Planning Agenda Item #_____

City of Wichita
City Council Meeting
July 8, 1997

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3234 - 3AH, INC. C/O MATHIAS ECK (APPLICANT); MARK SAVOY, SAVOY, RUGGLES & BOHM (AGENT) REQUEST ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL & "LC" LIMITED COMMERCIAL TO "TF-3" TWO-FAMILY (15.3 ACRES) & "LC", LIMITED COMMERCIAL (0.29 ACRES), LOCATED SOUTH OF 29TH STREET NORTH AND WEST OF TYLER ROAD.

(DISTRICT #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting (12-0).

Staff Recommendation: Approve, subject to finalizing platting within 1-year.

CPO Recommendation: Defer (4-3).

Background: The applicant requests a zone change to "TF-3" Two-Family Residential & "LC" Limited Commercial from "SF-6" Single-Family Residential & "LC" Limited Commercial for approximately 15.6 total acres currently being platted as Bradford North 3rd Addition, located south of 29th Street North and west of Tyler Road.

The subject property contains the standard 600 foot by 600 foot "LC" zoning at the intersection, with the balance of the site currently zoned "SF-6". The applicant is seeking a reconfiguration of the "LC" zoning along the eastern portion of the site. They are specifically asking to down-zone about 4 acres from "LC" to "TF-3", and up-zone about 0.3 acres from "SF-6" to "LC". There would be 33 lots permitting duplexes and 3 commercial lots fronting on Tyler.

The proposed plat (copy attached) shows commercial pad sites abutting five of the residential lots to the west and is separated by a proposed wall (plat shows a 5 foot wall easement), and three additional residential lots to the south separated by a collector street and a reserve area. A wall is not

required by the zoning code, however, only a fence. The platting of the reserve does not dictate that landscaping will effectively screen the lots to the south. However, the ownership of the commercial and residential lots is one and the same. The plat also shows complete access control except for two openings serving the commercial lots along 29th Street and Tyler.

The subject property is in a developing residential area, with the majority of the property zoned "SF-20" Single-Family Residential to the north and "RR" Rural Residential to the east. The application area is separated from the Bradford North 2nd Addition, located south and west of the application area on property zoned "SF-6", by a series of utility easements running southeast to northwest. Property at the northeast corner of 29th Street North and Tyler Road was recently approved by the MAPC for "TF-3" zoning.

The CPO voted 4-3 to defer the request "due to lack of information relative to the applicant's intentions regarding development of the subject property." The applicant's agent was not able to provide specific information on specific plans for, or value of the duplex units. Two property owners expressed concerns with rental housing and traffic, although this request is reducing the potential commercial acreage by two-thirds.

During the Planning Commission's discussion of this matter on June 12, 1997, questions concerning the scheduling of road improvements along Tyler Road and 29th Street North were asked by the Commission. The agent for the applicant stated that a duplex development at this location would provide an appropriate transition from the commercial lots at the intersection and the larger single-family subdivision to the southwest. After the discussion, the MAPC voted (12-0) to approve the request, subject to platting, as recommended by staff.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, 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 2/3rd 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 CITY OF WICHITA CODE ORD. 43-558.

FILE COPY

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 City of Wichita Code Ord. 43-558, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3234

Zone change request from "SF-6" Single-Family Residential District to "LC" Limited Commercial District, described as:

Lots 15, 16, and 17, Bradford 3rd Addition to Wichita, Sedgwick County, Kansas. Located at the southwest corner of 29th Street North and Tyler Road.

Zone change request from "SF-6" Single-Family Residential District to "TF-3" Two-Family District, described as:

Lots 1through 19, Block 1; Lots 1 through 14, Block 2; Lots 1 through 3 Block 3 and Reserves A, B, C, D, E, and F Bradford 3rd Addition to Wichita, Sedgwick County, Kansas. Located at the southwest corner of 29th Street North and Tyler 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.