

Planning Agenda Item # _____

City of Wichita
City Council Meeting
April 2, 1996

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DP-59 AMENDMENT #5 - AMENDMENT TO PARCEL 1 OF THE FARMINGTON SQUARE RESIDENTIAL COMMUNITY UNIT PLAN; AND

Z-3199 - ZONE CHANGE FROM 'R-5' GENERAL RESIDENCE DISTRICT TO 'LC' LIGHT COMMERCIAL, LOCATED ON THE EAST SIDE OF RIDGE ROAD BETWEEN SHADE LANE AND FREEMAN LANE,
(DISTRICT #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions (7-5).

Staff Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to conditions (4-3).

Background: The applicant requests a zone change from 'R-5' General Residence District to 'LC' Light Commercial and an Amendment to Parcel 1 of the Farmington Square Residential Community Unit Plan, for 4.14 acres located on the east side of Ridge Road between Shade Lane and Freeman Lane. The subject property is currently undeveloped and surrounded by undeveloped property zoned for residential uses to the east, multiple family development to the south, single family homes to the west, and office and residential uses to the north. An 85 foot drainage ditch is also located between the area proposed to be developed and Freeman Lane.

The applicant proposes to create a new parcel (Parcel 2) for the area proposed to be rezoned to 'LC'. The area proposed as Parcel 2 is currently restricted to duplex, four-plex, and six-plex residences. The proposed zone change and CUP amendment would permit all uses allowed in 'LC' Light Commercial zoning, except convenience stores, service stations, theaters, restaurants, automotive centers, and automotive tire, battery and accessory stores. The proposed parcel could also be developed with residential uses, including multiple family dwellings.

The proposed Parcel 2 would permit two buildings and a maximum floor area of 71,888 square feet. All buildings in Parcel 2 would be required to be designed with a residential architectural character and shall share uniform architectural character, color, texture, and the same predominate exterior building material. All parking lot lighting would share similar or consistent lighting elements (i.e. fixtures, poles, lamps, etc.).

The CUP and the plat currently prohibits any access openings to Ridge Road. However, the proposed CUP amendment would permit two access openings to Ridge Road from Parcel 2 and would prohibit any access to Shade Lane. No road improvements to Ridge Road are initially planned; however, the CUP would require additional road improvements for any use that generates more traffic than a furniture store.

The proposed Parcel 2 would permit two signs along Ridge Road and a maximum of 300 square feet for all signage along that roadway. The proposed CUP does not limit the maximum height of signage along Ridge Road and does not limit the maximum size of any individual sign, except for the 300 square foot cap. The applicant proposes to allow all of the sign square footage to be incorporated into one sign.

If the rezoning and CUP Amendment is approved, Home Accents proposes to construct a 40,000 square foot furniture store on the site. A preliminary site plan indicates that the store would be developed on the northern portion of the site, with the southern portion reserved for future office or commercial development. The CUP would require a 6-8 foot high masonry wall along the east property line and a similar wall along the north property line if any service areas, loading docks, trash receptacles, etc. are located along that side of the building. The proposed CUP does not specify any such screening requirements along Shade Lane.

At the MAPC hearing on February 29, 1996, no members of the public spoke in either support or opposition to the requests. At the meeting, the applicant's agent expressed agreement with most of staff's recommended conditions of approval. However, the agent indicated that the applicant still wants to have a sign along Ridge Road as large as 300 square feet in size and to allow for a taller sign than the 12 foot maximum height recommended by staff. The applicant also disagreed with the staff recommendation to prohibit flashing, rotating, or moving signs because the applicant proposes to have an electronic message board to advertise time, temperature, and other messages. It is staff's opinion that such a sign (considering the size, height, and flashing nature of electronic message boards) would not be appropriate in a location across the street from residential properties.

The applicant further requested that at least a portion of the screening requirement along the east property line be waived until the parcel to the east develops. The applicant indicated that the east facade would not have any activities or building openings, unless required by the Fire Department. Staff expressed concern that waiving the screening requirement would set a dangerous precedent and would become an enforcement problem for Central Inspection. Also, staff noted numerous complaints from residents in other locations due to blowing trash from commercial areas that do not have adequate screening. However, staff does feel that the east facade of the proposed furniture store could serve as the screening wall as long as no parking, loading, drives, or other activities occur in

that area.

During the Planning Commission's discussion of this matter, several commissioners questioned the appropriateness of 'LC' zoning in this area and noted that they considered the request "spot zoning". Other commissioners indicated that they felt the request was "spot zoning", but noted the length of time that the property has remained vacant as zoned and felt that nonresidential uses, with site development restrictions, could be a compatible use and an improvement for the area. After discussion, the MAPC voted (7-5) to approve the requests with the conditions as recommended by staff (listed in the MAPC minutes), except for the following changes:

1. Limit the maximum amount of signage for all monument/ground signs along Ridge Road to 200 square feet, but allow an individual sign to be as large as 200 square feet, rather than 100 square feet as recommended by staff. The MAPC voted to support staff's recommendation to limit the maximum height of signage to 12 feet. However, the MAPC voted to allow for the electronic message board, which is not supported by staff.
2. Require a 6-8 masonry wall along the north 305 feet of the parcel to be constructed at the time of development. However, the east side of the proposed furniture store structure may serve as part of the required screening wall, if it has no openings (except for required emergency exits) and no drives, parking, or other activity east of the building wall. The screening for the south 305 feet of the parcel may be substituted by a solid landscape screen and would not be required until development occurs on that portion of the parcel.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change and C.U.P. amendment, subject to the recommended conditions and place the ordinance establishing the zone change on first reading; instruct the Clerk to withhold publication until the appropriate conditions have been complied with; or
2. Return the application to the MAPC for consideration.

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

() 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 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-3199

Zone change from 'R-5' General Residence District to 'LC' Light Commercial, described as:

Lot 1, Woodland Heights 2nd Addition, Wichita, Sedgwick County, Kansas, generally located on the east side of Ridge Road between Shade Lane and Freeman Lane.

SECTION 2. That upon the taking effect of the 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 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, _____

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