Agenda Item #_____

City of Wichita
City Council Meeting
February 9, 1999

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3308 - ZONE CHANGE REQUEST FROM "GO" GENERAL OFFICE TO "LC" LIMITED COMMERCIAL; AND

DP - 191 - AN AMENDMENT TO WILSON PROPERTY COMMERCIAL CUP, LOCATED AT THE SOUTHEAST CORNER OF ROCK ROAD AND BRADLEY FAIR PARKWAY. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions (9-0).

Staff Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to MAPD staff recommendations. (7-0).

Background: The applicant is requesting an amendment to Parcel 8 ("LC" Limited Commercial and 3.30 acres) and Parcel 9 ("GO" General Office and 6.57 acres) of the Wilson Estates Commercial CUP, located south of Bradley Fair Parkway and east of Rock Road. Parcel 8 currently permits 12,000 square feet for a variety of related uses; Parcel 9 currently permits 45,000 square feet for office and medical uses. The proposed amendment would combine Parcels 8 and 9 into one parcel (Parcel 8). The newly created parcel would be 9.87 acres in size and as requested, would permit the following uses: financial institutions, restaurants, retail stores, clothing stores, offices, pharmacies, dry cleaning, laundry, barber shops, beauty shops, tailors, studios, shoe stores, small animal clinics, hardware stores, appliance stores, furniture stores, day care, fitness centers, medical and dental clinic and hotel, which are the uses currently permitted on Parcel 8.

The applicant is also requesting to add department store to the list of permitted uses for the new Parcel 8. The maximum gross floor area would be amended to allow 130,000 square feet, and Parcel 8 would be permitted a total of eleven buildings, as proposed by the applicant. Condition 20 which prohibits a use or tenant in excess of 50,000 square feet, is requested to be waived on Parcel 8, in order to permit a department store. The applicant is also requesting to rezone the area contained in

the existing Parcel 9 from "GO" to "LC."

At the time this report was written, traffic impacts on Rock and 21st Street North that would result from this additional development had not be determined. Public Works has contracted with the traffic consultant who prepared the Rock Road Corridor Study in 1997 to evaluate the impacts of this proposal. Their report should be completed before the City Council considers this request.

Commercial properties are located to the north of this site. An office complex is across Rock Road to the west. South of this property is a railroad track and further south is a 160 acre residential estate. Just east of this site are developing single-family lots on property zoned "SF-6."

In the Planning staff report, concern was expressed for traffic, and reserved the right to reconsider recommendations based on the outcome of the traffic study. However, the department store was viewed as a unique use that would enhance the image and tax base of the community. In the recommendation for approval, staff proposed that if the department store use does not materialize, this site would revert to the more limited uses and floor area in the current CUP, to minimize traffic impacts. Staff also recommended additional controls to building signage and lot coverage (the latter to encourage a two story, upscale department store).

CPO 2 voted unanimously to approve the request at the January 11th meeting, subject to the staff recommendations, and with the understanding that the traffic study would be completed before the City Council meeting and additional road improvements may need to be guaranteed by the applicant. Four citizens spoke about this request with concerns about the traffic impacts to Rock Road and 21st Street and what improvements were planned for these streets.

At the January 14th MAPC hearing, the applicant provided an overview of this request. After discussion about the traffic impacts and possible improvements, the Planning Commission voted unanimously to approve the request, subject to platting within one year and to staff's recommendations, with the understanding that the traffic study would be completed before the City Council meeting and additional road improvements may need to be guaranteed by the applicant. The MAPC also recognized that staff would be working with the applicant on additional conditions to ensure that the department store is an upscale, lower-traffic generating use as described in the presentation, in return for an increase in lot coverage to permit a one-story department store. Staff will provide these additional conditions for the Council before the meeting.

The Ordinance establishing the zoning change shall not be published until such time as the plat is recorded with the Register of Deeds.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change and amendment to the Community Unit Plan, subject to the condition of platting and 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 2/3rd majority vote of the membership of the governing body on the first hearing.)

Draft

(_____) Published in the Daily Reporter on JUL 14 2000

ORDINANCE NO. 44-673

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. Z-3308, Z-3352 and DP-191, Amendment No. 10

Zone change request from "SF-6" Single-Family Residential District and "GO" General Office District to "LC" Limited Comercial District, described as:

Lot 1, Block 1, Bradley Fair Fourth Addition, Wichita, Sedgwick County Kansas.

Generally located at the southeast corner of Bradley Fair Parkway and Rock Road.

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, JUL 11 2000

ATTEST:

Pat Burnett, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney