

The property within the commercial community unit plan proposal is divided into 5 parcels, including a parcel for the existing KG&E substation. A total of nine (9) buildings is the maximum number of buildings proposed on the four other parcels. The proposed uses on the four parcels are light commercial with all residential uses prohibited.

The MAPC recommended that a long break in the Pawnee medial west of Parcel 3 be permitted and that this site be allowed up to four driveways on Pawnee. A plan for the reconstruction of the Pawnee medial has been approved by the City Engineer and the Director of Planning. The MAPC did not require left turn storage into the site for northbound Oliver traffic as had been recommended by the City Engineer. The MAPC also did not require a wall to be constructed separating this commercial development from the residential zoning to the west until such time as that residential land develops. Staff had recommended that the wall be constructed at the time of commercial development in order to provide visual protection for those single-family houses north of Pawnee. Agreement was reached as to the acceptable uses on the various parcels and these uses are stated in the CUP parcel descriptions.

The Planning Commission determined that the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff justified the approval of the zone change and the development plan.

- Actions:
1. Concur with the findings of the MAPC and approve the zone change and C.U.P. subject to 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 applications to the MAPC for reconsideration stating reasons.

Attachments: Area Map
4/30/87 MAPC Minutes
CPO Memorandum of April 13th Meeting

City of Wichita
City Commission Meeting
July 7, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Spencer Gardens Zone Change (Z-2842) and C.U.P. (DP-169)

INITIATED BY: Metropolitan Area Planning Department

Mrout

AGENDA ACTION: City Manager

The City Council on May 26, 1987 considered requests for a zone change to "LC" and approval of a commercial C.U.P. on a 9.62 acre tract at the southwest corner of Pawnee and Oliver. The Council voted on that date to defer the cases for one week, and directed that attention be given to several issues:

1. construction of a left turn lane on Oliver to the major entrance.
2. construction of a deceleration-right turn lane from eastbound Pawnee to southbound Oliver.
3. reconstruction of the medial in Pawnee west of Oliver.
4. timing of the construction of the wall along the west property line.

On the following week, the Council voted at the applicant's request to defer the cases for an indefinite period, to give him additional time to study the issues and contract with a traffic consultant. The applicant contacted staff this week to urge that the cases be rescheduled for your July 7 agenda, even though his traffic studies are not completed, because his prospective tenants need to make immediate business decisions. We have met with the applicant and succeeded in narrowing the issues for Tuesday's meeting. Courtesy notices were also sent this week to nearby homeowners who attended the MAPC hearing and expressed interest in these cases.

In regard to the four issues:

1. The applicant has agreed to amending the MAPC recommendation on the C.U.P. to accept responsibility for partial (50%) funding of a left turn lane in Oliver south of Pawnee into his proposed major entrance on that street. Staff concurs that the construction of this left turn lane will provide a broader benefit than to just the applicant, by providing protected left turns for vehicles traveling southbound on Oliver and turning left (east) into Cessna Street and properties fronting Oliver on the east side, justifying that the city share in the cost of this improvement. The City Engineer has estimated the total cost of the left turn lane at \$28,000. The proposed wording to be added to the C.U.P. would read:

"At the time of replatting, the applicant shall guarantee one-half the cost of construction of a left turn lane in Oliver, to be installed with his first phase of development to serve his major entrance off that street. Final design to be determined at the time of platting."

2. The applicant has also agreed to a new condition that would provide for the eventual construction of a free right turn at the southwest corner, at his expense. Staff is in agreement that the development contemplated on Parcels 1, 2 and 3 does not generate the need for the free right turn, and even some level of development on Parcel 5 can be accommodated before a right turn lane is needed. However, the applicant should fund that improvement after a certain threshold of traffic is generated on Parcel 5. Also, in the event that the city is prepared to construct left turn lanes on Oliver at the intersection with Pawnee (this project is not in the current or proposed CIP) before that threshold of development on Parcel 5 is reached, it makes sense to build the right turn lane with the left turn improvement. The applicant has agreed to the following proposed wording:

"At the time of replatting, the applicant shall guarantee the construction of a decel lane - free right turn from eastbound Pawnee to southbound Oliver, to be installed at the time that the city is prepared to install left turn lanes on Oliver at the intersection with Pawnee, or at the time that he is prepared to develop Parcel 5 with land uses and floor area that would exceed 3000 average daily trip ends on that parcel, based on standard ITE trip generation rates."

The present-day cost of this improvement is estimated at \$33,000.

3. The applicant is not in agreement with staff's preferred designs for reconstructing the medial on Pawnee. The staff proposals would maintain separation of left turn movements by retaining the raised curb, but relocating the S-curve to retain adequate storage for eastbound vehicles on Pawnee turning left (north) onto Oliver. A "compromise" proposal developed by staff would locate the left turn into the development as close as possible to Oliver, while still providing minimum storage for left turns at Oliver. This proposal also discourages any additional traffic being attracted onto Dellrose, the residential street north of Pawnee. Estimated cost of this alteration is \$7,000. Proposed wording for this staff plan is:

"At the time of replatting, the applicant shall guarantee the cost of reconstruction of the medial in Pawnee, to be installed with the first phase of development, providing for a minimum of 180 feet of storage in the eastbound left turn lane of Pawnee, and a raised medial providing protected left turn storage from westbound Pawnee into an entrance and left turns from the site into westbound Pawnee. The centerline of this entrance shall be approximately 45 feet east of the centerline of Dellrose."

The applicant maintains that he cannot market this property for retail use without left turn access closer to Oliver, and requests that Council approve a solution similar to the one at the Harry-Rock intersection, with a raised medial extending 175 feet from the centerline of Oliver (about 135 feet of storage) and a two-way left turn lane for left turns beyond that point, and with complete access control up to a major entrance on Pawnee that is 150 feet west of his east property line. This is similar to the MAPC's recommendation, except that MAPC had recommended one access point in that 150 feet, which the applicant had requested at the time,

and the raised medial had extended an additional 40 feet at the recommendation of the City Engineer. The applicant also does not feel it is necessary to construct a raised island in Pawnee to prevent traffic from using Dellrose.

Staff now agrees that if the Council approves the two-way left turn lane solution, the length of the raised medial should be reduced to provide for more left-turn storage into the subject property. However, a solution that separates competing left turn movements at intersections is still considered more desirable, and cases like Harry and Rock were designed to maintain access to businesses that were on the street before the improvement was planned.

4. The applicant requests to retain the MAPC recommendation on the construction of the wall along the west property line. Staff had suggested that the wall be constructed when commercial development occurs whether or not the adjoining tract to the west is developed for residential use or not. This is in accordance with the standard requirement in the zoning ordinance on screening; and was thought to be desirable to protect the view of residents across Pawnee and people traveling down Pawnee from unsightly service areas, to contain litter, etc. The MAPC, however, agreed with the applicant that there was no need to provide screening until the time "when residential development occurs to the west."

- Actions:
1. Concur with the findings of the MAPC as amended, to provide for partial funding of a left turn lane in Oliver and for the right turn lane, and approve the zone change and C.U.P. subject to 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. Take appropriate action and modify conditions of approval.
 3. Return the applications to the MAPC for reconsideration stating reasons.

Please feel free to call me before the meeting if you have any further questions about this case.

MSK:rme

City of Wichita
City Council Meeting
May 26, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DP-169 - REQUEST FOR APPROVAL OF SPENCER GARDENS
COMMERCIAL COMMUNITY UNIT PLAN; AND

Z-2842 - REQUEST FOR ZONE CHANGE FROM "R-6" GENERAL
RESIDENCE DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT,
LOCATED AT THE SOUTHWEST CORNER OF OLIVER AND PAWNEE.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (6-0)

Staff Recommendation: Approve

Background: On April 30, 1987, the MAPC held a public hearing to consider a request for approval of a commercial C.U.P. and a zone change from "R-6" to "LC". The subject property, containing 9.62 acres, is located at the southwest corner of Oliver and Pawnee. All of this commercial C.U.P., except for a portion on the northeast corner of the site, is within the 30-acre residential C.U.P. (DP-93 - Spencer Gardens) which extends on to the west. The residential C.U.P. will need to be administratively adjusted to accommodate the new boundaries should the commercial C.U.P. be approved. An associated zone change request has been filed for the "LC" Light Commercial District from the "R-6" General Residence District to accommodate the proposed retail uses. No one spoke in opposition to the commercial development although several area residents were concerned about the proposed changes in the Pawnee medial. The MAPC unanimously recommended approval subject to platting and other conditions (see minutes).

CPO Council "F"voted 6-0 on April 13 to recommend disapproval of the request subject to an additional traffic study. CPO reconsidered this request on May 21, 1987 since changes were made in the medial plan for Pawnee. Their action will be presented at the City Council meeting.

Analysis: Properties to the north of Parcel 1 are developed with single family houses, and there are also single-family houses northwest of this property. The three other corners of the intersection of Oliver and Pawnee have light commercial uses -- a furniture store and two service stations. Across Oliver to the east of this proposed commercial C.U.P. is a restaurant, a bowling alley, a club and a car sales business. South of the drainage dedication that is directly south of the site is commercial development. The residential C.U.P., located to the west, contains approximately 21 acres and is undeveloped.

(845) Published in The Daily Reporter on June 21, 1988

ORDINANCE NO. 40-330

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF 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 Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

CASE NO. Z-2842

Zone Change from the "R-6" General Residence District
to the "LC" Light Commercial District

All of Lots 1, 4 and 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas and Lot 2, except the north 180 feet thereof and Lot 3, except the north 155 feet thereof, all in Block 1 of said addition.

Generally located near the southwest corner of Pawnee and
Oliver.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning changes shall be entered and shown on the the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Zoning Ordinance 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, _____

ATTEST:

Mayor

City Clerk

(SEAL)

Approved as to form City Attorney