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ORDINANCE NO. 44-129

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 ZOINING CODE, SECTION V-C, AS ADOPTED BY CITY OF WICHITA CODE SEC. 28.04.010.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation for the Planning Commission, and proper notice having been given and hearing held as provided by law under authority and subject to 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-3178

Zone change request from "SF-6" Single-Family Residential District to "B" Multi-Family District, described as:

A TRACT OF LAND IN THE N.E. ¼ OF SECTION 8, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M. DESCRBED AS FOLLOWS:
COMMENCING AT THE N.E. CORNER OF THE SAID N.E. ¼; THENCE BEARING S89°10'53"W ALONG THE NORTH LINE OF SAID N.E. ¼ A DISTANCE OF 523.92 FEET; THENCE BEARING S0°49'07"E A DISTNACE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING BEARING S0°49'07"E A DISTANCE OF 447.00 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 230.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 83°30'00" AN ARC DISTANCE OF 335.19 FEET; THENCE BEARING A S82°40'53"W A DISTANCE OF 184.54 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 291.71 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 57°51'23" AN ARC DISTANCE OF 294.56 FEET; THENCE BEARING S89°10'53"W A DISTANCE OF 448.73 FEET; THENCE BEARING N0°49'07"W A DISTANCE OF 860.00 FEET; THENCE BEARING N89°10'53"E PARALLEL TO AND 50.00 FEET SOUTH OF THE NORTH LINE OF SAID N.E. ¼ A DISTANCE OF 1066.00 FEET TO THE POINT OF BEGINNING. CONTAINING 18.61 ACRES MORE OR LESS.

SECTION 2. That upon 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 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.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6A 6B

STAFF REPORT

October 12, 1995

CASE NUMBER: DP-201 Amendment #1 & Z-3178

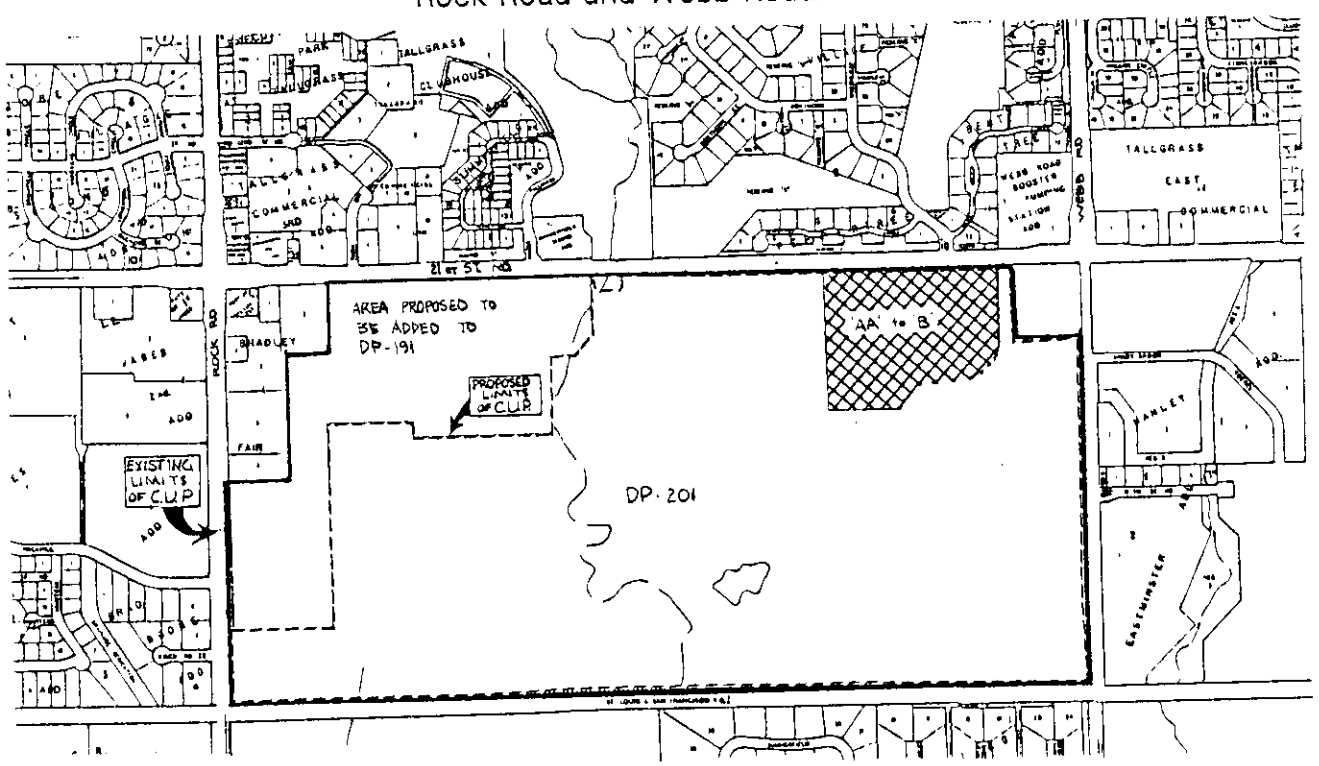
APPLICANT/AGENT: Wilson Estates c/o George Laham / P.E.C. c/o Rob Hartman (agent)

REQUEST: Amendment to the Wilson Estates Residential Community Unit Plan (CUP) and a zone change to 'B' Multiple Family Dwelling District.

CURRENT ZONING: 'AA' One Family Dwelling District

SITE SIZE: 'AA' to 'B': 19.13 acres
CUP: 245.17 acres

LOCATION: 'AA' to 'B': ¼ mile west of Webb Road on the south side of 21st Street North.
CUP: on the south side of 21st Street North between Rock Road and Webb Road.



BACKGROUND: The applicant requests an amendment to the Wilson Estates Residential Community Unit Plan (DP-201) to reduce the potential number of residential dwelling units within the 245 acre development area and redistribute the overall density of dwelling units within the site. The amendment would also add additional permitted uses in a 19 acre area (proposed Parcel 8) located ¼ mile west of Webb Road on the south side of 21st Street North. In order to accommodate the additional uses, the applicant requests a zone change from the 'AA' One Family Dwelling District to the 'B' Multiple Family Dwelling District for the 19 acres in proposed Parcel 8.

The entire residential CUP is located on the south side of 21st Street North between Rock Road and Webb Road. *(Approximately 48 acres located south and east of the commercial development at 21st and Rock Road is proposed for rezoning to office and commercial uses as part of the associated CUP amendment for DP-191 and would be transferred to the existing 13-acre commercial CUP.)* The existing development plan for DP-201 includes 23 acres of land adjacent to the existing commercial CUP at 21st / Rock that was approved for 'BB' Office zoning, subject to platting, by the City Council in 1991. That area is currently restricted to a maximum of 100,000 square feet of office floor area and a maximum of 242 apartments (without a traffic study by the developer), or to a maximum 434 apartments if no office is developed.

The residential CUP (DP-201) also includes an existing 8.5 acre parcel along Webb Road that was approved for 'BB' zoning, subject to platting, by the Wichita City Council in 1991. The existing parcel permits either 109,000 square feet of office, or residential development, with a maximum of 170 single family, patio home, zero lot line homes, town homes, duplexes or apartment units. The proposed amendment to this area would create a larger 17.77 acre parcel (proposed Parcel 10) and eliminate office as a permitted use, but would maintain the existing residential uses (including apartments) and add retirement center (assisted living, or in the current code parlance, home for the elderly) as a permitted use. Since the property has not been platted, the parcel would remain zoned 'AA' One Family Dwelling District.

The 19 acre tract west of Webb Road, proposed for 'B' zoning (proposed Parcel 8), is currently restricted to single family, duplex, patio home, zero lot line, or church uses. The CUP amendment would add townhouse, apartments, retirement center, and nursing homes as permitted uses in proposed Parcel 8. In the event that townhouse and apartment uses are developed on Parcel 8, such uses would be restricted to the east 470 feet of the Parcel (approximately 7.5 acres). Also, in the event of townhouse and/or apartment development, access would be limited to the east 100 feet. The applicant has revised the request to clarify that measurements for access control and the limits of the area to permit townhouse and/or apartments would be located from approximately the west line of Greenleaf Street (on the

west) to the westerly line of the 'LC' zoning in DP-200 (on the east). The applicant proposes to limit the maximum number of townhouse and/or apartment units combined in Parcels 8 & 10 to 250 units.

The proposed CUP amendment would reduce the overall density of potential residential units within the entire development area. If the existing CUP was developed at maximum densities, and all areas previously approved for office or apartment uses (parcel located along Webb Road and parcels located adjacent to the commercial development at 21st/Rock Road) were developed residentially, the maximum total residential units would be reduced from 1,689 to 1,037 units. However, if the existing CUP was developed with office uses and not apartments where 'BB' zoning was previously approved, then the reduction would only be from 1,085 to 1,037 units. If the entire area previously approved for 'BB' zoning were developed with office uses, then this request would represent an increase in potential dwelling units.

Architectural restrictions

Initially, the applicant did not propose any architectural, landscaping, or site plan restrictions if the proposed parcels 8 & 10 developed with multiple family or nursing home / retirement center uses. However, because the original request increased the maximum number of higher density residential units near Webb Road from 170 to 500 units, staff requested similar restrictions to those offered last year by the developer for the CUP amendment southeast of 21st / Webb Road for a proposed apartment project. The applicant agreed to most of these restrictions. However, the applicant did not include the requirement for twenty (20) percent of the total dwelling units of any apartment project to be constructed in a "townhouse" style or another residential configuration. The architectural restrictions included in the proposed CUP would apply to townhouse, apartment, nursing homes, or retirement centers in Parcels 8 and 10, and address height limitations, number of units permitted in multiple family structures, roof pitch, and roof materials.

Site plan and landscape restrictions

The proposed amendment includes similar restrictions to those offered last year by the developer for CUP amendment at southeast of 21st / Webb Road for a proposed apartment project. These restrictions for proposed Parcels 8 & 10 address building setbacks, number of required landscape trees per dwelling unit, and landscape buffers. A minimum 40 foot landscape buffer would be required along Webb Road and 21st Street for those areas that area developed with townhouse, apartment, nursing homes, or retirement centers.

Staff also requested a notification of the Tallgrass East Homeowners Association and the Bent Tree Homeowners Association for their review of the architectural plans before a building permit is issued, as was discussed for the other CUP request

last year. However, the developer proposes to require notification of those Homeowners Associations only if "they have landscaped, irrigated, and maintained, in a quality manner, the 21st Street frontage from the east property line to the west edge of Pepper Tree."

CASE HISTORY:

DP-201 & Z-3037, Z-3038, & Z-3039
On 11-5-91, the Wichita City Council approved the Wilson Estates Residential-Office CUP, subject to platting. The CUP and associated zone change applications rezoned 3.1 acres of 'LC'-zoned property at 21st / Webb Road to 'AA' One -Family Dwelling as a trade-off for the 3 + acres increase in the Wilson Property Commercial CUP (DP-191) at 21st / Rock Road. The zoning cases also were approved for 'BB' zoning along Webb Road and 23 acres of 'BB' zoning east of DP-191.

ADJACENT ZONING AND LAND USE:

NORTH:	'AA'	Tallgrass Country Club, nursing home, single family homes
SOUTH:	'AA'	Single family homes, undeveloped
EAST:	'AA', 'A', 'BB'	Undeveloped, church
WEST:	'R-5', 'BB', 'LC'	Commercial, apartments, office

PUBLIC SERVICES: Municipal water service is available from a 30-inch line along Webb Road and a 21-inch line along 21st Street. Municipal sewer service is available from a 21-inch line that extends through the site.

The site is bordered by Rock Road, a 4-lane arterial, with 60 feet of existing half-street right-of-way (widening to 75 feet at the 21st/Rock intersection), 21st Street North, a 4-lane arterial with 60 feet of existing half-street right-of-way (widening to 75 feet at the 21st/Rock intersection), and Webb Road, a 2-lane arterial with 30 feet of existing half-street right-of-way. Existing traffic volumes at the 21st Street / Rock Road intersection are approximately 46,043 average daily trips (ADT), which is well over the intersection's design capacity of 38,000 ADT. The 2020 Transportation Plan projects traffic at this intersection to increase to 57,154 ADT. No intersection improvements are currently programmed in the City's Capital Improvement Program (CIP). Existing traffic volume at the 21st Street / Webb Road intersection is approximately 17,553 ADT and is projected to increase to 29,682 ADT. The 21st St./Webb intersection was recently improved to include turn-lanes and accel/decel lanes and has a design capacity of 38,000 ADT.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for low density residential uses (1 to 6 dwelling units per acre). Although the existing and proposed residential CUP includes uses not permitted in the underlying zoning district ('AA' One Family Dwelling District), the Community Unit Plan regulations of the City Zoning Ordinance permit a transfer of density within the development area to allow for higher density uses (such as duplex, townhouse, or apartments) as long as the average lot area per unit contained within the entire CUP is not less than the maximum lot area for the underlying zoning district (6,000 square feet per unit or 7.3 units per acre if zoned 'AA'). The proposed CUP would have an overall density of 4.48 dwelling units per acre, similar to the existing CUP and consistent with the density permitted in low density residential areas (maximum of 6 dwelling units per acre).

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the requested zone change be APPROVED. If the Planning Commission determines that the CUP amendment is appropriate, staff recommends the following conditions of approval:

1. Revise the CUP drawing for Parcel 4 and the associated parcel descriptions to include the area proposed as Parcel 9 in DP-191, which shall remain zoned 'AA' and remain included in the residential CUP (DP-201). Parcel 4 shall have a gross area of 60.11 acres and permit a maximum of 119 single family dwelling units at a maximum density of 2.0 dwelling units per acre.. *[The staff recommendation for the proposed amendment to DP-191 is to deny 'LC' zoning for that tract and for it to be developed residentially.]*

2. Delete retirement center as a permitted use in Parcel 4 and Parcel 10 and delete all references pertaining to architectural conditions and landscape requirements for retirement centers those parcels. *[The term "retirement center" is vague and could include uses such as assisted living facilities which require 'B' zoning. Parcel 4 and Parcel 10 are zoned 'AA' and would not permit such uses.]*

3. The architectural facade on any buildings for nursing home or retirement center uses shall be designed with a residential architectural character, and shall share consistent color, texture, and predominate exterior building materials as the surrounding residential areas.

4. Delete the qualifying statement in General Provision (21)(B)(8) that notification of Homeowners Associations of building plans in Parcel 8 or 10 is contingent upon those Associations having "landscaped, irrigated, and maintained, in a quality manner, the 21st Street frontage from the east property line to the west edge of Pepper Tree". *[This statement is vague, difficult to enforce, and should not be a condition of development on the applicant's property.]*

5. In the event an apartment project is developed, then a minimum of twenty (20) percent of the total dwellings shall be constructed in a "townhouse" style or another residential configuration. A townhouse is defined as a "through" unit in which no portion of another dwelling unit shall be situated above or below the dwelling unit (Garages, which may be located beneath a dwelling unit will not be considered a part of that or another dwelling unit).

6. In the event that townhouse and apartment uses are developed on Parcel 8, such uses will be restricted to an area located from approximately the west line of Greenleaf Street (on the west) to the westerly line of the 'LC' zoning in DP-200 (on the east). In the event that townhouse and apartment uses are developed on Parcel 8, access to that area from 21st Street North shall be limited to an area located no further west than 100 feet from the westerly line of the 'LC' zoning in DP-200.

7. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

8. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Council for their consideration.

9. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

10. All property included within this CUP and zone case shall be platted within two years after approval of this CUP by the City Council, or the cases shall be considered denied and closed. The ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

11. Prior to publishing the ordinance establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-201) includes special conditions for development on this property.

12. The applicant shall submit revised copies of the CUP to the Metropolitan Area Planning Department within 30 days after approval of this amendment by the City Council, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Much of the surrounding area is developed residentially or by undeveloped property zoned for residential uses. The residential development would be buffered from the commercial-office development to the west (DP-191) by park and open space, which would include landscaping and/or screening installed by the commercial developer.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed amendment would allow townhouse, apartment, nursing home, and retirement center uses to be located in an area on the south side of 21st Street that currently does not permit such uses. However, the proposed architectural, landscaping, and site plan restrictions, as well as the limits on the location and the maximum number of potential units, should ensure that the proposed development will be compatible with the surrounding area.

3. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies this area for low density residential uses (1 to 6 dwelling units per acre). The proposed CUP would have an overall density of 4.48 dwelling units per acre, which would be consistent with the density permitted in low density residential areas.

4. Impact of the proposed development on community facilities: Municipal services are available to serve the area. The proposed CUP includes an overall density of residential development which is slightly lower than the existing CUP. Therefore, traffic on area roadways should not be significantly impacted by the proposed changes.