Planning Agenda Item #_____

City of Wichita
City Council Meeting
July 7, 1998

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3279 - WEST WICHITA DEVELOPMENT, INC., C/O JAY RUSSELL (CONTRACT PURCHASER); BAUGHMAN COMPANY, PA (AGENT) REQUEST ZONE CHANGE FROM "SF-6" SINGLE-FAMILY TO "MF-29" MULTI-FAMILY DWELLING, LOCATED SOUTH OF MAPLE AND EAST OF 135TH STREET WEST.

(DISTRICT #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1 year and to the additional provisions of a Protective Overlay (P-O #38) (11-0-2).

Staff Recommendation: Approve, subject to platting within 1 year and to the additional provisions of a Protective Overlay (P-O #38).

CPO Recommendation: Approve (4-3).

Background: The applicant requests a zone change from "SF-6" Single-Family to "MF-29" on an 8.2 acre preliminary platted tract located south of Maple and east of 135th Street West. This would allow the applicants to construct an apartment complex on this property as part of the Auburn Hills Addition.

The "MF-29" Multi-Family Zoning District requires 1,500 square feet per unit for multi-family development with a maximum of 29 dwelling units per acre. Therefore, the applicants could possibly construct 237 units on these 8.2 acres. However, the applicants have stated it is not their intention to construct the maximum number of units on this property, but will construct more than permitted within the "MF-18" zoning district (maximum of 17.4 dwelling units per acre). The applicant has agreed to a protective overlay on this property to address the design of the apartment complex, including conditions on building size, wall and roof forms and materials, landscaping, childrens' play area, and setback from the most affected single family lots to the east.

The applicant will be required to meet the landscaping and screening requirements of the Landscape Ordinance and Unified Zoning Code due to a multi-family development located adjacent to single-family residential zoning district. These requirements include landscaping along 135th Street West as well as a 15 foot landscaped buffer along the east property line adjacent to "SF-6" zoning, with one shade tree and 5 shrubs for each 30 feet in length of the buffer, or a solid screening fence with lesser landscaping. However, the landscaping could possibly be waived along the south property line, if it is found the proposed golf course will provide sufficient undisturbed natural foliage. The applicant will also be required to meet the compatibility setback and height standards unless a variance request is approved by the Board of Zoning Appeals.

According to the applicant, 135th Street West will be moved farther west to allow for the construction of the golf course just south of this site.

This site is surrounded on the north by Auburn Hills Commercial Addition and unplatted land. East of this site is Auburn Hills 3rd Addition, a single-family residential development. South of this site and west across 135th Street is undeveloped agricultural land proposed as the Auburn Hills Golf Course.

At the June 10th CPO 5 meeting, no citizens appeared in opposition, and CPO members voted (4-3) to recommend approval of the request. Their action included a recommended 2 story limitation and a masonry wall between the apartments and the adjacent golf course that is planned. Those voting in opposition were concerned that neighbors to the east may not have been notified of the request.

At the June 11th MAPC hearing, the applicant's agent spoke about this request and the proposed use of this property. No one spoke in opposition to this request. After limited discussion, the MAPC unanimously approved the request, subject to platting within one year and the additional provisions of a protective overlay, but rejected the additional recommendations of CPO 5.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting; 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 reconsideration.

   (An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the 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.

FILE COPY

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- 3279

Zone change request from "SF-6" Single-Family District to "MF-29" Multi-Family District, and to "P-O" Protective Overlay District No. 38 described as:

A tract of land in the Northwest Quarter of Section 25, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, further described as follows: Beginning at the intersection of the west line of said Northwest Quarter with the south line of Auburn Hills Commercial Addition, Wichita, Sedgwick County, Kansas as extended west; thence north 88 degrees 59' 02" east along said extended south line and as extended east, 1089 feet to a point on the west line of Auburn Hills 3rd Addition, Wichita, Sedgwick County, Kansas; thence south 00 degrees 05' 53" west along the west line of said Auburn Hills 3rd Addition, 172.58 feet to the southwest corner of said Auburn Hills 3rd Addition; thence south 88 degrees 59' 02" west along the south line of said Auburn Hills 3rd Addition as extended west, 180 feet; thence south 64 degrees 46' 21" west, 1005.46 feet to a point on the west line of said Northwest Quarter; thence north 00 degrees 05' 53" east along the west line of said Northwest Quarter, 585 feet to the Point of Beginning, TOGETHER with a tract of land in the Northeast Quarter of Section 26, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, further described as follows: Beginning at the intersection of the east line of said Section 26 with the south line of said Auburn Hills Commercial Addition as extended west; thence south 00 degrees 05' 53" west along the east line of said Northeast Quarter, 585 feet; thence south 64 degrees 46' 21" west, 81.76 feet to a point on a curve to the right; thence northerly along said curve,

having a central angle of 44 degrees 25' 02" and a radius of 495 feet, an arc distance of 383.74 feet, (having a chord length of 374.20 feet bearing north 03 degrees 00' 52" east), to the P.R.C. of a curve to the left; thence northerly along said curve, having a central angel of 25 degrees 07' 30' and a radius of 580 feet, an arc distance of 254.34 feet, (having a chord length of 252.30 feet bearing north 12 degrees 39' 38" east) to the Point of Beginning. Generally located south of Maple and east of 135th Street West.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

A. All visible roofs shall be of wood shake, architectural tile, or architecturally textured composition shingles. All structures shall incorporate multiple roof forms with varying eave levels. The predominant roof pitch shall be no less than 7:12.

B. No building shall contain more than 24 dwelling units. Building elevations must be designed to incorporate projections and recesses to create shade and shadows. The predominant exterior wall material must be brick or architectural siding in character with surrounding residential structures.

C. A minimum of 25 percent of the dwelling units shall be provided either attached or detached garage or carport spaces. Garage doors must be substantially screened from adjacent streets or residential lots.

D. Along 135th Street, a landscaped area of at least 40 feet from the lot line must be maintained, with at least one tree for every 500 square feet of landscaped area.

E. At least one children's play area with permanently installed play equipment shall be provided on the site.

F. No window openings above the first story may face east toward lot 23, Block A of Auburn Hills 3rd Addition within 80 feet of that lot.

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.