

Planning Agenda Item # _____

City of Wichita
City Council Meeting
NOV. 7, 1995
November 8, 1995

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DP-201 - REQUEST FOR AMENDMENT # 1 TO WILSON ESTATES RESIDENTIAL COMMUNITY UNIT PLAN; GENERALLY LOCATED SOUTH SIDE OF 21ST STREET NORTH BETWEEN ROCK AND WEBB ROAD; AND

DP-191 - REQUEST FOR AMENDMENT #2 TO WILSON ESTATES COMMERCIAL COMMUNITY UNIT PLAN (CUP). GENERALLY LOCATED SOUTHEAST OF 21ST STREET NORTH AND ROCK ROAD; AND

Z-3177 - REQUEST FOR ZONE CHANGE FROM 'AA' ONE-FAMILY DWELLING DISTRICT TO 'BB' OFFICE DISTRICT AND 'LC' LIGHT COMMERCIAL DISTRICT, GENERALLY LOCATED IN AN AREA SOUTH OF 21ST STREET NORTH AND EAST OF ROCK ROAD; AND

Z-3178 - REQUEST FOR A ZONE CHANGE FROM "AA' ONE-FAMILY DWELLING DISTRICT TO 'B' MULTIPLE-FAMILY DWELLING DISTRICT, GENERALLY LOCATED 1/4 MILE WEST OF WEBB ROAD ON THE SOUTH SIDE OF 21ST STREET NORTH,

(DISTRICT #2)

INITIATED BY: Metropolitan Area Planning Department *M. Grant*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions, except approve only 'BB' for Parcel 9 (10-1).

Staff Recommendation: Partial approve, subject to conditions.

CPO Recommendation: Approve, subject to conditions (6-0).

On October 12, 1995, the MAPC held a public hearing to consider approval of two Community Unit Plan amendment proposals, and two associated zone change requests for property located on the south side of Twenty-First Street North between Rock Road and Webb Road.

The MAPC elected to review all of the cases file on the property at one time. The specifics of each community unit plan proposal are contained in the staff reports incorporated into the excerpts of the Planning Commission minutes which are attached for your referenced.

Staff emphasized to the developer before the requests were filed, and again during the MAPC hearings, that our primary concern about expansion of the commercial development is the existing and future traffic capacity problem along Rock Road and 21st Street North, and particularly the 21st St./Rock Road intersection. By adopted standards, as well as by common agreement of residents in this area, the intersection is already over its design capacity for daily vehicular trips. Also, because of further expected traffic growth, the level of service is not projected to improve, even after Rock Road is widened eventually to 6/7 lanes between Central and 21st Street North, as recommended in the adopted Transportation Plan.

With the proposed relocation of the collector street (Rockhill and Tara) to create a loop road system southeast of the 21st St./ Rock intersection, traffic levels at the intersection may be relieved to a limited extent. For that reason, MAPD recommended a limited expansion of nonresidential uses (but not including retail or restaurant) along Rock Road between the existing commercial center and the proposed Rockhill collector street.

We recognize that the existing commercial CUP (DP-191) permits a maximum gross floor area for retail uses of 196,807 square feet on the 13.09 acre tract of land. But the existing CUP has been fully developed with only approximately 90,000 square feet of retail and restaurant space. In order for the CUP to be developed with its maximum permitted floor area, multiple story buildings with two levels of retail and restaurants, and possibly parking decks, would need to be constructed. We believe this is very unlikely to occur, even at 21st Street and Rock Road.

If we compare the Bradley Fair development with the Tallgrass Commercial development at the northeast corner of the intersection, which has developed a somewhat larger amount of floor area on a slightly less land area, and is generally considered to be "maxxed out", then it is fair to say that the applicant's existing 13 acres of 'LC' zoned land could feasibly accommodate 120,000 square feet of floor area. Our analysis shows that the existing CUP (DP-191) would generate 14,855 trips, not 21,141 trips as indicated in the developer's calculations. The proposed CUP would not reduce potential traffic volumes, but would substantially increase the traffic volumes, by over 4,000 trips, at an intersection that is already over its design capacity.

Based on the foregoing traffic concerns, and because further southward expansion of retail/restaurant uses along Rock Road would be totally contrary to the Comprehensive Plan's dictate against "strip commercial" zoning and because approval of this request will set a precedent for additional re-zonings and CUP amendments which would further deteriorate the traffic situation, staff recommended that the overall amount of additional commercial floor area be scaled back from the 225,000 square feet of retail/restaurant floor area requested to 140,000

square feet on a lesser acreage. This recommendation was based on the principle that was established in the 1993 amendments to the Tallgrass Commercial CUP (northeast of 21st Street and Rock Road) to maintain "no traffic increase" for the area. Beyond traffic concerns, we made some other recommendations for the CUP to ensure that the property is developed in the manner that the developer has described verbally, and also to ensure that future development maintains the quality that has been established. The developer did not agree to the staff recommendations for reduced commercial development, but did agree to a number of other staff suggestions.

During the MAPC hearings, a number of area property owners and residents noted concerns about increased traffic and increased drainage problems downstream from the development. Residents north of the area proposed for 'B' zoning in the residential CUP (Parcel 8) also expressed concerns about the potential for multiple family development on that parcel and increased traffic in that area.

After discussion the MAPC voted to recommend approval of the commercial CUP and zone changes to 'BB' and 'LC' as submitted by the developer, except for Parcel 9 (south of proposed Rockhill) where the MAPC recommended approval of only 'BB' zoning. The recommended conditions of approval also included a maximum overall floor area for Parcels 3-8 not to exceed 196,807 square feet (not including hotel uses), complete access control along Rock Road to Parcel 9, a reduction of one (1) access opening along 21st Street, 100 foot landscape buffers around Parcel 9, as well as other conditions recommended by staff that the developer consented to at the public hearing.

The MAPC also voted to recommend approval of the residential CUP and zone change to 'B', as submitted by the developer, with the conditions as recommended by staff and with the condition that a master drainage plan be submitted and approved with the subdivision plats for the combined development area within the commercial and residential CUPs.

Since the MAPC hearing, a number of letters of opposition to the 'B' zoning were submitted to MAPD, and are included with the attached material for your reference. Protest petitions were also filed against the 'B' zoning request.

Recommended Action for DP-191 (Commercial CUP)

1. Concur with the findings of the MAPC and approve the zone change and C.U.P., subject to 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 consideration.

Recommended Action for DP-201 (Residential CUP)

1. Concur with the findings of the MAPC and approve the zone change and C.U.P., subject to 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 consideration.

(An override of the Planning Commission's recommendation for any of the zone change requests requires a 2/3 majority vote of the membership of the governing body on 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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3177

Zone change request from "SF-6" Single-Family Residential District to "LC" Limited Commercial District on property described as:

The North 420 feet of the West 450 feet of Lot 2, Block 1, Bradley Fair 3rd Addition to Wichita, Sedgwick County, Kansas. Generally located east of Bradley Fair Parkway, south of 21st Street North., AND

Zone change request from "SF-6" Single-Family Residential District to "GO" General Office District on property described as:

Lot 1, Block 1, Bradley Fair 3rd Addition to Wichita, Sedgwick County, Kansas, and Lot 2, Block 1, Bradley Fair 3rd Addition to Wichita, Sedgwick County, Kansas, except the North 420 feet of the West 450 feet of Lot 2, Block 1, Bradley Fair 3rd Addition to Wichita, Sedgwick County, Kansas. Generally located east of Bradley Fair Parkway, south of 21st Street North.

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.

FILE COPY

DP-191 Amendment #2 - Wilson Commercial Community Unit Plan

Summary of recommended revisions to the proposed CUP Amendment

(completed by MAPD staff 10-12-95)

	Approved CUP	Proposed CUP	MAPD recommendation
Acres of 'LC' zoning	13 acres	39 acres	28 acres
Maximum floor area ('LC' zoning)	196,807 sf	225,000 sf	140,000 sf
Acres of 'BB'	23 acres (DP-201)	23 acres	30 acres
Maximum floor area ('BB' zoning)	100,000 sf and 242 apartments (without a traffic study)	252,000 sf (Parcels 1-4) limited to 200,000 sf for office/clinic uses	252,000 sf (Parcels 1-4) limited to 200,000 sf for office/clinic uses, plus 70,000 sf office or 120 apartments or 120 room hotel on staff recommended Parcel 9.
Maximum Building height (area south of res. zoning on 21st St. North)	35 feet	55 feet (Parcels 1 & 2)	35 feet (Parcel 1) 45 feet (northern 400 ft. of Parcel 2) 55 feet (southern 580 ft of Parcel 2)
Maximum Building height (area previously approved for 'BB')	35 feet (residential) 55 feet (office)	55 feet (Parcel 3)	35 feet (Parcel 3)
Commercial Signs (Rock Road)	[Total sign area = 332 sf Max signs = 7] 4 signs @ 24 sf 1 sign @ 64 sf 1 sign @ 72 sf 1 sign @ 100 sf	[Total sign area = 808 sf Max signs = 12] 1 sign @ 24 sf 7 signs @ 48 sf 1 sign @ 100 sf 2 signs @ 150 sf (Parcels 6, 7, 8, & 9)	[Total sign area = 516 sf Max signs = 8 signs] 1 sign @ 24 sf 4 signs @ 48 sf 1 sign @ 100 sf 2 signs @ 150 sf (Parcels 6, 7 & 8)

	Approved CUP	Proposed CUP	MAPD recommendation
Office / hotel signs (Rock Road)	--	--	Total sign area = 96 sf Max signs = 3 (Parcel 9 as recommended by MAPD)
Commercial Signs (21st St. North)	[Total sign area = 148 sf Max signs = 3] 1 sign @ 100 sf 2 signs @ 24 sf	[Total sign area = 316 sf Max signs = 6] ¹ 1 sign @ 24 sf 4 signs @ 48 sf 1 sign @ 100 (Parcels 3 & 5)	[Total sign area = 268 sf Max signs = 5] ¹ 1 sign @ 24 sf 3 signs @ 48 sf 1 sign @ 100 (Parcels 3 & 5)
Office / hotel signs (21st St. North)	Per Sign Code ²	Total sign area = 120 sf Max signs = 5 (Parcels 1 & 2)	Total sign area = 120 sf Max signs = 5 (Parcels 1 & 2)
Access Points (Rock Road)	3 openings	6 openings (Parcels 6, 7, 8, & 9)	4 openings (Parcels 6, 7, 8, & Parcel 9 as recommended by MAPD)
Access Points (21st Street North)	4 openings ³	6 openings (Parcels 1, 2, 3, 5, 6, & 8)	5 openings (Parcels 1, 2, 3, 5, 6, & 8)

¹The maximum sign area may be increased an additional 48 square feet in either Parcel 3 or 5 for purposes of advertising Parcel 4.

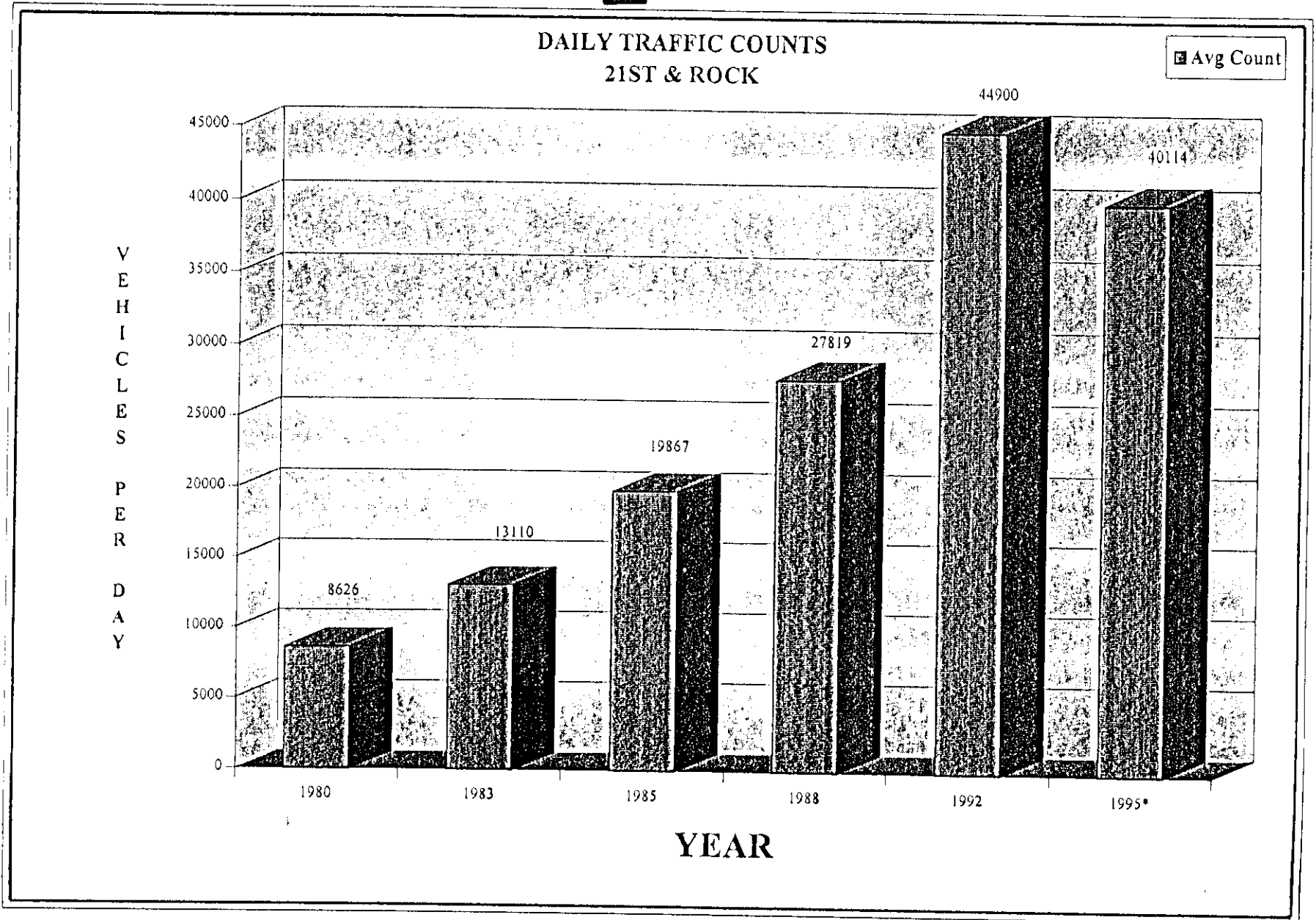
²Only for the area previously approved for 'BB' zoning, if that area developed with office uses. No office/hotel signs are permitted in the area south of residential zoning on the south side of 21st Street North.

³Including the areas previously approved for office and residential uses.

DA-191
AMENDMENT #2

Bradley Fair

SUBMITTED BY THE
APPLICANT



SOURCE: CITY OF WICHITA TRAFFIC
ENGINEERING MAPS 268-4446

*=The decrease in numbers is due to the completion of the northeast
expressway which intersects Rock Road at 32nd Street North.

11:33PM #085 P.01/01
 1995.08-24
 3152620647
 TO :
 FROM : PROFESS ENGR

TRIP GENERATION SUMMARY

LAND USE	TRIP RATES			G.S.F.	EXISTING C.U.P.			G.S.F.	PROPOSED C.U.P.		
	P.M. PEAK IN	P.M. PEAK OUT	DAILY TRIP RATE		PM - IN	TRIPS PM-OUT	DAILY		PM - IN	TOTALS PM-OUT	DAILY
COMMERCIAL	1 4.4	4.4	48.900	196350	863	863	9601	225000	990	990	11002
OFFICE PARK	0.191	1.280	11.404	380000	72	486	4333	252000	48	322	2873
SINGLE FAMILY	0.681	0.364	6.503	715	486	260	4649	333	226	121	2165
DUPLEX UNITS	0.681	0.364	6.503	180	122	65	1170	210	143	76	1365
APARTMENTS	0.254	0.149	2 3.200	434	110	64	1388	250	63	37	800
RETIREMENT UNITS	0.200	0.200	3.300	0	0	0	0	250	50	50	825
				TOTALS	1653	1738	21141		1520	1596	19030

- 1 Rates from J.B.M. Study
- 2 Estimated from P.M. Peak

Trip Generation Comparison for Wilson Farm
 prepared by MAPD staff, 9-14-95

	Existing CUP per Developer		Existing CUP per Staff		Proposed CUP *1	
	SF/DUS	ADTs	SF/DUS	ADTs	SF/DUS	ADTs
Commercial	196,350	9,601	120,000*2	5,868	225,000	11,002
Office	380,000	4,333	210,000*3	2,394	252,000	2,873
SF	715	4,649	715	4,649	333	2,165
Duplex	180	1,170	180	1,170	210	1,365
Apartments	434	1,388	242**	774	250	800
Retirement	---	---	---	---	250	825
TOTAL		21,141		14,855		19,030

* 1Staff agrees with the floor area for the proposed uses and accept the 1991 consultant figures for trip generation for this analysis. However, the ITE trip factors are greater:

Commercial: 58.9 vs 48.9
 Duplex, SF: 10.1 vs 6.5
 Apartments: 6.6 vs 3.2

*2Staff believes that it is not practically possible to develop the 13.09 acres zoned LC with 90,000 sq.ft. today to 196,350 sq.ft. of floor area. When compared to the intensity of development at the NE corner of 21st St./Rock Rd. (110,000 sq.ft. on 12.27 acres as "max," then the 13.09 acre tract (DP-191) could feasibly accommodate 117,351sq.ft.; rounded up to 120,000 sq.ft. of floor area.

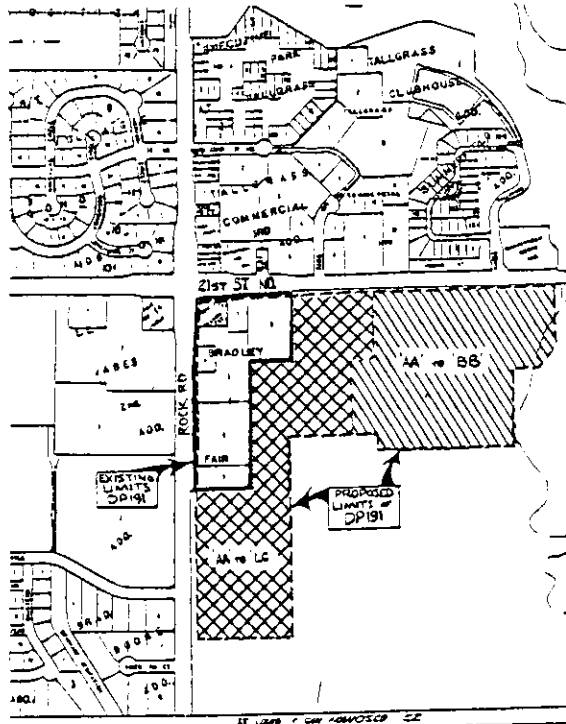
*3Existing CUP (DP-201) has a limit of 100,000 sq.ft. for office floor area in Parcels 4 & 5 without a traffic study. Also, the existing CUP (DP-201) permits 110,000 sq.ft. of office floor area on Webb Road, where the impact upon the 21st St./Rock Road intersection would be less. However, this analysis only examines the total numbers for both CUPs and it combines the maximum permitted floor area for all parcels without considering the location of those higher traffic generating uses in relation to surrounding roadways and intersections.

**If the parcels in the existing CUP are assumed to develop with office uses (100,000 sq.ft. + 110,000 sq.ft. floor area), then only 242 apartment uses can be built.

STAFF REPORT

October 12, 1995

- CASE NUMBER:** DP-191 Amendment #2 and Z-3177
- APPLICANT/AGENT:** Wilson Estates c/o George Laham, Venture Devco LP, Venture East Development Co., Venture Two LP, Venture Eight Development LLC, Venture Nine Dev., Midwest Motor Inns Inc., Phillips Petroleum Co., Hoffman's Green Industries / P.E.C. c/o Rob Hartman (agent)
- REQUEST:** Amendment to the Wilson Commercial Community Unit Plan and a zone change from 'AA' One Family Dwelling District to 'BB' Office District and 'LC' Light Commercial
- CURRENT ZONING:** 'AA' One Family Dwelling District and 'LC' Light Commercial
- SITE SIZE:** 'AA' to 'BB': 22.97 acres
'AA' to 'LC': 25.72 acres
CUP: 61.56 acres
- LOCATION:** Southeast of 21st Street North and Rock Road.
- PROPOSED USE:** Retail, restaurant, office, and hotel uses



BACKGROUND: The applicant requests an amendment to the Wilson Commercial Community Unit Plan (CUP) located southeast of 21st Street North and Rock Road. The proposed amendment to the CUP would permit additional retail, restaurant, office and hotel uses to the east and south of the existing 13 acre development area. In order to accommodate the new uses and the additional nonresidential development area, the applicant also proposes zone changes from the existing 'AA' One Family Dwelling District to 'BB' Office District (23 acres) and 'LC' Light Commercial (26 acres). Approximately 23 acres of the area proposed for rezoning to 'BB' and 'LC' was approved for 'BB' Office uses, subject to platting, by the Wichita City Council in November 1991 as part of the Wilson Residential-Office CUP (DP-201). As part of amendment requests to both the Commercial and Residential-Office CUPs, the proposed nonresidential areas would all be included in the commercial CUP (DP-191). The following subsections outline the requests in further detail.

Land Use and Maximum Gross Floor Area

The existing commercial CUP permits a maximum of 196,807 sq.ft. of gross floor area for commercial uses, of which approximately 90,000 sq.ft. has been developed on the entire 13-acre site. The existing commercial development includes the Phillips 66 gas station and the Bradley Fair retail center with its several retail and restaurant structures and pad sites along Rock Road and 21st Street. The areas proposed for rezoning to 'BB' and 'LC' are currently undeveloped and used for agricultural purposes.

The undeveloped 23 acres previously approved for 'BB' Office zoning, located to the east of the existing CUP, currently permits a maximum of 242 apartments and a maximum of 100,000 sq.ft. of office uses (without a traffic study). The existing CUP requires the developer to complete a traffic study of the 21st Street / Rock Road intersection and demonstrate that the intersection will operate at an acceptable service level for any office and/or medical clinic space in excess of 100,000 square feet.

The proposed zone changes and amendments to the commercial CUP would allow a 150 room hotel to be developed in the area proposed for 'LC' zoning east of the existing commercial center (in either Parcel 3 or Parcel 4). The amendment would further increase the maximum allowable floor area for retail and restaurant uses from 196,807 sq.ft. to 225,000 sq.ft. and increase the maximum allowable floor area of office and hotel uses from 100,000 sq.ft. (without a traffic study) to 252,000 sq.feet. The proposed commercial CUP would not permit a single use or tenant in excess of 50,000 sq.ft., except for hotels, furniture stores, or office uses. Although MAPD requested a traffic analysis for any amendments that would increase traffic generation over the existing CUP, the applicant did not submit a traffic study. Also, the proposed CUP amendment would eliminate the requirement for a traffic study to be completed by the developer.

Building Heights

The amended commercial CUP would increase the maximum possible building height in the area proposed for 'LC' and 'BB' zoning (Parcels 1, 2, 3), located east of the existing commercial development. Initially, the applicant proposed to allow structures in proposed Parcel 2 to increase in height one (1) foot for each one (1) foot that a building is setback from the required yard lines. Therefore, a building as tall as 180 feet would have been permitted in this area. However, the applicant has revised the application to request a 55 foot building height on proposed Parcels 1, 2, & 3. The area proposed for Parcel 3 and the western half of proposed Parcel 2 is currently restricted to 35 feet if developed residentially or 55 feet if developed with office uses. The eastern half of proposed Parcel 2 and all of Parcel 1, located south of the Summerfield Addition zoned 'AA', is currently restricted to a 35 foot maximum building height.

Signage

Initially, the applicant proposed to eliminate sign restrictions in the approved CUP on the maximum number, size, and height of signs. However, the applicant has revised the application to identify the maximum number of signs and total sign area permitted in each parcel of the CUP. The proposed CUP would maintain the requirement for monument signs along 21st Street and Rock Road. The two existing 100 square foot monument signs for the Phillips 66 convenience store (Parcel 6) would be retained.

The amendment would permit 12 monument signs along Rock Road with 808 square feet of total sign area for all signs combined, an increase of 5 monument signs and 476 square feet of total sign area. The amendment would allow all existing 24 square foot signs in Parcel 8 to be doubled in size to 48 square feet and allow these signs to be spaced less than the standard sign spacing requirement of 150 feet apart. Also, two (2) of the permitted signs in Parcel 8 could each be as large as 150 square feet and would be used for purposes of advertising the Bradley Fair Center.

The amendment would also increase the number of monument signs permitted along 21st Street North. The commercial area of the existing CUP is limited to 3 signs with 148 square feet of total sign area for all signs combined. With the expansion of 'LC' zoning, the applicant proposes 5 signs along 21st Street, with a total sign area 316 square feet. An additional 5 signs with 120 square feet of total sign area would be permitted in the parcels zoned 'BB' (Parcels 1 & 2). Much of this area is south of residential zoning and is not permitted any signage in the existing CUP.

Architectural controls

The proposed amendment would require consistent architectural design for buildings in the retail/restaurant areas (Parcels 5, 8, and 9), as well as establish a

consistent architectural style for the office/hotel areas of the CUP (Parcels 1 & 2). The architectural styles for Parcels 3 & 4 would be consistent with either the retail/restaurant areas or the office/hotel areas, depending upon the land uses developed in those parcels. The exterior building materials in the retail/restaurant areas would be developed with materials consistent with the synthetic plaster finish and precast panels (individual cast stone appearance) as established in the existing Bradley Fair Center. The acceptable color range would be the same as that of the existing Center, with other accent colors and materials permitted if they are used in conjunction with the predominate materials. The predominant roof material would be red tile when the roofing material is visible.

All buildings in Parcels 1, 2, 3, & 4 would be required to have the same predominant exterior building material (facade) on all elevations. However, the proposed CUP does not include the same requirement for the retail/restaurant areas.

Screening

The amendment would permit the 6-8 foot high screening wall to be waived for Parcels 1, 2, 4, 8, and 9 if the adjacent property in the residential CUP (DP-201 Parcels 1 & 2) is retained for park and open space purposes. However, all trash dumpsters, loading docks/service areas, and mechanical areas would require screening. Also, exterior utility boxes, mechanical equipment, and etc. would be required to be screened and/or painted according to the acceptable color range as approved by the Director of Planning. Any such screening, and the required landscaping in the residential CUP, would be reviewed and approved by the Director of Planning prior to issuing building permits. The required landscaping would be installed at the time that development occurs in the commercial CUP.

CASE HISTORY:

DP-180 & Z-2886 - In 1988, Wal-Mart requested a zone change and a CUP for a 12-acre site at the southeast corner of 21st Street / Rock Road. The request received significant opposition from area residents and included a series of contentious debates before the Metropolitan Area Planning Commission (MAPC) and the Wichita City Council regarding the proposed placement of a discount department store. During those hearings, there were three key concerns of the neighborhood: traffic volumes at the 21st and Rock intersection; too much commercial zoning already in the area; and the desire to limit the corner to neighborhood oriented retail uses. After public hearings and recommendations by the MAPC, the Wichita City Council took action to deny the requests on 5-3-88. The applicant appealed the Council's decision on the zone change request to the District Court. The District Court found in favor of the applicant and directed that the zone change request be reconsidered by the Wichita City Council.

DP-191 & Z-2886 - After the District Court decision, a new development plan was submitted for consideration (DP-191 - Wilson Property Commercial CUP), along

with reconsideration of the zone change request directed back by the Court. DP-191 was a four (4) parcel development with a total of 148,500 square feet of maximum gross floor area for commercial and office uses. The CUP included a restriction that would limit any individual business, except for a grocery store, furniture store, or hotel use, to a maximum floor area of 50,000 square feet. As a result, the size restriction eliminated large department stores and similar uses that tend to serve more of a regional market. No one spoke in opposition to the requests and the Wichita City Council took action to approve the zone change and CUP on 4-25-89.

DP-191 Amendment #1 & Z-3040 / DP-201 & 3037 - On 11-5-91, the City Council approved an amendment to the commercial CUP to increase the amount of 'LC' zoning from 9.4 acres to 12.55 acres. A companion CUP application rezoned 3.1 acres of 'LC'-zoned property at 21st / Webb Road to 'AA' One -Family Dwelling as a trade-off for the 3+ acres increase in the Wilson Property Commercial CUP at 21st / Rock Road. The amendment to DP-191 increased the potential floor area from 148,500 square feet to 196,350 square feet, based on the standard maximum floor area ratio of 0.35.

The applicant provided a traffic study with the CUP requests which projected that the 21st / Rock Road intersection would be operating at a level of service 'D' if all of the commercial floor area was built, but no office development. The study concluded that as office development occurs, the operation of the intersection would continue to deteriorate toward a level of service 'E'. The study suggested that the intersection be reconstructed to provide double left-turn lanes in all directions to maintain a better level of service. The study did not account for future traffic increases at this intersection as a result of general development expansion along the two streets beyond the southeast corner of this intersection.

The City Council approved the associated residential-office CUP (DP-201), which included approximately 23 acres of 'BB' zoning east of the commercial CUP, as well as 8.5 acres of 'BB' zoning along Webb Road. Both office areas permitted either office development or apartment uses. However, the 23 acre tract near 21st / Rock Road was limited to a maximum of 242 apartments and a maximum of 100,000 square feet of office uses (without a traffic study).

ADJACENT ZONING AND LAND USE:

NORTH:	'AA', 'BB', 'LC'	Tallgrass Commercial Plaza, undeveloped, Tallgrass Country Club, single family res.
SOUTH:	'AA'	Undeveloped single family zoned property, railroad
EAST:	'AA'	Undeveloped single family zoned property
WEST:	'R-5, 'BB', 'LC'	Tallgrass Commercial Centre, apartments, office

PUBLIC SERVICES: Municipal water service is available from a 12-inch line along Rock Road and a 24-inch line along 21st Street North. Municipal sewer service is available from a 8-inch line located east of the existing commercial.

The site has access to 21st Street North, a 4-lane arterial with a center left-turn lane and accel / decel lanes at the intersection, and Rock Road, a 4-lane arterial with a center left-turn lane and accel / decel lanes at the intersection. Both arterial roads have 60 feet of existing half-street right-of-way widening to 75 feet at the intersection. Existing traffic volumes at the 21 Street North/ Rock Road intersection are approximately 46,043 average daily trips (ADT), which is substantially more than the design capacity of the existing intersection of 38,000 ADT. The 2020 Transportation Plan projects traffic at this intersection to increase to 57,154 ADT. This projection is based on non-residential growth of 90,000 square feet of retail and 100,000 square feet of office permitted by the existing CUPs. For comparison purposes, an alternative traffic projection was made with the assumption of 135,000 square feet of additional retail development and 152,000 square feet of additional office development. The additional retail and office development would increase the 2020 traffic projection to 69,047 ADT.

The 1991 traffic study completed with the application for the commercial and residential CUPs indicated level of service problems on certain turning movements by adding office and commercial traffic from the Wilson Farm to the then existing traffic volumes. The study was never completed by the developer to account for future background traffic as MAPD staff had originally requested. As a compromise, a limited amount of office development (100,000 square feet) was approved by the City Council, but the approved CUP requires a full traffic study to develop beyond that limit. General Provision (3a) of the CUP (DP-201) states the following:

"The study shall reevaluate the adequacy of double left-turn lane improvements to the 21st Street/Rock Road intersection and identify any other improvements that may be needed on the basis of future traffic projections. No permits exceeding 100,000 square feet of office/medical clinic space shall be issued unless the study, as approved by the traffic engineer, indicates that no other improvements are necessary to maintain an overall level of service 'C' at this intersection, or until traffic improvements specified in the study have been initiated."

In 1994, a traffic count identified the number of vehicles entering the 21st/Rock Road intersection as decreasing significantly from 1992. However, traffic volumes at the intersection were again taken on June 19, 1995. The new volumes showed that the overall traffic count is much higher (see attached memo dated September 12, 1995). It is evident that the K-96 Expressway has had some impact on traffic,

but that impact was expected and is accounted for in the 2020 Transportation Plan traffic projections. By adopted standards, the intersection is already over its design capacity for daily vehicular trips, and because of further expected traffic growth, the level of service is not projected to improve, even after Rock Road is widened eventually to 6/7 lanes between Central and 21st Street North, as recommended in the adopted Transportation Plan (see attached memo dated September 14, 1995). These roadway improvements are not currently programmed in the City's Capital Improvement Program (CIP).

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies commercial uses at the southeast corner of 21st / Rock Road intersection with an office buffer around the commercial area. The remaining area is identified for low density residential uses. The Guide does not project commercial uses extending further south along Rock Road or further east along 21st Street North.

The commercial locational guidelines of the Comprehensive Plan indicates that commercial development should have required site design features which limit noise, lighting, and other activity so as to not adversely impact surrounding residential areas. Also, commercial uses should be located in compact clusters versus extended strip developments. The office locational guidelines indicate that large scale office developments should be encouraged to located in the CBD, with local, service-oriented offices to be incorporated within or adjacent to neighborhood and community commercial developments.

RECOMMENDATION: In the opinion of MAPD staff, the existing Bradley Fair retail center is one of the more attractive commercial developments in Wichita. Much of the tenant mix is not "neighborhood-oriented" as some of the area homeowners wanted back in 1988, but it is apparently well accepted. In fact, some of the tenants serve an important function to the city by providing "upscale" shopping that attracts spending from the region and reduces the "leakage" of Wichita spending in other cities.

There are several positive aspects to the proposed expansion plan, including the emphasis in the illustrative site plan on open space and pedestrian amenities, and introducing a hotel to the mix of uses. The plan may be unusual for Wichita because of its scale, but its concept is characteristic of suburban commercial developments in other parts of the country that are 20-30 years old. Some of the very newest concepts in planning - more compact development and greater integration of uses - are not being attempted with this request.

But whatever the design for this property, one of our primary concerns is centered around the existing and future traffic capacity problems along Rock Road and 21st Street North, and particularly the 21st St./Rock Road intersection. We disagree

with the developer's contention that the proposed amendments reduce the traffic generation, and that therefore such an analysis is unnecessary (see trip generation summary attachments submitted by the developer). By adopted standards, as well as by common agreement of residents in this area, the intersection is already over its design capacity for daily vehicular trips. Also, because of further expected traffic growth, the level of service is not projected to improve, even after Rock Road is widened eventually to 6/7 lanes between Central and 21st Street North, as recommended in the adopted Transportation Plan.

With the proposed relocation of the collector street (Rockhill and Tara) to create a loop road system southeast of the 21st St./ Rock intersection, traffic levels at the intersection may be relieved to a limited extent. For that reason, MAPD is supportive of an expansion of limited nonresidential uses (but not including retail or restaurant) along Rock Road between the existing commercial center and the proposed Rockhill collector street.

We recognize that the existing commercial CUP (DP-191) permits a maximum gross floor area for retail uses of 196,807 square feet on the 13.09 acre tract of land. But the existing CUP has been fully developed with only approximately 90,000 square feet of retail and restaurant space. In order for the CUP to be developed with its maximum permitted floor area, multiple story buildings with two levels of retail and restaurants, and possibly parking decks, would need to be constructed. We believe this is very unlikely to occur, even at 21st Street and Rock Road.

If we compare the Bradley Fair development with the Tallgrass Commercial development at the northeast corner of the intersection, which has developed a somewhat larger amount of floor area on a slightly less land area, and is generally considered to be "maxxed out", then it is fair to say that the applicant's existing 13 acres of 'LC' zoned land could feasibly accommodate 120,000 square feet of floor area. Our analysis (see attached tables) shows that the existing CUP (DP-191) would generate 14,855 trips, not 21,141 trips as indicated in the developer's calculations. The proposed CUP would not reduce potential traffic volumes, but would substantially increase the traffic volumes, by over 4,000 trips, at an intersection that is already over its design capacity.

Based on the foregoing traffic concerns, and because further southward expansion of retail/restaurant uses along Rock Road would be totally contrary to the Comprehensive Plan's dictate against "strip commercial" zoning and because approval of this request will set a precedent for additional rezonings and CUP amendments which would further deteriorate the traffic situation, we feel that the overall amount of additional commercial floor area must be scaled back to some extent. This recommendation is based on the principle that was established in the 1993 amendments to the Tallgrass Commercial CUP (northeast of 21st Street and Rock Road) to maintain "no traffic increase" for the area. Beyond traffic concerns, we have some other recommendations for the CUP to ensure that the property is developed in the manner that the developer has described verbally, and also to ensure that future development maintains the quality that has been established.

Based upon information available prior to the public hearings, planning staff recommends that the requested zone change and amendment to the commercial community unit plan be approved as submitted to the MAPC, except for the following changes or additional conditions of approval. If the MAPC determines that the requests should be approved as submitted, approved with substantial revisions, or denied entirely, then the "findings" in support of that recommendation should be revised to reflect that action.

1. Approve 'LC' zoning for proposed Parcels 3 and 4, and to part of Parcel 8, but not south of Parcel 7 (Outback Steakhouse), with a maximum overall floor area of 140,000 square feet for all uses other than hotel (based on the 120,000 square foot calculation discussed previously, plus 20,000 square feet in recognition of the limited traffic relief provided by the "Rockhill-Tara connection"). A 150-room hotel would also be permitted on Parcel 4 as an alternate use, beyond the 140,000 square foot "cap", but subject to the "cap" in #4 below.
2. Deny 'LC' zoning, but approve 'BB' Office District zoning for the 7.85 acres between the existing southern limits of 'LC' zoning (Parcel 7) and the new Rockhill collector street and proposed lake. This area would be identified as Parcel 9 on the CUP and would allow a maximum of 70,000 square feet of low density office/clinic uses, or a maximum of 120 apartments, or a hotel with up to 120 rooms, again in recognition of the limited traffic relief provided by the new Rockhill collector street.
3. Deny 'LC' zoning south of the proposed Rockhill collector street. This area should remained zoned 'AA' One Family Dwelling District and included in the residential CUP (DP-201).
4. Approve 'BB' zoning as requested for proposed Parcels 1 and 2.
5. The maximum building coverage and maximum gross floor area for Parcel 8 shall be 120,000 square feet (rather than 162,393 square feet as requested).
6. General provision (22) shall be revised as follows: Maximum gross floor area for ~~Parcels 3 thru 9~~ Parcels 3 thru 8 shall not exceed ~~225,000~~ 140,000 sq.ft. for commercial/retail uses (does not include hotel use). The maximum gross floor area for office and hotel uses on Parcels 1 thru 4 shall not exceed 252,000 sq.feet.
7. Parcel 9 (*located in the area between Parcel 7 and the Rockhill collector street as recommended by MAPD*) shall permit the following uses: office, hotel, medical and dental clinic, townhouse, and multiple family.

8. The sign restrictions for Parcel 8 in General provision (6C) shall be revised as follows to reflect the reduced size of the parcel as recommended by MAPD:

Total sign area: 540 square feet; maximum signs: 7 (1 sign permitted along 21st Street North and 6 signs permitted along Rock Road).
[This recommendation allows all five (5) existing 24 square foot monument signs to be increased to 48 square feet in size and would permit two (2) monument signs of 150 square feet in size for purposes of advertising the larger retail center buildings with multiple tenants.]

9. The sign restrictions for Parcel 9 (located in the area between Parcel 7 and the Rockhill collector street as recommended by MAPD) in General provision (6C) shall be as follows:

Total sign area: 96 square feet; maximum signs: 3.

10. General provision (12) shall be revised as follows to maintain the access standards similar to those set in the existing CUP:

A. Access to Rock Road shall be limited to ~~7~~ 4 openings. ~~One right turn only for Parcel 9, one joint right turn only for Parcels 6 & 8, two major openings for Parcel 8, and three right turn only opening between the north line of Parcel 7 and Rockhill Road~~ one right turn only for Parcel 9 (as recommended by staff).

B. Access to 21st Street North shall be limited to ~~6~~ 5 openings. One opening each for Parcels 1, 2, and 3, one right turn only for Parcel 6, ~~two openings for Parcel 2, and~~ one major opening to Parcel 8 at 21st Street Court.

11. General provision (15) shall be revised to add the following as a requirement for Parcels 3, 4, 5, 8, (6 & 7 if redeveloped):

The same predominant exterior building material (facade) shall be used on all building elevations. Architectural design and exterior building materials shall be reviewed and approved by the Director of Planning prior to issuing building permits. Exterior utility boxes, mechanical equipment, and etc. shall be screened and/or painted according to the acceptable color range as approved by the Director of Planning. *[These restrictions were proposed by the developer for the office parcels but were not included under the restrictions for the retail/restaurant areas.]*

12. The maximum building height in Parcel 1 shall be 35 feet. The maximum building height in the northern 400 feet of Parcel 2 shall limited to 45 feet,

with the maximum building height for the remaining portion of Parcel 2 to be 55 feet. The maximum building height for Parcel 3 shall be 35 feet. *[This recommendation would establish a building scale along the south side of 21st Street that would be more compatible with the residential uses on the north side of 21st Street. Also, taller buildings should be developed in locations interior to the site to diminish the visual impact of potential tall structures.]*

13. 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.
14. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.
15. 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.
16. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the City Council, or the cases shall be considered denied and closed. The ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
17. Prior to publishing the ordinance establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-191) includes special conditions for development on this property.
18. The applicant shall submit revised copies of the CUP to the Metropolitan Area Planning Department within 30 days after approval of this amendment by the City Council, or the request shall be considered denied and closed.

These recommendations are based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by a mixture of undeveloped residential uses, multiple family, office, and commercial uses. Limited expansion of nonresidential uses, with no further

southward expansion of commercial zoning along Rock Road, and with restrictions on architectural design, building heights, setbacks, and etc. can make the proposed development more in conformance with the zoning, uses, character, and scale of the surrounding area.

2. The suitability of the subject property for the uses to which it has been restricted: The area south of the existing limits of 'LC' zoning (Parcel 7) proposed for rezoning is still suitable for residential uses or uses of low density with a minimal impact upon traffic volumes in the area.

3. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The additional zoning for the commercial-office CUP (to the scale as recommended by staff) should allow for an expansion of retailing, office, and hotel opportunities for this "upscale" shopping attraction in the community. A hardship would not be imposed upon the developer by limiting the amount of additional nonresidential expansion, since the expansion (as recommended by staff) would allow a significant increase in the amount retail / office floor area, without requiring a traffic study or additional road improvements by the developer. To the extent that there would still be potential demand for more retail and restaurants in this area, that would benefit the public and increase the tax base, we would point out that there are substantial rights to develop vacant land for these uses across 21st Street, in the Tallgrass CUP, and at the intersection of Webb Road and 21st Streets.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies commercial uses at the southeast corner of 21st / Rock Road intersection with an office buffer around the commercial area. The remaining area is identified for low density residential uses.

The Land Use Guide does not project commercial uses extending further south along Rock Road or further east along 21st Street North. Also, the request as submitted by the developer, particularly along Rock Road, is not in conformance with the Comprehensive Plan's recommendation to limit "strip development" along arterial roadways.

With the restrictions on architectural design, lighting, signage, setbacks, building heights, and etc as proposed by the developer and/or recommended by staff, the development would be in conformance the recommendations of the Comprehensive Plan for buffering commercial uses from residential and other nonresidential uses.

5. Impact of the proposed development on community facilities: Municipal water and sewer services are available to serve the area. The request, as submitted by the developer, would substantially increase traffic at the 21st St/Rock Road intersection, which is already over its design capacity. Also, even with projected

road improvements for this area (which are not currently programmed in the City's CIP) the intersection is projected to be over its design capacity. The development, as requested, would significantly increase traffic volumes on area roadways and the 21st Street / Rock Road intersection. However, by limiting the amount 'LC' zoning and the amount of floor area permitted for nonresidential uses, as well as recognizing the limited relief provided by the Rockhill-Tara collector road around the 21st St./Rock intersection, the traffic situation would not be worsened over what is practically possible under the existing CUP.