

Agenda Item # _____

City of Wichita
City Council Meeting
August 22, 2000

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2000-00017 - REQUEST ZONE CHANGE FROM
"NR" NEIGHBORHOOD RETAIL TO "LC" LIMITED
COMMERCIAL FOR PARCEL 2;

ZON2000-00018 - REQUEST ZONE CHANGE FROM
"NR" NEIGHBORHOOD RETAIL TO "LC" LIMITED
COMMERCIAL;

CUP2000-00014 - AMEND DP-242, RIDGE CENTER CUP
TO ALLOW "LC" LIMITED COMMERCIAL USES
AND SIGNAGE ON PARCELS 2 AND 8, LOCATED ON
THE SOUTHWEST CORNER OF 37TH STREET
NORTH AND RIDGE ROAD; (District #V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve zone change to "LC" Limited Commercial, and
approve the CUP, subject to conditions (10-0).

Staff Recommendation: Deny zone change to "LC" Limited Commercial, but
approve the use of animal care, limited for Parcel 2.

Approve the zone change to "LC" Limited Commercial for
Parcel 8 but restrict the "LC" uses to those permitted in
"NR" zoning.

Approve the Community Unit Plan, subject to conditions.

DAB V Recommendation: Approve zone change to "LC" Limited Commercial, and
approve the CUP, subject to conditions (8-2).

Background: This case was considered by the Wichita City Council on July 11, 2000. The Council voted (7-0) to refer it to District Advisory Board V for consideration prior to City Council action.

The applicant is requesting an amendment to DP-242 Ridge Centre Community Unit Plan located at the southwest corner of Ridge Road and 37th Street North and zone changes for Parcel 2, a 0.9 acre tract, and Parcel 8, a 1.2 acre tract, to "LC" Limited Commercial. According to the applicant, there is a proposed veterinary clinic for Parcel 2 and a strip center for Parcel 8.

Ridge Centre C.U.P. was approved May 26, 1999. The applicant had requested "LC" zoning for all nine parcels of the C.U.P. However, MAPC recommended and the Board of County Commissioners approved "NR" Neighborhood Retail, restricted to "GO" General Office use, for four of the nine parcels, including the two parcels submitted for rezoning in this request. The parcels approved for "LC" were situated closest to the intersection of Ridge and 37th Street North. The "NR" parcels were restricted to "GO" uses, and served as a buffer for the Big Slough, the lake, and the projected residential uses to the west from the more intense commercial uses being allowed at the intersection. DP-245 Catamaran Cove C.U.P. is the C.U.P. immediately to the west. It includes the Big Slough and the lake, and is approved for multi-family development.

The applicant has requested all uses permitted in the "LC" district for Parcels 2 and 8 except the following exclusions: residential uses, public uses except daycare, pawnshops, secondhand stores, taverns night clubs, drinking establishments or adult entertainment.

The applicant has proposed no changes to signage, setbacks, access control, landscaping, or architectural standards.

Ridge Centre is in a rapidly changing corridor. One recently approved development is DP-237 Ridgeport North C.U.P. to the east, which is under development with a medical office and is approved for a new medical facility for Via Christi. DP-250 Starwest C.U.P. was approved for the northwest corner of 37th and Ridge. Pending applications include DP-253 Kaylor C.U.P. just north of Starwest, and DP-252 Paragon C.U.P. just south of K-96. Additionally, single-family and multi-family housing is being developed closer to 29th Street North, and Catamaran Cove was approved for multi-family use immediately west of Ridge Centre.

With the volume of potential development along Ridge, floodplain issues have become a major concern. This is an area impacted by the floodway of the Big Slough. Currently, a master basin study is being prepared for the area along the Big Slough from 21st Street North to 45th Street North.

At the MAPC meeting held June 15, 2000, MAPC voted (6-4) to approve the requests. Several commissioners expressed opposition to rezoning the parcels to "LC" because it reversed the CUP conditions established one year before, and it reduced the buffering by office and neighborhood retail uses between residential uses and the intensive commercial uses allowed at the intersection. One citizen said she felt drainage and

flooding issues along the Big Slough should be resolved prior to development. Another citizen expressed opposition to rezoning Parcel 8 to "LC."

At the District Advisory Board V hearing on August 7, 2000, the DAB voted (8-2) to approve the zone change to "LC" for Parcels 2 and 8 and the amendment subject to conditions recommended by MAPC.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone changes and C.U.P. Amendment #1, subject to the recommended conditions; place the ordinances establishing the zone changes on first reading; 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.)

Doma

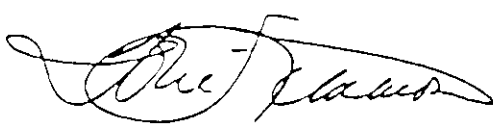
AFFIDAVIT

STATE OF KANSAS
- SS.
County of Sedgwick

Toni Simmons, of lawful age, being first duly sworn, deposeth and saith: That she is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for 1 consecutive issues - weeks, that the first publication of said notice was made as aforesaid on the 16th day,

September A.D. 20 00, with subsequent publications being made on the following dates:

And affiant further says that _____ she has personal knowledge of the statements above set forth and that they are true.



Subscribed and sworn to before me this

18th day of September, 2000

Norma J. Hoch
Notary Public Sedgwick County, Kansas

My commission expires

August 12, 2002

Printer's Fee 834.00

NORMA J. HOCH
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 8-12-02

LEGAL PUBLICATION

CW

Published in The Wichita Eagle
September 16, 2000 (41209779)

ORDINANCE NO. 44-111

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS 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, AS AMENDED, BY 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 The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Sec 28.04.010, as amended, the zoning classification of the lands legally described hereby are changed as follows:

Case No. ZON2000-00017 & ZON2000-00018

Request for zone change from "NR" Neighborhood Retail to "LC" Limited Commercial for Parcel 2 and Parcel 8 on Lot 2, Hoskinson 2nd Addition, Wichita, Sedgwick County, Kansas:

and

Lot 8, Hoskinson 2nd Addition, Wichita, Sedgwick County Kansas, Generally located on the southwest corner of 37th Street North and Ridge 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, September 12, 2000

ATTEST:

Pat Burnett, City Clerk

Bob Knight, Mayor

RECEIVED

SEP 19 2000

METROPOLITAN PLANNING
ROUTE ☐ ☒

8A
8B
8C

STAFF REPORT

MAPC June 15, 2000

CASE NUMBER: CUP2000-00014, ZON2000-00017 & ZON2000-00018

APPLICANT/AGENT: Box Development, LLC, c/o Walter Morris (owner); Austin-Miller, P.A. c/o Tim Austin (agent); Don Arnold (agent)

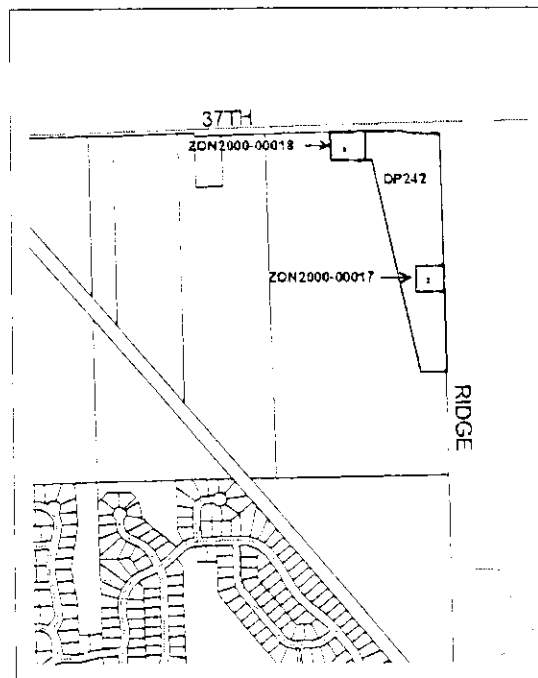
REQUEST: Amendment of Ridge Centre Community Unit Plan and Zone Change to "LC" Limited Commercial for Parcel 2 and Parcel 8

CURRENT ZONING: "NR" Neighborhood Retail

SITE SIZE: 16.3 acres

LOCATION: Southwest corner of 37th Street North and Ridge Road

PROPOSED USE: Commercial development



BACKGROUND: The applicant is requesting an amendment to DP-242 Ridge Centre Community Unit Plan located at the southwest corner of Ridge Road and 37th Street North and zone changes for Parcel 2, a 0.9 acre tract, and Parcel 8, a 1.2 acre tract, to "LC" Limited Commercial. According to the applicant, there is a proposed veterinary clinic for Parcel 2 and a strip center for Parcel 8.

Ridge Centre C.U.P. was approved May 26, 1999. The applicant had requested "LC" zoning for all nine parcels of the C.U.P. However, MAPC recommended and the Board of County Commissioners approved "NR" Neighborhood Retail, restricted to "GO" General Office use, for four of the nine parcels, including the two parcels submitted for rezoning in this request. The parcels approved for "LC" were situated closest to the intersection of Ridge and 37th Street North. The "NR" parcels were restricted to "GO" uses, and served as a buffer for the Big Slough, the lake, and the projected residential uses to the west from the more intense commercial uses being allowed at the intersection. DP-245 Catamaran Cove C.U.P. is the C.U.P. immediately to the west. It includes the Big Slough and the lake, and is approved for multi-family development.

The applicant has requested all uses permitted in the "LC" district for Parcels 2 and 8 except the following exclusions: residential uses, public uses except daycare, pawnshops, secondhand stores, taverns night clubs, drinking establishments or adult entertainment.

The applicant has proposed no changes to signage, setbacks, access control, landscaping, or architectural standards.

Ridge Centre is in a rapidly changing corridor. One recently approved development is DP-237 Ridgeport North C.U.P. to the east, which is under development with a medical office and is approved for a new medical facility for Via Christi. DP-250 Starwest C.U.P. was approved for the northwest corner of 37th and Ridge. Pending applications include DP-253 Kaylor C.U.P. just north of Starwest, and DP-252 Paragon C.U.P. just south of K-96. Additionally, single-family and multi-family housing is being developed closer to 29th Street North, and Catamaran Cove was approved for multi-family use immediately west of Ridge Centre.

With the volume of potential development along Ridge, floodplain issues have become a major concern. This is an area impacted by the floodway of the Big Slough. Currently, a master basin study is being prepared for the area along the Big Slough from 21st Street North to 45th Street North.

CASE HISTORY: DP-242 was platted as Hoskinson's Second Addition on April 11, 2000.

ADJACENT ZONING AND LAND USE ZON2000-00017 (PARCEL 2):

NORTH:	"LC"	Vacant
SOUTH:	"NR"	Vacant
EAST:	"GO"	Medical office, vacant
WEST:	"NR", "SF-20"	Ridge Centre Lake, vacant, private lake, residence

ADJACENT ZONING AND LAND USE ZON2000-00018 (PARCEL 8):

NORTH:	"LC"	Vacant
SOUTH:	"SF-20"	Ridge Centre Lake, vacant
EAST:	"LC"	Vacant,
WEST:	"SF-20"	Big Slough, private lake, residence

PUBLIC SERVICES: The property is located along two major arterial streets, 37th Street North and Ridge Road. Ridge was recently reconstructed to four-lane standards. 37th Street is still an unpaved county road. Traffic volumes along Ridge Road in 1997 were 7,717 ADTs (average daily traffic). This was projected to increase to 15,275 ADTs in the 2020 Transportation Plan, but this projection did not anticipate the volume of development occurring in the vicinity due to the combined effects of the development of the Via Christi site and the other commercial and residential development approved for the Ridge Road corridor. Traffic improvements were determined during the approval of the C.U.P.

Water and sewer services are not currently available, but the applicant has guaranteed these extensions as part of the platting process.

CONFORMANCE TO PLANS/POLICIES:

South of 37th Street North along Ridge Road, the "Wichita Land Use Guide" of the Comprehensive Plan shows commercial use at the intersection of Ridge and 37th, with a buffer of office development that is surrounded by residential use. North of 37th, commercial development is also shown along both sides of Ridge to 45th Street North.

"Office Locational Guidelines" include the following: (1) location adjacent to arterial streets, (2) local, service-oriented offices should be incorporated within or adjacent to neighborhood and community-scale commercial development, and (3) low-density office can serve as transitional land use between residential uses and higher intensity uses (such as commercial).

"Commercial Locational Guidelines" include the following directives for neighborhood and community scale commercial uses: (1) location adjacent to arterial streets that provide needed ingress and egress to avoid traffic congestion, (2) have required site design features that limit noise, lighting, and other aspects of commercial activity that may adversely impact surrounding residential land uses, and (3) locate commercial

uses in compact clusters or nodes versus extended strip developments.

RECOMMENDATION: Currently the two parcels requested for "LC" zoning are zoned "NR" Neighborhood Retail, limited to "GO" General Office uses, to serve as a buffer for the more intense commercial uses at the intersection of 37th and Ridge. This is the same pattern approved for the southeast corner of 37th and Ridge, DP-237, the proposed Via Christi site. The majority of the frontage on DP-237 is zoned "GO," and the parcels in the mid-mile section are zoned "NR." Only those parcels at the corner of 37th and Ridge are zoned "LC."

It is our understanding that the intended user for Parcel 2 is a veterinary clinic, which is allowed as a "Conditional Use" in "GO" so long as it is for small animals and has no outdoor runs. Approval of a "Conditional Use" for animal care, limited, can be accomplished by C.U.P. amendment. In this case, it would merely require provision of a site plan that meets site design standards and the conditions of Sec.III-D.6.c of the Unified Zoning Code.

The proposed use of Parcel 8 is a small strip center. This type of use is permitted in "NR" Neighborhood Retail so long as no single user is over 8,000 square feet in size and restaurants are limited to 2,000 square feet in size. Other than the 2,000 square feet limit for a restaurant, "NR" would permit the type of development proposed. As part of the C.U.P. amendment, this 2,000 square-foot limitation for a restaurant could be adjusted.

Staff feels that the requested uses of the parcels are appropriate so long as the scale of the developments maintain the desired buffer effect between the commercial activities of greater intensity allowed nearer the intersection and the residential uses to the west. This can be accomplished by approving the requested animal care, limited, as a permitted use and restricting Parcel 8 to small-scale types of uses. Based on these issues and information available to Staff prior to the public hearing, Staff recommends the request be APPROVED as follows:

- A. DENY THE ZONE CHANGE (ZON2000-00017) TO "LC" LIMITED COMMERCIAL BUT APPROVE the use of animal care, limited for Parcel 2.
- B. APPROVE THE ZONE CHANGE (ZON2000-00018) TO "LC" LIMITED COMMERCIAL for Parcel 8 but restrict the "LC" uses to only those uses permitted in "NR" zoning district except that restaurants greater than 2,000 square feet in gross floor area but not exceeding 8,000 square feet in gross floor area shall be permitted so long as they do not provide drive-up window service or in-vehicle service.
- C. APPROVE the amendment to the Community Unit Plan (DP-242), subject to the following conditions:

1. Parcel No. 2:
Proposed Uses: Same as Parcel 1.

Animal care, limited, shall be permitted subject to the provisions of Article III, Sec. III-D.6.c.

2. Parcel No. 8:
All permitted uses in the "NR" Neighborhood Retail District except correctional placement residences, limited; correctional placement residences, general; group home, limited, general and commercial; recycling collection stations; asphalt or concrete, limited; manufacturing, limited; mining or quarrying; oil or gas drilling; rock crushing; solid waste incinerator; and all industrial uses.

Restaurants greater than 2,000 square feet in gross floor area but not exceeding 8,000 square feet in gross floor area shall be permitted so long as they do not provide drive-up window service or in-vehicle service.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is currently vacant but approved for commercial uses on the southeast and southwest, and northwest corner of 37th and Ridge Road.

For Parcel 2, the property across Ridge Road is zoned "GO" and being developed with medical offices. To the south of Parcel 2, the property is zoned "NR" restricted to "GO" uses. To the west, it is approved for "B" Multi-Family, subject to platting.

For Parcel 8, the property to the north is zoned "LC," but the property to the west and south is zoned "B" Multi-Family. It is anticipated that the property along 37th to the west of the multi-family area and the two lakes will be developed in low-density residential use.

2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed with "GO" General Office uses as approved for Parcel 2 and Parcel 8.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: As recommended, the small scale commercial uses allowed by "NR" on Parcel 8 would buffer the more intense "LC" commercial development at the corner of 37th and Ridge to the north and east from the residential uses to the west. Allowing all "LC" uses, as requested by the applicant, would eliminate

this buffer effect. Allowing animal care, limited, on Parcel 2 should not have any detrimental effects on nearby property so long as it complies with the conditions in Article III, Sec. III-D.6.c.

4. The length of time the subject property has remained vacant as zoned: The property has only been vacant two months since the zoning was final upon platting of the property.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The recommended "Conditional Use" for Parcel 2 conforms with the office designation of the Wichita Land Use Guide. The use of small-scale commercial activities with less than 8,000 square feet in size adheres to the commercial locational guideline of using site design features to minimize the impact of commercial activities on surrounding residential uses.
6. Impact of the proposed development on community facilities: As recommended, the proposed changes should have minimal impact on community facilities.