

STAFF REPORT
 MAPC June 20, 2019
 DAB VI June 19, 2019

CASE NUMBER: ZON2019-00018

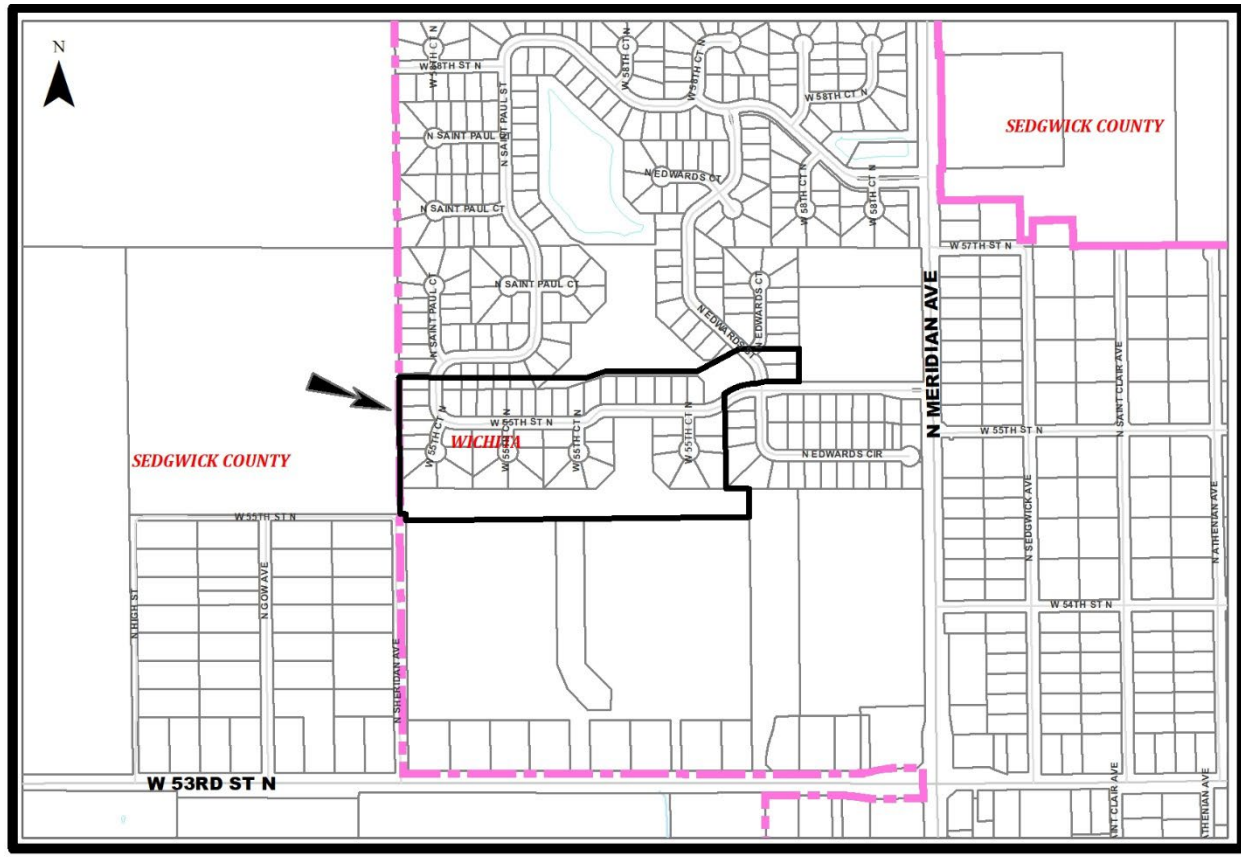
APPLICANT/AGENT: R & R Realty, LLC – Jay Russell (Owner/Applicant); Baughman Company, P.A. – Russ Ewy (Agent)

REQUEST: Rezone to TF-3 Two-Family Residential District

CURRENT ZONING: SF- 5 Single-Family Residential District

SITE SIZE: 28.459 acres

LOCATION: Generally located on the west side of North Meridian Avenue and approximately ¼ mile north of West 53rd Street North



BACKGROUND: The applicant is requesting a change in zoning from SF-5 Single-Family Residential District (SF-5) to TF-3 Two-Family Residential (TF-3) of the southern portion of the Northgate Addition containing 28.459 acres, and is seeking a Conditional Use to permit soil extraction to make a larger water feature within the subdivision immediately to the north of the property subject to the rezoning. The entire area will be included in a replatting that is being considered at this time (SUB2019-00029).

The rezoning will allow the development of this area for two-family residential dwellings similar to what is occurring on the property to the east; which was replatted as Northgate 2nd Addition and rezoned to TF-3 Two-Family Residential in 2016 (ZON2016-00019). That case also included a modification to the Northgate Commercial Park CUP (DP-299) by removing that area from the CUP and removing the LC Limited Commercial (LC) zoning that applied to the land that was replatted for duplex development.

The area surrounding this property is mostly undeveloped, but transitioning into urban uses. As noted above, the property immediately to the east is under development of duplexes. To the southeast is commercial development of a Walmart. To the southwest is a residential development on property zoned SF-20 Single-Family Residential consisting of 1-acre lots in the Denton McWorter Addition, which was recorded with the Register of Deeds on April 24, 1951. The property to the south is vacant, zoned LC Limited Commercial and a part of the Northgate Commercial Park Community Unit Plan (DP-299). The land to the north is vacant and part of the Northgate Addition, but is in an attendant case with this rezoning (CON2019-00019) which is requesting approval of a soil extraction operation to enlarge the pond area. That land will be included with the subject property in a replatting to accommodate the new design for development.

CASE HISTORY: The property is included in the Northgate Addition, which was recorded with the Sedgwick County Register of Deeds on November 1, 2006. As noted above, there is an attendant request for a conditional use for soil extraction on the land to the north (CON2019-00019) and a replatting has been submitted and is now going through the review process (SUB2019-00029).

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Vacant
SOUTH:	LC	Vacant
EAST:	TF-3	Two-Family Residential
WEST:	SF-20	Single-Family Residential

PUBLIC SERVICES: West 53rd Street North and North Meridian Avenue are fully improved arterial streets. Sanitary sewer mains have already been installed to the subject property and public water service will be extended as part of the improvements following replatting. Primary access to the subject property will be by West 55th Street North, which will be extended from its intersection with North Meridian Avenue. All other utilities are available and will be extended to the property.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the subject property is located as appropriate for New Residential uses. The Plan defines “residential” to: Encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle schools, churches, playgrounds, small parks and other similar residential- serving uses are located in these areas.

The subject property is described within the Plan as: “**New Residential:** Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed.”

The site is outside of the Established Central Area (ECA), however, the uses envisioned for development in this area include duplexes. The established land uses in the neighborhood are a mixture of residential and commercial and, consistent with the Comprehensive Plan, this type of residential use is considered acceptable for this neighborhood.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends the requested rezoning be approved from SF-5 Single Family Residential to TF-3 Two-Family Residential be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area surrounding this property is mostly undeveloped, but transitioning into urban uses. As noted above, the property immediately to the east is under development of duplexes. To the southeast is commercial development of a Walmart. To the southwest is a residential development on property zoned SF-20 Single-Family Residential consisting of 1-acre lots in the Denton McWorter Addition, which was recorded with the Register of Deeds on April 24, 1951. The property to the south is vacant, zoned LC Limited Commercial and a part of the Northgate Commercial Park Community Unit Plan (DP-299). The land to the north is vacant and part of the Northgate Addition, but is in an attendant case with this rezoning (CON2019-00019) which is requesting approval of a soil extraction operation to enlarge the pond area. That land and the subject property is being replatted to accommodate the new design for development (SUB2019-00029).
2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned SF-5 Single-Family Residential and could be developed for single-family uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use is consistent with uses being developed to the east. Additionally, the proposed uses would be appropriate given the proposed commercial use to the south. This change should have not a detrimental affect on any nearby property.
4. Length of time the property has been vacant as currently zoned: The property has been available for development for some time.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the subject property is located as appropriate for New Residential uses. The Plan defines “residential” to: Encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle schools, churches, playgrounds, small parks and other similar residential- serving uses are located in these areas.

The subject property is described within the Plan as: “**New Residential:** Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed.”

The site is outside of the Established Central Area (ECA), however, the uses envisioned for development in this area include duplexes. The established land uses in the neighborhood are a mixture of residential and commercial and, consistent with the Comprehensive Plan, this type of residential use is considered acceptable for this neighborhood.

7. Impact of the proposed development on community facilities: Rezoning of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property or will be extended upon replatting.