CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

March 17, 2016

PBP Real Estate, LLC
c/o Chris Lee
2102 E. 21st St., N.
Wichita, KS, 67214

REFERENCE: ZON2015-00009 – CON2015-00008 – City zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential with a Conditional Use for multi-family density on property generally located west of Arkansas Avenue and north of the 31st Street North - Mascot Avenue intersection.

Mr. Lee,

At its regular meeting on **March 15, 2016**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** request, subject to platting within a year and with the following conditions:

(1)The site will be platted within a year of the approval of zoning case ZON2015-00009 by the governing body of the City of Wichita. The requested ZON2015-00009's TF-3 zoning and CON2015-00008 will not be in effect until the plat is approved and recorded.

(2)The site will be developed with a total of 18 living units, with a maximum of nine duplexes and two parking spaces per dwelling unit on the approximately 2.53-acre site.

(3)Each living area unit shall have two off-street parking spaces located on the driveway of each living unit.

(4)Each living unit shall have a carport.

(5)There shall be a platted reserve(s) for drainage, a playground, and open space.

(6)There shall be a 32-foot wide public street cul-de-sac designed to Subdivision Regulations for narrow residential streets for the development.

(7)There shall be a 'stone' wainscot located along the shared entrance-porch portion of the front of the duplexes. The front of the duplexes will share and face the same front yard, all as shown on the elevations provided by the applicant.

(8)The site shall be developed in general conformance to an approved site plan (including any adjustments needed as a result of the approved platting of the subject property) and elevations with all the UZC's development standards for multi-family residential development including, but not limited to, compatibility setbacks, parking, screening, lighting and landscaping.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Bill Longnecker
Senior Planner

BL: mc

Copies to: Kaw Valley Engineering, c/o Tim Austin, 200 N Emporia, Ste. 100, Wichita, KS, 67202
Janet Miller, WCC VI, Mail Stop 1-13
Martha Sanchez, CL VI, Mail Stop 1-135
PROTESTERS

OCA 150004

RESOLUTION No. 16-382

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT DUPLEX DEVELOPMENT WITH MULTI-FAMILY RESIDENTIAL DENSITY ON APPROXIMATELY 2.53-ACRES ZONED TF-3 TWO-FAMILY RESIDENTIAL ("TF-3"), GENERALLY LOCATED WEST OF ARKANSAS AVENUE & NORTHEAST OF THE 31ST STREET NORTH – MASCOT AVENUE INTERSECTION, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow duplex development with multi-family residential density, on approximately 2.53-acres zoned Two-Family Residential ("TF-3") legally described below:

Case No. CON2015-00008

A Conditional Use to allow duplex development with multi-family residential density on approximately 2.53-acres zoned Two-Family Residential (TF-3) described as:

Hogan-Chism Addition, Wichita, Sedgwick County, Kansas, generally located West of North Arkansas Avenue, North of West 29th Street North.

SUBJECT TO THE FOLLOWING CONDITIONS:

(1) The site will be platted within a year of the approval of zoning case ZON2015-00009 by the governing body of the City of Wichita. The requested ZON2015-00009's TF-3 zoning and CON2015-00008 will not be in effect until the plat is approved and recorded.
(2) The site will be developed with a total of 18 living units, with a maximum of nine duplexes and two parking spaces per dwelling unit on the approximately 2.53-acre site.
(3) Each living area unit will have two off-street parking spaces located on the driveway of each living unit.
(4) Each living unit will have a carport.
(5) There shall be two platted reserves for open space and playground (s). There will be platted reserves for drainage, playground and open space.
(6) There shall be a 32-foot wide public street cul-de-sac designed to Subdivision Regulations for narrow residential streets for the development.
(7) There shall be a 'stone' wainscot located along the shared entrance-porch portion of the front of the duplexes. The front of the duplexes will share and face the same front yard, all as shown on the elevations provided by the applicant.
(8) The site shall be developed in general conformance to an approved site plan (including any adjustments needed as a result of the approved platting of the subject property) and elevations with all the UZC's development standards for multi-family residential development including, but not limited to, compatibility setbacks, parking, screening, lighting and landscaping.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date

9-13-16

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law

Agenda Report No. V-I

City of Wichita
City Council Meeting
March 15, 2016

TO: Mayor and City Council

SUBJECT: ZON2015-00009 – CON2015-00008 – City Zone Change from Single-Family Residential to Two-Family Residential and a Conditional Use to Allow Multi-Family Residential Density on Property Generally Located West of North Arkansas Avenue and Northeast of the West 31st Street North - Mascot Avenue Intersection (District VI)

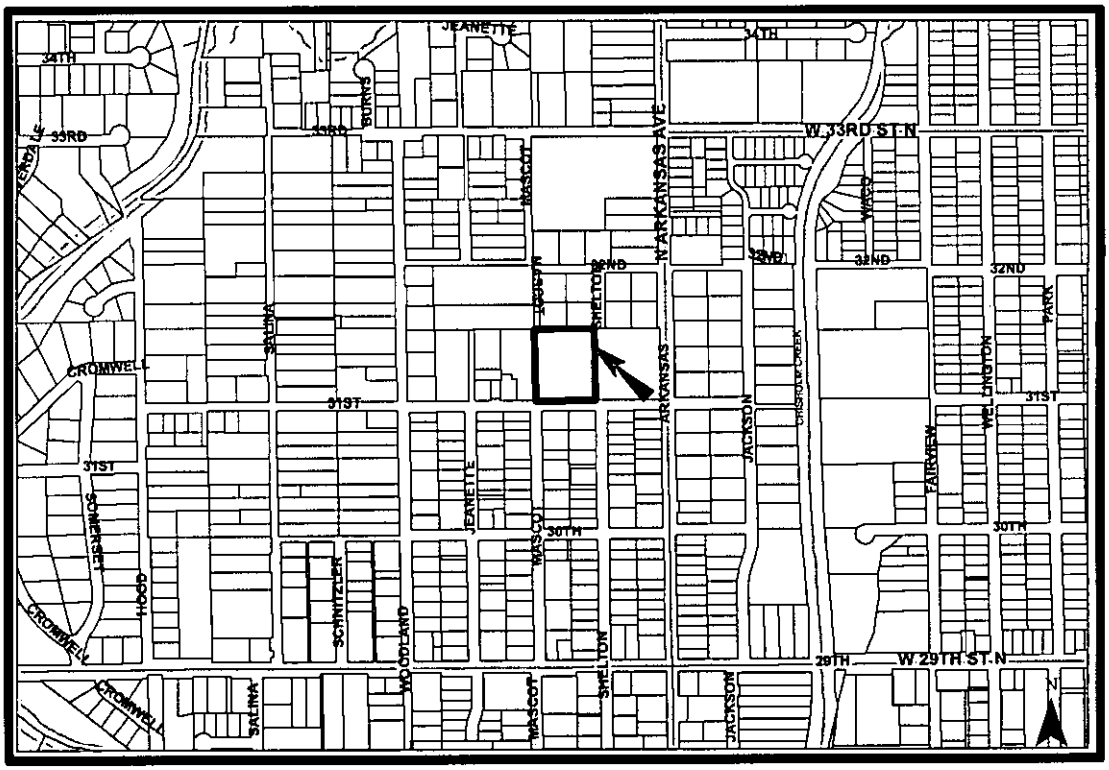
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendation: The MAPC recommended approval of the request (9-0).

DAB Recommendation: District Advisory Board VI recommended approval of the request (5-0).

MAPD Staff Recommendation: The Metropolitan Area Planning Department staff recommended approval of the request.



Background: The applicant is requesting TF-3 Two-Family Residential (TF-3) zoning on the undeveloped, unplatted 2.53-acre SF-5 Single-Family Residential zoned tract, located west of North Arkansas Avenue and north of the West 31st Street North – Mascot Avenue intersection. The applicant also proposes a conditional use to allow duplex development at a higher density than permitted in the TF-3 zoning district, subject to the following conditions:

(1) The site will be developed with nine (9) single-family residences and seven (7) duplexes for a total of 23 living units on the approximately 2.53-acre site.
(2) The site will be developed as shown on an approved site plan and in compliance with all the UZC's development standards for multi-family residential development including, but not limited to, compatibility setbacks, parking, screening, lighting and landscaping.

Analysis: On March 18, 2015, District Advisory Board (DAB) VI considered and denied (6-1) the requested TF-3 zoning and the conditional use as proposed by the applicant. There were protesters at the DAB VI meeting. The protesters were concerned that the site would generate a possible increase in traffic to the area, a possible rise in accidents associated with additional traffic, drainage concerns, and that the proposed development would not fit the neighborhood's design and density.

On March 19, 2015, the Metropolitan Area Planning Commission (MAPC) considered the request. The MAPC expressed concerns about the requested residential density and the scale of the development being out of character with the area. As a result The MAPC reduced the requested residential density from 23 living units to 18 living units and required two on-site parking spaces per dwelling unit. The MAPC approved (9-0) the requested TF-3 zoning and the conditional use subject to the following conditions:

(1) The site will be developed with a total of 18 living units with two on-site parking spaces per dwelling unit on the approximately 2.53-acre site.
(2) The site will be developed as shown on an approved site plan and in compliance with all the UZC's development standards for multi-family residential development including, but not limited to, compatibility setbacks, parking, screening, lighting and landscaping.

There were protesters at the MAPC meeting. The protesters were concerned that the site would generate a possible increase in traffic to the area, a possible rise in accidents associated with additional traffic, a possible lack of on-site parking, that the proposed density would degrade the neighborhood, drainage concerns and that the proposed development would not fit the neighborhood's design and density.

During the two-week protest period following the March 19, 2015, MAPC meeting the Metropolitan Area Planning Department received valid protests that total 47.28 percent of the of the land area located within the 200-foot protest radius of the perimeter of the application area. There were also appeals against the zoning and conditional use located outside the 200-foot protest radius. It takes six votes to overturn valid protests that total more than 20 percent of the land area within the 200-foot protest radius of the perimeter of the application area.

Prior to the request proceeding to the City Council for final action, the applicant requested a deferral. Subsequently the applicant requested that a revised conditional use proceed to DAB VI for reconsideration at the October 5, 2015, DAB VI meeting. DAB VI deferred action on the revised request until the October 21, 2015, DAB VI meeting, due to the feeling that insufficient notice was provided to the protesters.

On October 21, 2015, DAB VI considered the requested TF-3 zoning and the applicant's revised conditional use, subject to platting within a year of approval by the governing body and the following conditions:

(1) The site shall be developed with a total of 18 living units, with a maximum of nine duplexes and two on-site parking spaces per dwelling unit on the approximately 2.53-acre site.
(2) Each living area unit shall have two off-street parking spaces located on the driveway of each living unit.
(3) Each living unit shall have a carport.

(4) A reserve(s) shall be platted for drainage, open space, and a playground.
(5) There shall be a 32-foot wide public street ending in a cul-de-sac designed to the Subdivision Regulations for narrow residential streets for the development.
(6) There shall be a 'stone' wainscot located along the shared entrance-porch portion of the front of the duplexes. The front of the duplexes will share and face the same front yard, all as shown on the elevations provided by the applicant.
(7) The site shall be developed in general conformance to an approved site plan and elevations, with all the UZC's development standards for multi-family residential development including, but not limited to, compatibility setbacks, parking, screening, lighting and landscaping.

The DAB noted that the residential density, the on-site parking and the site being developed in conformance to an approved site plan reflected the MAPC's approval. The DAB also noted that the applicant proposed design changes that included a carport for each duplex, reserves for open space and playground, better internal circulation and ingress-egress, improved elevations and a more conventional orientation of the duplexes. The DAB VI members voted (5-0) to recommend approval of the proposed zoning change and the request for a conditional use, subject to the above conditions. There were no protesters at the DAB VI meeting. Since the October 21, 2015, DAB VI meeting, the applicant has a site plan that shows one large reserve for drainage, a playground, and open space.

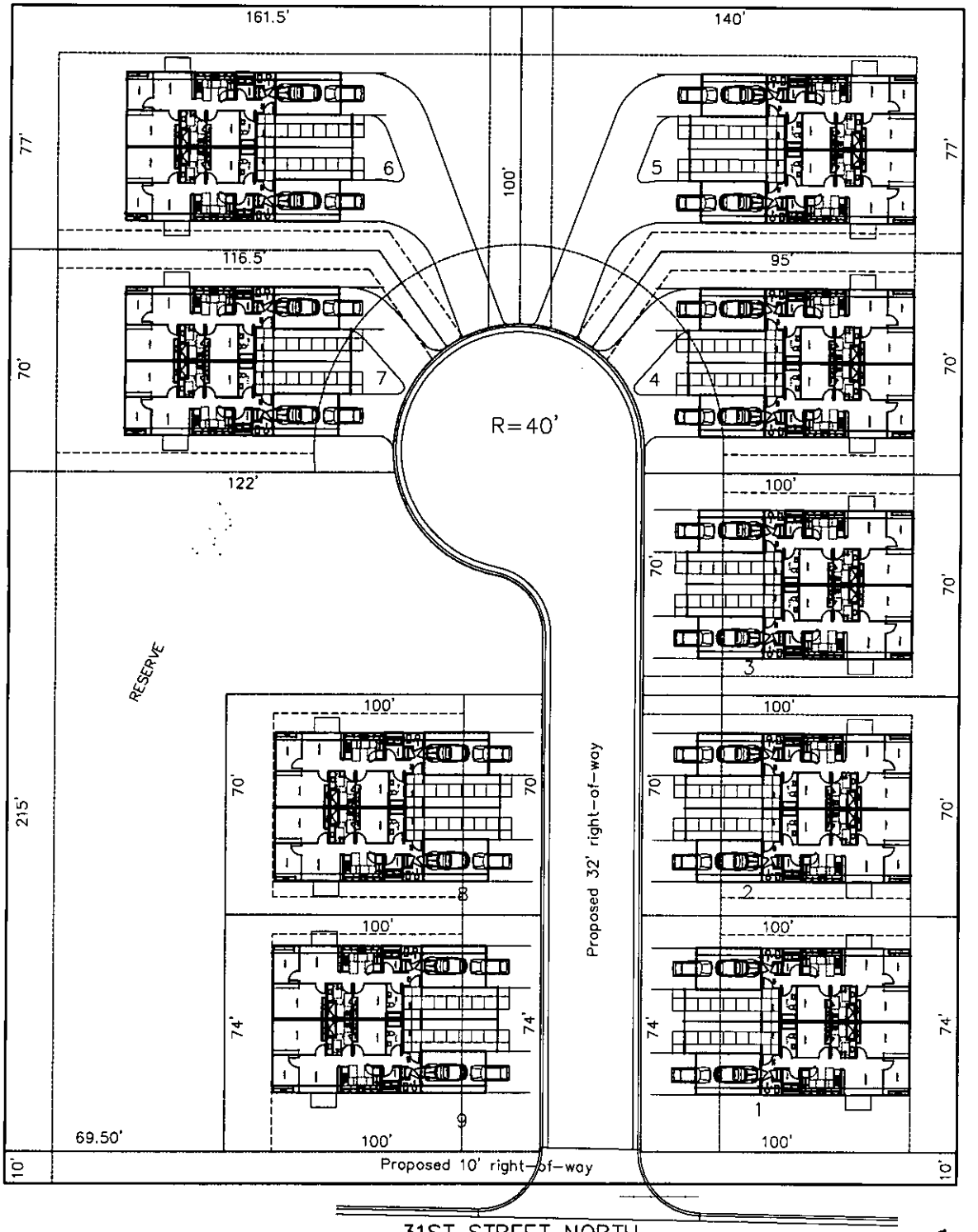
None of the valid protests totaling 47.28 percent of the of the land area located within 200-feet of the perimeter of the application area have been withdrawn, therefore it shall take six votes to overturn the valid protests.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance and conditional use resolution as to form.

Recommendation/Actions: It is recommended that the City Council: 1) Concur with the findings of the MAPC and approve the zoning, subject to platting within a year of approval by the governing body and the DAB's October 21, 2015, recommendation on the conditional use (requires six votes to overturn the protests); instruct the Planning Department to forward the resolution for adoption and withhold publication of the ordinance until it is forwarded for first reading when the plat is forwarded to the City Council.

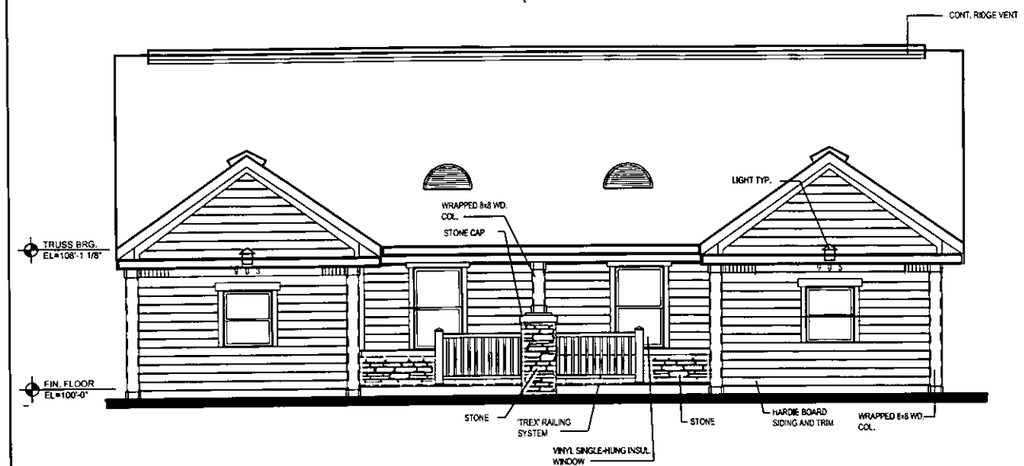
Attachments:
- MAPC minutes
- DAB memos
- Ordinance
- Resolution
- Site Plans and elevations
- Protest map

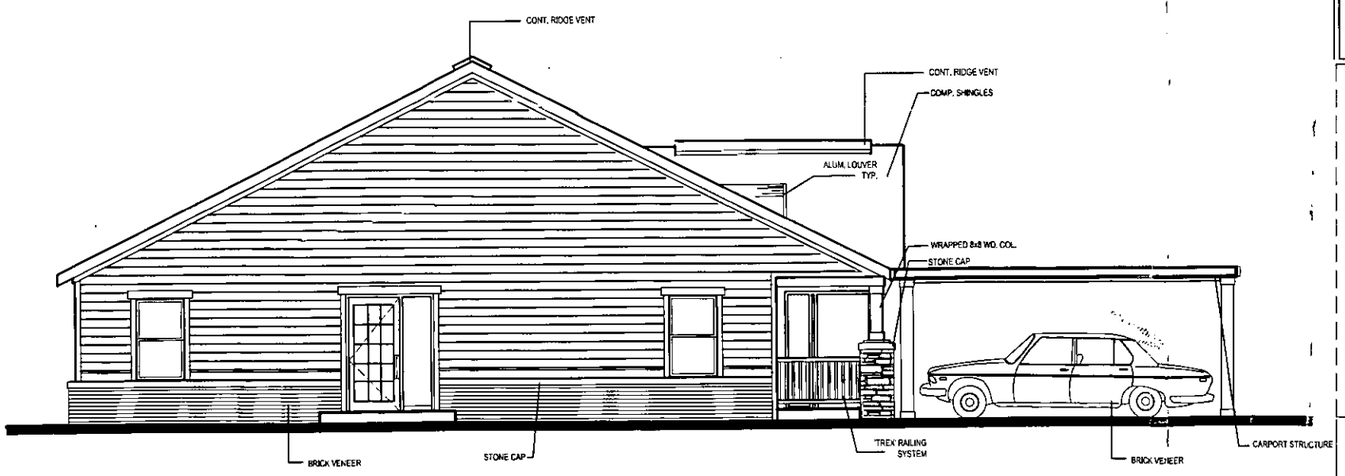


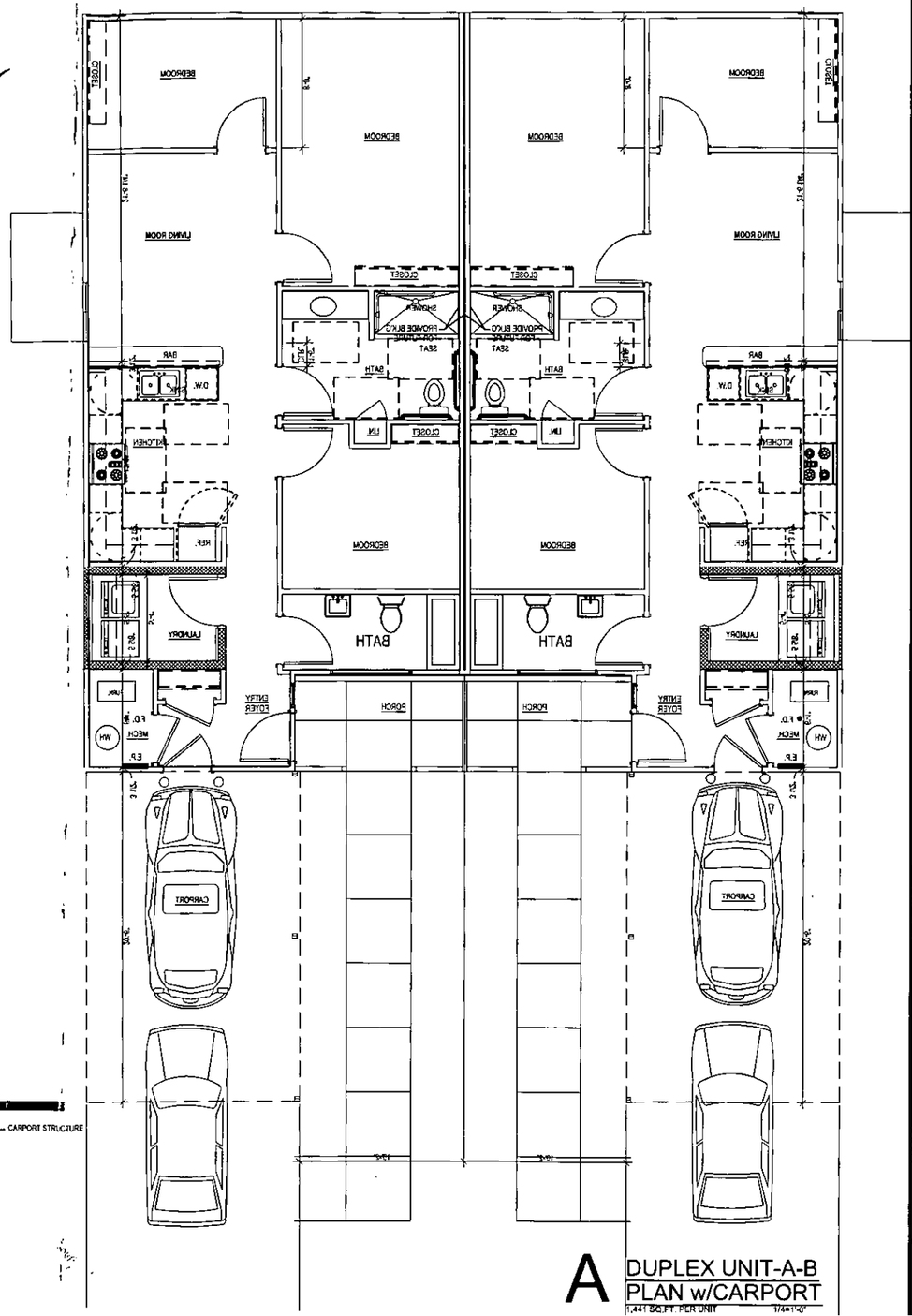
APPROVED 9-13-2016 BillLongmire/cw

SITE PLAN

APPROVED 9-13-2016 BillLongnecker







A DUPLEX UNIT-A-B
PLAN w/CARPORT
1,441 SQ.FT. PER UNIT 1/4"=1'-0"

design

Revisions:

PBP PROPERTIES
MULTI-FAMILY DEVELOPMENT
VICINITY OF 31ST AND ARKANSAS
WICHITA,KS

Sheet Reference:
ARCHITECTURAL PLAN AND ELEVATION
SCALE: AS NOTED

Date: 08/11/2015

A1