Planning Agenda Item #_____

City of Wichita
City Council Meeting

April 30, 1996

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: DP-221 - REQUEST FOR WEST KELLOGG POWER CENTER COMMERCIAL COMMUNITY UNIT PLAN; AND

Z-3198 - REQUEST FOR ZONE CHANGE FROM 'AA' ONE FAMILY DWELLING DISTRICT TO 'LC' LIGHT COMMERCIAL DISTRICT.

(DISTRICT #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to replatting (11-1).

Staff Recommendation: Approve, subject to replatting.

CPO Recommendation: Approve, subject to replatting.

Background: The applicants request a zone change from 'AA' One Family Dwelling District to the 'LC' Light Commercial District and a commercial community unit plan (West Kellogg Power Center) for 18.20 acres platted as Blocks A, B, and C, Garst Gardens Addition and located north of Hendryx Avenue, between Julia and Hoover Road. The subject property is currently undeveloped, except for two single family homes along Julia. Box Development, LLC proposes to purchase the properties, replat the area and vacate Garst Street and Meadow Haven Street through the site, and develop a commercial power center. The applicant indicates that a furniture store is proposed for a portion of the site, with no users identified for the remaining portions of the site.

The subject property is located north of several highway commercial uses along Kellogg, including motels, restaurants, and an automotive dealership. The site is also surrounded by Wal-Mart to the west, Holiday Inn to the east, and single family homes to the north of Taft Avenue.

The general area is located under a flight approach path to the Mid-Continent Airport and is located in Area (A) of the Wichita Airport Hazard Zoning Map, which has a maximum height limit of 25

feet for any structure without requiring a permit. Staff for the Wichita Airport Authority indicate that the proposed commercial development, including an increase in the maximum building height described below, is acceptable and would not create a hazard for aircraft approaching the Airport. However, Airport Authority staff indicate that any lighting should be shielded and directed downward to avoid creating a glare for aircraft.

The following subsections further describe the proposed CUP development restrictions.

Land use

The proposed zone change and community unit plan (CUP) would allow all uses permitted in the 'LC' Light Commercial District, except for adult entertainment establishments, private clubs, taverns, and drinking establishments. The CUP would permit a maximum of five buildings and a maximum gross floor area of 277,477 square feet.

Access

The CUP would permit one access opening to Taft Avenue, two openings to Hoover, and three access openings to Julia. The Traffic Engineer indicates that no more that two openings to Julia should be permitted.

Building design and height

All buildings within the development would be required to share uniform architectural character, color, texture, and the same predominate exterior building material. However, the applicant proposes to allow for the rear building facade of any building, which may include such items as loading docks and trash receptacle areas, to have a dissimilar architectural facade from the sides and front of the building. Such service areas would likely face toward the residential areas to the north.

The applicant originally proposed for the CUP to allow buildings in all parcels to be constructed as tall as 50 feet in height, which is higher than the 35 foot maximum building height typically included CUP restrictions. However, the applicant has revised the proposed CUP to establish 35 foot maximum building heights in Parcels 1 and 2, with a 45 foot maximum building height in Parcel 3. The applicant indicates that the taller building height for Parcel 3 is requested in order to accommodate a proposed furniture store.

All buildings in the CUP would be required to be setback a minimum of 100 feet from the north property line. However, with the proposed increase in building height, it is possible that nearby residential properties could be impacted by having aesthetically undesirable rear building facades/service areas facing the homes to the north if the facades are not designed and screened in an appropriate manner. The Landings CUP (DP-150), which includes Wal-Mart and Sam's Club to the west of the subject property, permits a maximum building height of 50 feet. The Dugan Centre Commercial CUP (DP-151), to the west of Dugan Road, is restricted to a maximum building height of 35 feet in the north 300 feet of the development.

Landscaping/screening

A minimum 20 foot wide landscape strip would be required along Taft Avenue. The CUP would also require an eight foot high solid or semi-solid wall of brick, stone, masonry, architectural tile or

similar material along Taft Avenue, except for the portion proposed for an access opening. The proposed CUP would require the screening wall only if the rear or service area of any building faces toward residential zoning.

The proposed CUP would require the masonry wall along Taft to wrap around the corners and extend south 60 feet from the north property line along Julia and Hoover to provide for some screening of the rear loading dock / service areas. However, since the buildings will be required to be setback at least 100 feet from the north property line, rear service areas will still remain visible from Julia and Hoover unless additional screening and landscaping is provided.

Signage

The proposed CUP would allow for a 150 square foot sign along Julia. The proposed CUP does not include any restrictions for signage along Taft Avenue or building signs facing to the north. The applicant also requests a variance to the maximum allowable size of a sign along Hoover, near Hendryx. Typically, variances are granted by the Board of Zoning Appeals (BZA) if an applicant can demonstrate special conditions or circumstances and the literal enforcement of specific regulations results in unnecessary hardship. However, the Legal Department indicates that variances to sign restrictions may also be granted by the City Council after a public hearing for properties in a CUP. The maximum size of sign permitted along Hoover is currently 150 feet. However, the applicant requests a variance to permit a 200 square foot sign. The applicant's justification for the variance for sign size is attached.

During the Planning Commission's discussion of this matter, questions concerning access and traffic flow around this development were asked by several residents from the neighborhood to the north of this site. The public voiced their concerns over what impact the development would have on traffic through the neighborhood's streets, and asked about the status of any paving projects for the surrounding arterials. Increased noise during nighttime unloading by the commercial development was also a concern. Bill McKinley, City Traffic Engineer, discussed that some of the traffic problems in the area were a result of the Kellogg Freeway construction, and that traffic volumes should decrease with its completion this fall. After discussion, the MAPC voted (11-1) to approve the request as recommended by staff.

Recommendation:

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 consideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

( ) Published in The Daily Reporter on _____

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 ORDINANCE NO. 43-014.

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 Ordinance No. 43-014, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3198

Zone Change from the "SF-6" Single-Family Dwelling District to the "LC" Limited Commercial District

West Kellogg Power Center Addition, Wichita, Sedgwick County, Kansas

Generally located north of Kellogg and west of Hoover.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning change 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, _____.

ATTEST:

_____
(SEAL) Pat Burnett, City Clerk

_____
Bob Knight, Mayor

Approved as to form:

_____
Gary E. Rebenstorf, City Attorney