CONDITIONAL USE RESOLUTION NO. CON2004-00015

WHEREAS, Prairie Villa at Beacon Hill, L.C., (Applicant); Baughman Company, %Terry Smythe) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow Multi-family on 10.1 acres zoned "TF-3" Two-family Residential described as:

> Lot 1, Block A, Prairie Villa at Beacon Hill Addition, Wichita, Sedgwick County, Kansas. Generally located north of 21st Street North and east of Pinecrest.

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 April 22, 2004, 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 on 10.1 acres zoned "TF-3" Two-family Residential described as:

> Lot 1, Block A, Prairie Villa at Beacon Hill Addition, Wichita, Sedgwick County, Kansas. Generally located north of 21st Street North and east of Pinecrest.

SUBJECT TO THE FOLLOWING CONDITIONS:

A. The maximum number of dwelling units allowed on the site shall be no more than 60 dwelling units in 30 duplex structures, plus a clubhouse.
B. To the extent the hedgerow of trees existing along the north and east property lines are on the applicant's property, these trees shall be maintained, or if removed replaced at a one for one rate.
C. The site shall be developed in general conformance with the approved site plan, and subject to other applicable development requirements.
D. If the Zoning Administrator finds that there is a violation of any of the conditions of approval of this Conditional Use, the Zoning Administrator with the concurrence of the Planning Director may, in addition to enforcing any remedies set forth in Article VIII of the Unified Zoning Code, declare the Conditional Use null and void.

Adopted this 22nd DAY of APRIL, 2004. 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

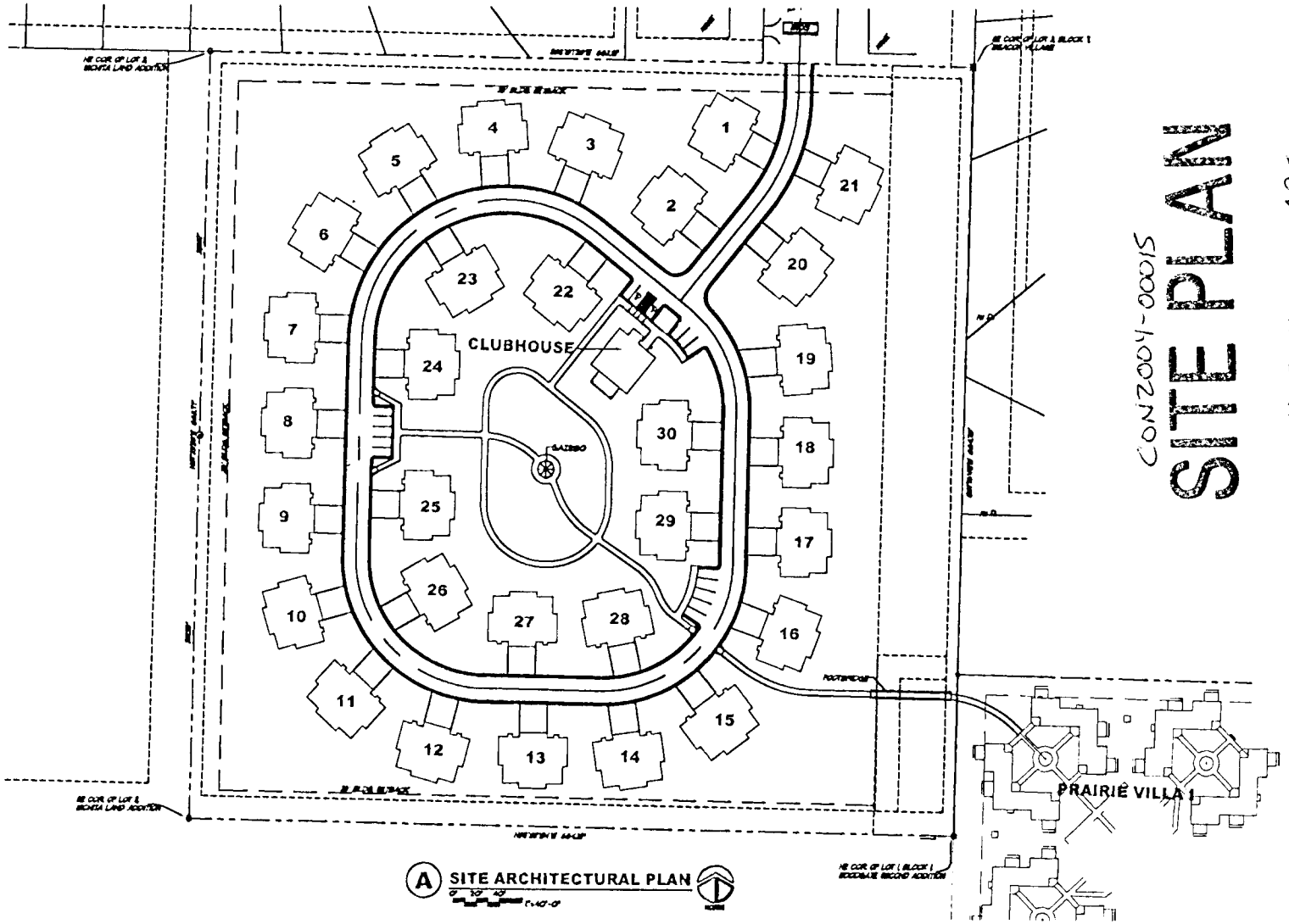
Ronald L. Marnell, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

PRAIRIE VILLA II AT BEACON HILL

WICHITA, SEDGWICK COUNTY, KANSAS



A SITE ARCHITECTURAL PLAN

CON2004-00015

SITE PLAN

APPROVED 4-22-04 BY MAPC

JEFFCOAT ASSOCIATES ARCHITECTURE

PRAIRIE VILLA II

Wichita, Kansas

SA1

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 12

STAFF REPORT

DAB I 5-3-04
MAPC 4-22-04

CASE NUMBER: CON2004-00015

APPLICANT/AGENT: Prairie Villa at Beacon Hill, L.C.; Baughman Company, P.A. (Terry Smythe)

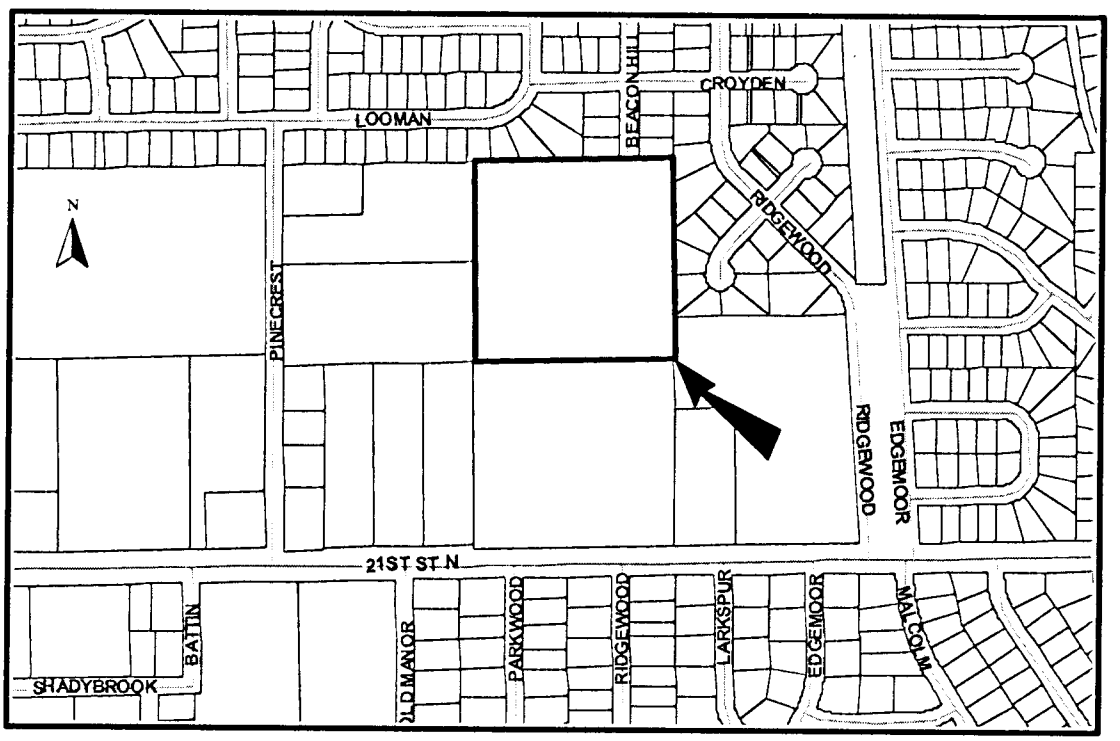
REQUEST: Conditional Use to allow multi-family on property approved for "TF-3" Two-family Residential zoning, subject to platting

CURRENT ZONING: "SF-5" Single-family Residential

SITE SIZE: 10.1 acres

LOCATION: North of 21st Street North and east of Pinecrest

PROPOSED USE: Multiple duplex residential units on a single lot



BACKGROUND: The *Unified Zoning Code* permits multi-family residential uses in the "TF-3" Two-family Residential district as a Conditional Use provided the maximum density does not exceed 14.5 dwelling units per acre. The applicant is seeking a Conditional Use to permit 30 duplex structures (60 dwelling units) on a single 10.1 acre lot that is currently zoned "SF-5" Single-family Residential, but has been approved for "TF-3" Two-family Residential zoning, subject to completing a plat. As depicted on the attached site plan, the proposed dwelling unit density per acre is 5.9. This Conditional Use application would not be necessary if the applicant were willing to submit a plat that depicts one duplex structure (two dwelling units per structure) per lot. More than one duplex structure per lot makes the project a multi-family project, triggering the need for the Conditional Use since multi-family uses are not a use permitted "by right" in the "TF-3" district.

In summary, this request does nothing more than make it possible for the developer to do the same duplex project initially proposed in 2003 in a multi-lot subdivision; on a single-lot subdivision.

The tract is located approximately 600 feet north of 21st Street North and 600 feet east of Pinecrest. The site is undeveloped today. The only access to the site is via a residential street, Beacon Hill that provides access to the site from the north. A plat for this project, Prairie Villa at Beacon Hill, has been submitted and approved through MAPC on February 19, 2004. That plat has been approved without a requirement for additional access points beyond Beacon Hill.

"TF-3" Two-family Residential zoning is intended to accommodate moderate-density single-family and duplex residential development, as well as very limited density multi-family development and other complementary land uses. Minimum lot size for duplex units is 3,000 square feet per dwelling unit or 6,000 square feet per duplex unit.

Surrounding property is zoned and developed with a variety of uses: single-family residential, multi-family residential and commercial.

CASE HISTORY: "TF-3" Two-family Residential, subject to platting has been approved by ZON2003-00057 in 2003. The one lot Prairie Villa at Beacon Hill plat has been approved through MAPC.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5" Single-family Residential; single-family residential
SOUTH: "MF-29" Multi-family Residential, "LC" Limited Commercial; multi-family residential
EAST: "SF-5" Single-family Residential, "MF-18" Multi-family Residential; single-family and multi-family residential
WEST: "MF-29" Multi-family Residential; vacant, multi-family residential

PUBLIC SERVICES: Public services are available.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" depicts the site as appropriate for "high-density residential". This category permits in excess of 10 dwelling units per acre. The "high-density residential" category also permits lower intensity developments. A Conditional Use to permit multi-family residential development at the density proposed is an appropriate buffer project to be located between the multi-family and commercial zoning located south and west of the site, and the single-family residential zoning located to the north of the site. The single-point of access to the site is problematic, as a more direct route via a collector street would provide better access than what exists for this site today.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year and the following conditions:

A. The maximum number of dwelling units allowed on the site shall be no more than 60 dwelling units in 30 duplex structures, plus a clubhouse.
B. To the extent the hedgerow of trees existing along the north and east property lines are on the applicant's property, these trees shall be maintained, or if removed replaced at a one for one rate.
C. The site shall be developed in general conformance with the approved site plan, and subject to other applicable development requirements.
D. If the Zoning Administrator finds that there is a violation of any of the conditions of approval of this Conditional Use, the Zoning Administrator with the concurrence of the Planning Director may, in addition to enforcing any remedies set forth in Article VIII of the Unified Zoning Code, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding property is zoned and developed with a variety of uses: single-family residential, multi-family residential and commercial. The area surrounding the site is part of a long established area that contains a mix of uses.

2. The suitability of the subject property for the uses to which it has been restricted: The site is presently zoned "SF-5," but has been approved for "TF-3," subject to platting. A plat has been approved by the MAPC, which if approved by City Council and recorded, perfects the proposed duplex zoning. The site could be developed as currently zoned, or under the "TF-3" only zoning.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally affect nearby property to any significant degree. If this request is approved, the site could be developed with a mix of single-family and duplex units, or exclusively with one type of residences or the other. Either way, traffic is probably the most likely externality to affect existing developments. It would be better if the site had direct access to Pinecrest; however there are any number of neighborhoods whose access is provided by a somewhat circuitous route similar to the situation that exists with this site.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposal is consistent with adopted plans in that adopted plans encourage infill development; and the plan indicates this site is appropriate for "high density" uses, and the request is for "medium density" residential.

5. Impact of the proposed development on community facilities: Traffic on existing residential street will increase, however existing facilities are in place to accommodate increased traffic. Other community services are available.