OCA 150004

(Published in the Wichita Eagle: Aug. 30, 2019)

ORDINANCE NO. 51-102

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. ZON2011-00005

Zone change from SF-5 Single-Family Residential ("SF-5") and MF-29 Multi-Family Residential ("MF-29") to MF-18 Multi-Family Residential ("MF-18") on a 5.3-acre property described as:

Lots 5, 6, 7, 8, 9 and 10, Block 8, Greenbriar Manor Addition, and a tract of land beginning at the Southeast corner of Lot 11, Block 8, of said Greenbriar Manor Addition; thence North 90°00'00"W along the South Lot lines of Lots 11, 12, 13, 14 and 15, Block 8, of said Addition, 385.00 feet to the Southwest corner of Lot 15, Block 8; thence South 64°58'59"W along the South line of Lot 16 and a portion of Lot 17, Block 8, 137.76 feet; thence South 78°52'51"W along the South line of Lots of 17 and 18, Block 8, 143.42 feet to a point where the South line of Lot 18, Block 8, meets the East line of Lot 52, Block 8, of said Addition; thence North 00°00'00"E, 335.92 feet; thence South 90°00'00"E, 650.56 feet to a point on the East line of said Greenbriar Manor Addition; thence South 00°00'00"E along the said East line, 250.00 feet to the point of beginning, Section 2, Township 27, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #252:

1. The site shall be developed with a maximum density of 42 dwelling units plus accessory structures including a small clubhouse.
2. Maximum building height shall be 35 feet.
3. Screening and compatibility requirements shall be per the Unified Zoning Code and landscaping shall be per the Landscape Ordinance, with the following additions: Solid screening a minimum of six feet in height, except for within 20 feet of the Oliver Avenue right-of-way, shall be provided along 27th Street North by a solid screening fence, solid evergreen plantings or berming, or combination of these screening materials. Additionally, a landscape buffer shall accompany any segment screened by solid screening fence or berming. The interior property line with Lot 8, Block 8, Greenbriar Manor shall be buffered at a rate of 1 ½ times the Landscape Ordinance.
4. Direct access to the site shall be prohibited onto 27th Street North.
5. Those listed on the property ownership notification list and who signed in for the public hearing held March 24, 2011, shall be provided with notice of the scheduled date for consideration of the plat by the Subdivision Review Committee and the MAPC.

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.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

MAPC March 24, 2011
DAB I April 4, 2011

CASE NUMBER: ZON2011-00005

APPLICANT/OWNER: Rivercrest Free Methodist Community Church (owner); Garrison Community Development, LLC Attn: Garrison Hassenflu (applicant); Thomas Kindel (agent)

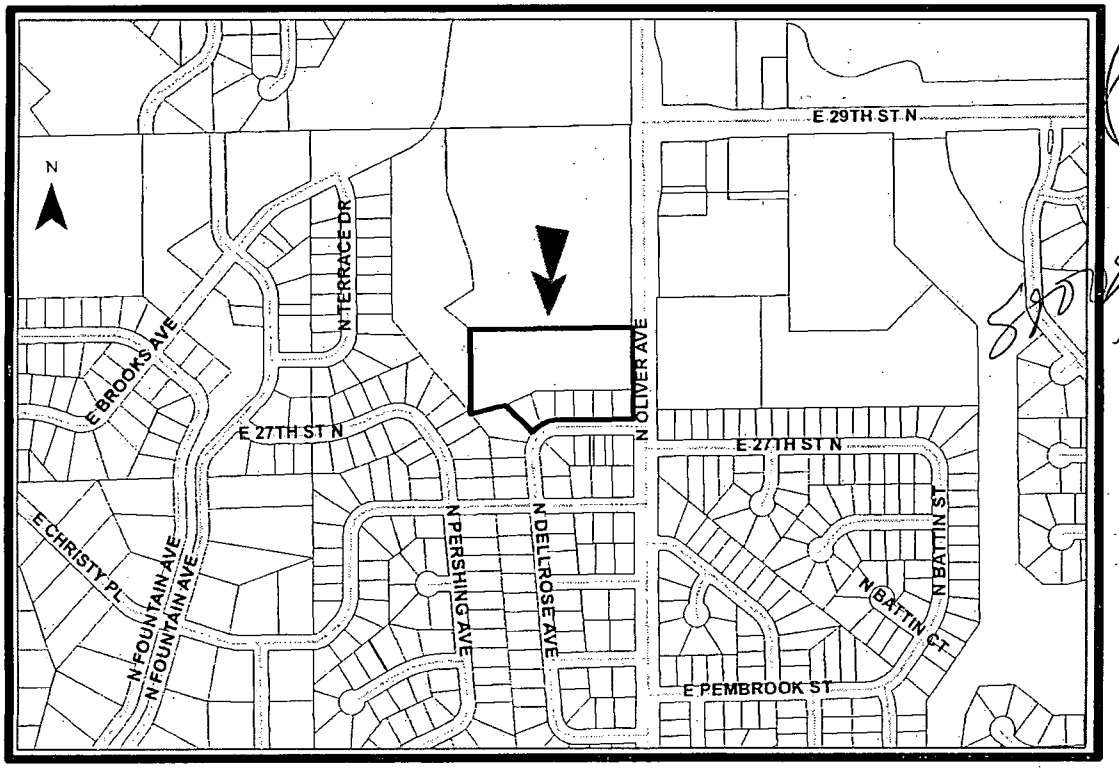
REQUEST: MF-18 Multi-Family Residential ("MF-18")

CURRENT ZONING: SF-5 Single-Family Residential ("SF-5") and MF-29 Multi-Family Residential ("MF-29")

SITE SIZE: 5.3 acres

LOCATION: Northwest of Oliver Avenue and 27th Street North.

PROPOSED USE: Low density multi-family development for independent elderly, age +55



BACKGROUND: The applicant is requesting a zone change to MF-18 Multi-Family Residential ("MF-18") for 5.3 acres of land zoned SF-5 Single-Family Residential ("SF-5") and MF-29 Multi-Family Residential ("MF-29"). The property is located on the north side of 27th Street North and west of Oliver. MF-18 zoning is requested for the entire tract in order to develop a medium-density apartment project. The applicant has stated that the apartments will be for occupancy by adults aged 55 and older.

MAP

MF-18 zoning allows multi-family use up to a density of 18 dwelling units per acre. A conceptual site plan showed a significantly lower build-out with 42 dwelling units and a small clubhouse. At least an acre of the land located on the west edge of the tract is located within the FEMA floodplain and will need to be set aside in a reserve for flood control. A 40-foot pipeline easement bisects the remaining 4+ acres of the tract. These two features result in a projected density more like eight to ten dwelling units per acre, which is considered medium density according to definitions in the Comprehensive Plan.

A large multi-family development is located to the north on property zoned MF-18 and MF-29. Its density is approximately 16 dwelling units per acre, which is considered high density according to definitions in the Comprehensive Plan. Single-family residential uses, zoned SF-5, are located in Greenbriar Manor to the south and Beacon Hill to the southeast. A tributary to Chisholm Creek separates the tract from Greenbriar Manor on the west. The main channel of Chisholm Creek is to the northwest. Wichita State University ("WSU") owns the property to the east and northeast, directly across Oliver Avenue. The WSU properties are zoned SF-5 and LC Limited Commercial ("LC"). The Hughes Metroplex is located on the LC tract and the new dental school campus is under construction on the SF-5 tract.

CASE HISTORY: The property was platted on February 8, 1960, as Lots 5-17, and part of Lots 18- 19, all in Block 8, and part of Lots 11-19, Block 10, Greenbriar Manor Addition. However, all of these lots except Lots 5-10, Block 8 were vacated (VAC2002-00019). Today, the majority of the tract is not platted. A subdivision plat (SUB2001-00106, Free Methodist Church Addition) was filed to replace the vacated portion of Greenbriar Manor, but this plat was never completed and was closed in 2007.

ADJACENT ZONING AND LAND USE:

NORTH:	MF-29, B	Drainage reserve, multi-family apartment complex
SOUTH:	SF-5	Single-family residential
EAST:	SF-5, LC	Wichita State University new dental campus and Hughes Metroplex, single-family residential
WEST:	SF-5, MF-29	Drainage, single-family residential

PUBLIC SERVICES: The subject property has direct access to Oliver Avenue, a four-lane minor arterial street. In 2008, the volume of traffic for Oliver Avenue was 14,304 AADTs (Average Annual Daily Traffic) south and 11,433 AADTs north of 29th Street North. AADTs for 29th Street North were 8,503 vehicles per day. A traffic signal is located at the dead end of 29th Street North with Oliver Avenue.

Other normal public services are available for extension to the tract.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "urban residential." This category includes a full diversity of residential development densities and types. The requested change conforms to this designation. Goal II of "The Wichita-Sedgwick County Comprehensive Plan Preparing for Change" indicates that there should be a variety of housing opportunities. Strategy II.A2 calls for requirements for medium and high-density residential development, which would include plan and architectural review to ensure compatibility with surrounding low-density residential areas. Placement of a medium-density zoning district (six to ten dwelling units per acre) as a buffer between the low-density SF-5 zoning and uses to the south and west and the high-density MF-29/MF-18 zoning and apartment complex to the north is supported by Residential Locational Guideline 2.3. Access from Oliver Avenue conforms to the recommended Residential Locational Guideline 2.5 of being directly accessible to an arterial street to avoid congestion through lower density residential neighborhoods.

① Site Constraints

The presence of a tributary to the Chisholm Creek, the floodplain and the pipeline easement are site constraints that will affect site design. The location of single-family residential dwellings directly south of 27th Street North increases the importance of providing a well-screened buffer between this use and the single-family homes south of 27th Street North.

RECOMMENDATION: Based upon this information available prior to the public hearings, planning staff recommends that the request to rezone the property from SF-5 and MF-29 to MF-18 be APPROVED, subject to platting within one year and the following protective overlay.

1. The site shall be developed with a maximum density of 42 dwelling units plus accessory structures including a small clubhouse.
2. Maximum building height shall be 35 feet.
3. Screening and compatibility requirements shall be per the Unified Zoning Code and landscaping shall be per the Landscape Ordinance, with the following additions: Solid screening a minimum of six feet in height, except for within 20 feet of the Oliver Avenue right-of-way, shall be provided along 27th Street North by a solid screening fence, solid evergreen plantings or berming, or combination of these screening materials. Additionally, a landscape buffer shall accompany any segment screened by solid screening fence or berming. The interior property line with Lot 8, Block 8, Greenbriar Manor shall be buffered at a rate of 1 ½ times the Landscape Ordinance.
4. Direct access to the site shall be prohibited onto 27th Street North.

relates to P-2

5. Notification of plat 6. deferred HH 4-11-11

This recommendation is based on the following findings.

1. The zoning, uses and character of the neighborhood: A large multi-family development is located to the north on property zoned MF-18 and MF-29. Its density is approximately 16 dwelling units per acre, which is considered high density according to definitions in the

Comprehensive Plan. Single-family residential uses, zoned SF-5, are located in Greenbriar Manor to the south and Beacon Hill to the southeast. A tributary to Chisholm Creek separates the tract from Greenbriar Manor on the west. The main channel of Chisholm Creek is to the northwest. Wichita State University owns the property to the east and northeast, zoned SF-5 directly across Oliver Avenue and LC Limited Commercial ("LC") at the corner of 29th Street North and Oliver Avenue. Hughes Metroplex is located on the LC tract and the new dental school campus is under construction on the SF-5 tract.

The suitability of the subject property for the uses to which it has been restricted: The five lots directly abutting 27th Street North could be developed as zoned for SF-5, but the remainder of the property is unlikely to be developed in single-family residential use due its proximity to high density residential use to the north and to Wichita State University facilities to the east. The presence of a tributary to the Chisholm Creek, the floodplain and the pipeline easement are site constraints that will affect site design. In the past, the site was proposed for use by a church, but the property was not developed, perhaps due to these site constraints.

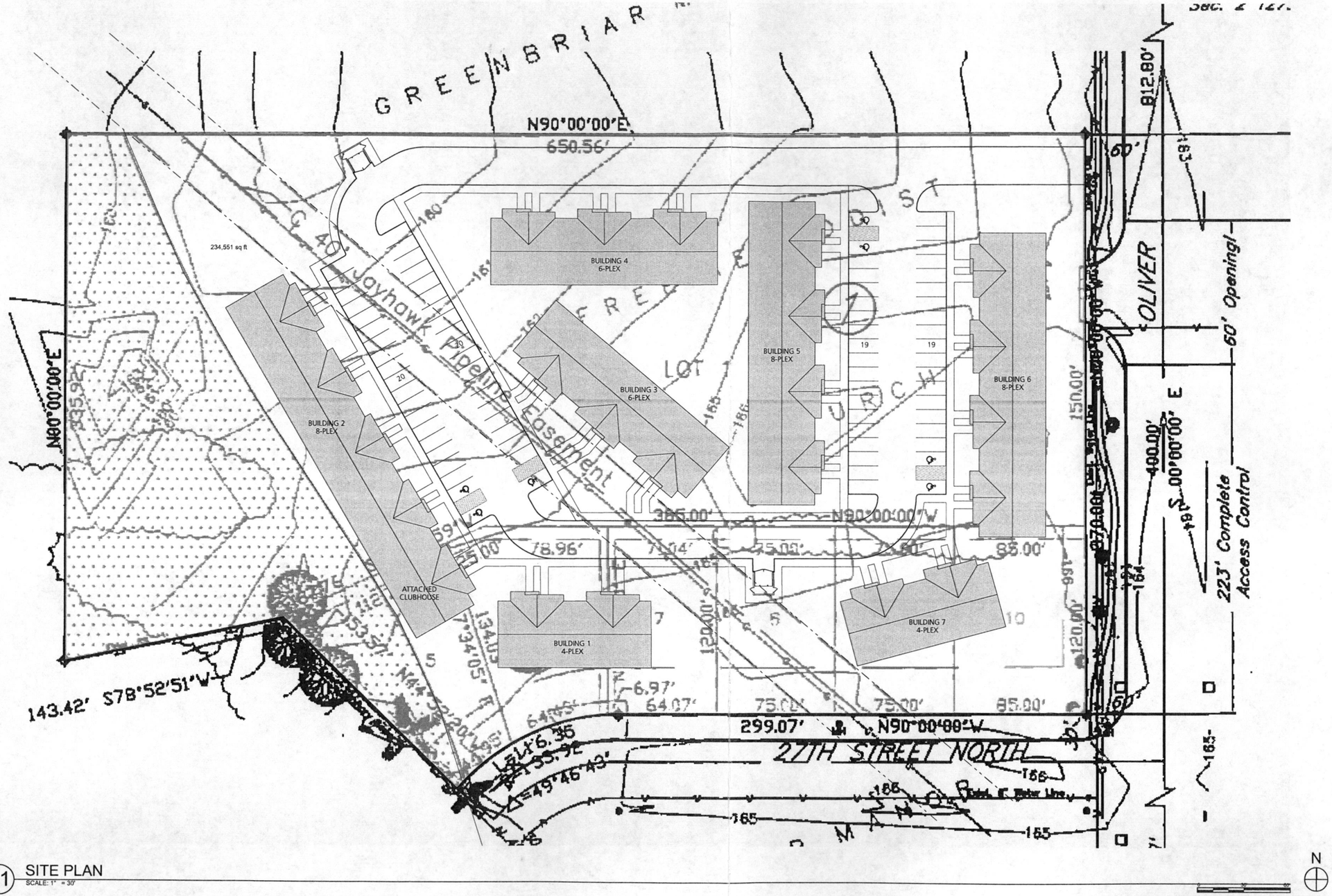
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed protective overlay will keep the density of the tract to medium density but allow a broader range of housing types on the site. The protective overlay improves the buffer of 27th Street North with the single-family use in Greenbriar Manor and prevents direct access onto 27th Street North. This will orient the site away from the SF-5 development.

Length of time subject property has remained vacant as zoned. The property was platted for single-family use in 1960, but never developed. The replat begun by the church in 2003 was never finished.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "urban residential." This category includes a full diversity of residential development densities and types. The requested change conforms to this designation. Goal II of "The Wichita-Sedgwick County Comprehensive Plan Preparing for Change" indicates that there should be a variety of housing opportunities. Strategy II.A2 calls for requirements for medium and high-density residential development, which would include plan and architectural review to ensure compatibility with surrounding low-density residential areas. Placement of a medium-density zoning district (six to ten dwelling units per acre) as a buffer between the low-density SF-5 zoning and uses to the south and west and the high-density MF-29/MF-18 zoning and apartment complex to the north is supported by Residential Locational Guideline 2.3. Access from Oliver Avenue conforms to the recommended Residential Locational Guideline 2.5 of being directly accessible to an arterial street to avoid congestion through lower density residential neighborhoods.

6. Impact of the proposed development on community facilities: The impact on the road system will be minimal. Traffic movements already are difficult at times along Oliver Avenue, but this is due to the other land uses generating larger traffic volumes.

Public e+u projects\2010 Projects\10 02 025 Oliver St 27th\02 Schematic Design\27THOLIVER_011011.pln



01 SITE PLAN
SCALE: 1" = 30'

N

BUILDING 1: 4 UNITS
BUILDING 2: 8 UNITS W/ ATTACHED 2,000 SF CLUBHOUSE
BUILDING 3: 6 UNITS
BUILDING 4: 6 UNITS
BUILDING 5: 8 UNITS
BUILDING 6: 10 UNITS
BUILDING 7: 4 UNITS

TOTAL: 44 - 2 BEDROOM 1 BATH UNITS

PARKING PROVIDED: 76
(78/44 = 1.8 SPACES PER UNIT)

developer
GARRISON DEVELOPMENT

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preliminary studies

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