

**WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT**

May 25, 1995

TO: Pat Burnett, Deputy City Clerk

FROM: Kevin Kokes, Senior Planner, Current Plans Division

SUBJECT: Zoning Ordinance for Z-3158

On May ¹⁶~~25~~, 1995, the Wichita City Council approved the plat of C.C.R. 3rd Addition and placed on first reading the associated zone change ordinance. Publication of the zoning ordinance was to be withheld until the plat was recorded.

The plat was recorded with the Register of Deeds on May ²³~~25~~, 1995, and therefore, the Ordinance establishing the zone change may now be published.

() 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-3158
Zone Change from the "C" Commercial District and the "BB" Office District
to the "LC" Light Commercial District

"C" to "LC"

The east 128 feet of Lot 3, Block 1, C.C.R. 2nd Addition to Wichita, Sedgwick County, Kansas (now being platted as a part of the C.C.R. 3rd Addition).

"BB" to "LC"

Beginning at the northern most northeast corner of Lot 1, Security Storage Properties Addition to Wichita, Sedgwick County, Kansas, and a point in the west line of Lot 2, Block 1, C.C.R. 2nd Addition to Wichita, Sedgwick County, Kansas, thence bearing S00°00'00"E along the common line to said Lot 1 and Lot 2 a distance of 60.00 feet; thence bearing S89°40'33"W, 190.00 feet; thence bearing N30°20'17"W, 69.29 feet to a point in the north line of said Lot 1; thence bearing N89°40'33"E, along the north line of said Lot 1, 225.00 feet to the point of beginning (now being platted as a part of the C.C.R. 3rd Addition).

Generally located west of Rock Road and north of 13th Street North

SECTION 2. That upon the taking effect of the Ordinance, the above zoning change 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.

STAFF REPORT

February 23, 1995

CASE NUMBER: DP-215 Amendment #1 & Z-3158

APPLICANT/AGENT: C.C.R. Associates c/o Stephen L. Clark, Security Storage, Agree Realty Corporation c/o Steve Cross, Haverty Furniture Companies c/o Rawson Haverty, Jr., / PEC, P.A. c/o Gary Wiley

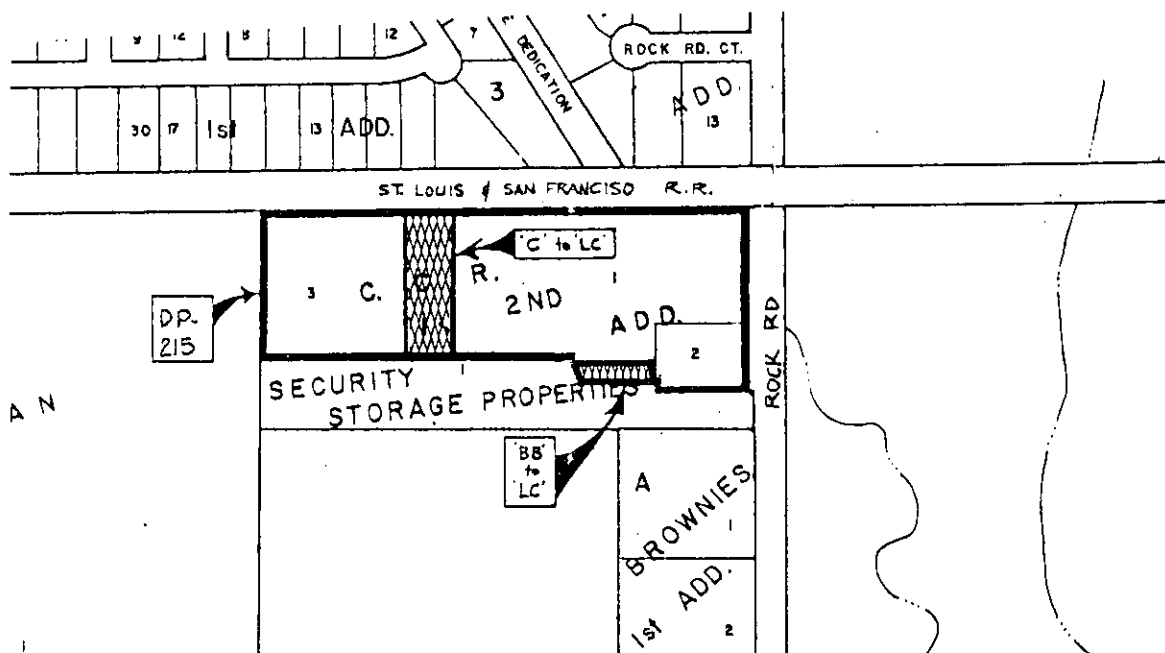
REQUEST: Amendment to the C.C.R. Commercial Community Unit Plan; AND Zone change from 'BB' Office District and 'C' Commercial to 'LC' Light Commercial

CURRENT ZONING: 'BB', 'LC', and 'C'

SITE SIZE: CUP: 11.99 acres
'BB' to 'LC': 0.3 acres
'C' to 'LC': 1.15 acres

LOCATION: ½ mile north of 13th Street North on the west side of Rock Rd. (south of the S.L. & S.F. railroad right-of-way).

PROPOSED USE: Furniture store and book store



BACKGROUND: On October 4, 1994, the Wichita City Council approved the C.C.R. Commercial Community Unit Plan (DP-215) and a zone change request (Z-3146) from 'BB' Office District to 'LC' Light Commercial and 'C' Commercial for an 11.7 acre site, generally located ½ mile north of 13th Street North on the west side of Rock Road. The site is bordered on the north by the St. Louis & San Francisco Railroad, an existing residential subdivision, and an office development. The site is also bordered by Coleman Middle School on the west, Security Self-Storage to the south, and agricultural property on the east side of Rock Road.

The plat for the property (C.C.R. 2nd Addition) received approval by the City Council in 1994 and was recorded with the Register of Deeds on December 26, 1994. The existing C.U.P. permits retail furniture and/or appliance stores and associated warehouses in Parcel 1 along Rock Road, which is zoned 'LC'. Construction is currently under way in Parcel 1 for Haverty's Furniture Showroom. A smaller parcel (Parcel 2) along Rock Road, also zoned 'LC', permits a number of retail uses. The remaining western portion of the site (Parcel 3) currently permits either residential or nonresidential uses and is zoned 'C' Commercial.

Since the C.U.P. was approved and the property was platted, the applicant has identified a 25,000 square foot book store as a potential user for Parcel 2, which is currently restricted to 12,600 square feet of maximum gross floor area. In order to accommodate the proposed book store, the applicant requests an amendment to the C.C.R. Commercial Community Unit Plan to expand Parcel 2 to include a portion of Parcel 1 and to add a 0.3 acre portion of the Security Self-Storage property located to the south (currently zoned 'BB'). Parcel 1 (zoned 'LC') would also be extended an additional 242 feet to the west into Parcel 3 (zoned 'C') to accommodate necessary parking for Haverty's Showroom. Thus resulting in the requested zone change 'C' to 'LC'.

As part of the amended C.U.P., all residential uses would be removed from Parcel 3 and the net area, maximum building coverage, and maximum gross floor area would be adjusted for all three parcels based on the revised parcel sizes. The amount of maximum gross floor area (MGFA) for the furniture store in Parcel 1 would remain the same (lower traffic generator), while 19,907 square feet of MGFA would be transferred from Parcel 3 to Parcel 2. Overall, the MGFA for the entire C.U.P. would increase by 2,493 square feet with the additional property being added to the development. All other general provisions of the C.U.P. would remain the same, including requirements for architectural and lighting controls, access controls, and a plan for a pedestrian walk system.

Traffic along this stretch of Rock Road between 13th and 21st Streets North currently ranges from 27,000 average daily trips (ADT) to 29,500 ADT, and is projected to increase to approximately 32,000 ADT by 2020. Therefore, in order to address traffic concerns due to increasing the maximum gross floor area in

Parcel 2, the applicant proposes to remove financial institutions and restaurants as permitted uses on this site (generally high traffic generators). According to MAPD's Transportation Division, fast food restaurants typically generate 777 trips / 1,000 sq. ft. and banks generate 291 trips / 1,000 sq. ft. versus 41 trips / 1,000 sq. ft. for specialty retail uses and 95 trips / 1,000 sq. ft. for shopping center uses. Therefore, even with the additional 0.3 acres being added to the C.U.P. and converted from residential storage uses ('BB' Office District) to retail uses ('LC' Light Commercial), transportation planners indicate that traffic could be lower than what could be generated by the uses currently permitted on the site.

CASE HISTORY: DP-215 & Z-3146 - In September 1994, the C.C.R. Commercial Community Unit Plan and zone change request from 'BB' to 'LC' and 'C' received unanimous support by both the CPO Council East "2" and the MAPC. The C.C.R. 2nd Addition was recorded with the Register of Deeds on December 26, 1994.

ADJACENT ZONING AND LAND USE:

NORTH:	"R-5", "BB"	Residential subdivision, offices
SOUTH:	"BB"	Security Self-Storage
EAST:	"AA"	Single family home/Agricultural uses
WEST:	"AA"	Coleman Middle School

PUBLIC SERVICES: Municipal water and sewer services are both available from 12-inch lines running along Rock Road. The site would have access to Rock Road, currently a 4-lane paved section line arterial, with 60 feet of half street right-of-way. Recently, the property owners on the west side of Rock Road between 13th Street North and the railroad tracks petitioned for road improvements along this stretch of the roadway to include an accel/decel lane and a left-turn lane. This would be the first phase of the City's long range plan to widen Rock Road to a 6-7 lane roadway.

Existing traffic volumes on Rock Road range from 27,700 average daily trips (ADT) at the 13th Street North intersection to 29,500 ADT at the 21st Street North intersection. The proposed 2020 Transportation Plan projects traffic to increase to approximately 32,000 ADT along this portion of Rock Road, which will require a 6-7 lane roadway.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for office and commercial uses, which was representative of the approved zoning pattern in the area when the Guide was developed. The Plan recommends that commercial developments should be designed with shared internal vehicular and pedestrian circulation, combined signage, similar landscaping and building materials, and combined ingress/egress locations.

The proposed Park & Open Space Master Plan identifies the railroad tracks on the north side of the property as a future "greenway" recreation corridor. Such corridors consist of natural settings with minimal site development or alterations, except for additional landscaping or plantings as necessary. Uses associated with greenway corridors may include bikeways (paved or natural), pedestrian/hiking pathways, and equestrian trails. If the railroad is developed as a corridor, the subject property will have significant visibility from the corridor, which is elevated somewhat through this area.

RECOMMENDATION: Planning staff recommends that the following:

- A. APPROVE the zone change request (Z-3158) 'BB' and 'C' to 'LC', subject to replatting within 1-year.
- B. APPROVE the C.U.P. amendment (DP-215 Amendment #1) as requested, subject to the following conditions:
 - 1. 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 Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - 2. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
 - 3. The transfer of title of all or any portion of the land included within the CUP 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 CUP shall be replatted within one year after approval of this CUP by the City Council or the provisions of this CUP shall become null and void.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by a mixture of educational, residential, office, and commercial uses. The west side of Rock Road south of the railroad tracks is characterized by strip

commercial development. Additional "LC" zoning, with the use restrictions proposed by the applicant, should be compatible with nearby development along Rock Road.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The zone changes requested by the applicant should not detrimentally impact less intensive properties to the north and west due to the restrictions that would be placed on that portion of the CUP on usage, the screening requirements, the separation from residential uses by the railroad easement, and the requirements of the landscape ordinance.

3. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies this area for office and commercial uses. The Plan recommends that commercial developments should be designed with shared internal vehicular and pedestrian circulation, combined signage, similar landscaping and building materials, and combined ingress/egress locations. The proposed Park & Open Space Master Plan identifies the railroad tracks on the north side of the property as a future "greenway" recreation corridor. The subject property will have significant visibility from the future corridor, and therefore, it should be designed in such a manner to screen visually unattractive items.

Given the existing conditions for architectural compatibility, screening, pedestrianway plans, and access control, the proposed development should be compatible with the surrounding area and consistent with the Comprehensive Plan. The existing architectural conditions and screening requirements should buffer the future users of the "greenway" bike corridor on the north side of the development.

4. Impact of the proposed development on community facilities: Municipal services are available to serve this site. Traffic should not be significantly impacted by the proposed development, given the planned road improvements for Rock Road. Although the amount of 'LC' zoning will increase slightly, the removal of the higher traffic generators from Parcel 2 would likely result in levels of traffic similar to or lower than the potential traffic levels under the current C.U.P. restrictions.