

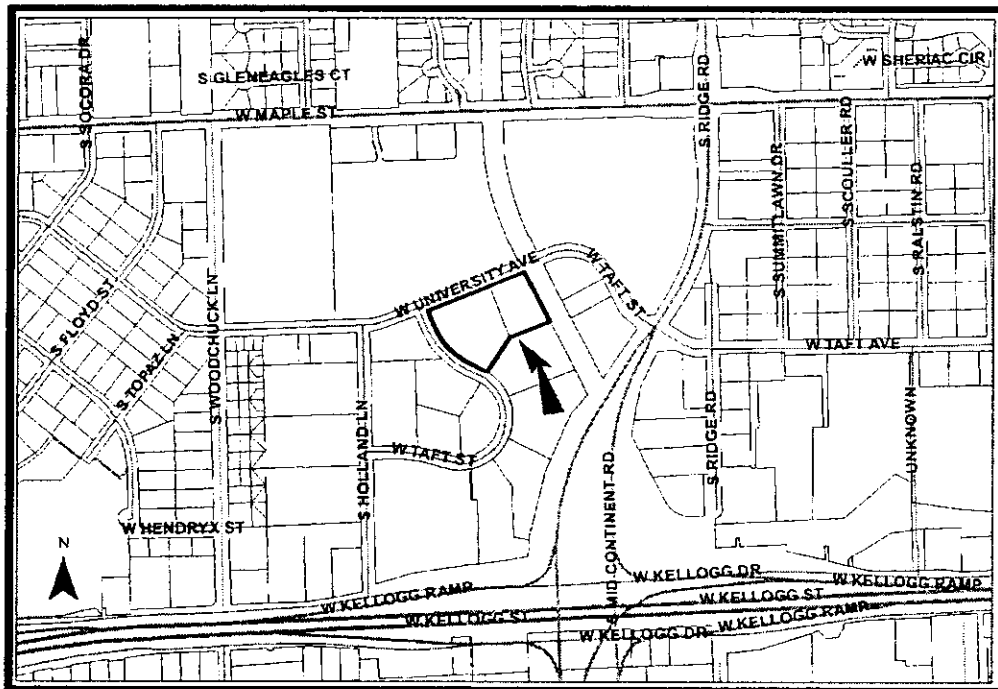
STAFF REPORT

MAPC: December 8, 2011

DAB V: December 5, 2011

Tentative City Council Date: January 10, 2012

- CASE NUMBER:** CUP2011-00043 and ZON2011-00037 DP-37 Ridge Plaza Community Unit Plan Amendment #5
- APPLICANT/AGENT:** 7601 W. University, LLC, Randy Johnson (Owner/Applicant)
Baughman Company, PA, Russ Ewy (Agent)
- REQUEST:** Amendment #5 to DP-37 Ridge Plaza CUP for a zone change from LC Limited Commercial (“LC”) to GC General Commercial (“GC”) to allow for the expansion of manufacturing uses on Parcels 14 through 17.
- CURRENT ZONING:** LC Limited Commercial (“LC”)
- SITE SIZE:** 2.72 acres
- LOCATION:** Generally located south of University Drive and east of Emerson Street (7601 W. University Dr.)
- PROPOSED USE:** Manufacturing Uses



BACKGROUND: The applicant is proposing to amend DP-37 Ridge Plaza Community Unit Plan (CUP) and rezone Parcels 14 through 17 from LC Limited Commercial (“LC”) to GC General Commercial (“GC”). The amendment would permit a wider range of manufacturing uses. Permitted uses would be: service and retail commercial, offices, financial institutions, medical offices and clinics, restaurants, private clubs, racquetball, tennis and health club facility and manufacturing. Parcel 14 permits theatres; Parcel 16 permits medical laboratories and Parcel 17 permits motor hotels. The new use for this amendment would be manufacturing. General manufacturing is first permitted in the GC zone district. A rezoning to “GC” would allow the requested use by-right. No other changes to the C.U.P. were requested by the amendment.

The property is located northwest of the interchange of Mid-Continent Road/Ridge Road and Kellogg. The closest land uses are: Pitney Bowes, CAP Carpet, Target and Slumberland Furniture Store. A drainage canal is the eastern boundary of the proposed site. Gallery Expressions and other home improvement stores are located east of the drainage canal, and west of Mid-Continent Road/Ridge Road. Three hotels, Comfort Suites, Value Place and Econo Lodge, and an office park with many small tenant spaces are located to the south and west. Kellogg is the southern boundary. No uses are visible on the other side of Kellogg, but land is held in large acreages associated with the airport. The parcels are on a main flight path to Wichita Mid-Continent Airport. Low flying aircraft fly over the site every few minutes.

CASE HISTORY: The property is platted as Ridge Plaza 8th Addition, dated April 18, 1982. DP-37 was originally approved on September 1, 1970. Amendment #1 was approved April 18, 1980, and primarily changed parcel boundaries to reflect the realignment of Ridge Road through the C.U.P. Amendment #2 was approved December 15, 1998; it rezoned Parcel 5 to GC and modified outdoor storage requirements for the proposed Lowe’s. Amendment #3 for a cell tower was denied December 12, 2000. Amendment #4 was approved October 8, 2001; it rezoned Parcels 11, 12, 13, 18, 19 and 20 to GC.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Target and Lowe’s
SOUTH:	GC	Furniture Retail
EAST:	LC	Retail
WEST:	LC & GC	Warehouse & office

PUBLIC SERVICES: Transportation access is via Ridge Road and Kellogg, but none of the parcels have direct access. Emerson/Taft and University, local non-residential streets, feed into Taft and into Mid-Continent Road/Ridge Road to the east. There is a signalized intersection for Taft and Mid-Continent Road/Ridge Road. Emerson/Taft and University also feed westward to Holland, which connects to Kellogg Drive and will have westbound access onto Kellogg at the Tyler interchange. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for “Regional Commercial” uses. This category encompasses major destination areas (centers and corridors) containing concentrations of commercial, office, and personal service uses that have predominately regional market areas and high volumes of retail traffic. These areas are located in close proximity to major arterials or freeways. The range of

uses includes major retail malls, major automobile dealerships and big box retail outlets with a regional market draw. Regional Commercial areas may also include higher density residential housing and uses typically found in Local Commercial areas.

RECOMMENDATION: Current zoning of the parcel, LC Limited Commercial (“LC”), already allows retail uses, but does not permit the additional auto related and entertainment/recreation uses generally permitted along other segments of the Kellogg corridor and the office/warehouse and manufacturing types of uses.

Some existing uses in the vicinity, such as Typed Letters Corp. and Pitney Bowes, are similar to the requested warehouse and business service use. These firms, as well as construction sales and service firms and manufacturing uses, would be expected to have larger truck dock areas for loading and unloading than typical retail commercial uses.

The proposed amendment intensifies the potential retail commercial activities by permitting vehicle repair, general, which consists of auto body repair and painting, and animal care, general, which allows large animal care and possible outdoor boarding facilities.

The proximity of the site to Kellogg and the conformance of the requested amendment to the Comprehensive Plan are factors in favor of approving the request. The visibility of the site from Mid-Continent Road/Ridge Road, which is elevated above the grade of the parcels, argues that some controls on signage, building exteriors, and outdoor storage are advisable to maintain an attractive appearance on the corridor approaching the Wichita-Mid Continent Airport.

For these reasons, Staff recommends the application be APPROVED subject to the following conditions:

- A. APPROVE the zone change (ZON2011-00037) to GC.
- B. APPROVE DP-37 (CUP2011-00043), subject to the following conditions:
 1. Parcels 14, 15, 16 and 17 shall conform to the standards in OW Office Warehouse (“OW”), Sec. III-15(e) (2) Outdoor Storage.
 2. Parcels 14, 15, 16 and 17 shall conform to signage restrictions of the OW Office Warehouse (“OW”) zoning district. No off-site or portable signs shall be permitted. No signs with moving, flashing, rotating signs or signs that create the illusion of movement shall be permitted.
 3. Rooftop mechanical equipment and outdoor loading, work, and storage areas that are visible from these roads shall be screened from view unless it would be prohibitively expensive due to grade differences, in which case trees shall be planted and maintained as necessary to obscure these views. All building plans must be approved by the Planning Director as to compliance with these requirements.
 4. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the Plan, as determined by the Zoning Administrator and the

Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

5. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
6. 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.
7. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days 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:

1. **The zoning, uses and character of the neighborhood:** The zoning is LC Limited Commercial (“LC”) to the north, east and west, and LI Limited Industrial (“LI”) south of Kellogg. Nearby properties in Ridge Plaza are developed with business services, offices, a gymnastics school, and multi-tenant office buildings. Also, a hotel and two restaurants are nearby on a parcel with visibility to Kellogg.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is suitable primarily for the non-retail types of GC uses because of the indirect access to Mid-Continent Road/Ridge Road and Kellogg. It is not expected that retail-oriented shopping/office uses would be located on these interior parcels.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed amendment does not alter the permitted height of 80 feet, although this height might be restricted due to airport hazard height limits. Also, it does not alter the allowed building coverage or gross floor area on the existing C.U.P. The amount already permitted is substantial, 50 percent in the case of gross floor area, reflecting the policy that more intensive development should be channeled toward major corridors such as Kellogg. However, a conflicting rule is to restrict the amount of people located in areas under main flight paths. Several of the proposed uses (e.g. construction sales and service, warehousing, wholesale, business services and manufacturing) would be expected to have fewer people patronizing the establishments than retail commercial.
4. **Length of time the property has remained vacant as zoned:** Part of the property has been vacant since its original approval as a C.U.P. It has been platted since 1982. Perhaps the practical difficulties of getting firms to locate so near the flight path has been an obstacle to development and this would be mitigated by rezoning to uses less sensitive to proximity to airport impacts.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan**

and Policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for “Regional Commercial” uses. This category encompasses major destination areas (centers and corridors) containing concentrations of commercial, office, and personal service uses that have predominately regional market areas and high volumes of retail traffic. These areas are located in close proximity to major arterials or freeways. The range of uses includes major retail malls, major automobile dealerships and big box retail outlets with a regional market draw. Regional Commercial areas may also include higher density residential housing and uses typically found in Local Commercial areas. The requested change is in conformance with the “Regional Commercial” designation in the *Comprehensive Plan*.

6. **Impact of the proposed development on community facilities:** The proposed changes should not impact traffic any more than currently permitted uses.