

City of Wichita
City Council Meeting
December 16, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: CUP2003-56 DP270 - (Associated with ZON2003-55) – Create DP-270 Ashley Park Towne Centre Commercial Community Unit Plan; Zone change to “LC” Limited Commercial. Generally located south of Maple, approximately 1/4 mile west of Ridge Road. (District V)

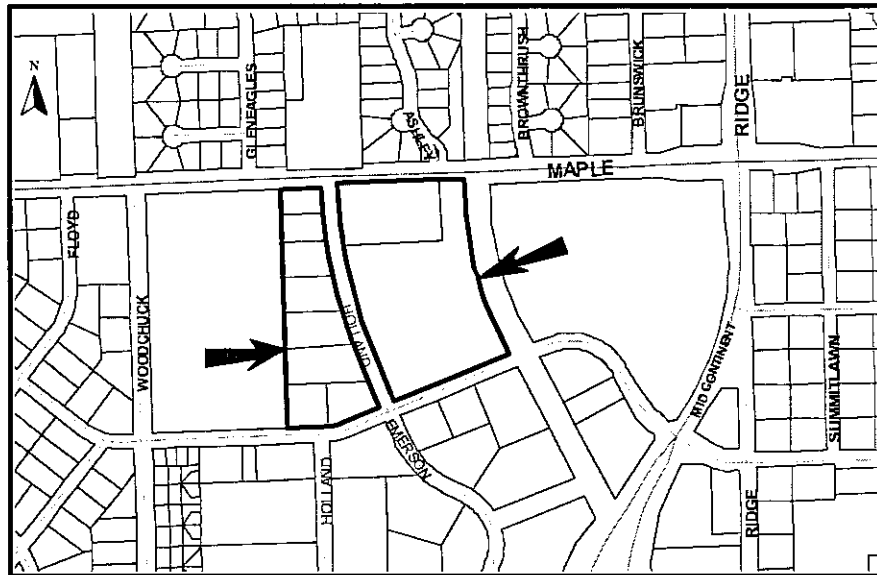
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (not consent)

MAPC Recommendation: Approve (10-1)

Staff Recommendation: Approve.

DAB Recommendation: Approve (5-1)



BACKGROUND: The applicant is requesting to create DP-270 Ashley Park Towne Centre Commercial Community Unit Plan, and to rezone the 18.6 acre tract to "LC" Limited Commercial. Currently it is zoned "SF-5" Single-family Residential, "B" Multi-family Residential, and "GO" General Office. The property is located between Maple and University Avenue approximately ¼ mile west of Ridge Road. The development would consist of four parcels for retail and commercial use. Parcel 1, the main parcel, would be 15+ acres. It abuts University Avenue and has a short amount of frontage onto Maple. The remaining frontage on Maple would consist of three one-acre parcels.

The C.U.P. would eliminate many of the "LC" Limited Commercial uses allowed in the "LC" district, including residential uses; daycare; pawnshops; second-hand stores; taverns; night clubs; drinking establishments; adult entertainment, tattooing and body piercing; correctional placement residences; group homes; 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 would be permitted, provided that drive-up window service or in-vehicle service would not be permitted. Vehicle repair, limited, would be permitted on Parcel 1 but be restricted to no overhead doors facing residential zoning, no outdoor storage of parts or vehicles, and no parking of vehicles for service for over 36 hours. Parcels 2-4 along Maple would further prohibit car washes, convenience stores with gas islands, and vehicle repair, limited.

Maximum building coverage and maximum gross floor area are proposed as 20 percent for Parcel 1, which is below the C.U.P. maximum building coverage limit of 30 percent and a lower level than typically requested. Maximum building coverage and maximum gross floor area are proposed for 30 percent for Parcels 2-4. Maximum building height is 35 feet, and building setbacks are 35 feet along the north, west, and south.

The C.U.P. includes provisions for landscaping per Landscape Ordinance of the City of Wichita, with the addition of defined buffer zones on the north (Maple), west (interior) and south (University) property lines. The C.U.P. requires pedestrian and vehicular connectivity. Lighting is limited to 25 feet in height for the northern portion of the property along Maple and 38 feet for the remainder of the tract. A screening wall is required along the property line bordering the elementary school, and the applicant has agreed to increase the height of this wall to 8 feet in height. The C.U.P. calls for architectural compatibility among the buildings. Screening of trash receptacles and mechanical equipment is to be with materials similar to the main buildings.

Signage would be per standard City of Wichita signage, but it is more restrained in height and size along Maple. One monument sign, limited to 15 feet in height and 100 square feet in size, is allowed for Parcels 2-4 each. One center identification monument sign, limited to 20 feet in height and 150 feet in size, is allowed for Parcel 1. One ground sign on University would be limited 35 feet in height and 150 feet in size. Wall signs for a corporate logo extending slightly above the roofline are requested on the north, east and south elevations.

The surrounding area is distinctly different in each direction. The area to the north is a single-family development, zoned "SF-5", Ashley Park. A nonconforming retail business also is located on the north side of Maple. The area to the west is zoned "SF-5" but is occupied by Mary Benton Elementary School. The area to the south of University Avenue is zoned "LC" and "GC" General Commercial. It is developed with large business service types of uses, and several tracts remain vacant. This business district separates the subject tract from Kellogg, which is perhaps the most intensively developed commercial corridor in the urban area. A drainage ditch adjoins the property on the east; and Lowe's is located between the drainage ditch and Ridge Road. The Lowe's tract is zoned "LC" and "GC".

A "Traffic Study" (Wichita West Target Traffic Study, November 2003, Professional Engineering Consultants, P.A.) analyzed trip generation by the Ashley Park Towne Centre site, trip distribution on

major and minor streets, existing and projected traffic, and traffic impacts and improvements needed. According to the Traffic Study, 50 percent of the traffic going to the site would be drive-by traffic, that is, traffic already on the facility. Addressing trip generation from the east and west, there would be an additional 172 and 205 trips east and west on Maple in the 5:00-6:00 p.m. weekday peak period. With the existing traffic hourly volume of 2,300 vehicles in the east/west direction on Maple at the Target site, this is an approximate nine percent increase in flow, which may not be discernable to motorists on Woodchuck. Improvements recommended for Maple based on this traffic study were traffic signalization on Maple at Ashley Park, lane configuration with a left-turn lane and right-turn accel/decel lane across the site. No improvements were recommended for the Maple and Ridge intersection or the University/Ridge intersection.

The Traffic Study recommended consideration of eliminating parking along University, which is a nonresidential street 41 feet in width. Without the parking, University is sufficiently wide to have three lanes, with one being used as a center left-turn lane. The proposed site plan eliminates the need for Holland Lane between Maple and University. This street right-of-way would need to be vacated as part of platting.

The safety of children walking to Mary Benton Elementary also has been considered. The Traffic Engineer recommended signage designating the pedestrian crosswalk, ensuring clear sight distances with no shrubbery/trees limiting the view of pedestrians, pedestrian signal phasing, and providing a center "refuge" in the entrance island. Other normal public services are available.

At the MAPC meeting held on November 20, 2003, a group of citizens were present to speak in opposition. Concerns expressed by citizens were: adding traffic to Ashley Park north of Maple, close proximity of a large retail business to the Ashley Park neighborhood and to an elementary school, concerns for children walking to school. Three letters of support were received and distributed at the MAPC hearing. Also, two letters of opposition were included. MAPC voted (10-1) to approve subject to staff recommendation with the additional condition added by the applicant to reduce building coverage to 135,000 (0.20 FAR) for Parcel 1. Recommendations are given below, with the addition of Condition #8, which was added by the applicant at the District V Advisory Board meeting.

At the District V Advisory Board meeting held on December 1, 2003, citizens were again present to speak in opposition, citing the same concerns of traffic, safety of children, and proximity of the retail uses to the neighborhood and elementary school. One citizen spoke in favor of the request. The applicant offered to increase the height of the screening wall between Mary Benton Elementary and the site to eight feet in height. The District V Advisory Board voted (5-1) to approve subject to MAPC recommendation with the additional condition.

Since the hearing, two additional letters in opposition have been received and are included in this packet. In addition, protests of 19.92 percent have been received. This is below the 20 percent threshold invoking a supermajority approval by the Wichita City Council.

MAPC recommendation with the addition of Condition #8 is that the request be APPROVED, subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2003-00055) to "LC" Limited Commercial;
- B. PPROVE the Community Unit Plan (DP-270), subject to the following conditions:
 - 1. Upon completion of platting, request an administrative adjustment to DP-37 to remove the area comprising DP-270 from DP-37 Ridge Plaza C.U.P.
 - 2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

3. 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.
4. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
5. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-270) includes special conditions for development on this property.
6. 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.
7. Change Parcel 1 as follows: "Maximum Building Coverage - 135,000 square feet; Maximum Gross Floor Area - 135,000 square feet; Floor Area Ratio - 0.20
8. Increase the height of the screening wall on the west property line to eight feet in height.

RECOMMENDED ACTION:

1. Concur with the findings of the MAPC and approve the zone change and creation of DP-270 C.U.P. subject to platting within one year and 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 application to the MAPC for reconsideration

(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.)

ORDINANCE NO. 45-995

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. ZON 2003-55

Request for zone change from "SF-5" Single-Family Residential District, "B" Multi-Family Residential and "GO" General Office, to "LC" Limited Commercial District on property described as:

Ashley Park Towne Center Addition

Generally located south on the south side of Maple, West of 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 this 10th day of February, 2004.

ATTEST:



Karen Schofield
Karen Schofield, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

Carlos Mayans
Carlos Mayans, Mayor