Planning Agenda Item #_____

City of Wichita
City Council Meeting

November 21, 1995

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: DP-83 - AMENDMENT #2 KANSAS CITY LIFE INSURANCE COMPANY C/O DEAN DEWITT (PROPERTY OWNER), ROSE AMERICA CORPORATION C/O WILLIAM H. BARNHARD (CONTRACT PURCHASER)/MARTIN, PRINGLE, OLIVER, WALLACE, & SWARTZ C/O STUART M. KOWALSKI (AGENT),P.E.C. C/O GARY WILEY, (AGENT), REQUESTS AMENDMENT TO THE SOUTHWEST PLAZA COMMERCIAL COMMUNITY UNIT PLAN, LOCATED ON THE NORTHEAST CORNER OF 31ST STREET SOUTH AND MERIDIAN AVENUE.

Z-3180 - KANSAS CITY LIFE INSURANCE COMPANY C/O DEAN DEWITT (PROPERTY OWNER), ROSE AMERICA CORPORATION C/O WILLIAM H. BARNARD (CONTRACT PURCHASER)/MARTIN, PRINGLE, OLIVER, WALLACE, & SWARTZ C/O STUART M. KOWALSKI (AGENT), P.E.C. C/O GARY WILEY, (AGENT), REQUESTS ZONE CHANGE FROM 'LC' LIGHT COMMERCIAL TO 'C' COMMERCIAL, LOCATED ON THE NORTHEAST CORNER OF 31ST STREET SOUTH AND MERIDIAN AVENUE.
(DISTRICT #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions and replatting (12-0).

Staff Recommendation: Approve, subject to replatting (incorrect, see staff report, property already platted, staff report does not ask for replatting) DM

CPO Recommendation: Deny (3-3 moot vote).

Background: The applicant requests an amendment to the 8.29 acre Southwest Plaza Commercial Community Unit Plan located at the northeast corner of 31st Street South and Meridian Avenue. The applicant proposes to amend the community unit plan (CUP) to allow the manufacture and warehousing of animal control and apparel products (such as collars, leashes, horse halters, blankets) as an additional permitted use on the site. Limited manufacturing operations, such as the requested use, are first permitted by right in the 'C' Commercial zoning district.

The CUP currently permits shopping center and/or offices, professional personal services, and comparison and convenience shopping. In order to accommodate the additional use, a zone change from 'LC' Light Commercial to 'C' Commercial for 4.75 acres is also proposed. No additional uses allowed in the 'C' zoning district would be permitted on the site and outside storage (if any) would be limited to the same requirements as the 'LC' zoning district.

The subject property is currently developed with a 90,000 square foot commercial structure that is mostly vacant at this time, except for a liquor store and a tanning salon. Rose America Corporation, which specializes in producing products for animals, proposes to relocate their existing manufacturing and warehousing facility to the large commercial structure. The applicant also indicates the possibility of expanding the north side of the existing building to the west.

The proposed amendment to the CUP would reduce the building setback along Meridian Avenue from 150 feet to 75 feet and increase the maximum number of buildings permitted on the site from 1 to 2 buildings. The applicant indicates that one of the existing businesses in the existing commercial structure may be relocated to a new smaller structure to be constructed on the applicant's property near the intersection.

The maximum building height for any buildings in the CUP would be reduced by the amendment from 40 feet to 25 feet. Also, an additional clarification is proposed to clarify that no off-site, portable signs, or signs with rotating or flashing lights would be permitted. However, the amendment did not include a clarification on the number of monument or pole signs permitted or the maximum sign area permitted by those signs along 31st Street or Meridian Avenue.

The subject property includes a 6-8 foot concrete wall and mature landscaping along the north and east sides and is surrounded by single family homes along the residential streets to the north and east. An apartment complex is located on the west side of Meridian and a QuikTrip convenience store, a lounge, and a car wash are located on the south side of 31st Street South.

At the MAPC hearing on October 26, 1995, one area resident spoke in opposition to the request, and expressed concern about introducing manufacturing operations into the area. After discussion, the MAPC voted to recommend approval of the requests, subject to the conditions recommended by staff, and requiring the site to comply with the Landscape Ordinance street yard landscape requirements, and repairing the existing screening walls along the north and east property lines. Since the MAPC hearing, a number of protest petitions have been filed against the zone change request.

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 for the zone change requires a 2/3 majority vote of the governing body on first hearing.)

Z-3180

CW98-1199 (First Published in The Daily Reporter, August 18, 1998)

ORDINANCE NO. 42-958

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

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 Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3180

Zone change request from 'LC' Light Commercial to 'C' Commercial, described as: Beginning at the southeast corner of Lot 1, Southwest Plaza Addition, Wichita, Kansas; thence west, along the south line of said Lot 1, 210 feet; thence north, parallel with the east line of said Lot 1, 440 feet; thence west, parallel with the north line of said Lot 1, 150 feet, thence north, parallel with the west line of said Lot 1, 210 feet to a point in the north line of said Lot 1, thence east, along the north line of said Lot 1, 420 feet to the northeast corner of said Lot 1; thence south, along the east line of said Lot 1, 650 feet to the point of beginning. Generally located on the Northeast corner of 31st Street South and Meridian.

SECTION 2. That upon the taking effect of the 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 Zoning Ordinance 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, NOVEMBER 28, 1995.

Bob Knight, Mayor

ATTEST: (Seal)

Pat Burnett, City Clerk

(Au18)

Keith
Dale
Sondra
Kirby
Karen