Agenda Item #27

City of Wichita
City Council Meeting
August 20, 2002

Agenda Report No. 02-1758

TO: Mayor and City Council Members

SUBJECT: **ZON2002-00039 and CON2002-00033 – Zone change from "SF-5" Single-family Residential to "TF-3" Two-family Residential AND Conditional Use for multi-family use. Generally located at the southwest corner of Hoover Road and St. Louis Avenue. (District IV)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff recommendation (10-0).

Staff Recommendation: Approve, subject platting within one year and to conditions.

DAB Recommendation: Deny (4-3).



BACKGROUND: The applicant is requesting a zone change from "SF-5" Single-Family Residential to "TF-3" Two-Family Residential and a Conditional Use for multi-family residential use on a 1.6 acre unplatted tract located on the southwest corner of Hoover Road and St. Louis. The rear property line of the tract abuts I-235.

The proposed site plan shows five duplexes fronting onto Hoover Road. The duplexes would be set as close as possible to Hoover to be farther from I-235.

The surrounding area is developed with single-family dwellings. All the property in the vicinity is zoned "SF-5" Single-Family except for two lots directly to the east that are zoned "TF-3" Two-Family.

At the District IV Advisory Board held July 17, 2002, the Board voted (4-3) to recommend denial of the requested zone change and Conditional Use. One concern voiced was the need for at least two off-street parking spaces per dwelling unit to avoid on-street parking. Only one space per unit was shown on the proposed site plan (the space within the garage), and it was felt that the arrangement would result in parking within the front setback on the paved driveway between the garage and street, as well as on the street; and that this would create undue congestion on the street for existing residents. Other concerns were maintenance of the units, maintenance of the rear of the lot that is proposed as open space, and the effects of increased density on the surrounding neighborhood.

At the MAPC meeting held July 25, 2002, MAPC voted (10-0) to approve subject to staff recommendation of platting within one year and subject to the following conditions:

1. The use of the property shall be restricted to those uses permitted in the "SF-5" Single-Family Residential zoning district and to duplexes with a maximum density of 10 dwelling units.

2. The applicant shall guarantee paving of the pro rata share of Hoover Road.

3. The Conditional Use shall be developed in general conformance with the site plan. Any substantial change in the site plan shall require an amendment to this Conditional Use.

3. The dwellings shall be in general conformance to the building elevations attached hereto, consisting of a front façade with a combination of brick or masonry and wood frame, composite, or vinyl siding, and a pitched roof. Floor plan modifications utilizing the same general site layout shall be allowed and plans that reduce the prominence of the garage on the front of the structure shall be encouraged.

4. A landscaped street yard consisting of a minimum of 5,000 square feet of landscaped area and 10 trees located within the area between the street wall

line and the right-of-way line of Hoover Road shall be established and maintained in accordance with the requirements of the Landscape Ordinance of City of Wichita.

5. The parking areas and driveways located in the front yard or street side yard shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing and shall be maintained in good condition and free of all weeds, dust, trash and other debris.

6. No duplex shall be divided or sold as a separate ownership unless the duplex is replatted or subject to a lot split AND separate public water and sewer is provided to each separate ownership.

7. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.

8. Any substantial violation of these conditions shall be reviewed and if determined not to be in compliance with these conditions, shall render this Conditional Use null and void.

Protests have been received, but are less than the 20 percent (1.8 percent) that would require supermajority vote by the Wichita City Council.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and Conditional Use permit, subject to the recommended conditions and subject to platting within one year; approve the resolution authorizing the Conditional Use; place the zoning ordinance on first reading when the plat is forwarded to Council.

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.)

(150004) Published in The Wichita Eagle on 1-24-03

ORDINANCE NO. 45-397

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. ZON 2002-39

Request for zone change from "SF-5" Single-Family Residential to "TF-3" Two-family Residential on property described as:

Lot 1, Block 1, Spencer's First Addition.

Generally located on the south of Central, on the west side of Hoover.

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 THIS 8th **DAY OF** October, **2002.**

ATTEST:

for Patsy Ellis, Deputy
Pat Burnett, City Clerk
(SEAL)

Bob Knight, Mayor

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6A/6B

STAFF REPORT

MAPC July 25, 2002
DAB IV July 17, 2002

CASE NUMBER: ZON2002-00039; CON2002-00033

APPLICANT/AGENT: Certified Builders Inc. c/o Dennis Niedens

REQUEST: "TF-3" Two-Family Residential with a Conditional Use for multi-family use

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

SITE SIZE: 1.6 acres

LOCATION: Southwest corner of Hoover Road and St. Louis Avenue

PROPOSED USE: Duplex development



BACKGROUND: The applicant is requesting a zone change from "SF-5" Single-Family Residential to "TF-3" Two-Family Residential and a Conditional Use for multi-family residential use on a 1.6 acre unplatted tract located on the southwest corner of Hoover Road and St. Louis. The rear property line of the tract abuts I-235.

The proposed site plan shows five duplexes fronting onto Hoover Road. The duplexes would be set as close as possible to Hoover to be farther from I-235.

The surrounding area is developed with single-family dwellings. All the property in the vicinity is zoned "SF-5" Single-Family except for two lots directly to the east that are zoned "TF-3" Two-Family.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-family residential
SOUTH:	"SF-5"	Single-family residential
EAST:	"SF-5"	Single-family residential
WEST:	"SF-5"	I-235

PUBLIC SERVICES: The site has access to Hoover Road, which is unpaved between Saint Louis Avenue and 3rd Street North. Public water and sewer are available for extension to serve the site.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "Low Density Residential" development. The Low Density Residential category is intended primarily for single-family detached housing but may include townhouse and multi-family units at a density of up to 6 dwelling units per acre when part of a planned development with a mix of housing types. The proposed use of the property for duplexes does not meet the criteria of allowing multi-family use as part of a mix that is predominately single-family, but the proposed density of 10 units on 1.6 acres is at the upper range for low density (1-6 dwelling units per acre).

Perhaps the proposed development more nearly fits the "Medium Density Residential" category, which allows a density range of 6-10 dwelling units per acre and includes duplexes as a permitted dwelling type. The Locational Guidelines indicate that medium-density residential uses should be located within walking distance of commercial centers, parks, schools, and public transportation routes and in close proximity to concentrations of employment, major thoroughfares, and utility trunk lines. The Locational Guidelines also indicate that medium-density residential uses

should be located where they will not overload or create congestion in existing and planned community facilities and utilities.

The proposed site is shown as a "revitalization" area on the "Wichita Residential Area Enhancement Strategy Map" of the *Comprehensive Plan*. Well-designed residential infill development is to be encouraged in revitalization areas by zero-tolerance code enforcement, public investment in capital improvements and infrastructure, financial incentives, and flexible regulations for physical improvements.

The adopted neighborhood plan, "A Vision Plan for the Orchard Breeze Neighborhood", identified that "the construction of quality new housing needs to be higher" (page 15) as a priority housing need. The Orchard Breeze plan focused on the need for improved landlord/tenant management and relations and better code enforcement policies and practices. Both of these statements indicate an encouragement of new infill housing, but that it be well designed and maintained.

RECOMMENDATION: Infill construction of five duplexes on the 1.6-acre vacant lot accomplishes several goals and strategies of the Orchard Breeze neighborhood plan and the Comprehensive Plan. The proposed building elevations would yield new dwellings similar in style to other residential dwellings in the neighborhood; and the presence of brick or masonry on the façade will enhance the quality of the construction. The building placement is similar to the 60-foot lot width pattern on the east side of Hoover. The extra deep lots provide an area to add a landscape buffer on the west to reduce the impact of I-235 on the property.

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

1. The use of the property shall be restricted to those uses permitted in the "SF-5" Single-Family Residential zoning district and to duplexes with a maximum density of 10 dwelling units.

2. The applicant shall guarantee paving of the pro rata share of Hoover Road.

3. The Conditional Use shall be developed in general conformance with the site plan. Any substantial change in the site plan shall require an amendment to this Conditional Use.

4. The dwellings shall be in general conformance to the building elevations attached hereto, consisting of a front façade with a combination of brick or masonry and wood frame, composite, or vinyl siding, and a pitched roof. Floor plan modifications utilizing the same general site layout shall be allowed and plans that reduce the prominence of the garage on the front of the structure shall be encouraged.

5. A landscaped street yard consisting of a minimum of 5,000 square feet of landscaped area and 10 trees located within the area between the street wall line and the right-of-way line of Hoover Road shall be established and maintained in accordance with the requirements of the Landscape Ordinance of City of Wichita.

6. The parking areas and driveways located in the front yard or street side yard shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing and shall be maintained in good condition and free of all weeds, dust, trash and other debris.

7. No duplex shall be divided or sold as a separate ownership unless the duplex is replatted or subject to a lot split AND separate public water and sewer is provided to each separate ownership.

8. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.

9. Any substantial violation of these conditions shall be reviewed and if determined not to be in compliance with these conditions, shall render this Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area to the east and north is mostly single-family dwellings on property zoned "SF-5" Single-Family. The property to the south also is single-family, but is vacant. I-235 borders the site on the west.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-5" Single-Family Residential, which accommodates low-density, single-family residential development and complementary land uses. The site could be developed with such uses; however, the presence of I-235 on the western property line reduces the likelihood that single-family dwellings would be constructed on the site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: A possible detrimental effect would be if the new units were lacking in quality of construction and/or maintenance. The proposed site plan and building elevations offers an infill dwelling pattern and appearance that seems to offer style in character with the surrounding housing and of quality of materials equal or exceeding the surrounding area. The issues for maintenance is the same with this or any other new or existing residential uses, and are better addressed by adequate code enforcement than by excluding potentially desirable units that could help revitalize the neighborhood.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The site plan is at the density of 6.25 dwelling units per acre, the upper range for low density residential. However, since the Comprehensive Plan defines duplexes as medium density, the proposed development is considered to be medium density, which is the next level of intensity from that recommended by the *Comprehensive Plan*. The site meets many of the Locational Guidelines of medium density residential uses, such as being within walking distance of schools and commercial centers and being within close proximity to centers of employment and a major thoroughfare. Good quality infill construction meets the recommendations of the *Comprehensive Plan* with respect to revitalization as a residential enhancement strategy. It also conforms to the housing goals of the Orchard Breeze neighborhood plan.

5. Impact of the proposed development on community facilities: The development would have a negligible impact on water and sewer services. Petitions are being circulated to pave the block of Hoover between 3rd Street North and St. Louis Avenue. The applicant would guarantee to participate as part of the platting process, which would ensure pavement of this block of Hoover. After paving, the street would be ample to carry the still relatively low amount of residential traffic anticipated.