

Agenda Item # _____

City of Wichita
City Council Meeting
April 18, 2000

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: **ZON2000-00003 - ZONE CHANGE FROM "GO" GENERAL OFFICE TO "GC" GENERAL COMMERCIAL; AND**

CUP2000-00002 - DP-38 AMENDMENT #1 TO EXPAND THE BOUNDARIES OF THE CUP AND CREATE A NEW PARCEL ON 3.3 ACRES, LOCATED SOUTH OF KELLOGG AND WEST OF THE KANSAS TURNPIKE ENTRANCE (8900 BLOCK OF EAST ORME). (District #2)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions (7-1).

Staff Recommendation: Approve, subject to conditions.

Background: The applicant is requesting an amendment to the Lankin Heights CUP to expand the boundaries of the CUP and create a new parcel, Parcel 3, on 3.3 acres of vacant platted property located immediately south of the existing CUP. The new Parcel 3 is proposed for a zone change from "GO" General Office to "GC" General Commercial to permit all uses permitted in the "GC" General Commercial district except those requiring a conditional use or residential uses. The applicant has indicated that the likely use for the property will be to expand the existing vehicle sales business (Joe Self) located immediately north of the proposed Parcel 3.

The surrounding area is predominately developed commercial and office with some high-density residential development. North of the site is the vehicle sales business (Joe Self) on property zoned "GC" General Commercial. To the east is a vehicle repair and parts business (Pep Boys) on property zoned "LC" Limited Commercial and vacant property zoned "GO" General Office. South of the site is a medical office complex (formerly Charter Hospital) on property zoned "GO" General Office. To the west is a "big box"

retailer (Circuit City) on property zoned "LC" Limited Commercial and an apartment complex (Eastgate Apartments) on property zoned "B" Multi-Family.

To limit the impact of the proposal on surrounding properties, planning staff recommends conditions of approval regarding signage, landscaping, lighting, noise, and display area practices. The property is currently platted, and replatting is not recommended by planning staff.

The MAPC heard this case on March 30, 2000 and recommended that the requested amendment and associated zone change be approved, subject to the following conditions:

1. General Provision #3 shall be amended to provide 35 foot setbacks for Parcel 3 along Orme and Cypress.
2. General Provision #6 shall be amended to require an agreement providing for the maintenance of privately-owned internal drives, parking areas, drainage improvements, etc. if multiple ownership occurs on Parcel 3.
3. A general provision shall be added to provide cross lot circulation and internal access for Parcel 3.
4. General Provision #12 shall be amended to require landscaping, prior to the issuance of a building permit, on Parcel 3 in addition to the Landscape Ordinance requirements consisting of street trees along Orme and Cypress, and 150 feet wide by 10 feet deep landscape buffer of densely planted evergreens in the southwest corner of Parcel 3 to screen the site from view from the multi-family development across Orme. No access point shall be permitted through the landscape buffer.
5. General Provision #14 shall be amended to require building exteriors to be predominantly earth-tone colors with vivid colors limited to incidental accent.
6. For Parcel 3, all parking, storage, and display areas shall be paved with concrete, asphalt, or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-ways.
7. For Parcel 3, Only those signs permitted in the "LC" zoning district and the Lankin Heights CUP shall be permitted on this site. No temporary display signs are permitted on any parcel developed with auto sales, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons, except that fixed banners, affixed to light poles and not exceeding 50 square feet of material per light pole, will be permitted. However, in addition to the above, affixed banners or special promotional items shall be limited to twelve (12) events per year not to exceed ninety (90) days per year for all events.

8. For Parcel 3, outdoor speakers and sound amplification systems shall not be permitted.
9. For Parcel 3, there shall be no elevated platforms for the display of vehicles.
10. 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.
11. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
12. Prior to publishing the resolution or ordinance establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-38) includes special conditions for development on this property.
13. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 30 days after approval of this amendment by the Governing Body, or the request shall be considered denied and closed.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and CUP amendment, subject to the recommended conditions, place the ordinance establishing the zone change 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.)

() Published in The Daily Reporter on _____

ORDINANCE NO. _____

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-2000-00003

Request for zone change from "GO" General Office from to "GC" General Commercial on property described as:

Lot 1, East Turnpike 2nd Addition to Wichita, Sedgwick County, Kansas.
Generally located south of Kellogg and west of the Kansas Turnpike entrance
(8900 block of East Orme).

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.

STAFF REPORT
MAPC March 30, 2000

11B

CASE NUMBER: DP-38 (Lankin Heights CUP) Amendment #1 with ZON2000-00003

APPLICANT/AGENT: Seldin Development and Management Company (Owner/Applicant); Joe Self Jr. Real Estate LLC (Contract Purchaser); Austin Miller PA c/o Kim Edgington (Agent)

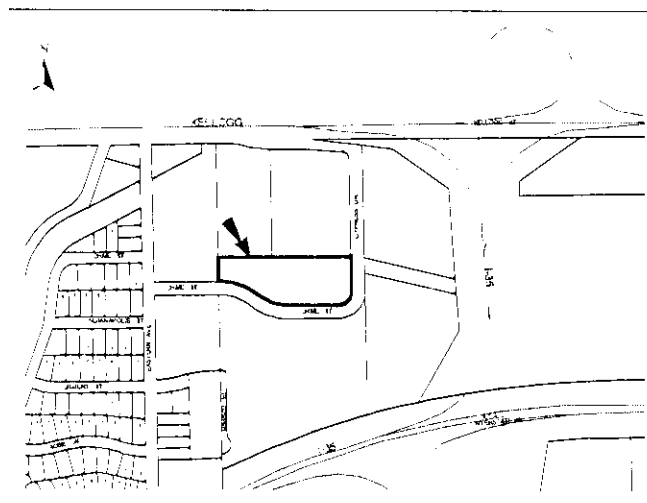
REQUEST: Amendment to expand the boundaries of the CUP and create a new parcel on 3.3 acres located immediately south of the existing CUP and to change the zoning on the new parcel to "GC" General Commercial

CURRENT ZONING: "GO" General Office

SITE SIZE: 3.3 acres

LOCATION: South of Kellogg and west of the Kansas Turnpike entrance (8900 block of East Orme)

PROPOSED USE: All uses permitted in the "GC" General Commercial district except those requiring a conditional use or residential uses



BACKGROUND: The applicant is requesting an amendment to the Lankin Heights CUP to expand the boundaries of the CUP and create a new parcel, Parcel 3, on 3.3 acres of vacant platted property located immediately south of the existing CUP. The new Parcel 3 is proposed for a zone change from "GO" General Office to "GC" General Commercial to permit all uses permitted in the "GC" General Commercial district except those requiring a conditional use or residential uses. The applicant has indicated that the likely use for the property will be to expand the existing vehicle sales business (Joe Self) located immediately north of the proposed Parcel 3.

The surrounding area is predominately developed commercial and office with some high-density residential development. North of the site is the vehicle sales business (Joe Self) on property zoned "GC" General Commercial. To the east is a vehicle repair and parts business (Pep Boys) on property zoned "LC" Limited Commercial and vacant property zoned "GO" General Office. South of the site is a medical office complex (formerly Charter Hospital) on property zoned "GO" General Office. To the west is a "big box" retailer (Circuit City) on property zoned "LC" Limited Commercial and an apartment complex (Eastgate Apartments) on property zoned "B" Multi-Family.

To limit the impact of the proposal on surrounding properties, planning staff recommends conditions of approval regarding signage, landscaping, lighting, noise, and display area practices. The property is currently platted, and replatting is not recommended by planning staff.

CASE HISTORY: This is platted as a part of the East Turnpike Entrance Second Addition, which was recorded January 20, 1975.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC"	Outdoor Vehicle and Equipment Sales
SOUTH:	"GO"	Medical Service
EAST:	"LC & GO"	Vehicle Repair, Limited; Retail, General; Vacant
WEST:	"LC & B"	Retail, General; Multi-Family

PUBLIC SERVICES: This site has access to Orme and Cypress, both two-lane local non-residential streets. Traffic volumes are not available for these streets. Municipal services are available to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Office" development. The Commercial Locational Guidelines recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. General Provision #3 shall be amended to provide 35 foot setbacks for Parcel 3 along Orme and Cypress.
2. General Provision #6 shall be amended to require an agreement providing for the maintenance of privately-owned internal drives, parking areas, drainage improvements, etc. if multiple ownership occurs on Parcel 3.
3. A general provision shall be added to provide cross lot circulation and internal access for Parcel 3.
4. General Provision #12 shall be amended to require landscaping on Parcel 3 in addition to the Landscape Ordinance requirements consisting of street trees along Orme and Cypress, and 150 feet wide by 20 feet deep landscape buffer of densely planted evergreens in the southwest corner of Parcel 3 to screen the site from view from the multi-family development across Orme. No access point shall be permitted through the landscape buffer.
5. General Provision #14 shall be amended to require building exteriors to be predominantly earth-tone colors with vivid colors limited to incidental accent.
6. For Parcel 3, all parking, storage, and display areas shall be paved with concrete, asphalt, or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-ways.
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8. For Parcel 3, outdoor speakers and sound amplification systems shall not be permitted.
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10. 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.
11. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
12. Prior to publishing the resolution or ordinance establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-38) includes special conditions for development on this property.
13. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 30 days after approval of this amendment by the Governing Body, or the request shall be considered denied and closed.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is predominately developed commercial and office with some high-density residential development. North of the site is the Joe Self vehicle sales business on property zoned "GC" General Commercial. To the east is a vehicle repair and parts business (Pep Boys) on property zoned "LC" Limited Commercial and vacant property zoned "GO" General Office. South of the site is medical office complex (formerly Charter Hospital) on property zoned "GO" General Office. To the west is a "big box" retailer (Circuit City) on property zoned "LC" Limited Commercial and an apartment complex (Eastgate Apartments) on property zoned "B" Multi-Family.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "GO" General Office and could be developed for office use; however, the site has remained undeveloped for over 25 years since it was zoned "GO" General Office and demand for office space is relatively weak at the present time.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Most adjacent properties are for commercial and office use and should not experience detrimental affects should the site be developed with commercial uses. Any detrimental affects on nearby residential properties from lighting, noise, and other factors should be mitigated by the requirements of the Unified Zoning Code and the Landscape Ordinance and the recommended conditions of approval for the CUP.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Office" development. The Commercial Locational Guidelines recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities.
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities.