Agenda Item #_____

City of Wichita
City Council Meeting
September 18, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2001-48 (Associated with CUP2001-31 DP-184 Amendment #4) – Zone change to "LC" Limited Commercial and amendment to DP-184 Pearson Farms C.U.P. Parcel 1 to allow larger sized commercial uses and to adjust signage and architectural controls. Generally located west of Maize Road on the south side of 21st Street North (10711 W. 21st Street North).** (District #V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (10-0).

Staff Recommendation: Approve.

DAB Recommendation: Will hear on September 10, 2001

Background: The applicant is proposing to amend DP-184 Pearson Farms Community Unit Plan and rezone Parcel 1 from "NR" Neighborhood Retail to "LC" Limited Commercial. The amendment would permit a large-item furniture store. Other requested changes are: increasing signage from 75 square feet to 150 square feet, allowing a moving sign, and allowing metal as an exterior material on the sides and rear elevations.

Proposed uses are: neighborhood shopping center uses including furniture stores, restaurants, retail shops, offices, medical and dental clinics, pharmacies, dry cleaning, laundry, barber and beauty shops, tailors, hardware, small animal clinics, grocery stores, fitness centers, and other similar shopping center uses.

Other provisions of the C.U.P. would remain the same.

Parcel 1 was zoned "NR" Neighborhood Retail in order to decrease the intensity and scale of potential commercial uses adjacent to the Timber Ridge Addition. The parcel configuration has a relatively short frontage on 21st Street North of 163 feet, compared with its depth of nearly 600 feet. This makes the lot difficult to use for smaller scale

retail shops unless they would be oriented to the east with the rear service areas of the shops backing onto Timber Ridge Addition. The applicant is seeking to utilize the lot by placing a relatively narrow building facing onto 21st Street.

Retail uses are located east of the property and to the north of 21st Street. The closest use is Denning's Greenhouse, bordered by U-Stor and a new strip center under development. Significant retail expansion is underway to the north of 21st Street as the planned development for NewMarket Square. Emprise Bank is adding a new facility along 21st and two other parcels remain vacant. Wal-Mart is under construction to the north, followed by the shops at NewMarket Square. Westlink Christian Church is constructing new facilities on the property to the south of the application area. The property to the west is developed as Timber Ridge Addition with single-family residences.

At the MAPC meeting held August 23, 2001, the MAPC voted (10-0) to approve subject to staff comments with the following revisions: metal shall not be permitted as an exterior building material on the north, east and west façade, the maximum size of sign shall be 107 square feet as measured around the perimeter of the sign, that service station shall be added to the list of prohibited uses for Parcel 1, that cross-lot circulation with Parcel 2 be waived so long as Parcel 2 remains in use as greenhouse, that trees planted on the west side be equal in height to the screening wall, and that lighting be shielded from the properties to the west. There was discussion of the use of an electronic message board. Staff indicated that an electronic message board that does not change messages more frequently than every 20-30 seconds would not be considered a moving sign and would be permitted by the C.U.P. as it is currently in effect. There were several neighbors spoke in opposition to the use of metal exterior on the west side and asked for good landscaping, a higher screening wall, and the shielding of lighting away from the residential area.

District V Advisory Board will hear the case on September 10, 2001.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and C.U.P. amendment subject to the recommended conditions and first reading of the ordinance, or

2. Return the application to the MAPC for reconsideration

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

(_____) Published in The Wichita Eagle on SEP 29 2001

ORDINANCE NO. 45-056

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 SECTION 28.04.010, AS AMENDED.

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 Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2001-00048

Request for zone change to "LC" Limited Commercial, legally described as:

All of Lot 1, Pearson Farms 3rd Addition, Wichita, Sedgwick County, Kansas EXCEPT that part described as follows:

Commencing at the Northerly most corner of Lot 1, Pearson Farms 3rd Addition, Wichita, Sedgwick County, Kansas, thence South 01 degrees 21'21" West, 327.63 feet to a corner of said Lot 1, for the point of beginning; thence continuing South 01 degrees 21'21" West, 268 feet to a point on the South line of said Lot 1; thence North 88 degrees 28'51" East, 200.25 feet to the Southeast corner of said Lot 1; thence North 01degrees 21'21" East along the East line of said Lot 1 a distance of 257.96 feet to the Southern most Northeast corner of said Lot 1, thence North 88 degrees 38'39" West, 200 feet to the point of beginning. Generally located west of Maize Road on the south side of 21st Street North. (10711 W. 21st Street North).

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.

8A

AGENDA ITEM NO. 8B

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC August 23, 2001
DAB V September 10, 2001

CASE NUMBER: ZON2001-00038 & CUP2001-00031 DP-184 Pearson Farms C.U.P. Amendment #4

APPLICANT/AGENT: Brad Saville for BKS, LLC (owner); Kaplan, McMillan and Harris c/o Robert W. Kaplan (agent)

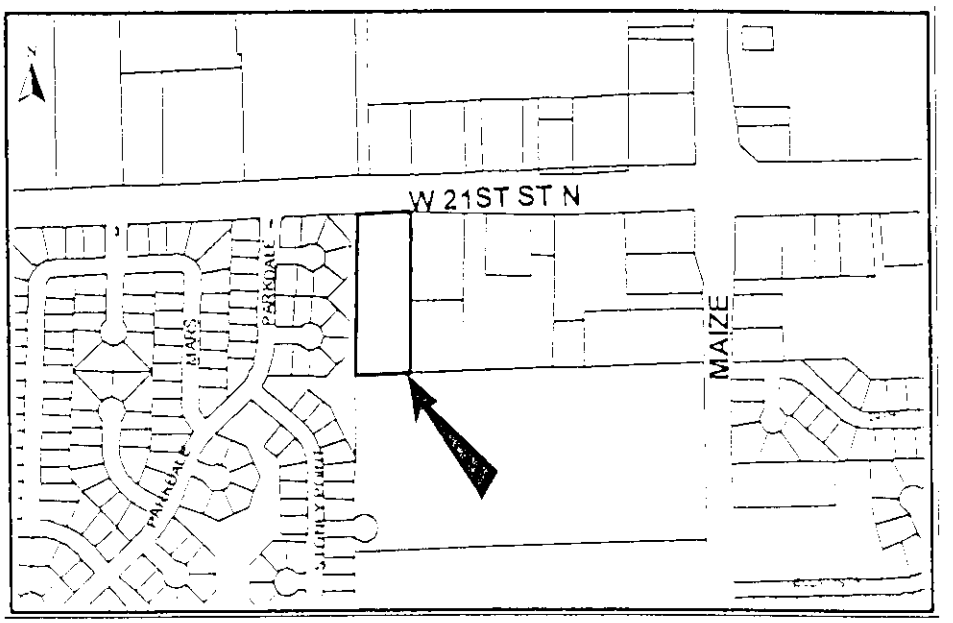
REQUEST: Zone change to "LC" Limited Commercial and amendment to DP-184 Pearson Farms C.U.P. Parcel 1 to allow larger sized commercial uses and to adjust signage and architectural controls

CURRENT ZONING: "NR" Neighborhood Retail

SITE SIZE: 3.99 acres

LOCATION: West of Maize Road on the south side of 21st Street North (10711 W. 21st Street North)

PROPOSED USE: Furniture store



FILE COPY

BACKGROUND: The applicant is proposing to amend DP-184 Pearson Farms Community Unit Plan and rezone Parcel 1 from "NR" Neighborhood Retail to "LC" Limited Commercial. The amendment would permit a large-item furniture store. Other requested changes are: increasing signage from 75 square feet to 150 square feet, allowing a moving sign, and allowing metal as an exterior material on the sides and rear elevations.

Proposed uses are: neighborhood shopping center uses including furniture stores, restaurants, retail shops, offices, medical and dental clinics, pharmacies, dry cleaning, laundry, barber and beauty shops, tailors, hardware, small animal clinics, grocery stores, fitness centers, and other similar shopping center uses.

Other provisions of the C.U.P. would remain the same.

Parcel 1 was zoned "NR" Neighborhood Retail in order to decrease the intensity and scale of potential commercial uses adjacent to the Timber Ridge Addition. The parcel configuration has a relatively short frontage on 21st Street North of 163 feet, compared with its depth of nearly 600 feet. This makes the lot difficult to use for smaller scale retail shops unless they would be oriented to the east with the rear service areas of the shops backing onto Timber Ridge Addition. The applicant is seeking to utilize the lot by placing a relatively narrow building facing onto 21st Street.

Retail uses are located east of the property and to the north of 21st Street. The closest use is Denning's Greenhouse, bordered by U-Stor and a new strip center under development. Significant retail expansion is underway to the north of 21st Street as the planned development for NewMarket Square. Emprise Bank is adding a new facility along 21st and two other parcels remain vacant. Wal-Mart is under construction to the north, followed by the shops at NewMarket Square. Westlink Christian Church is constructing new facilities on the property to the south of the application area. The property to the west is developed as Timber Ridge Addition with single-family residences.

CASE HISTORY: The property is platted as Pearson Farms 3rd Addition. DP-184 was originally approved on April 26, 1988. Amendment #1 approved was October 13, 1992 and allowed the warehouse, self-service storage use on Parcel 3. Amendment #2 was approved on October 31, 1996 and increased building coverage and signage on Parcel 3. Amendment #4 was denied by MAPC on May 29, 1997, and was a request to allow landscaping rather than a masonry wall on the south property line of Parcel 7, the Acrobatics Academy.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"; "SF-5"	NewMarket Square (bank, vacant out parcels, Wal-Mart); Northwest Christian Church
EAST:	"LC"	Denning's Greenhouse; U-Stor, strip center
SOUTH:	"SF-5"	Westlink Christian Church under development
WEST:	"SF-5"	Single-family residences

PUBLIC SERVICES: Transportation access is via 21st Street North, a six-lane arterial street. Parcel 1 is allowed one point of access and the applicant proposes to align it with a drive on the north side of 21st Street North. Existing traffic counts for eastbound traffic on 21st Street North is 11,744; projected to increase to 15,000 ADTs by 2030.

Other normal municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide in the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* shows the subject parcel for "office" use and the remainder of DP-184 as "commercial". The office designation of this parcel conforms to the Office Locational Guideline #4, "Low-density office use can serve as a transitional land use between residential uses and higher intensity uses." Large-item retail would fall in the "commercial" designation and conform to the other uses in DP-184, but its placement on Parcel 1 would remove the transitional land use function for the residential development to the west.

Current zoning of the parcel, "NR" Neighborhood Retail already allows retail uses, just not at the scale of the proposed rezoning.

RECOMMENDATION: Commercial Locational Guideline #3 states "Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surround residential uses." This guideline would indicate the direction any change from "NR" to "LC" should follow for this parcel positioned on the edge of commercial/residential use.

The proposed amendment has requested "LC" primarily to allow a large furniture store (approximately 24,000 square feet). While the size of the building significantly larger than permitted in "NR" (8,000 for a single user), the placement of a single building better utilizes the narrow configuration of the lot and allows the building to be placed farther from the property line of the adjacent residential neighborhood.

Timber Ridge Addition has a drainage reserve abutting Parcel 1. This separates the residential lots better than if Parcel 1 was adjoining the residential lots. The developer of Parcel 1 will be required to provide landscaping along the western edge of the parcel, as well as a masonry screening wall.

The requested use of metal on the west elevation adjacent to the residential development appears contrary to the spirit of transitioning with appropriate materials and also is contrary to the architectural requirements of the remainder of the C.U.P. that states "Metal shall not be permitted as a predominant exterior building material for any building on the site." This is the requirement that has been in force for the rest of Pearson Farms. The applicant has indicated that the type of metal that is proposed is not the typical flat metal, but is a textured steel that appears more like the E.I.F.S. exterior of the front and the portions of the sides of the buildings nearest 21st Street. The proposed color is an earth-tone. Staff recommends the restriction on the use of metal as a predominant exterior building material be retained.

Signage is also a feature often used to successfully transition from commercial to residential use. The applicant initially requested signage be increased from 75 feet to 150 feet; but has indicated that 100 square feet would be sufficient. This is more acceptable. The applicant has also requested lifting the restrictions on flashing, rotating and moving signs, signs with flashing lights or signs that create the illusion of movement for Parcel 1. This is contrary to the restriction on the remainder of the C.U.P. and contrary to effective transition to residential character. Staff recommends the restriction on flashing, rotating and moving signs be retained. The existing CUP limits sign height to 18 feet and should be retained.

Based on these factors and information available prior to the public hearing, Staff recommends the application be APPROVED subject to the following conditions:

1. Permitted uses are: neighborhood shopping center uses including furniture stores, restaurants other than freestanding restaurants with drive-in or drive-through facilities, retail shops, offices, medical and dental clinics, pharmacies, dry cleaning, laundry, barber and beauty shops, tailors, hardware, small animal clinics, grocery stores, fitness centers, and other similar shopping center uses. No Conditional Uses in the "LC" Limited Commercial zoning district shall be permitted without first amending the C.U.P. The following uses shall be prohibited: correctional placement residences; convenience stores; hotel or motel; marine facility, recreational; night club; pawnshop; recreation and entertainment, indoor; secondhand store; tavern and drinking establishment; vehicle repair, limited; and vocational school.

2. General Provision 6A shall be revised to allow one ground or pole sign not to exceed 100 square feet in size.

3. Landscaping along the west property line shall be at 1 ½ times the requirements of the Landscape Ordinance.

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 residential ("SF-5") to the west and south. A single-family residential subdivision is adjacent on the west; a church is located to the northwest and a large church campus is being developed to the south. The property to the east and north is zoned "LC" and used for commercial purposes. A bank is being constructed on an out parcel immediately to the north of the application area. Wal-Mart and NewMarket Square are located further north. To the east, the properties are developed with a variety of commercial uses, including a greenhouse, self-service storage, medical office, strip center and a bank.

2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for the types of uses allowed in the "NR" Neighborhood Retail district. The lot configuration makes it more difficult to arrange a grouping of small retail spaces as required in the "NR" zoning district.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The increase in sign size might have a negative impact on the adjacent residential area. The impact of a large retail structure on Parcel 1 should be mitigated by the drainage reserve in Timber Ridge, the masonry wall, and the substantial landscaping buffer.

4. Length of time the property has remained vacant as zoned: The property has been vacant for 13 years.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change is in conformance with the "commercial" designation on *Comprehensive Plan* for the rest of DP-184 Pearson Farms, but not with the parcel itself, which is shown as "office" in order to transition to the adjacent residential areas.

6. Impact of the proposed development on community facilities: The proposed changes should not impact traffic. A furniture store would be anticipated to generate less traffic than if it were developed with a variety of small-scale retail users. The site has only one opening onto 21st, shown on the western edge of the tract to align with the drive on the rear of the NewMarket Square development.