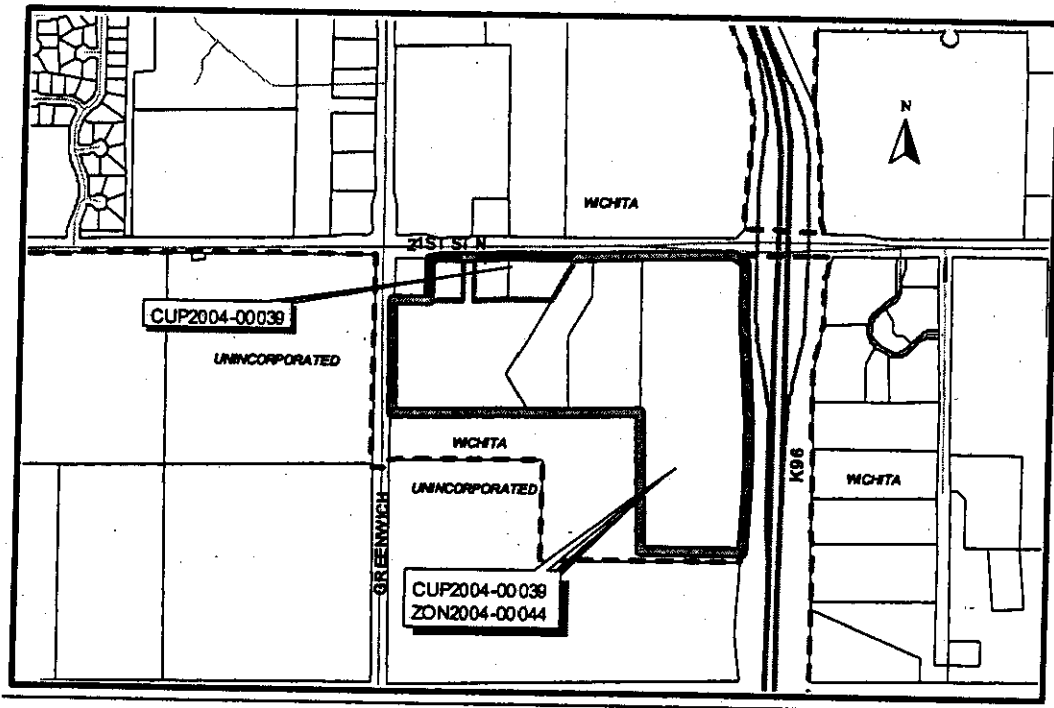
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to platting within 1 year and conditions. (11-0)

MAPD Staff Recommendations: Approve.

DAB Recommendations: Not applicable.



BACKGROUND: The applicant is requesting to create a 13-parcel Community Plan containing approximately 59 acres. The property is located on the south side of 21st Street North between Greenwich Road and K-96. Parcel 12 (29 acres) is the main parcel. Eight small parcels are located along 21st Street North; three parcels are located along Greenwich. These small parcels average 1.3 acres in size. Parcel 13 (13 acres) is located along K-96 south of Parcel 12. The land at the extreme southeast corner of the intersection of Greenwich and 21st Street North is a 1.3-acre exception tract not included in the CUP.

The applicant has requested "LC" Limited Commercial zoning for all parcels. Requested uses would be use permitted by-right in the LC, Limited Commercial district except for correctional placement residence, outdoor storage, pawnshops, taverns, night clubs, asphalt or concrete plants, sexually oriented businesses and adult entertainment; service stations, convenience stores with gas islands, and vehicle service or repair would be limited to a combined maximum of three such uses and restricted to placement within Parcels 1-11; and restaurants with drive-in windows would be prohibited within 200 feet of residential zoning unless separated by an arterial street. Vehicle storage yards and general vehicle repair would be prohibited by the CUP and by the LC zoning.

All freestanding signs are to be monument type signs spaced a minimum of 150 feet apart. Two signs 45 feet in height with 325 square feet in maximum sign face are requested along K-96. Signs 30 feet in height with 300 square feet of maximum sign face are requested for the three major entrances on 21st and the main entrance on Greenwich. The remaining signs would be 20 feet in height with 200 square feet maximum sign face. Total signage would be limited to 0.8 times lineal frontage. Wall signs would be prohibited on the back of any façade facing residential zoning. Window signage is limited to 25 percent of the window area. Billboards and portable signs would be prohibited.

Compatibility is provided for architecture, landscaping, parking lot lighting and signage. Maximum building coverage and gross floor area is approximately 20 percent for Parcels 1-11. Coverage is 30 percent for Parcels 12 and 13, and gross floor area is 35 percent. Requested building height is 35 feet for Parcels 1-12, and 55 feet for Parcel 13. Setbacks are 35 feet along the streets and exterior property boundaries. Masonry screening walls would be required on exterior property lines per Unified Zoning Code unless parcels are developed with residential use. Cross-lot circulation and a pedestrian circulation plan are required for all parcels within the CUP.

The site is currently vacant but is part of the developing commercial node at 21st and Greenwich. It is bordered by K-96 on the east, a cemetery zoned "SF-5" Single-family Residential, and a bank, and vacant commercial property zoned "LC" Limited Commercial on the north. The property to the west, DP-274 Oak Creek and DP-266 The Woodlands is approved for a mixed-use development split fairly evenly between commercial (53 acres), office (41 acres) and residential (40 acres). The property to the south is a large residential estate, however, a request for rezoning to "LC" and a CUP (DP-277 Bruce Brown Property CUP) was recommended for approval by MAPC on August 29, 2004. More commercial development is occurring between 21st Street North and K-96, including a SuperTarget on the northwest corner of the 21st/Greenwich intersection. East of K-96, a bank is being constructed along 21st in DP-256, The Collective CUP, and large medical facility is being constructed on property zoned "GO" to the south of The Collective.

Analysis: At the MAPC meeting held September 9, 2004, no citizens were present to speak. The MAPC voted (11-0) to approve subject to staff recommendations, as follows:

- A. **APPROVE** the zone change (ZON2004-44) subject to platting of the entire property within one year;
- B. **APPROVE** the Community Unit Plan (DP-274), subject to the following conditions:
 1. The applicant shall guarantee for a continuous accel/decel lane at major entrances on 21st Street North and Greenwich Road and southbound center left-turn lane at major openings on Greenwich Road at time of platting.

2. The applicant shall guarantee proportionate share of traffic signalization for major openings at the time of platting.
3. Modify P-O #28 to eliminate those portions governed by the CUP.
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. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
7. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-279) includes special conditions for development on this property.
8. The applicant shall submit 4 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.

Financial Considerations: None

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 CUP subject to the condition of platting within one year and 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 two-third majority vote of the City Council on the first hearing.)

ORDINANCE NO. 46-620

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 2004-44

Request for zone change from SF-5, Single-Family Residential District to LC, Limited Commercial District, described as:

Lots 1-13, Block 1, and Reserves A and B, Cross Ponte Addition, Wichita, Sedgwick County, Kansas.

Generally located on the on the south side of 21st Street North and east of Greenwich 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 12TH Day of July, 2005.

ATTEST:

Carlos Mayans, Mayor

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney