

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

City of Wichita  
City Council Meeting  
March 21, 2000

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

**TO:** Mayor and City Council Members

**SUBJECT:** Z-3357 -REQUEST FOR ZONE CHANGE FROM "SF-6"  
SINGLE-FAMILY TO "TF-3" TWO-FAMILY  
RESIDENTIAL, LOCATED SOUTH OF 45TH STREET  
NORTH, APPROXIMATELY ONE-HALF MILE EAST  
OF ROCK ROAD. (District #11)

**INITIATED BY:** Metropolitan Area Planning Department



**AGENDA ACTION:** Planning

**MAPC Recommendation:** Approve, subject to platting within 1 year, and to the additional provisions of a (P-O) Protective Overlay (10-0-1).

**Staff Recommendation:** Approve, subject to platting within 1 year, and to the additional provisions of a (P-O) Protective Overlay.

**Background:** The applicant is requesting "TF-3" Two Family zoning for a 7.3 acre tract of land located on the south side of 45<sup>th</sup> Street North approximately one-half mile east of Rock Road. The proposed layout of the subdivision shows approximately 15 lots, for an approximate density of 4 to 5 units per acre.

The site is located immediately north of Willowbend and west of Sun-Air Estates. While Willowbend and Sun-Air are both areas with single-family homes, they vary significantly in the type of development. Willowbend is a planned development that includes a golf course, country club facilities, and a strong homeowners association regulating private development within its boundaries by restrictive covenant. Sun-Air, in contrast, was platted in 1954 and developed over time with a mix of housing types, although all appear to be single-family units. From field observations, housing types in Sun-Air include conventional site-built housing, residential-designed manufactured homes, manufactured homes that would not meet residential-design standards, and even some mobile homes that could not meet post-1976 building requirements. Most of the lots are between one and 1 ½ acre in size.

The Union Pacific railroad right-of-way forms the western boundary of the tract. The property between the railroad right-of-way and Rock Road is platted as 45 Rock Road Industrial Park Addition, and is occupied by an oil well and industrial service building. There is a small cemetery at the corner of Rock and 45<sup>th</sup>. The property to the north of 45<sup>th</sup> Street is in agricultural use, but a residential plat has been filed.

The applicant has held discussions with the Willowbend Homeowners Association regarding mutually acceptable conditions that the developer is willing to incorporate as part of this zoning application. The proposed conditions are:

1. Building height shall be limited to 25 feet.
2. The front of each unit shall be of brick construction from ground level to a height of 4 feet as a minimum.
3. Two 3" caliper trees will be planted and maintained in the rear setback of each lot with a residential building.
4. Rooflines shall be alternated to be hipped, gabled and Dutch hipped, and the roofing material shall be Heritage II, 30 year or equivalent.
5. No wooden or chain link fences shall be allowed on the property.
6. None of the Conditional Uses listed in Wichita-Sedgwick County Unified Zoning code Article III, Section III-B,c, October 28, 1999, shall be permitted on the property.

At the MAPC meeting held February 24, 2000, the agent for the applicant and a member of the Willowbend Homeowners Association were present to speak in favor of the application. There was nobody to speak in opposition. MAPC voted (10-0-1) to recommend approval, with one member abstaining due to conflict of interest. No protests have been filed.

**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; 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.)

( ) Published in The Daily Reporter on \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

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-3357**

Request for zone change from "SF-6" Single-Family Residential to "TF-3" Two-Family Residential AND to (P-O) Protective Overlay District # 68 on property described as:

A tract of land lying in the NW 1/4 of Sec. 29, Twp. 26-S, R-2-E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, more particularly described as follows: Commencing at the SE corner of said NW 1/4; thence S89°00'08"W, 20.00 feet along the south line of said NW 1/4; thence N00°49'16"W, 1825.09 feet, parallel with the east line of said NW 1/4 to a point of beginning, said point being a point on a curve to the left; thence along said curve 887.25 feet, said curve having a central angle of 89°38'02", a radius of 567.15 feet, and a long chord of 799.50 feet, bearing N45°38'17"W; thence S89°32'42"W, 662.94 feet; thence S78°21'42"W, 19.59 feet to the southerly right-of-way line of Missouri Pacific Railroad; thence N61°31'26"E, 497.70 feet along said southerly line to a point lying 35.00 feet south of the north line of said NW 1/4; thence N89°38'23"E, 824.88 feet, parallel with said north line, to a point on the east line of said NW 1/4; thence S00°49'16"E, 792.07 feet along said east line; thence S89°10'44"W, 20 feet to the point of beginning. Generally located south of 45<sup>th</sup> Street North, approximately one-half mile east of Rock 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.

ADOPTED AT WICHITA, KANSAS, \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Pat Burnett, City Clerk

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Bob Knight, Mayor

(SEAL)

Approved as to form:

  
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Gary E. Rebenstorf, City Attorney