

CONDITIONAL USE RESOLUTION NO. CU-554

WHEREAS, RRGNL, LLC, c/o Jay Russell (owner); Ritchie Development, c/o Rob Ramseyer (contract purchaser); Baughman Company, P.A., c/o Phillip J. Meyer (agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow multi-family development on 13.32 acres zoned "TF-3" Two-Family described as:

Lots 1 through 14, inclusive, Block 2, and Lots 1 through 18, inclusive, Block 3, Ridge Port Addition, Wichita, Sedgwick County, Kansas. Generally located east of Ridge Road, approximately ¼ mile north of 29th Street North.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of December 16, 1999, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a conditional use to allow multi-family development on 13.32 acres zoned "TF-3" Two-Family described as

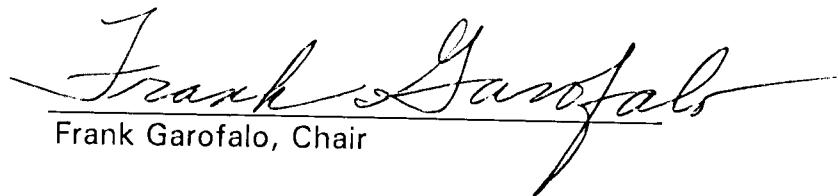
Lots 1 through 14, inclusive, Block 2, and Lots 1 through 18, inclusive, Block 3, Ridge Port Addition, Wichita, Sedgwick County, Kansas. Generally located east of Ridge Road, approximately ¼ mile north of 29th Street North.

subject to the following conditions:

1. The application area shall be replatted within one year from approval, with the replat generally reflecting the revised lot configuration shown on the site plan attached hereto.
2. A landscape street yard equivalent to that required by the Landscape Ordinance shall be provided along Ridge Road, treating the Ridge Road frontage as a single parcel zoned for multi-family use. If a screening wall or fence is constructed along Ridge Road, it shall be constructed along the entire length and be of uniform construction.
3. The site shall be developed in general conformance with the site plan attached to and made a part of this application.
4. Any violation of the conditions approved as a part of this request shall render the "Conditional Use" null and void.

Adopted this 16th day of December, 1999. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

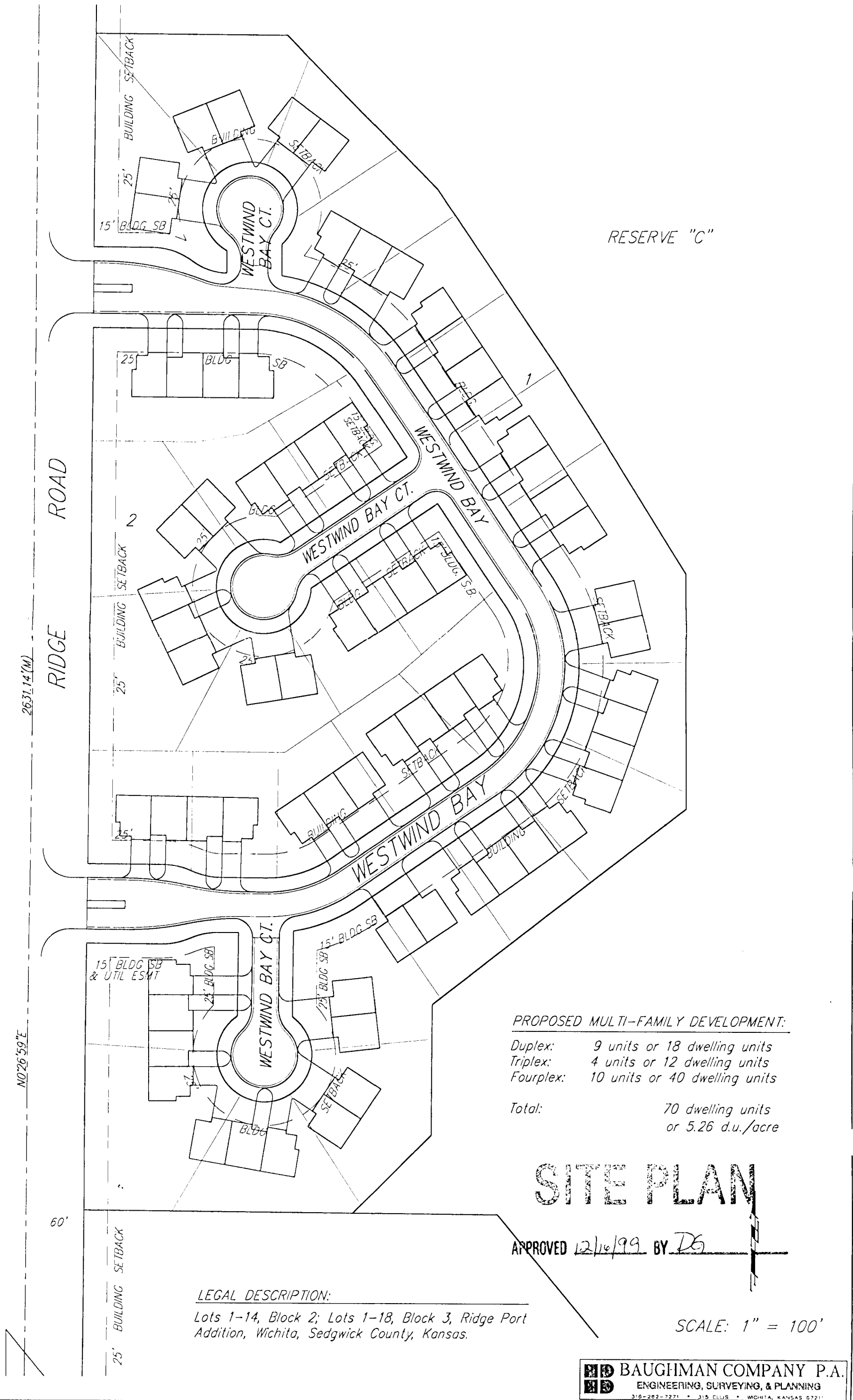

Frank Garofalo, Chair

ATTEST:


Marvin S. Krout, Secretary

EXHIBIT A

CONDITIONAL USE CASE: CU-554



STAFF REPORT

MAPC December 16, 1999

CPO(5) December 15, 1999

CASE NUMBER: CU-554

APPLICANT/AGENT: RRGNL, LLC, c/o Jay Russell (owner); Ritchie Development, c/o Rob Ramseyer (contract purchaser); Baughman Company, P.A., c/o Philip J. Meyer (agent)

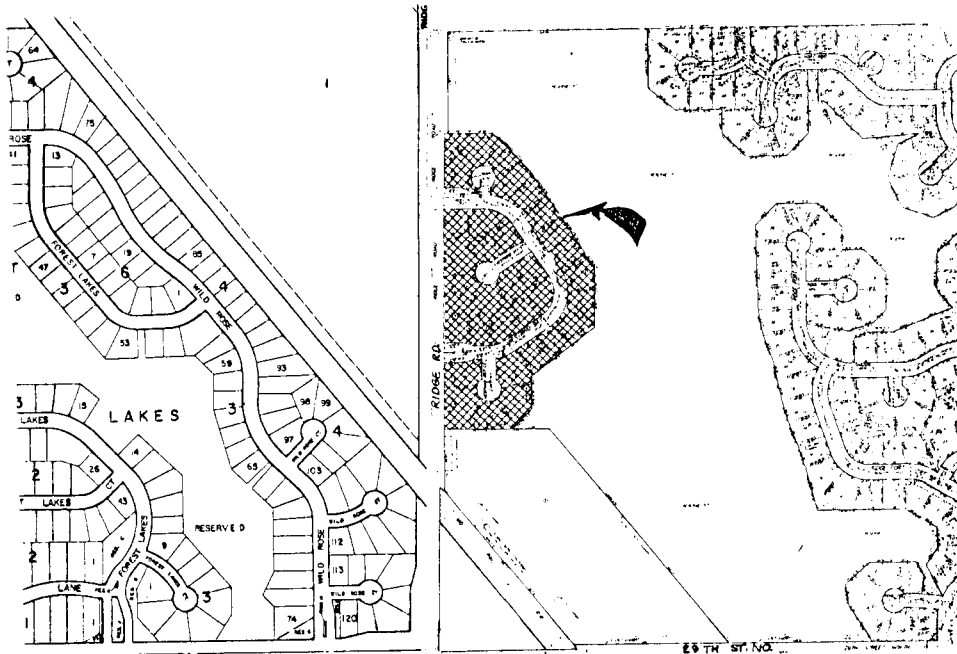
REQUEST: Conditional Use to allow multi-family development

CURRENT ZONING: "TF-3" Two-Family

SITE SIZE: 13.32 acres

LOCATION: East of Ridge Road, approximately ¼ mile north of 29th Street North

PROPOSED USE: Development of 70 duplex, triplex and four-plex units on property zoned "TF-3"



BACKGROUND: The applicant is requesting a "Conditional Use" for 13.32 acres of property zoned "TF-3" Two-Family. The application area is located east of Ridge Road approximately ¼ mile north of 29th Street. Currently, the application area is platted into a total of 32 duplex lots as a part of Ridge Port Addition. If the application would be approved, a total of 70 dwelling units would be allowed in the application area. This would be a net increase in six units over what is currently permitted by right. The density would increase modestly from 4.8 units per acre to 5.26 units per acre. The units would be developed with nine duplexes (18 dwelling units), four triplexes (12 dwellings), and 10 four-plexes (40 dwelling units). The lots would be oriented on a local street, Westwind Bay, with no lots facing Ridge Road or taking direct access from Ridge Road.

The "Conditional Use" approval is required in order to develop triplex and four-plex units on property zoned "TF-3." The Unified Zoning Code establishes the minimum lot size of 3,000 square feet per dwelling unit for multi-family and duplex units, which is a maximum of 14.5 dwelling units per acre, excluding street rights-of-way. The Code also requires a minimum front setback of 25 feet and a maximum height of 35 feet. The Landscape Ordinance required a multi-family development to be separated from single-family districts and two-family districts by a 15-foot landscape buffer.

The property was platted in 1998 with duplex lots. However, when triplexes and four-plexes are incorporated into the site plan, most structures would overlap lot lines on the plat. Replatting the application area to reflect the lot configuration shown on the site plan would avoid the need for repeated boundary shifts and simplify the issuance of building permits.

The site is located immediately to the south of a large parcel being developed as a medical office complex, and that is proposed to include a future regional medical center for Via Christi (DP-237 Ridgeport North C.U.P.). Reserve "C" is located on the east of the application area. This would be a drainage feature (lake), and would separate the site from single-family development under development to the east of the application area. It is part of the drainage plan approved as part of Ridge Port Addition. A pending rezoning request (Z-3344) for "MF-29" Multi-Family to develop apartments is located to the northeast of the lake. The properties to the south of the application area and to the west across Ridge Road are zoned "LI" Limited Industrial.

CASE HISTORY: The property is part of the Ridge Port Addition, platted June 8, 1998.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6" Single-Family "LC" Limited Commercial	Reserve "C"; proposed apartments; vacant commercial parcel (DP 237)
EAST:	"SF-6" Single Family	Lake, residences under construction
SOUTH:	"LI" Limited Industrial	Vacant
WEST:	"LI" Limited Industrial	Vacant

PUBLIC SERVICES: The site has access on Ridge Road, a four-lane arterial street via Westwind Bay. Traffic volumes on this segment of Ridge Road in 1997 were estimated to be 7,717 average daily trips (ADTs). The 2020 Transportation Plan estimated that volumes would increase to 15,275 ADTs. Traffic improvements for the 37th Street intersection have been delineated as part of DP-237. This 70-unit development would not be anticipated to generate the need for additional traffic improvements. Water and sewer services are being extended to the property.

CONFORMANCE TO PLANS/POLICIES: The "Land Use Guide" of the Comprehensive Plan identifies this property as "agricultural." However, the continued northern expansion of urban development and recent widening of Ridge Road, the proximity of the K-96 freeway interchange, and the ultimate plan to extend sewer service to that freeway suggests that this area is becoming ripe for urban development.

RECOMMENDATION: The Wichita Land Use Guide encourages higher density residential development to occur in appropriate locations within the new growth/urban reserve areas. The requested "Conditional Use" would yield a medium-density residential development in conformance with these guidelines. Based on these conditions and the information available prior to the public hearing, Staff recommends the application be APPROVED, subject to the following conditions:

1. The application area shall be replatted within one year from approval, with the replat generally reflecting the revised lot configuration shown on the site plan attached hereto.
2. A concrete or masonry wall of not less than six or more than eight feet in height shall be constructed in a five-foot wall easement, as shown on Ridge Port Addition.
3. The site shall be developed in general conformance with the site plan attached to and made a part of this application.
4. Any violation of the conditions approved as a part of this request shall render the "Conditional Use" null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is near DP-237 Ridge Port North C.U.P. to the north, which is undergoing development with medical office uses and neighborhood retail uses. The area to the east beyond the lake and the "Reserve" is being developed in single-family use, with a portion being considered for multi-family use (Z-3344).
2. The suitability of the subject property for the uses to which it has been restricted:

The property is currently vacant and could be developed as "TF-3" in the configuration already platted as part of Ridge Port Addition.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The "Conditional Use" would expand the type of housing permitted to include triplexes and four-plexes, but would not increase density significantly. The large reserve areas and the lake separating the multi-family units from the single-family units to the east, coupled with required landscaping and screening, should mitigate any impacts of the "Conditional Use."
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change in zoning classification is not in conformance with the Wichita Land Use Guide. However, as discussed earlier, changing factors have resulted in previous zone changes that have significantly altered the composition of development in the area. The proposed "Conditional Use" is in proximity to non-residential development, near a major arterial, and near the K-96 freeway interchange. It will result in a more compact use of land and offer a range of housing types in the Northeast. These are desired characteristics supported by land use objectives of the Comprehensive Plan.
5. Impact of the proposed development on community facilities: The projected impact on community facilities is minimal, particularly since the "Conditional Use" only results in an increase in six dwelling units.