

Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
May 4, 1999

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** Z-3299 A ZONE CHANGE REQUEST FROM "MF-18" MULTI-FAMILY RESIDENTIAL TO "MF-29" MULTI-FAMILY RESIDENTIAL, LOCATED NORTH OF 29TH STREET NORTH AND EAST OF PENSTEMON.  
(District II)

**INITIATED BY:** Metropolitan Area Planning Department



**AGENDA ACTION:** Planning

**MAPC Recommendation:** November 19, 1998 Deny (9-3); April 15, 1999 (Approve 9-3)

**Staff Recommendation:** Approve, subject to the conditions of a Protective Overlay (P-O #45).

**CPO Recommendation:** November 9, 1998 Approve, subject to MAPD recommendations (6-2); April 12, 1999 Moot vote (2-2).

**Background:** The applicant is requesting "MF-29", Multi-family Residential on two lots (16.76 acres) currently zoned "MF-18", Multi-family Residential. These two lots are located north of 29th Street North and approximately 240 feet east of Penstemon. As currently zoned, 301 apartment units are possible. With the proposed MF-29 zoning, 486 units would be the maximum possible. The applicant proposes to develop a 480 unit multi-family complex. These units will be split between 168 one-bedroom units and 312 two-bedroom units. The complex would have 21 three story buildings totaling 413,718 square feet. One of these buildings, containing 1,878 square feet, is the community room/pool facility, leaving 411,840 square feet of apartment units. The site plan indicates 720 parking spaces will be provided, as required by code. One point of gated access is shown on 29th Street North. A second point of gated access to Penstemon is also shown, north of Overhead Door Company. Parcel 2 of DP-124 will need to be adjusted to permit access to Penstemon.

The lots involved in this request were platted as Lots 16 and 17 of Mediterranean Plaza Addition in January of 1988. The site has approximately 430 feet of frontage along 29th Street with one point of access permitted. A 20 foot drainage easement exists along the 29th Street frontage. In addition

to a 40 foot drainage easement along the eastern property line, a 15 foot utility easement also exists along the eastern side of Lot 16.

Adjacent zoning and land uses include: offices on "GO", General Office (north); rehabilitation home (Heartspring) on "MF-18," Multi-family Residential and "MF-29", Multi-family Residential (east); single-family residences on "SF-6", Single-family Residential (south across 29th Street); vacant, restaurant and building supply on "GO", General Office and "GC", General Commercial and DP-194, Community Unit Plan (west).

Per code, street yard landscaping and screening of any parking spaces, located within 150 of 29th Street, will be required. Buffer side and rear yard plantings are not normally required since adjoining properties are not zoned single-family or two-family.

CPO (2) voted 6-2 at their November 9th hearing, to recommend approval of the request subject to MAPD staff recommendations, and the request that the City include funding in the 1999-2000 CIP to widen 29th Street to four lanes between Rock Road and Webb Road. One person spoke in opposition to the request. He voiced concerns about the existing traffic congestion in the area and the possibility of adding 300 to 400 vehicles to this area.

At the November 19th MAPC hearing, the agent spoke about the request and the previous meeting with the neighborhood association to the south. Several persons spoke in opposition to this request. They expressed concerns similar to those addressed at the CPO hearing. After lengthy discussion the MAPC voted to deny this request, based on the traffic congestion in the area and the additional traffic this development would generate.

At the December 15th Wichita City Council meeting, the Council voted to return the application back to CPO and MAPC to allow the applicant to conduct a traffic study and also to meet with the neighborhood associations to the south and Heartspring.

The applicant held a meeting with the Wilderness and Penstemon Home Owners Association and Heartspring in March. At this meeting, the applicants presented a traffic study to these individuals. The neighbors asked several questions concerning traffic issues and the traffic study. City staff was present at this meeting and also answered questions. The applicant and the neighbors reached an agreement that the applicant shall agree to the conditions in the staff report as well as construct a sidewalk along the south side of 29th Street North from Webb to Rock Road, and in return the neighbors would drop their opposition. (See attached letters from Wilderness and Penstemon Home Owners Association and Heartspring)

At the April 12th CPO (2) hearing, the applicant's agent presented this request and discussed the neighborhood meeting. After much discussion, the CPO failed to pass a vote on this request. Those who voted to deny the application still believed that traffic is and will be a problem, additional information about the traffic study should be provided to the CPO, and felt that the City should complete the traffic study not the applicant. No one spoke in opposition to the request.

At the April 15th MAPC hearing, the applicant's agent presented this request. After discussion the

Planning Commission voted (9-3) to approve the request subject to the conditions in the staff report, and the applicant constructing the sidewalk along 29th Street North. No one spoke in opposition to the request at the MAPC.

The publication of the Ordinance establishing the zone change shall be withheld until such time as the applicant guarantees the construction of the sidewalk.

**Recommendation:**

1. Concur with the findings of the MAPC and approve the zone change subject to the conditions of a Protective Overlay; place the ordinance establishing the zone change on first reading; withholding the publication of the ordinance until a petition for street improvements on 29th Street has been reviewed and accepted;
2. Deny the request; or
3. Return the application to the MAPC for reconsideration.

(150004)

First Published in The Wichita Eagle on September 16, 2005  
CORRECTED & REPUBLISHED SEPTEMBER 23, 2005  
ORDINANCE NO. 44-251

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. Z-3299**

Request for Zone change from "MF-18" Multi-family Residential to "MF-29" Multi-family Residential, on property described as:

Lots 16 and 17, Block 1, except that part platted as Home Design Center Addition, Mediteranean Plaza Addition to the City of Wichita, generally located north of 29<sup>th</sup> Street and east of Penstemon.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #45:**

1. The minimum building setback along 29<sup>th</sup> Street shall be 100 feet.
2. Along 29<sup>th</sup> Street, street yard landscaping shall be installed and maintained at twice the code rate, located in a minimum 50-foot wide buffer strip.
3. Along the south 300 feet of the east and west property lines, at least one shade tree for each 30 feet of property line shall be installed and maintained.
4. The entry fencing and features and the building elevations shall be in substantial accordance with the drawings submitted with this application.
5. At least one outdoor children's play area, with a total area of at least 2,000 square feet with permanently installed play equipment shall be installed on-site.
6. A left turn lane and decel lane on 29<sup>th</sup> Street at the project entrance are to be guaranteed prior to publication of the zoning ordinance and constructed with the development.
7. Access to Penstemon from this development shall be provided and maintained.
8. The applicant shall guarantee the construction of a sidewalk along the south side of 29<sup>th</sup> street North from Rock Road to Webb Road.

**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.