

Planning Agenda Item # _____

City of Wichita
City Council Meeting
January 9, 1996

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3187 - EXECUTIVES, INC C/O GRANT DAVIS (PROPERTY OWNER),
CIRCUIT CITY C/O CHRIS MOORE (CONTRACT PURCHASER)/BAUGHMAN CO., C/O
PHIL MEYER (AGENT), REQUESTS ZONE CHANGE FROM 'BB' OFFICE DISTRICT TO 'LC'
LIGHT COMMERCIAL, LOCATED NORTHEAST OF EASTERN AVENUE AND ORME
STREET.
(DISTRICT #2)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

MAPC Recommendation: Approve (12-1), subject to replatting within one year, and filing of the voluntary restrictive covenant.

Staff Recommendation: Approve, subject to replatting within one year, and filing of the voluntary restrictive covenant.

CPO Recommendation: Approve (4-0), subject to replatting within one year, and filing of the voluntary restrictive covenant.

Background: The applicant requests a zone change from the 'BB' Office District to the 'LC' Light Commercial District for the south 80 feet of Lot 1, Executives, Inc. Addition, located northeast of Eastern Avenue and Orme Street. The site is currently undeveloped and located south of the Executive Inn motel and the Italian Garden restaurant. The applicant proposes to remove the existing businesses and redevelop the site with a structure for a 37,592 square foot Circuit City department store and 10,567 square feet of lease space, as well as a potential 0.5 acre pad site at the corner of the Kellogg access road and Eastern Avenue.

In addition to the existing motel and restaurant to the north, the subject property is bordered by an undeveloped tract of land to the east that is zoned 'BB', a multiple family complex to the south, and single family homes to the west. Currently, there are no platted access controls to either Eastern or Orme Streets. Also, the existing businesses were developed prior to the adoption of the Landscaping Ordinance in 1991; therefore, no street yard landscaping and no parking lot screening or landscaping

was required where across the street from residential zoning. The proposed development would be subject to the Landscape Ordinance for streetyard landscaping and parking lot screening along Eastern and Orme Streets. However, no screening wall would be required by the Zoning or Landscape Ordinances along Eastern or Orme in order to screen the rear or loading dock area of the proposed building.

Since 'LC' zoning has the potential to introduce additional noise, lighting, traffic, late night hours of operation, ect. as compared to uses that would otherwise develop in 'BB' Office District zoning, the applicant has agreed to file a restrictive covenant with the following conditions:

1. Six (6) to eight (8) foot solid masonry wall along the south property line (Orme Street) and extending north along the west property line (Eastern Ave.) approximately 100 feet to a point parallel with Orme Street on the west side of Eastern.
2. Maintain a minimum of a 15 foot landscape buffer along the south property line and a 15 foot landscape buffer along the west property line where across the street from residential zoning. The landscape areas across from residential zoning shall comply with the minimum street yard landscape requirements of the Landscape Ordinance. However, such landscaping shall include shade trees that will create a minimum 12 foot high solid canopy after three years.
3. No illuminated building signs shall be permitted along the south or west sides of any structure where facing residential zoning.
4. Parking lot lighting shall be shielded and directed away from residential properties. The maximum height of any parking lot light fixtures in the south 280 feet of the property shall be 20 feet.
5. No monument or pole signs shall be permitted along Orme Street. No monument or pole signs shall be permitted along Eastern Avenue south of the drainage easement, except for one (1) monument sign. The monument sign shall be no larger than 40 square feet in size and shall be no taller than 10 feet in height.
6. Complete access control shall be maintained to Orme Street. Complete access control shall be maintained to Eastern for the southern 100 feet of the property.
7. No service vehicles or commercial truck deliveries/activities shall be permitted in the southern 100 feet of the property during the hours of 10:00 PM and 6:00 AM.

A preliminary site plan submitted by the applicant indicates that a 6 foot high solid masonry wall would be constructed and a 15 foot landscape buffer would be maintained along Orme. The plan also includes a 20 foot landscape buffer along Eastern, with the masonry wall to extend along Eastern approximately 100 feet north of Orme in order to screen the rear loading docks/service areas. Also, Circuit City proposes to locate a service access drive from Eastern at a location across from

Orme Street to the west. This access drive could also be used by the public for rear access to the Circuit City store if stereo installation/repair and other similar operations are incorporated into the store. Another customer vehicular access is planned to Eastern in a location approximately 280 feet from the south property line, generally where an access drive is located for the existing motel.

At the MAPC hearing on December 14, 1995, two letters from area property owners in opposition to the request were presented to the Commissioners (provided with your additional materials). Also, a representative of the apartment complex to the south expressed concern about increased traffic along Eastern, as well as concern about the views from the second floor apartments that overlook the subject property and which would face the back side of the proposed development. After the public hearing, the applicant volunteered to revise the covenant to require an eight foot solid masonry wall (rather than a 6-8 foot wall), with the landscape shade trees to be installed at a size that would create a minimum 12 foot high solid canopy after six years (rather than 3 years). The revised restrictions were requested by the MAPC, with the intent that the taller wall would provide better screening for the back side loading dock area of the proposed development.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of replatting and filing of restrictive covenant; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for consideration.

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

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
316/268-4421
FAX 316/268-4390

January 24, 1996

Circuit City
c/o Chris Moore
9950 Mayland Drive
Richmond, Virginia 23233

**RE: Z-3187 - Zone change from 'BB' Office District to 'LC' Light
Commercial, located northeast of Eastern Avenue and Orme Street.**

On January 23, 1996, the City Council considered the above-referenced request. The action of the Council was to approve the zone change, subject to platting within 1-year and subject to recording the restrictive covenant offered at the MAPC hearing. We understand that the covenant includes the following restrictions:

1. An eight (8) foot solid masonry wall shall be required along the south property line (Orme Street) and shall extend north along the west property line (Eastern Ave.) approximately 100 feet to a point parallel with Orme Street on the west side of Eastern.
2. Maintain a minimum of a 15 foot landscape buffer along the south property line and a 15 foot landscape buffer along the west property line where across the street from residential zoning. The landscape areas across from residential zoning shall comply with the minimum street yard landscape requirements of the Landscape Ordinance. However, such landscaping shall include shade trees that will create a minimum 12 foot high solid canopy after six (6) years.
3. No illuminated building signs shall be permitted along the south or west sides of any structure where facing residential zoning.

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4. Parking lot lighting shall be shielded and directed away from residential properties. The maximum height of any parking lot light fixtures in the south 280 feet of the property shall be 20 feet.
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6. Complete access control shall be maintained to Orme Street. Complete access control shall be maintained to Eastern for the southern 100 feet of the property.
7. No service vehicles or commercial truck deliveries/activities shall be permitted in the southern 100 feet of the property during the hours of 10:00 PM and 6:00 AM.

The ordinance establishing the request will not be published until the plat has been recorded with the Register of Deeds. This will be our only letter advising you of your platting deadline. If you have not recorded the plat by January 23, 1997, the case file will be marked denied and closed. If you have any questions, please call the Planning Department at 268-4421.

Sincerely,



Kevin Kokes
Senior Planner

cc: Executives, Inc., c/o Grant Davis, 6215 E. Kellogg, Wichita, KS 67218
Baughman Co., Phil Meyer, 315 Ellis, Wichita, KS 67211
Mr. & Mrs. Webster, 541 Eastern, Wichita, KS 67207
Avis Nelson, 8339 E. Orme St., Wichita, KS 67207
Seldin Development & Management Co., 13057 W. Center Rd., Omaha, NE 68144
Office of Central Inspection