

EXCERPT MINUTES OF THE MARCH 5, 2015 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: DER2015-00002 - the City of Wichita requests Amendments to the Wichita-Sedgwick County Unified Zoning Code, Section III-C.3., U, University District.

Background: Wichita State University has developed an Innovation Campus Master Plan (see attached) to redevelop Braeburn Golf Course with:

- An Experiential Engineering Building with engineering laboratories and a maker space
- Partnership Buildings, constructed with private funds by developers who will lease space to companies that want to work with WSU students and faculty
- A new home for the W. Frank Barton School of Business, with an adjacent Innovation Center
- A new residence hall
- Mixed-use buildings, built by private developers along 17th and 21st Streets, near Oliver, that would include retail stores and restaurants on the first level and apartments on upper levels
- A hotel, built by a private developer, on the southwest corner of 21st and Oliver

The current zoning of Wichita State's main campus and the former Braeburn Golf Course is "SF-5" Single Family with the "U" University Overlay District. The current language of the Unified Zoning Code indicates that the "U" University Overlay District should be applied only to non-university, residential properties adjacent to campus and that properties on campus should be zoned "U" University Base District.

Since neither the "U" University Overlay District nor "U" University Base District permits the proposed Innovation Campus uses and since other university campuses are zoned "U" University Base District, staff recommends the attached amendments to the "U" University Overlay District to create a section that applies to university-owned property on-campus and a different section that applies to non-university, residential property adjacent to campus. The "U" University Overlay District on campus would permit the proposed uses of the Innovation Campus. Since Wichita State has the only on-campus property zoned "U" University Overlay District, Wichita State would be the only campus permitted the Innovation Campus uses if the proposed amendments are approved. Non-university, residential properties in the "U" University Overlay District would continue with existing permitted uses.

Recommended Action: Based on the information available prior to the public hearing, staff recommends approval of the proposed amendments to the "U" University Overlay District. This recommendation is based on the following findings.

1. The zoning, uses, and character of the neighborhood: The Wichita State University campus is the predominant use in the neighborhood and establishes the character of the neighborhood. The proposed amendments support the expansion of the campus.
2. The suitability of the subject property for the uses to which it has been restricted: The "U" University Overlay District current restricts the Wichita State University campus to

residential uses and uses auxiliary to the university. The proposed amendments permit the typical range of university campus uses as well as proposed innovation campus uses.

3. The extent to which removal of the restrictions will detrimentally affect nearby property:
The Wichita State University campus is buffered from nearby property by arterial streets on all four sides. This buffer along with the setback and floor area ratio requirements of the proposed amendments will mitigate detrimental impacts of campus expansion on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan:
The 2030 Wichita Functional Land Use Guide identifies the Wichita State University as appropriate for Major Institutional uses. The proposed amendments are consistent with this functional classification.

Attachments: Innovation Campus Master Plan
Proposed Amendments to the “U” University Zoning District

SCOTT KNEBEL, Planning Staff presented the Staff Report.

MILLER STEVENS asked about using this Overlay District on other university properties.

KNEBEL said they would have to apply and go through the public hearing process.

FOSTER commented that the project is important to the community and he is pleased at the way it synchronizes up with the Comprehensive Plan in terms of job creation. He asked about the maximum building heights and if the Fire Department was consulted on that issue.

KNEBEL said because there was no change on the maximum building height, the Fire Department was not consulted. He said the building permits received by the State require review by the State Fire Marshall.

FOSTER asked if it was an oversight.

KNEBEL commented that he noticed that in the text; however, he was proposing to change just the items that needed to be changed in order to accomplish the Innovation Campus Master Plan. He said the proposal is for multiple story buildings.

FOSTER suggested that some type of maximum height requirement be added. He also asked about landscaping on the parking lot west of the stadium which he indicated does not meet the landscape ordinance. He said the Code should apply throughout the project.

KNEBEL indicated he would have to research the previous building permits issued by the State. He said the Master Plan includes pretty extensive landscaping as a component of all of the proposed projects.

VANZANDT said he doubts the City could bind the State to the local landscape requirements.

FOSTER said if they are required to meet the local zoning, you would think they are also required to meet the local Code. He asked if any of the projects will come back to the Planning Commission to place additional requirements on since landscaping is not going to happen in this zoning.

KNEBEL said State Statutes treats university properties differently than other private properties. He said they are required to meet zoning ordinances, but are exempt from building code and other ordinances.

FOSTER said given the excellence of the Innovation Campus Master Plan, he thinks they should carry that through with the landscaping plan.

KNEBEL indicated that a representative was present and could address plans for landscaping.

MILLER STEVENS asked what other items they don't have to comply with.

VANZANDT indicated the developers have been working with local Fire Department Officials on a consulting basis. He said they are required to comply with zoning, traffic and flood control codes.

MCKAY asked about the current height restrictions and indicated that he didn't want the Planning Commission to add additional restrictions that don't conform to what is currently allowed at the site.

KNEBEL said the current zoning is unclear and staff is correcting that with the Overlay District. He said he did not have information on the heights of the existing buildings on campus. He noted that it was a valid point that any text modifications would apply to the existing campus as well as the Innovation Campus. He said any height number that is lower than what is already built would create non conformities.

ERIC KING, DIRECTOR OF FACILITIES PLANNING, WICHITA STATE

UNIVERSITY said they have Code reviews with State of Kansas Department of Administration and the State Fire Marshall. He said they have also consulted with the City on traffic and drainage studies and the Fire Department who they want to know what they are doing since they provide fire protection. He said they have developed restrictive covenants that include provisions on landscaping and parking that developers will have to adhere to.

FOSTER asked if the covenant references the City's Landscape Ordinance.

KING responded no.

J. JOHNSON asked if the University would be willing to make the height requirement no higher than any building that is currently on campus.

KING said he didn't see a problem with that requirement and mentioned that they are currently working on some design documents. He said they are recommending that building be no taller than four stories, although currently there are buildings on campus higher than that. He added that there was going to be a Design Review Committee who will review plans in terms of how they fit into the neighborhood and current buildings on campus.

DENNIS said he would prefer not to see a height requirement because this was an "innovative campus." He said any limitations at this point in time would be a disservice to what WSU is trying to accomplish. He said he would not support that in a motion.

MILLER STEVENS said she believes the Planning Commission should have an assurance that they are not going to get too innovative with their construction projects because the City wants to maintain the integrity of the intersection in relation to the neighborhood. She said everyone is supportive of innovation but she would not want something unusual or bizarre to end up on the corner intersection. She mentioned that Mr. King has given some assurances that there will be oversight.

GOOLSBY out @ 1:50 p.m.

STEVE FAULKEY, #3 CRESTVIEW LAKES ESTATES said he lives right across the street from WSU. He said he agreed with Commissioner Dennis that restricting building heights on an innovative campus to specific height requirements at this time might not be a good idea. He said he appreciated concerns about preservation of the corners where the hotels will be located. He said he is concerned about the lack of green space. He said Mr. King and his team have done a great job and he believes the surrounding neighborhood will be able to get behind the proposal.

RICHARD BROWN, 1821 GREENWOOD said he was a graduate of WSU thinks sprawl is the antithesis of innovation. He referred to the building of the City of Masdar, United Arab Emirates which was totally energy independent. He said he appreciated the concern about height restrictions; however, he mentioned that one tower would save a lot of green space. He said he doesn't understand the rush to allow commercial development along 17th and 21st Streets. He said he felt a tower would attract attention from various entities including Tesla Motors and Google. He also mentioned moving parking garages underground. He said he would also like to see an international restaurant on the top floor of the tower.

MOTION: To approve the amendments to the Unified Zoning Code subject to staff recommendation.

J. JOHNSON moved, **FOSTER** seconded the motion, and it carried (11-0).