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ORDINANCE NO. _____

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 2003-42

Request for zone change from request from SF-20" Single-family Residential District to "LC" Limited Commercial District for property described as:

A PORTION OF OAK CREEK ADDITION TOGETHER WITH DEDICATED STREET RIGHT-OF-WAY LOCATED IN THE EAST HALF OF THE N.E. 1/4 OF SECTION 9, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE N.W. CORNER OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 9; THENCE N89°01'03"E ALONG THE NORTH LINE OF SAID N.E. 1/4, A DISTANCE OF 723.67 FEET; THENCE S00°45'57"E A DISTANCE OF 600.00 FEET; THENCE N89°01'03"E PARALLEL TO THE NORTH LINE OF SAID N.E. 1/4 A DISTANCE OF 600.00 FEET TO A POINT ON THE EAST LINE OF SAID N.E. 1/4, THENCE S00°45'57"E ALONG THE SAID EAST LINE OF THE N.E. 1/4 A DISTANCE OF 2057.70 FEET TO THE S.E. CORNER OF SAID N.E. 1/4; THENCE S88°54'47"W ALONG THE SOUTH LINE OF SAID N.E. 1/4 A DISTANCE OF 1326.86 FEET; TO THE WEST LINE OF THE EAST HALF OF THE SAID N.E. 1/4 THENCE N00°41'52"W ALONG THE SAID WEST LINE A DISTANCE OF 2660.14 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 3,163,732 SQ. FT. OR 72.63 ACRES, MORE OR LESS.

Request for zone change from request from SF-20" Single-family Residential District to "GO" General Office District for property described as:

THAT PORTION OF OAK CREEK ADDITION TOGETHER WITH DEDICATED STREET RIGHT-OF-WAY LOCATED IN THE S.W. 1/4 OF THE N.E. 1/4 OF SECTION 9, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M. SEDGWICK COUNTY, KANSAS; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE N.W. CORNER OF SAID S.W. 1/4 OF N.E. 1/4 SECTION 9 TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M.; THENCE N88°57'55"E ALONG THE NORTH LINE OF THE SAID S.W. 1/4 A DISTANCE OF 1325.27 FEET TO THE N.E. CORNER OF SAID S.W. 1/4; THENCE S00°41'52"E ALONG THE EAST LINE OF THE SAID S.W.. 1/4 A DISTANCE OF 1330.07 FEET, TO THE SOUTH LINE OF SAID S.W. 1/4; THENCE S88°54'47"W ALONG SAID SOUTH LINE A DISTANCE OF 1326.86 FEET; TO THE S.W. CORNER OF SAID S.W. 1/4; THENCE N00°37'46"W ALONG THE WEST LINE OF SAID

S.W. 1/4, A DISTANCE OF 1331.29 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 1,764,522 S.F. OR 40.51 ACRES MORE OR LESS.

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 ____ day of _____, 200__.

ATTEST:

Karen Sublett, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

AGENDA ITEM REQUEST

FILE COPY

Proposed Agenda Item: C.U.P.2003-43 (Associated with ZON2003-42) – DP266 The Creation of Woodlands Community Unit Plan; Zone change from “SF-20” Single-family Residential to “LC” Limited Commercial and “GO” General Office zoning. Generally located at the southwest corner of 21st Street north and Greenwich Road. (District I)

Presented By: John L. Schlegel, Planning Director *JLS*

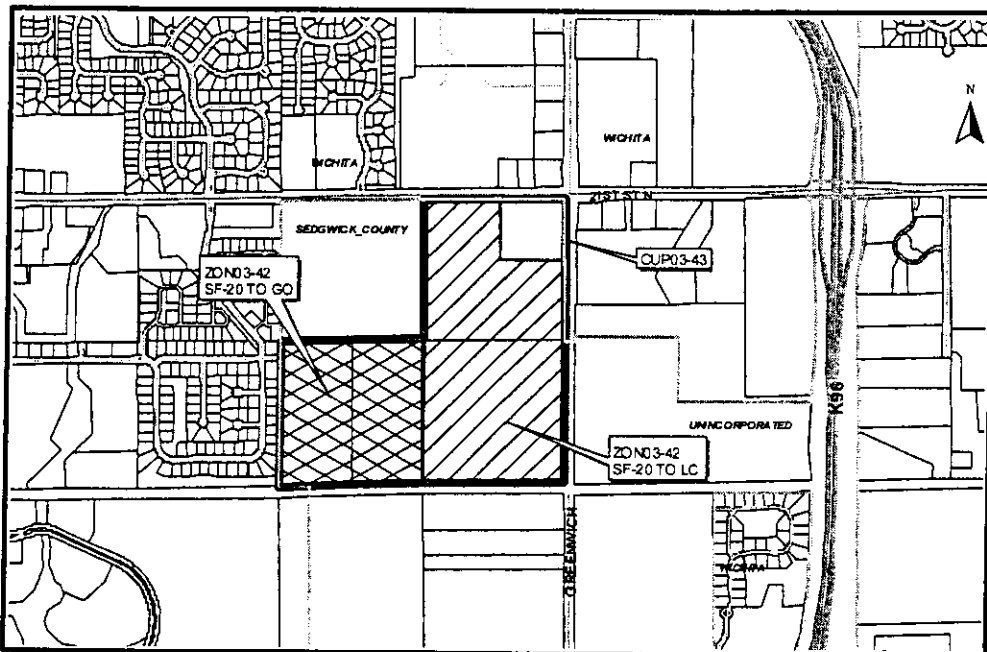
Recommended Action: Approve the zone change and C.U.P. subject to platting within one year and the recommended conditions; direct staff to prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution

Proposed Agenda Date: October 29, 2003

Outside Attendees: Rob Hartman, Professional Engineering Consultants, 303 S. Topeka, Wichita, KS 67202

Multimedia Presentation: Powerpoint

Donations: Not applicable



BACKGROUND: The applicant is requesting to create DP-266 The Woodlands Community Unit Plan, which would be a 116-acre development with 14 parcels for commercial, office and residential uses. The development is located on the southwest corner of 21st Street North and Greenwich and extends one-half mile south to the railroad right-of-way on Greenwich, one-half mile west along the railroad right-of-way, and one-fourth mile west along 21st Street North.

Approximately eight acres at the corner of 21st and Greenwich already are zoned "LC". The developer has requested "LC" Limited Commercial zoning for an additional 67 acres, including the drainage reserve and streets. Net "LC" property, excluding drainage reserve and streets, would be approximately 51 acres. "GO" was requested for 40 acres, including street. Net "GO" zoning is approximately 38 acres. Parcels 10, 11, and 13 (approximately 15 acres) are proposed for "LC" zoning but their use would be restricted to "GO" uses. This results in an even split (approximately 52 acres) of office and commercial use. The developer indicated the reason for the "LC" designation for the office parcels was to avoid rezoning if final alignment of the drainage reserve resulted in minor parcel boundary shifts.

The developer has proposed an interim level of development that would limit initial development to Parcels 1, 11, 12, and the north 550 feet of Parcel 2 until traffic study/improvements have been completed and until major improvements are made to Greenwich Road. All four of these parcels are oriented to 21st Street North, which was recently expanded to a four-lane arterial with center turn lanes and some right turn accel/decel lanes. Recommendations will be separated into those applicable to interim development and the requested ultimate scheme of development.

Ultimately, the developer proposes to develop the land with commercial and retail uses along the major arterials. Office uses are requested for the interior lots along the collector streets. Residential uses are identified for Parcel 7, although it is requested for "GO" zoning. The residential uses would be single-family, patio homes, zero lot line, duplex, multi-family and church. This parcel forms the western edge of the new development and the developer has proposed the residential uses to coordinate with the residential uses to the west. Residential uses are also allowed in the other parcels and the developer has indicated that they may introduce some residential/retail/lower intensity commercial mixed-use types of development.

19th Street North would be extended through the development, which will make it continuous from Webb Road to Greenwich. The other major street is located directly opposite the major entrance proposed for a shopping center to the north of 21st Street North. A large reserve area for drainage (11.54 acres) bisects the tract from the north on 21st to Greenwich. This reserve will serve to separate the commercial areas into three clusters: Parcels 1 and 2 at the corner of the intersection, Parcel 12 west of the drainage way and street, and Parcels 3, 4, 5, and 14 south of the drainage way on Greenwich. The office uses cluster around a central focal point (small traffic circle island) at the intersection of the two collector streets.

Maximum building coverage ranges from 21.5 percent to 30.1 percent on the parcels, and averages 22.9 percent overall, including the drainage reserve (28.4 percent exclusive of drainage area). Floor area ratio averages 24.7 percent overall (30.6 percent exclusive of drainage area), and ranges from 21.5 percent to 33.4 percent. These levels conform to Unified Zoning Code requirements for C.U.P. development and are set at typical development levels achieved in the Wichita metropolitan area.

Maximum building height is 45 feet for the cluster of office parcels plus one commercial parcel radiating around the traffic circle island. The maximum height of all other parcels is 35 feet.

Setbacks are 35 feet along exterior boundaries and streets except for Parcel 7, where it is reduced to 20 feet. No interior parcel boundary setbacks are shown. If Parcel 7 is zoned "GO", the setback of 20 feet on Parcel 7 requires governing body approval since it is less than the 35-foot C.U.P. nonresidential minimum setback.

Landscaping is per the City of Wichita Landscape Ordinance. Screening walls are per C.U.P. requirements for a six feet high masonry wall except that it allows for the use of the Landscape Ordinance and the general UZC screening option to provide a 15-foot minimum width buffer with at least one tree and five shrubs every 30 lineal feet, one-third of these being evergreen, for side or rear property lines of parcels developed with office, institutional or multi-family residential. A screening wall or buffer would not be required for single-family and duplex uses, which is commensurate with development practice throughout Wichita.

Architectural compatibility is required for Parcels 1 and 2 together, Parcels 3 and 14 together, and Parcels 4 and 5 together. All commercial parking lots and all office parking lots will use similar lighting lamps, poles, etc. as a unifying design element.

A three-tiered approach is requested for freestanding signage. All freestanding signs would be monument signs. Three taller (30 feet) signs with up to 300 feet per sign face would be used as shopping center identification signs. One would be located on 21st Street North, the other two located on Greenwich. The remaining monument signs on 21st and Greenwich would be spaced 150 feet apart and be a maximum of 20 feet in height with up to 150 feet per sign face. Along the interior streets, two signs with a maximum height of 15 feet with up to 100 feet per sign face on Parcels 5 and 14. The remaining signs would be eight feet in height with only 50 square feet per sign face. The three-tiered sign plan generally meets City of Wichita signage requirements, except the 30-foot signs normally require trading off one other sign location. The developer is limiting the total amount of signage on arterial streets to 0.8 x lineal frontage and on collector streets to 0.5 x lineal frontage, which is the amount allowed by the Sign Code.

Other sign requirements are to limit window signs to 25 percent of the window area, prohibit wall signs on the rear of buildings facing residentially zoned districts, and prohibit off-site signs. Also, the C.U.P. requested that future requests for larger and taller signs for hotel use "be looked upon with favor".

Prohibited "LC" uses in all parcels requested for "LC" zoning are: group homes; correctional placement residences; vehicle storage yards; vehicle repair, general; outdoor storage; pawn shops; taverns; night clubs; sexually oriented businesses; asphalt and concrete plants; and adult entertainment as defined by city code. Additional restrictions are placed on Parcels 2, 5, 12 and 14. These parcels would prohibit: service stations; convenience stores with gas islands; vehicle repair, limited. Drinking establishments would be prohibited except on Parcels 2, 5, and 14, and these parcels would be limited to no more than one establishment apiece. Any use that is considered by

the UZC as a Conditional Use would require a C.U.P. amendment or adjustment prior to being allowed.

Cross-lot circulation is required of all adjacent commercial parcels and a pedestrian circulation plan is required for all parcels.

The site is currently held as a large estate with a single-family residence located on proposed Parcel 8. The estate has an exceptional vast stand of mature trees, generally located following the contours of the proposed drainage reserve. The developer has indicated a desire to protect and preserve trees when possible. The site has a 100' KGE easement along the southern property line and a blanket easement for a gas line over Parcel 7, the parcel identified for residential uses.

Most of the surrounding area is undeveloped today. However, recent development proposals would transform this area to a highly developed corridor along Greenwich. The property to the north of 21st Street North is DP-234 Regency Lakes C.U.P. An application has been filed to amend this 68-acre development to accommodate a large amount of retail-type development. This case is scheduled for MAPC consideration on October 9, 2003. The property to the northeast is platted as the Manhattan Addition and is vacant except for a bank facility. The remaining 1-acre tract is approved for "LC" development in accordance with restrictive covenants tied to the subdivision plat. The property to the east has a strip of "LC" zoning along 21st Street North, with the balance of the tract zoned "SF-5" Single-family Residential. The rest of the quarter section to the east is held in a large estate with a residence, zoned "SF-20 Single-family Residential. The property to the south is zoned "GI" General Industrial and is the location of an asphalt plant and a graveyard for old airplane parts. Additional development is planned for the 13th Street North and Greenwich area, including a large bowling alley and several smaller shopping centers. The property to the west of The Woodlands is being developed with a new residential subdivision, Remington Place. One 40-acre tract to the north and west of DP-266 is also held in a separate ownership in a large estate. It is zoned "SF-20". Regency Lakes Addition, a single-family neighborhood and assisted living facility (PUD #2), is located to the north and west.

2002 traffic counts for 21st Street North were 4,241 cars per day; for Greenwich counts were 5,045 cars per day. The 2030 traffic projection for Greenwich from 17th to 21st west was 14,500 vehicles per day. The 2030 projection for 21st Street North was 22,000 vehicles per day. However, these projections do not account for proposed and likely new developments that are being discussed in this vicinity. These developments would likely have increased the projections for traffic volumes significantly. Another issue is whether the K-96 interchange would be expanded from its current half interchange to a full movement interchange.

21st Street North is improved as a four-lane arterial street with center left-turn lane. Greenwich is a two-lane arterial with short center left-turn lane. Greenwich is included in the Wichita C.I.P. for widening in 2010.

On 21st Street North, the C.U.P. proposes one street, one major opening, and one right-in/right-out opening on 21st Street North. The street is aligned with the major opening on DP-234 Regency Lakes C.U.P. to the north. The major opening is unspecified, but is generally in the same placement as a major opening into Regency Lakes. On Greenwich Road, the C.U.P. proposes one street, two

major openings, one minor full movement opening, and two right-in/right-out openings. The openings generally adhere to the spacing of the access management policy.

Other normal public services are available.

Analysis: At the MAPC meeting held September 18, 2003, issues discussed included the traffic study, interim improvements and timing for permanent improvements to Greenwich Road. Another issue concerned whether the property could comply with the requirement to plat within one year, and staff indicated that extensions could be granted or a preliminary plat could be completed for the entire property and final platting completed in phases. MAPC voted (9-2) to approve subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2003-00042), subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-266), subject to the following conditions:
 1. Interim Improvements and Development Requirements
 - a. Development shall be limited to Parcels 1, 11, 12 and the northern 550 feet of Parcel 2.
 - b. The only drive opening permitted on Greenwich Road shall be the right-in/right-out drive nearest 21st Street North and it shall have channelization to prevent left-turns, and a decel lane from the intersection to the drive.
 - c. The traffic study shall be submitted prior to filing of the subdivision plat and shall be reviewed in conjunction with the plat. This traffic impact study shall identify interim improvements and permanent improvements, and the share of traffic signalization.
 - d. Other interim traffic improvements shall be identified by the traffic study.
 - e. A guarantee for participation in a traffic signal at the intersection of the collector street and 21st Street North shall be provided per the recommendations of the traffic study at the time of platting.
 - f. A 25x25 corner clip for a traffic signal shall be shown at the 21st Street North/Greenwich intersection on the C.U.P.
 - g. If the developer seeks to develop a different parcel, the amount of development in an approved parcel shall be reduced commensurately. The developer shall request an administrative adjustment to the C.U.P., and, as part of the administrative adjustment review, the Governing Body may require additional interim improvements if the parcel would be placing additional burdens on the street network at points not designed to accommodate the development.
 2. Access controls: Access controls shall be in accordance with the Access Management Policy, and shall include the following:
 - a. The collector street and the full movement drive onto 21st Street North shall be aligned with the drives planned on the property to the north.
 - b. The major opening onto Greenwich on Parcel 5 shall be located at least 400 feet south of 19th Street North.
 - c. The C.U.P. must ensure that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.
 3. C.U.P. Provisions and Requirements:

- a. General Provision #10: Buildings on Parcels 1, 2, and 12 shall have similar predominant exterior building materials, unifying architectural characteristics, and share a similar color palette. No facades that are predominately metal panels shall be allowed. Buildings on Parcels 3, 4, 5 and 14 shall have similar predominant exterior building materials, unifying architectural characteristics, and share a similar color palette. No facades that are predominately metal panels shall be allowed.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
- c. 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.
- d. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. 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.
- e. 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-265) includes special conditions for development on this property.
- f. 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.

An agent for a property owner was present to speak and requested that Parcels 3, 4, 5, and 14 be zoned "GO" General Office instead of "LC" Limited Commercial.

A protest has been received representing 19.91 % of the property within the legal protest area. Since the protest is below 20 %, a vote by $\frac{3}{4}$ -majority of the governing body is not required for approval.

Alternatives:

1. Adopt the MAPC recommendation;
2. Override the MAPC recommendation by a 2/3 majority vote of the membership of the governing body; or
3. Return such recommendation to the MAPC with a statement specifying the basis for the BoCC's failure to approve or disapprove.

Financial Considerations: Not Applicable

Policy Considerations: The MAPC recommendations are based on the findings of fact stated in the MAPC minutes.

Legal Considerations:  *Approved as to form and signed by County Counselor's Office*