Agenda Item #_____

City of Wichita
City Council Meeting
January 23, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2000-00059 - ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "MF-18" MULTI-FAMILY RESIDENTIAL, LOCATED NORTH OF 45TH STREET NORTH AND 3/8 MILE EAST OF ROCK ROAD.** (District #II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve MF-18 Multi-Family Residential, subject to platting within 1 year and the additional provisions of a Protective Overlay (10-0).

Staff Recommendation: Deny "MF-18" Multi-Family Residential; approve "TF-3" Two-family Residential, subject to platting within 1 year.

D.A.B. Recommendation: Deny "MF-18" Multi-Family Residential; approve 'TF-3" zoning, subject to conditions.

Background: The applicant is seeking "MF-18" Multi-family Residential zoning on property located 3/8 mile east of Rock Road on the north side of 45th Street North. The application area is 3.25 acres in size, and is part of the proposed Sawmill Creek Addition (Block 8, Lot 1). At the time this report was prepared, Sawmill Creek Addition has been approved by the MAPC, but has not received governing body approval. No specific residential use type has been identified for this site at the time this report was prepared. The proposed platted lot has complete access control along 45th Street for the first 150 feet east of the railroad tracks. From that point east, one point of access is to be permitted. At this point in time, no other roadways abut the site.

The Missouri Pacific Railroad is located immediately north of the application area, and creates a dividing "edge" between the application area and the proposed residential use to the north and west. The land located north and west of the railroad tracks is also part of the proposed Sawmill Addition and is proposed for single-family residential. This area is zoned "SF-6" Single-family Residential. Land to the east is vacant and is zoned "SF-20"

Single-family Residential. Property to the south is zoned "TF-3" Two-family Residential and is currently being developed.

The "MF-18" district would permit up to 58 units in buildings with heights up to 45 feet. Setbacks are as follows: front yard – 25 feet; rear yard 20 feet and street side yard –20 feet.

Normal screening and landscape buffer plantings could be waived along the northern property line, because the site abuts a railroad right-of-way. Along the east line, the code requires either a screening wall or fence, or a 15-foot wide strip with one shade tree or two ornamentals and 5 shrubs every 30 feet. Street yard landscaping would be required along 45th Street. Compatibility setback and height standards are also triggered on uses in the MF-18 and less restrictive zoning districts. A deeper setback of 25 feet will be required along the east property line. No structure shall exceed 35 feet in height within 50 feet of a lot line zoned TF-3 or more restrictive. Structures located more than 50 feet from the lot line of property zoned TF-3 or more restrictive may increase one foot or each three feet of setback beyond 50 feet.

District Advisory Board II heard this case on December 4, 2000, and recommended disapproval of the "MF-18" Multi-family Residential request, but recommended approval of "TF-3" Two-family Residential zoning. DAB members expressed concern regarding the density of development and if the architectural style of the units would fit in with the neighborhood. MAPC reviewed the case on December 7, 2000. The Commission's recommendation to approve "MF-18" Multi-Family Residential zoning subject platting and subject to Protective Overlay No. 84 which limits development density to a maximum of eight dwelling units per acre; height of buildings is limited to 35 feet; and review and approval by the Planning Director of the final design concepts. The Commission's recommendation is a compromise which was intended to address both the applicant's desires and the concerns expressed by neighbors and staff.

Recommended Action:

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 within one year; and 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 2/3 majority vote of the membership of the governing body on the first hearing.)

Duplicate

RECEIVED
FEB 14 2002
METROPOLITAN PLANNING

(150004) Published in The Wichita Eagle on FEB 16 2002 ROUTE DLM

ORDINANCE NO. 45-211

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. ZON2000-00059

Request for zone change from "SF-5" Single-Family Residential to "MF-18" Multi-Family Residential, and to "P-O" Protective Overlay District #84 on property legally described as:

Lot 1, Block 8 Sawmill Creek Addition, Wichita, Sedgwick County, Kansas
Generally located north of 45th Street North and 3/8 mile east of Rock Road.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. Residential development on the site shall be developed in conformance with a site development plan to be approved by the Planning Director prior to the issuance of building permits.

2. The density of the development shall not exceed eight (8) dwelling units per acre.

3. Maximum building height shall be 35 feet.

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 AT WICHITA, KANSAS, FEB 12 2002

ATTEST:

for Patsy Ellis, Deputy
Pat Burnett, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

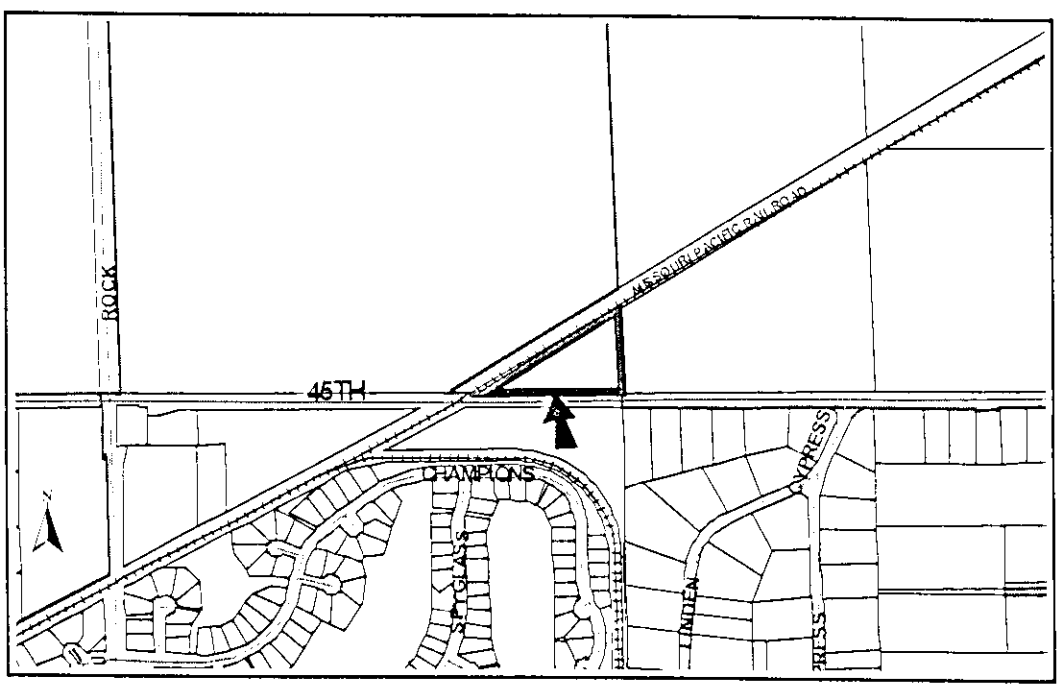
Gary E. Rebenstorf, City Attorney

AGENDA ITEM NO. 11

STAFF REPORT

MAPC, 12/7/00
DAB II 12/4/00

CASE NUMBER:	ZON2000-00059
OWNER/APPLICANT:	Sawmill Creek, L.L.C. (Everett Long)
AGENT:	Savoy Ruggle and Bohm (Mark Savoy)
REQUEST:	"MF-18" Multi-family Residential
CURRENT ZONING:	"SF-6" Single-family Residential
SITE SIZE:	3.25 acres
LOCATION:	North of 45th Street North and 3/8 mile east of Rock Road
PROPOSED USE:	residential



BACKGROUND: The applicant is seeking "MF-18" Multi-family Residential zoning on property located 3/8 mile east of Rock Road on the north side of 45th Street North. The application area is 3.25 acres in size, and is part of the proposed *Sawmill Creek Addition* (Block 8, Lot 1). At the time this report was prepared, Sawmill Creek Addition has been approved by the MAPC, but has not received governing body approval. No specific residential use type has been identified for this site at the time this report was prepared. The proposed platted lot has complete access control along 45th Street for the first 150 feet east of the railroad tracks. From that point east, one point of access is to be permitted. At this point in time, no other roadways abut the site.

The Missouri Pacific Railroad is located immediately north of the application area, and creates a dividing "edge" between the application area and the proposed residential use to the north and west. The land further north and west is also part of the proposed Sawmill Addition and is proposed for single-family residential. This area is zoned "SF-6" Single-family Residential. Land to the east is vacant and is zoned "SF-20" Single-family Residential. Property to the south is zoned "TF-3" Two-family Residential and is currently being developed.

The "MF-18" district would permit up to 58 units in buildings with heights up to 45 feet. Setbacks are as follows: front yard – 25 feet; rear yard 20 feet and street side yard –20 feet.

Normal screening and landscape buffer plantings could be waived along the northern property line, because the site abuts a railroad right-of-way. Along the east line, the code requires either a screening wall or fence, or a 15-foot wide strip with one shade tree or two ornamentals and 5 shrubs every 30 feet. Street yard landscaping would be required along 45th Street. Compatibility setback and height standards are also triggered on uses in the MF-18 and less restrictive zoning districts. A deeper setback of 25 feet will be required along the east property line. No structure shall exceed 35 feet in height within 50 feet of a lot line zoned TF-3 or more restrictive. Structures located more than 50 feet from the lot line of property zoned TF-3 or more restrictive may increase one foot or each three feet of setback beyond 50 feet.

CASE HISTORY: The site was annexed in 2000. Sawmill Creek Addition was approved by the MAPC in 2000.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-6" Single-family Residential; vacant, but platted for single-family residential

SOUTH: "TF-3" Two-family Residential & "SF-20" Single-family Residential;

under development and large-lot residential
EAST: "SF-20" Single-family Residential; vacant
WEST: "SF-6" Single-family Residential; vacant, but platted for single-family residential

PUBLIC SERVICES: Public sewer and water is available or can be extended to serve this site. 45th Street is a paved two-lane arterial. Traffic counts are not available for 45th Street. If developed to the maximum density allowed of 58 units, this site could generate approximately 388 trips per day.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" depicts this site as appropriate for "low density residential". Low-density residential uses are defined as those developments with 1 to 6 dwelling units per acre. The Comprehensive Plan has a goal to "Develop...housing and neighborhoods that will provide safe, decent, marketable and affordable conditions for all residents." Plan objectives call for "...greater access to greater affordable owner and renter occupied housing opportunities." Residential location guidelines call for high-density residential uses (11 plus dwelling units per acre) to be located within walking distance of neighborhood commercial centers, parks, schools and public transportation routes. They should also be located in close proximity to concentrations of employment, major thoroughfares and utility trunk lines. High-density residential uses should be directly accessible to arterial or collector streets. Finally, high-density developments should be sited where they will not overload or create congestion in existing and planned facilities.

RECOMMENDATION: Planning staff generally supports projects proposing increased density since higher density uses more efficiently utilize publicly supplied services. However, the mid-mile location and small size and shape of this particular tract makes it difficult to see how densities as high as 18 units per acre can be effectively accommodated and stay in character with existing and proposed developments. Based upon information available prior to the public hearings, planning staff recommends that the request for "MF-18" Multi-family Residential be DENIED. Staff recommends that "TF-3" Two-family Residential zoning be APPROVED, subject to platting within one year. That will also allow for the filing of a Conditional Use permit in the future, if there is a development plan for condominiums or multi-family use up to 14.5 units per acre.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. Neighboring properties are zoned "SF-20" Single-family Residential, "SF-6" Single-family Residential or "TF-3" Two-family Residential. Land to the north,

east and west is undeveloped, but approved for single-family residential, while land to the south is developing with duplex units. A large-lot residential subdivision exists southeast of the application area.

2. The suitability of the subject property for the uses to which it has been restricted. The property is zoned "SF-6" Single-family Residential by virtue of its annexation. According to the applicant, due to its triangular shape and small size, this tract has proven to be difficult to design an effective single-family subdivision. A day care or small church may be alternate uses available under the "SF-6" zoning classification.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: "MF-18" it too intense a district given surrounding zoning and uses listed in 1 above. "TF-3" provides a more appropriate intensity and density of uses, while preserving an option for higher densities through the Conditional Use process.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The "Wichita Land Use Guide" depicts this site as appropriate for "low density residential". Low-density residential uses are defined as those developments with 1 to 6 dwelling units per acre. "MF-18" zoning is not consistent with Plan recommended densities. "TF-3" zoning would be more consistent with recommended densities.

5. Impact of the proposed development on community facilities: None identified, although at the time of platting, a left-turn lane and/or decel lane may be needed.