Agenda Item #_____

City of Wichita
City Council Meeting
November 6, 2001

Agenda Report #_____

TO: Mayor and City Council Members

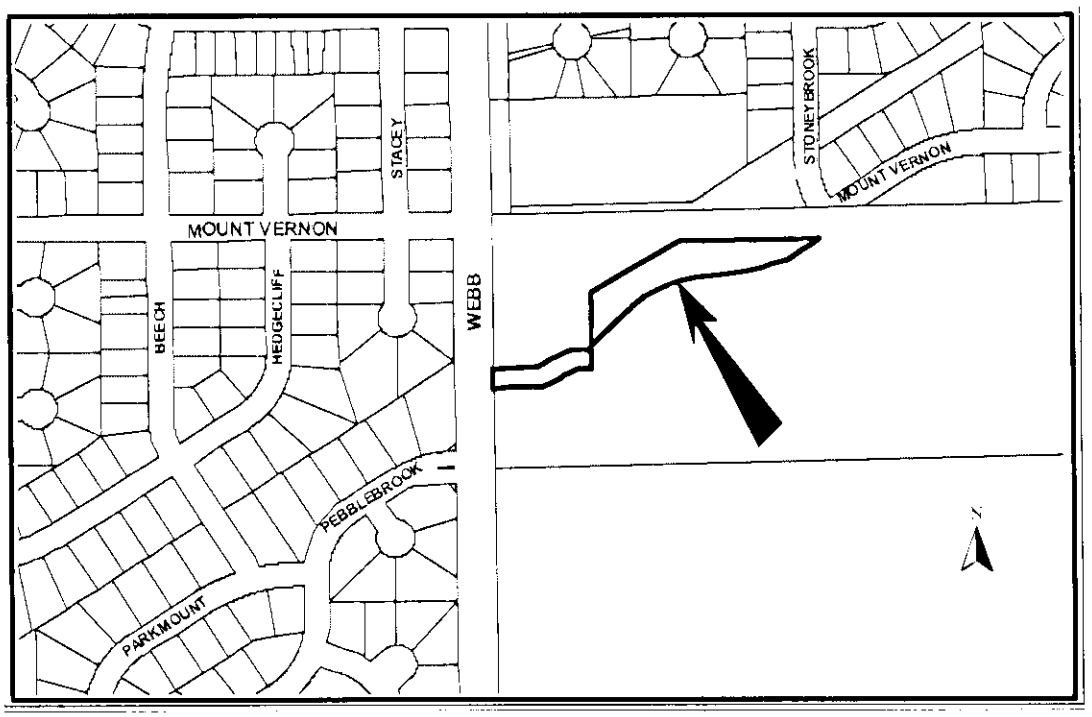
SUBJECT: **ZON2001-00058 – Zone change from "SF-20" Single-Family Residential to "MF-18" Multi-Family Residential with a protective overlay to match existing zoning of remainder lot. Generally located ½ mile north of Pawnee, east of Webb Road.**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1-year and subject to the provisions of (PO) Protective Overlay #83. (14-0).

Staff Recommendation: Approve.



Background: The applicant requests a zone change from "SF-20" Single-Family Residential to "MF-18" Multi-Family Residential on a 1.4 acre portion of land within an unplatted tract, located on the east side of Webb Road, ½ mile north of Pawnee. The applicant wishes to change the zoning to match approved zoning for the remainder of the tract, to include a protective overlay. This zone change request is intended to rectify a design change since a previous rezoning of this tract. The original design for this development included Mount Vernon as a through street; a zone change from "SF-20" to "MF-18" was approved based on this original design. The applicant since changed the development design, eliminating Mount Vernon as a through street. Because the advertised legal description for the original, approved zone change did not include the current application area, the applicant must now rezone this area.

The applicant indicated, when the previous zone change was approved, that the development will consist of patio homes at a density of approximately six units per acre. Multi-family zoning is requested to permit condominium ownership, consisting of multiple dwelling units on a single lot. The original zone change request was approved, with a protective overlay (PO #83), by MAPC (10-0) on December 7, 2000, and then approved by the Board of County Commissioners (4-0) on January 17, 2001. The protective overlay reads as follows:

1. Residential development on the site shall be developed in general conformance with a development plan to be approved by the Planning Director prior to the issuance of building permits.
2. The development plan may contain a mixture of housing types as long as the overall residential density of the development does not exceed 6 units per acre.

A final plat (SUB2000-00055, Maple Shade Addition) was approved by MAPC (14-0) on July 5, 2001. A revised final plat was approved by MAPC (10-0) on August 23, 2001. The revised design requires this requested zone change. The application area, and its entire development, anticipates annexation by the City of Wichita.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change subject to the provisions of a Protective Overlay District and subject to platting within one year; approve first reading of the ordinance; 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 Wichita Eagle on NOV 24 2001

ORDINANCE NO. 45-141

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. ZON2001-00058

Request for zone change from "SF-20" Single-Family Residential to "MF-18" Multi-Family Residential subject to platting within 1-year, with a (P.O.) Protective Overlay #83 to match existing zoning of the remainder of the lot, on property described as:

Parcel 1: That part of the Southwest Quarter of Section 33, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as commencing at the Northwest Corner thereof; thence South 00 degrees 15'38" West along the West line of said Southwest Quarter, 447.18 feet; thence North 89 degrees 41'29" East, 50 feet for a place of beginning; thence continuing N 89 degrees 41'29" East, 93.77 feet to the P.C. of a curve to the left, having a radius of 147.14 feet and a central angle of 44 degrees 04'56"; thence Northeasterly along said curve, 113.21 feet to the P.T. of a curve; thence North 45 degrees 36'33" East, 85.03 feet; thence South 00 degrees 15'38" West, 322.99 feet to a point on the North line of Lot 1, Block 1, Christ Community Church Addition, Wichita, Sedgwick County, Kansas; thence N 89 degrees 46'22" West, along the North line of said Lot 1, 256.20 feet to the Northwest Corner of said Lot 1; thence N 00 degrees 15'38" East, 219.99 feet to the place of beginning.

Parcel 2: That part of the Southwest Quarter of Section 33, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as commencing at the Northwest Corner thereof; thence South 00 degrees 15'38" West along the West line of said Southwest Quarter, 447.18 feet; thence North 89 degrees 41'27" East, 143.77 feet to the P.C. of a curve to the left, having a radius of 147.14 feet and a central angle of 44 degrees 04'56"; thence Northeasterly along said curve, 113.21 feet to the P.T. of said curve; thence North 45 degrees 36'33" East, 85.03 feet for the place of beginning; thence continuing North 45 degrees 36'33" East, 136.16 feet to the P.C. of a curve to the right, having a radius of 318.94 feet and a central angle of 44 degrees 04'57"; thence Northeasterly along said curve 245.39 feet to a point of reverse curve, said point being the P.C. of a curve to the left, having a radius of 462.30 feet and a central angle of 31 degrees 56'25"; thence Northeasterly along said curve 257.72 feet to the P.T. of said curve; thence North 57 degrees 45'04" East, 44.75 feet; thence South 32 degrees 14'56" East, 85.32 feet to the P.C. of a curve to the left, having a radius of 232.00 feet and a central angle of 58 degrees 03'35"; thence Southeasterly along said curve, 235.09 feet to the P.T. of said curve; thence North 89 degrees 41'29" East, 171.81 feet to a point 1321.25 feet East of the West line of said Southwest Quarter, as measured at right angles; thence South 00

degrees 15'38" West, 429.05 feet to a point on the North line of Lot 1, Block 1, Christ Community Church Addition, Wichita, Sedgwick County, Kansas; thence North 89 degrees 46'22" West, along the North line of said Lot 1, 1015.06 feet to a point 256.20 feet East of the Northwest Corner of said Lot 1; thence North 00 degrees 15'38" East, 322.99 feet to the place of beginning. Generally located ½ mile north of Pawnee, east of Webb Road.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. Residential development on the site shall be developed in general conformance with a development plan to be approved by the Planning Director prior to the issuance of building permits.

2. The development plan may contain a mixture of housing types as long as the overall residential density of the development does not exceed 6 units per acre.

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.

ADOPTED AT WICHITA, KANSAS, NOV 20 2001

ATTEST:

Pat Burnett, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. ____

STAFF REPORT

MAPC October 11, 2001

CASE NUMBER: ZON2001-00058

APPLICANT/AGENT: Brentwood Development Inc. c/o Steve Miller (Owner/Applicant); Savoy, Ruggles, & Bohm, PA c/o Mark Savoy (Agent)

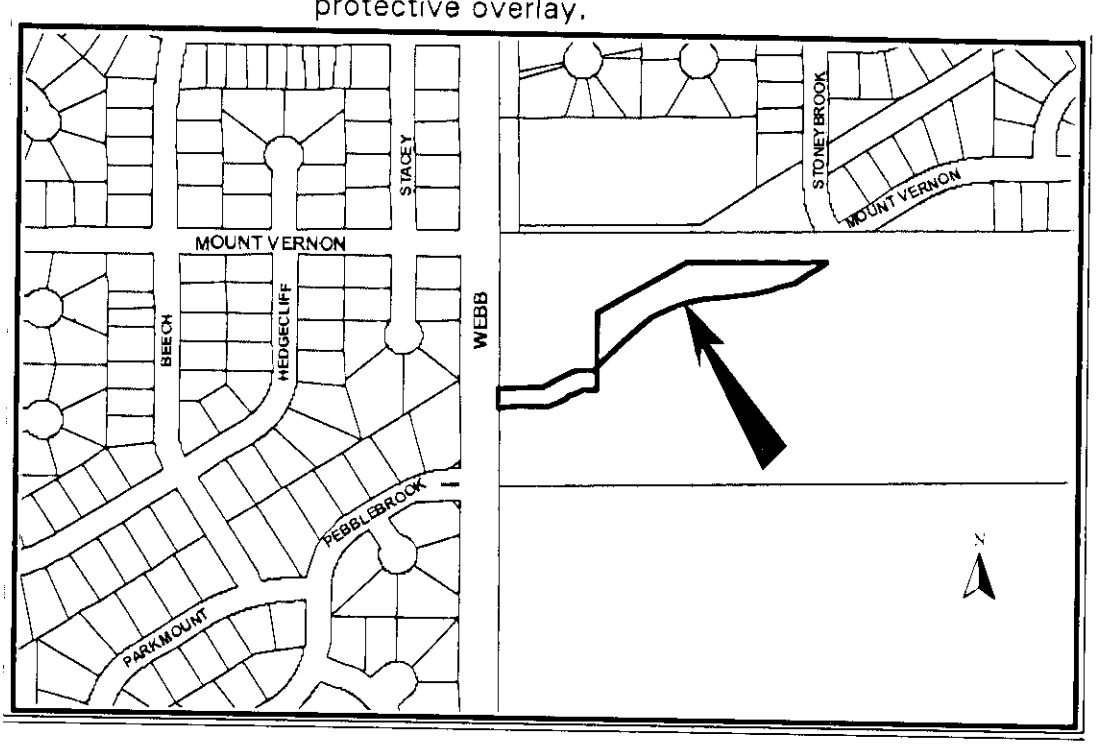
REQUEST: "MF-18" Multi-Family Residential with a protective overlay to match existing zoning of the remainder of the lot

CURRENT ZONING: "SF-20" Single-Family

SITE SIZE: 1.4 acres

LOCATION: ½ mile north of Pawnee and east of Webb Road.

PROPOSED USE: Expansion of surrounding "MF-18" Multi-family zoning with protective overlay.



BACKGROUND: The applicant requests a zone change from "SF-20" Single-Family Residential to "MF-18" Multi-Family Residential on a 1.4 acre portion of land within an unplatted tract, located on the east side of Webb Road, ½ mile north of Pawnee. The applicant wishes to change the zoning to match approved zoning for the remainder of the tract, to include a protective overlay. This zone change request is intended to rectify a design change since a previous rezoning of this tract. The original design for this development included Mount Vernon as a through street; a zone change from "SF-20" to "MF-18" was approved based on this original design. The applicant since changed the development design, eliminating Mount Vernon as a through street. Because the advertised legal description for the original, approved zone change did not include the current application area, the applicant must now rezone this area.

The applicant indicated, when the previous zone change was approved, that the development will consist of patio homes at a density of approximately six units per acre. Multi-family zoning is requested to permit condominium ownership, consisting of multiple dwelling units on a single lot. The original zone change request was approved, with a protective overlay, by MAPC (10-0) on December 7, 2000, and then approved by the Board of County Commissioners (4-0) on January 17, 2001. The protective overlay reads as follows:

1. Residential development on the site shall be developed in general conformance with a development plan to be approved by the Planning Director prior to the issuance of building permits.
2. The development plan may contain a mixture of housing types as long as the overall residential density of the development does not exceed 6 units per acre.

A final plat (SUB2000-00055, Maple Shade Addition) was approved by MAPC (14-0) on July 5, 2001. A revised final plat was approved by MAPC (10-0) on August 23, 2001. The revised design requires this requested zone change. The application area, and its entire development, anticipates annexation by the City of Wichita.

CASE HISTORY: A zone change from SF-20 to MF-18 was approved on this tract, excluding the current application area, on January 17, 2001.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"; "NO"	Single-family residences
SOUTH:	"SF-5"	Church
EAST:	"SF-20"	Undeveloped
WEST:	"MF-18"; "NO"	Utility substation; Single-family residences

PUBLIC SERVICES: The site has access to Webb, a recently widened four-lane arterial street with 2000 traffic volumes of approximately 10,275 vehicles per day. The 2030 Transportation Plan estimates that traffic volume on Webb will increase to approximately 12,200 vehicles per day. Public water and sewer are available or can

be extended to serve the site.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the 1999 *Update to the Comprehensive Plan* identifies this area as "Low-Density Residential". Low Density Residential provides for the lowest density (1 to 6 units per acre) of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions, and planned developments with a mix of housing types that may include townhouse and multi-family units. The requested "MF-18" Multi-Family Residential zoning does not conform to the Land Use Guide due to the higher permitted densities; however, under the protective overlay approved for the remainder of the tract, the overall development will not exceed 6 units per acre.

RECOMMENDATION: Based upon the information available prior to public hearings, planning staff recommends that the request for "MF-18" Multi-Family Residential zoning be APPROVED, subject to platting within 1-year and subject to the following provisions of the Protective Overlay approved for the remainder of the site:

1. Residential development on the site shall be developed in general conformance with a development plan to be approved by the Planning Director prior to the issuance of building permits.
2. The development plan may contain a mixture of housing types as long as the overall residential density of the development does not exceed 6 units per acre.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by developing single-family residential and institutional uses. The requested zone change will make this portion of property consistent with the zoning approved for the remainder of the tract.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-20" Single-Family Residential, which accommodates large lot residential development and complementary land uses. By annexing the property into the City of Wichita, the property's zoning could be automatically changed to "SF-5" Single-Family Residential, which accommodates moderate-density, single-family residential development and complementary land uses. The subject property, by its size and shape, is not suitable for single-family development. The application area can be a part of the overall tract development with the requested zone change.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested zone change, if subject to the recommended Protective Overlay, should have no detrimental affect on nearby residential properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: Under the recommended Protective Overlay, this request meets the *1999 Update to the Comprehensive Plan* "Wichita Land Use Guide" designation of this area as "Low-Density Residential."

5. Impact of the proposed development on community facilities: No impacts on community facilities have been identified.