

STAFF REPORT
MAPC February 22, 2001

FILE COPY

CASE NUMBER: ZON2001-00004 & CUP2001-00003 DP-196 One Kellogg Place Amendment #2

APPLICANT/AGENT: Kellogg-Greenwich Road Associates c/o Robert W. Kaplan (owner), Vernon W. & Toinette D. Holzman (owner); The R. H. Johnson Company c/o Owen Buckley (contract purchaser); Baughman, P.A. c/o Phil Meyer (agent)

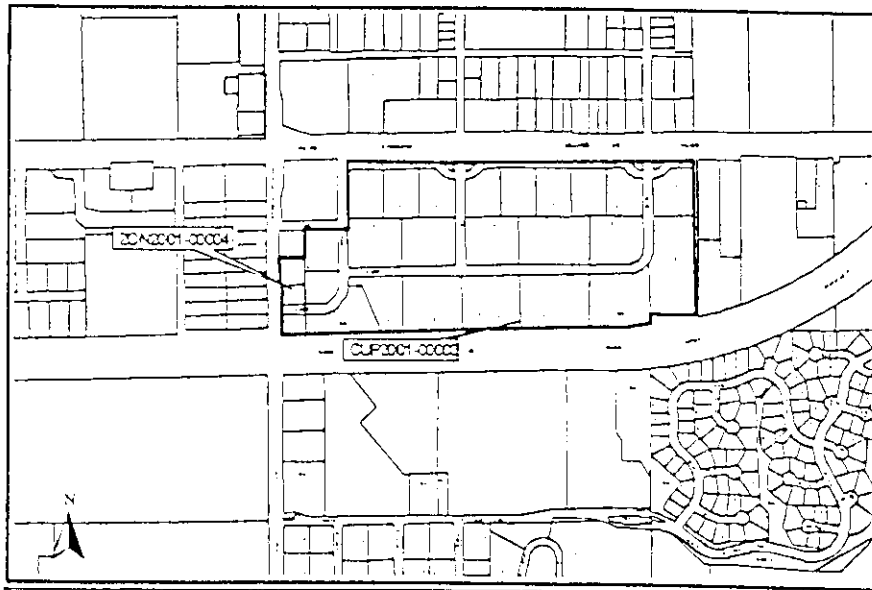
REQUEST: Zone change to "LC" Limited Commercial and the addition of one-acre tract and minor modifications to the circulation plan of DP-196 One Kellogg Place C.U.P.

CURRENT ZONING: "GC" General Commercial, "LI" Limited Industrial, "NR" Neighborhood Retail; and "SF-6 Single-Family Residential

SITE SIZE: Zone change - 2 acres; C.U.P. 74.29 acres

LOCATION: Southeast corner of Kellogg and Greenwich Road.

PROPOSED USE: Commercial development



BACKGROUND: The applicant is proposing that a one-acre tract along Greenwich Road currently zoned "SF-6" and used as a residence be added to DP-196 One Kellogg Place C.U.P., and that it be zoned "LC" Limited Commercial. Also, the applicant is requesting that the land south of this tract along Greenwich Road be rezoned from "NR" Neighborhood Retail to "LC" Limited Commercial.

Other proposed changes to the C.U.P. include adjusting the size of several parcels, and moving the internal circulation drive approximately 100 feet to the north along Greenwich. The result is to increase the size of Parcel 12 on Greenwich from 2.55 to 3.56 acres and to reduce the size of Parcel 2 from 2.54 to 1.37. Also, Parcel 2 is reconfigured to provide direct frontage onto Greenwich. Allowed uses in Parcels 2 and 12 would include all permitted "LC" uses except: adult entertainment establishments, group homes, group residential, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor are permitted as long as food is the primary service of the establishment. Parcels 2 and 12 would be limited to one building each.

The internal circulation drives have been renamed from "Common Frontage Area 'A' " to "Reserve 'B' ", and from "Common Frontage Area 'B' " to "Reserve 'A' ". The drainage areas have been renamed Reserve "C" and Reserve "D".

Existing uses along Kellogg include several car dealerships and used car sales lots, auto repair, and manufactured homes sales lots. The property to the east of the C.U.P. is developed with mini-storage warehouses (DP-117 East Kellogg Mini Storage C.U.P.). Turnpike forms the southern boundary, with the newly constructed Seltzer Elementary School and Woodland Lakes Estates located south of the Turnpike. One residence adjoins Parcel 2, and eight residences are located on the west side of Greenwich Road.

CASE HISTORY: The property is platted as One Kellogg Place Addition, recorded October 4, 1993, but is being replatted as One Kellogg Place Second Addition. Amendment #1 to the C.U.P. was approved January 9, 2001, adding 50 acres to the development and redesigned the C.U.P. to have three large sites plus a series of pad sites along Kellogg.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC"; "LC"; "SF-6"	Car and manufactured home sales lots, vacant
EAST:	"GC"	Vacant tract, mini-storage warehouses
SOUTH:	"SF-6"	Turnpike, school, vacant
WEST:	"GC"; "SF-6"	Car and manufactured homes sales lots, houses

PUBLIC SERVICES: Transportation access is provided to the site via Kellogg (US 54), which is scheduled for reconstruction to freeway standards by 2007, and Greenwich Road, which is scheduled for widening to four lanes in 2007. Average daily traffic on

Greenwich was 7,436 cars per day in 1997 and projected to increase to 14,897 in 2030. Traffic on this segment of Kellogg (U.S. 54) was 21,180 cars per day in 1997 and projected as 51,179 cars per day by 2030.

The *Traffic Study Greenwich Road and Kellogg Ave. (U.S.-54) Wichita, KS*, Traffic Engineering Consultants, Inc., was submitted in November 2000 ("TEC") and revised in December. The revision was prepared to demonstrate that the street network could handle the projected traffic volumes prior to freeway construction if the total level of development were held to no more than 627,000 square feet of commercial use or traffic generation of 23,000 vehicles per day. The study also helped identify interim and permanent improvements needed to maintain an acceptable level of development prior to freeway construction, and after construction of Kellogg to freeway standards.

Other municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide in the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* shows the area for "commercial" and "industrial" development." Kellogg is identified in the Comprehensive Plan for the most intense types of commercial development.

RECOMMENDATION: The proposed C.U.P. amendment is in conformance with the *Comprehensive Plan*, which shows the area along Kellogg as "commercial" and the area nearer the Turnpike as "industrial".

A pocket of residential use is located along the west side of Greenwich near the proposed "LC" Limited Commercial zoning. While "LC" does not operate as an effective buffer, the bulk of the more intense commercial development will be somewhat separated from the view of the residences by these two smaller parcels along Greenwich. And, it should be noted that the area where the residences are located is shown for "industrial" use on the *Comprehensive Plan*.

The one remaining residence on the east side of Greenwich adjoins a portion of the west and north property lines of Parcel 2. It is recommended that a screening wall and landscape buffer be provided to reduce land use conflicts between commercial development and this residence.

Based on these factors and information available prior to the public hearing, Staff recommends the application be APPROVED subject to completion of the replatting within one year and subject to the following conditions:

1. A six (6) to eight (8) foot masonry screening wall and a landscape buffer shall be provided along the north and west property line of Parcel 2 where it adjoins property with residential zoning.

2. General Provision 7(G) shall be revised to state, "All freestanding signs shall have a maximum height of 20 feet for Parcels 2 and 5-12 and 30 feet for Parcels 1, 3, and 4.
3. A Site Circulation Plan shall be submitted to the Traffic Engineer for approval. This Plan shall include a smooth flowing internal drive with no parking spaces taking direct access from the drive that connects Reserve "A" with Reserve "B" across Parcel 1.
4. General Provision #26 shall be revised to state "This C.U.P. shall be restricted to a maximum gross floor area of 627,000 square feet, and provided that the site generated traffic does not exceed 23,000 vehicles per day until such time as Kellogg (US-54) is improved to a freeway standard."
5. The following transportation improvements shall be guaranteed at the time of replatting or provided as onsite improvements:
 - A. Kellogg Accel/Decel Lane Interim Improvements: Decel lane begins west of Ellson and continues to Zelta, and with a possible accel lane east of Zelta if required by KDOT. (*guarantee*)
 - B. Kellogg and Ellson Interim Improvements: Channelize the center median at Kellogg and provide a raised, channelized median in the drive to eliminate all left turn movements except the eastbound left turn movement to the area north of Kellogg. (*guarantee*)
 - C. Kellogg and Zelta Interim Improvements:

Northbound dual-left turn lanes with 200 feet of storage (provide a raised median from Kellogg to Reserve "B" with a single right-turn lane and a combined left-turn/through lane). (*private improvement*)

Southbound left/through/right lanes should match those of the northbound segment. (*guarantee*)

Eastbound single-left turn lane with 100 feet of storage. (*guarantee*)

Westbound single-left turn lane with 350 feet of storage. (*guarantee*)

Installation of signalization, including provision of apron for anchoring the signal of sufficient width for three lanes for the southbound leg of the intersection. (*guarantee*)
 - D. Kellogg & Greenwich Interim Improvements:

Westbound single-left turn lane with 400 feet of storage. *(guarantee)*

Eastbound right-turn decel lane with 100 feet of storage

Extension of northbound left turn lane to a total length of 250 feet. *(guarantee)*

E. Permanent Improvements to Greenwich Road and Reserve "A":

Permanent improvements as per City standards of Greenwich Road as a four-lane section from the taper under the bridge at I-35 (KTA) to north of Reserve "A", ending approximately at Orme. *(guarantee)*

Northbound single-right turn decel lane with 100 feet of storage. *(guarantee)*

Southbound single-left turn lane with 300 feet of storage. *(guarantee)*

Westbound single-left turn lane with 150 feet of storage (provide raised center median) and westbound single-right turn lane with 320 feet of storage. *(private improvement)*

Signalization, when warranted. *(guarantee)*

F. Kellogg Drive Permanent Improvements: Construct Kellogg Drive per City standards when Kellogg is built to freeway standards. *(guarantee)*

6. The development of this property shall proceed in accordance with the revised 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.
7. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
8. 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.
9. All property included within this C.U.P. and zone case shall be replatted within one

year after approval of this C.U.P. and rezoning by the Governing Body, or the cases shall be considered denied and closed.

10. Prior to issuing a building permit on any portion of the C.U.P., the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-196) includes special conditions for development on this property.
11. 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Most of the surrounding area is zoned "GC" General Commercial and "LC" Limited Commercial, and is developed with commercial uses, including car dealerships and used car lots, a body shop, a car rental agency, manufactured home sales and mini-storage warehouses. There is one residence adjoining the application area and several houses across Greenwich. These residences are zoned "SF-6" Single-Family, but shown for industrial use on the *Comprehensive Plan*.
2. The suitability of the subject property for the uses to which it has been restricted: Parcel 12 could be developed as zoned for "NR" Neighborhood Retail. The C.U.P. already governs the site except for the one acre tract on Greenwich, which is bordered by "GC" and "LI" zoning, making residential use less suitable than commercial.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The traffic anticipated from the commercial development might detrimentally affect the nearby residences west of Greenwich, however, this effect would occur regardless of the proposed amendment and step-up of zoning from "NR" Neighborhood Retail to "LC" Limited Commercial is approved.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change is in conformance with the Comprehensive Plan and supports the commercial strategy of providing auto-related commercial activities along Kellogg.
5. Impact of the proposed development on community facilities: The site will have a significant impact on traffic, but this would be mitigated by the required improvements and floor area build-out limitations for the interim period prior to freeway construction of Kellogg.