Agenda Item #_____

City of Wichita
City Council Meeting
October 2, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2001-52 (Associated with CUP2001-33 DP-37 Amendment #4) – Zone change to "GC" General Commercial and amendment to DP-37 Ridge Plaza Community Unit Plan to allow more intensive uses on Parcels 11-13 and 18-20. Generally located at Taft and Emerson, just east of Holland Lane.** (District #V)

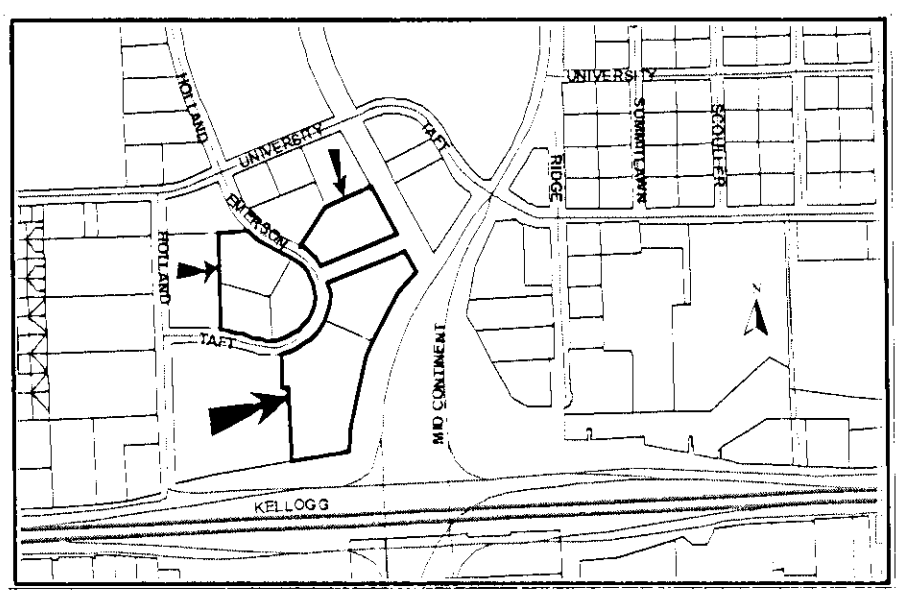
INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (8-0).

Staff Recommendation: Approve.

DAB Recommendation: Approved (4-0).



BACKGROUND: The applicant is proposing to amend DP-37 Ridge Plaza Community Unit Plan and rezone Parcel 11, 12, 13, 18, 19 and 20 from "LC" Limited Commercial to "GC" General Commercial. The amendment would permit a wider range of commercial and warehouse type of uses.

Permitted uses would be: animal care, general; construction sales and service; convenience store; financial institution; hotel and motel; manufacturing, limited; medical service; tavern and drinking establishment; office, general; personal care service; personal improvement service; recreation and entertainment, indoor; restaurant; retail, general; tavern and drinking establishment; vehicle repair, general; vocational school; warehouse, self-service storage; warehousing; and wholesale or business service.

The only use removed is private clubs, but tavern and drinking establishments are added in its place. Indoor recreation and entertainment uses are modified to permit all activities within these categories, including bowling alleys, bingo parlors, video game arcades, and indoor amusement rides. Currently, only certain indoor recreation uses are permitted. Parcel 11 permits theatres; Parcels 13 and 18-20 permit racquetball, tennis and health clubs; and Parcel 12 permits all these uses.

The new uses would be animal care, general; construction sales and service; manufacturing limited; vehicle repair, general; vocational school; warehouse, self-service storage; warehousing; and wholesale or business service. Several of these uses are first permitted in the "OW" Office Warehouse district, but several are not. A rezoning to "GC" would allow all the requested uses by-right.

No other changes to the C.U.P. were requested by the amendment.

The property is located northwest of the interchange of Ridge Road and Kellogg. The closest land uses are Typed Letters Corporation, Pitney Bowes, Sunrise Gymnastics, American Family Insurance and two vacant parcels to the north. Lowe's is located beyond University/Taft on the north. Another large vacant tract north of University, DP-245 Ashley Towne Centre, was approved for a shopping center but is not final because it has not been platted.

Ridge Road/Mid-Continent Drive is the eastern boundary of the proposed site. The Palace and several restaurants are located on the east side of Ridge (Carlos O'Kelley's, International House of Pancakes, Golden Corral). A hotel (Quality Inn), restaurants (Amarillo Grill, The Fortune Cookie) and an office park with many small tenant spaces are located to the 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.

At the MAPC meeting held on September 6, 2001, MAPC voted (8-0) to recommend approval subject to Staff comments, and directed the applicant and Staff to discuss and mutually agree upon terms for roof-top screening per Condition #4 prior to the case being forwarded to the Wichita City Council. These discussions have been concluded and the decision was to keep the language as proposed in the staff report. No citizens were present to speak on the proposed changes.

At the District V Advisory Board meeting held September 9, 2001, DAB voted (4-0) to support the recommendations of MAPC. No citizens were present to speak on the proposed changes.

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 _____

ORDINANCE NO. _____

CORRECTING ORDINANCE NO. 45-066

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. ZON2001-00052

Request for zone change from "LC" Limited Commercial to "GC" General Commercial property described as:

Lots 2, 3 and 4, Block A and Lots 5, 6 and 7, Block B, Ridge Plaza 8th Addition, Wichita, Kansas, Sedgwick County, Kansas. Generally located at Taft and Emerson, just east of Holland Lane.

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.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

STAFF REPORT
MAPC September 6, 2001
DAB V September 10, 2001

CASE NUMBER: ZON2001-00052 & CUP2001-00033 DP-37 Ridge Plaza C.U.P. Amendment #4

APPLICANT/AGENT: Colby B. Sandlian & William P. Higgins, Benchmark Holdings, LLC, c/o Phil Bundy, and Daniel M. Carney (owners); Baughman Company, P.A. c/o Philip. J Meyer (agent)

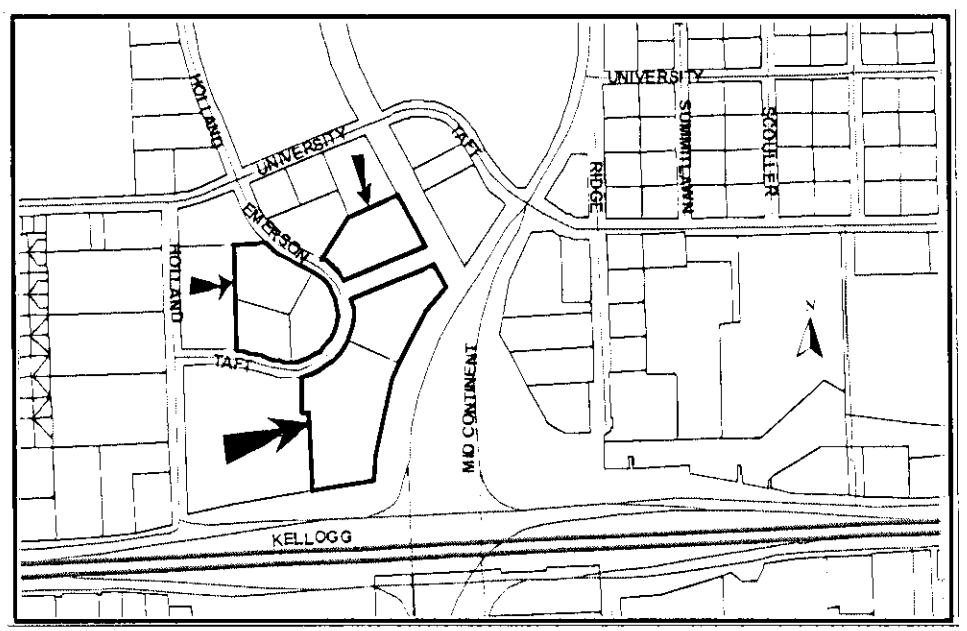
REQUEST: Zone change to "GC" General Commercial and amendment to DP-37 Ridge Plaza C.U.P. to allow more intensive uses on Parcels 11-13 and 18-20

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 12.85 acres

LOCATION: Taft and Emerson, just east of Holland Lane

PROPOSED USE: Commercial and office warehouse types of uses



BACKGROUND: The applicant is proposing to amend DP-37 Ridge Plaza Community Unit Plan and rezone Parcel 11, 12, 13, 18, 19 and 20 from "LC" Limited Commercial to "GC" General Commercial. The amendment would permit a wider range of commercial and warehouse type of uses.

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The property is located northwest of the interchange of Ridge Road and Kellogg. The closest land uses are Typed Letters Corporation, Pitney Bowes, Sunrise Gymnastics, American Family Insurance and two vacant parcels to the north. Lowe's is located beyond University/Taft on the north. Another large vacant tract north of University, DP-245 Ashley Towne Centre, was approved for a shopping center but is not final because it has not been platted.

Ridge Road/Mid-Continent Drive is the eastern boundary of the proposed site. The Palace and several restaurants are located on the east side of Ridge (Carlos O'Kelley's, International House of Pancakes, Golden Corral). A hotel (Quality Inn), restaurants (Amarillo Grill, The Fortune Cookie) and an office park with many small tenant spaces are located to the 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.

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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.

A vacation of a 90-foot drainage easement (VAC2001-00040) is being heard at the same MAPC meeting as this request.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial	Business services, office, vacant, Lowe's
EAST:	"LC"Limited Commercial	Ridge Road, The Palace, restaurants
SOUTH:	"LI" Limited Industrial	Kellogg
WEST:	"LC"Limited Industrial	Hotel, restaurants, office park

PUBLIC SERVICES: Transportation access is via Ridge Road and Kellogg, but none of the parcels have direct access. Emerson and Taft, local non-residential streets, feed into University/Taft on the north. There is a signalized intersection for Taft and Ridge Road. Emerson and Taft also feed westward to Holland or Woodchuck, which connects to Kellogg Drive and will have westbound access onto Kellogg at the Tyler interchange.

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 "commercial" use. The development of these parcels for the new uses requested would conform to the III.B.6 Land Use-Commercial/Office Strategy 5 of "Confine highway-oriented uses, outdoor sales and non-retail commercial uses to highway corridors and established urban areas containing similar concentrations of uses (e.g. portions of Kellogg, Broadway, the CBD fringe."

RECOMMENDATION: Current zoning of the parcel, "LC" Limited Commercial, 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 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, 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 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 for site development:

1. Parcels 11, 12, 13, 18, 19, and 20 shall conform to the standards in "OW" Office Warehouse, Sec. III-15(e)(2) Outdoor Storage.

2. Parcels 11, 12, 13, 18, 19, and 20 shall conform to signage restrictions of the "OW" Office Warehouse 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. A landscaped street yard shall be provided for Parcels 11 and 12 where the property line abuts the Ridge Road or Kellogg rights-of-way. This landscaped street yard shall consist of a ten-foot planting strip of trees of shade trees and conifers planted at a rate of one shade tree every 40 feet.

4. Buildings and outdoor areas on lots abutting the frontage of Kellogg and Ridge Road shall be planned and designed to present a positive visual image to motorists along those streets. Portions of buildings that are visible from these roads shall be earth-tone or other muted colors, with primary colors used only for incidental trim. 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.

5. 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.

6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

7. 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.

8. 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 to the north, east and west, and "LI" Limited Industrial 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 "LC" uses because of the indirect access to 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 and business services) would be expected to have fewer people patronizing the establishments than retail commercial.

4. Length of time the property has remained vacant as zoned: The property has been vacant for over 30 years since its original approval as a C.U.P. It has been platted since 1984. 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 requested change is in conformance with the "commercial" designation on *Comprehensive Plan*.

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