Agenda Item #_____

City of Wichita
City Council Meeting
July 10, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2001-00024 – ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL; AND**

CUP2001-00015 (DP-256) THE CREATION OF THE COLLECTIVE C.U.P., LOCATED ON THE SOUTHEAST CORNER OF K-96 AND 21ST STREET NORTH. (District #II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve zone change, subject to platting within 1 year and approve the CUP, subject to conditions (10-0).

Staff Recommendation: Approve, subject to platting within 1 year and subject to conditions.

DAB II Recommendation: Approve.

Background: The applicant is requesting the creation of a Community Unit Plan for the southeast corner of K-96 and 21st Street North.

This proposed C.U.P. contains 15.05 acres with five parcels. Parcel 1 (1.04 acres) and Parcel 5 (3.71 acres) are located along 21st Street North. Parcel 2 (2.70 acres) is located along Wawona Street, directly south of Parcel 1. The proposed uses for Parcels 1, 2, and 5 are those uses allowed in the "LC" Limited Commercial district except for the following exclusions: adult entertainment establishments, group houses, correctional placement residences, private clubs, taverns and drinking establishments.

Parcel 3 (2.83 acres) and Parcel 4 (3.99 acres) are located along the southern edge of the proposed C.U.P. The applicant has proposed additional restrictions on Parcels 3 and 4 because the adjoining property is zoned "SF-5" and developed with a residence on a 5-acre tract. Parcels 3 and 4 would be restricted to "NR" Neighborhood Retail uses. The

applicant does not wish to restrict the size of the retail uses to 8,000 square feet per use since one of the potential uses is a large bookstore, but has offered to move restaurant use to the northern portion of the parcels and to eliminate drive-thru restaurants and convenience stores as permitted uses on the entire CUP.

The C.U.P. proposes one opening on 21st Street North and one opening on Wawona.

Maximum building coverage is shown at 30%, floor area ratio is 30 %, and maximum height is 35 feet. Setbacks of 35 feet are provided along K-96, 21st Street North, and Wawona. The setback is increased to 50 feet along the southern property line. A six-foot masonry screening wall would be built in a wall easement along the southern property line.

There are two existing ponds on the property to the south. The property drains to the southwest toward the ponds, via the drainage easement located between Parcels 3 and 4 to allow drainage to the ponds.

The surrounding property is developing primarily with institutional uses. Trinity Academy, a private high school is located to the east. Messiah Baptist Church is across 21st Street North. Both properties on the west side of K-96 also are being developed with institutional uses, with Kensington Gardens Cemetery on the northwest corner of K-96 and 21st, and First Bible Baptist Church holding the property on the southwest of this interchange.

Four residences are located south of the proposed C.U.P., all on large acreages. The Burlington Northern right-of-way is approximately ¼ mile to the south.

MAPC heard this request on June 7, 2001, and recommended approval, subject to conditions. Those conditions include: transportation improvements, signage controls, a list of permitted uses and landscaping at one and one-half times the Landscape Ordinance's requirement. No one spoke in opposition at the MAPC, however four property owners spoke in opposition at the DAB meeting. These property owners were concerned with increased traffic, introduction of commercial uses not currently in the area and potential for loss of property value. The DAB recommended approval subject to conditions. In between the DAB meeting and the MAPC hearing, the residential property owner located immediately south of the proposed CUP and the developer reached an oral agreement for the developer to purchase the residential lot.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and C.U.P., 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 2/3 majority vote of the membership of the governing body on the first hearing.)

Def

(_____) Published in the Wichita Eagle on DEC 22 2001

ORDINANCE NO. 45-169

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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2001-00024

Zone change request from "SF-5" Single Family Residential District to "LC" Limited Commercial District, described as:

Collective Addition, Wichita, Sedgwick County, Kansas.

Generally located on the southwest corner of K-96 and 21st Street North.

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, DEC 18 2001.

ATTEST:

Pat Burnett, City Clerk

(SEAL)

Bob Knight, Mayor

Approved as to form:

Gary E. Rebenstorf, City Attorney

3A

AGENDA ITEM NO. 3B

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

DAB II June 4, 2001
MAPC June 7, 2001

CASE NUMBER:	ZON2001-00024/CUP2001-00015 DP-256 The Collective Community Unit Plan
APPLICANT/AGENT:	Ralph A. Lanzrath Revocable Trust (owner); PEC c/o Rob Hartman (agent)
REQUEST:	Zone Change to "LC" Limited Commercial; creation of DP-256 The Collective C.U.P.
CURRENT ZONING:	"SF-5" Single-Family Residential
SITE SIZE:	15.05 acres
LOCATION:	Southeast corner of K-96 and 21st Street North
PROPOSED USE:	Commercial development

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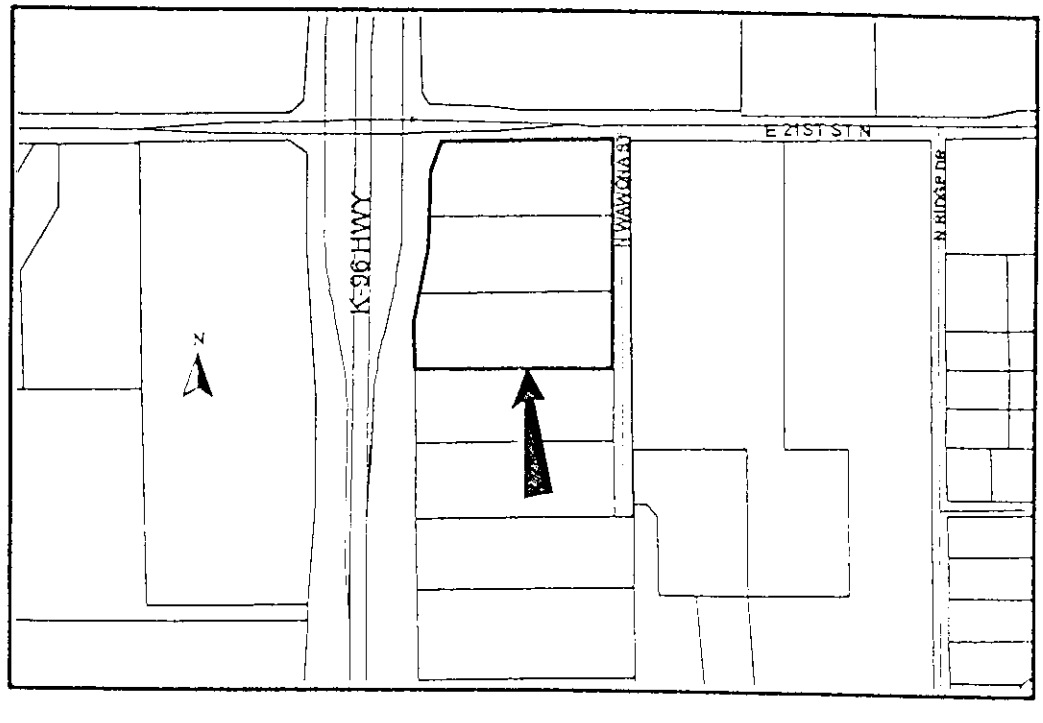

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BACKGROUND: The applicant is requesting the creation of a Community Unit Plan for the southeast corner of K-96 and 21st Street North.

This proposed C.U.P. contains 15.05 acres with five parcels. Parcel 1 (1.04 acres) and Parcel 5 (3.71 acres) are located along 21st Street North. Parcel 2 (2.70 acres) is located along Wawona Street, directly south of Parcel 1. The proposed uses for Parcels 1, 2, and 5 are those uses allowed in the "LC" Limited Commercial district except for the following exclusions: adult entertainment establishments, group houses, correctional placement residences, private clubs, taverns and drinking establishments.

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The C.U.P. proposes one opening on 21st Street North and one opening on Wawona.

Maximum building coverage is shown at 30%, floor area ratio is 30 %, and maximum height is 35 feet. Setbacks of 35 feet are provided along K-96, 21st Street North, and Wawona. The setback is increased to 50 feet along the southern property line. A six-foot masonry screening wall would be built in a wall easement along the southern property line.

There are two existing ponds on the property to the south. The property drains to the southwest toward the ponds, via the drainage easement located between Parcels 3 and 4 to allow drainage to the ponds.

The applicant originally proposed that signs be in accordance with the Sign Code of the City of Wichita, but with two taller shopping center identification signs at 35 feet, and with entrance signs on each side of the two entrances that would not be subject to the 150-foot spacing required by the Sign Code.

The surrounding property is developing primarily with institutional uses. Trinity Academy, a private high school is located to the east. Messiah Baptist Church is across 21st Street North. Both properties on the west side of K-96 also are being developed with institutional uses, with Kensington Gardens Cemetery on the northwest corner of K-96 and 21st, and First Bible Baptist Church holding the property on the southwest of this interchange.

Four residences are located south of the proposed C.U.P., all on large acreages. The Burlington Northern right-of-way is approximately ¼ mile to the south. A bike path is

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CASE HISTORY: The area was platted as Lanzrath Addition on December 7, 1977.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Messiah Baptist Church
SOUTH:	"SF-5"	Large-lot residential
EAST:	"SF-5"	Trinity Academy (private high school)
WEST:	"SF-5"	Vacant

PUBLIC SERVICES: 21st Street North is designated as a five-lane arterial and K-96 is designated as a freeway on the transportation plan. Average daily traffic on 21st east of K-96 was 8,900 vehicles in 2000. This is projected to increase to 36,600 in 2030 because of significant growth projected for this area.

Water is available along 21st Street North. Currently, sewer is being extended along Wawona to serve Church of the Magdalen and would be available to serve the site.

A bike path winds along K-96 on the western edge of the proposed development.

CONFORMANCE TO PLANS/POLICIES:

The Wichita Land Use Guide in the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area for commercial use. The commercial locational guidelines recommend that commercial uses should be located adjacent to arterial streets; in compact clusters; and to have site design features that limit noise, lighting, and other aspects of commercial activity that may adversely impact surrounding residential areas. Office locational guidelines recommend location adjacent to arterial streets; local, service-oriented offices to be incorporated with neighborhood/community scale commercial development; and low-density office be used as a transitional land use between residential uses and higher intensity uses.

RECOMMENDATION:

The proposed application area is shown for commercial use on the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan*, and is located on an interchange of K-96, making it a good potential location for commercial development. The site is surrounded by institutional uses except on the south where there are four residences.

The proposed development plan includes a 50-foot setback and a screening wall for the south property line. The applicant is willing to provide a landscape buffer of 1 ½ times the Landscape Ordinance requirements for the southern boundary of Parcel 3 nearest the residence. Also, there are some mature evergreen trees on the adjoining property for additional buffering. Uses would be restricted to those allowed in the

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"NR" district. These restrictions improve the separation between the commercial uses and the residences to the south.

signage on plan O.K.

~~If developed with the amount of signage initially requested, signage would be considerably more than typical for new developments and would be in excess of that permitted by the Sign Code. However, the applicant has indicated that they did not intend to use all the signage requested. They desired to keep the two 35-foot signs, with one to be located along K-96 between Parcels 4 and 5, and the other to be located at the corner of 21st Street North and Wawona, and the entrance markers to be located on either side of the private entrance on 21st and on Wawona. The other freestanding signs would be monument-type signs with a height of 10 feet and size below 50 square feet.~~

~~While Staff and the applicant are still discussing details on signage, Staff recommends that the total number of signs be specified in the C.U.P. This number would reflect the additional height of two 35 foot signs and the entrance signs that would be classified as freestanding signs by the Sign Code.~~ The applicant is willing to restrict the 35-foot sign along K-96 would be allowed within 450 feet of the southern property line, and it is recommended that no signs be allowed within 200 feet of the southern property line.

Proposed transportation improvements would be to add a decel lane from its current terminus on 21st Street North to Wawona, a southbound left-turn storage lane on 21st, and to improve Wawona to three-lane urban standards from 21st Street North to the private drive from the development.

Based on this, plus the information available prior to the public hearing, staff recommends the request be <u>APPROVED subject to replatting within one year and subject to the following conditions:</u>

A. <u>APPROVE</u> the zone change (ZON2001-00024) to "LC" Limited Commercial. and "NR"

B. <u>APPROVE</u> the Community Unit Plan (DP-256), subject to the following conditions:

1. Transportation improvements:

   a. Extend the decel lane on 21st Street North from its current terminus at the eastern edge of the raised medial to Wawona Street.

   b. Provide a guarantee for westbound left-turn storage lane on 21st Street North from the private drive entrance extending east of Wawona with 150 feet storage length plus taper. To be installed @ a time determined by the Traffic Engineer

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c. Improve Wawona with continuous left-turn lane from 21st Street North to the southern edge of the private drive from the proposed development.

2. Signage shall be restricted as follows:

   a. Freestanding signs shall be limited to two 35-foot signs, one on K-96 and one on 21st Street North, and the remaining monument signs shall be limited to 10 feet in height and no more than 50 square feet in size. Total number of freestanding signs shall be per Sign Code on K-96 and 21st Street North, taking into consideration that the 35-foot signs are equivalent to three freestanding signs each. Freestanding signs on Wawona shall be limited to no more than one monument sign per parcel and no greater than 10 feet in height and 50 square feet in size.

   b. No signs shall be located closer than 200 feet from the southern property line of Parcels 3 and 4 and the 35-foot sign shall not be located closer than 450 feet from the southern property line.

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

4. 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.

5. All property included within this C.U.P. and zone case shall be replatted within <u>one year</u> 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.

6. 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-256) includes special conditions for development on this property.

7. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within <u>60 days</u> 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:

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1. The zoning, uses and character of the neighborhood: The majority of the property in the vicinity of the proposed development is zoned "SF-5" Single Family, but developed with institutional uses, including Trinity Academy to the east and Messiah Baptist Church to the north. Other institutional uses are planned on the west side of K-96, including another church and Kensington Gardens Cemetery. The property to the south is developed with four residences on 5-acre or greater tracts. On a larger scale, a similar mix of commercial and institutional uses are planned for development at the intersection of 127th Street East and 21st Street North approximately one-half mile to the east of the application area. All the corners of the intersection of Greenwich and 21st Street North are shown for future commercial use. This gives a commercial/institutional character to the intersection/interchange nodes along 21st Street North.

2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed in "SF-5" low-density residential use, but the presence of the interchange of K-96 and the recommended commercial use of this tract by the *Comprehensive Plan* makes low-density use seem less appropriate.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The change to commercial use would negatively impact the nearby residence to the south. This impact is mitigated by the restriction to "NR" Neighborhood Retail uses, the screening wall and landscape buffer, and the lack of a through street connection to the south to prevent through traffic movements traveling beyond the commercial development.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request is in conformance with the Wichita Land Use Guide of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan.*

5. Impact of the proposed development on community facilities: Traffic increases can be anticipated by the commercial development in the range of up to 5,000 cars a day. The recommended transportation improvements should mitigate the impact of the traffic increases.

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