

**City of Wichita
City Council Meeting
September 22, 2009**

TO: Mayor and City Council

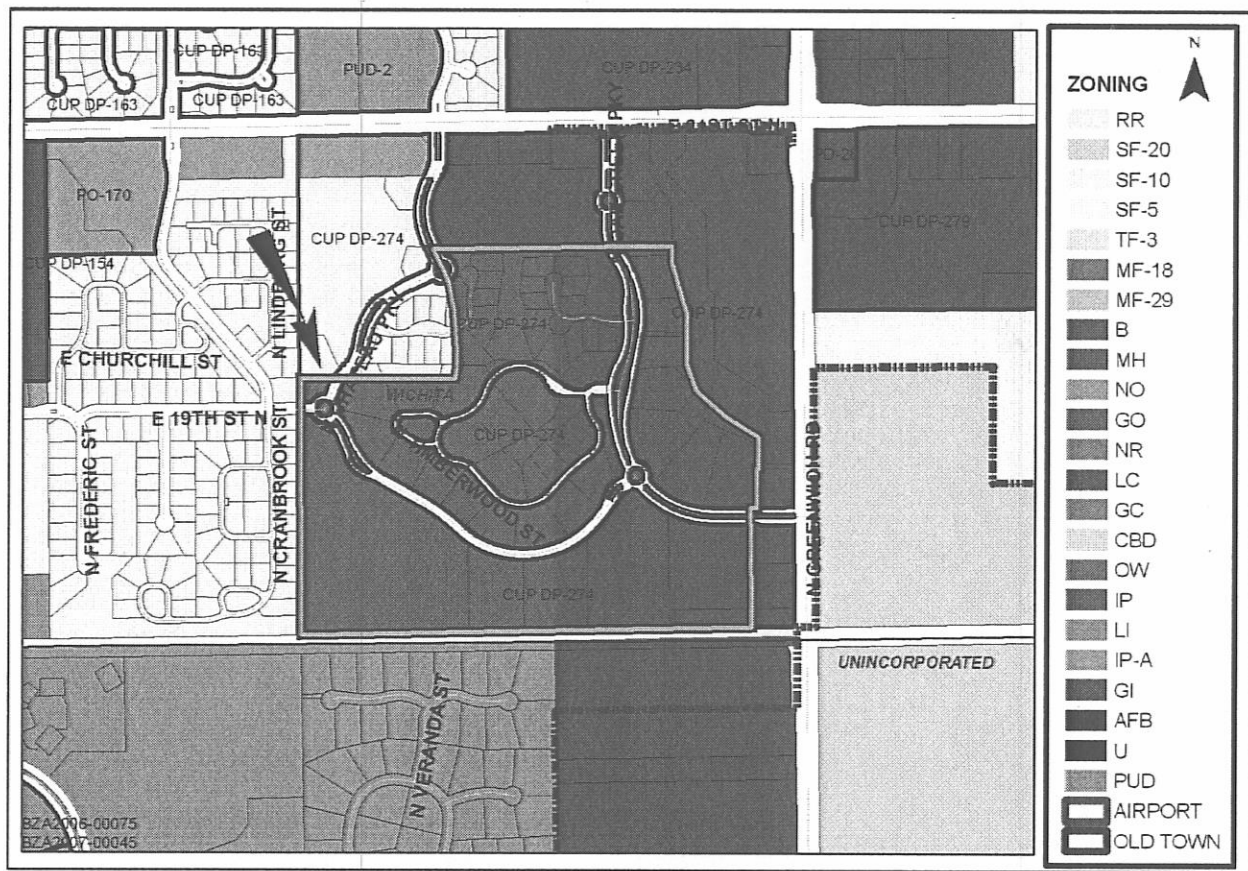
SUBJECT: ZON2009-00014– Request City zone change from LC Limited Commercial and GO General Office to SF-5 Single-Family Residential; generally located approximately 750 feet south of 21st Street North and 400 feet west of Greenwich Road. (District II)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve (12-0).

MAPD Staff Recommendations: Approve.



BACKGROUND: This is a request for a zone change from GO General Office (“GO”) and LC Limited Commercial (“LC”) to SF-5 Single-Family Residential (“SF-5”) for a 90-acre tract of land located approximately 750 feet south of 21st Street North and 400 feet west of Greenwich Road. It is requested to bring the zoning of the land into conformance to the current pattern of low density residential development underway on the property.

The land is part of a 160-acre Community Unit Plan (“CUP”), DP-274 Oak Creek. The original intent of the CUP was to encourage a retail, office and residential mixed use development. The actual development pattern has followed a more traditional single-family residential character.

The area to be rezoned as SF-5 consists of the eastern half of Parcel 2 and all of Parcels 5, 10 and 19. The adjacent land to the west and northwest (Parcel 4 and the western half of Parcel 2) already is zoned SF-5. That portion of the CUP bordering 21st Street North would remain zoned LC and NR Neighborhood Retail (“NR”) and that part of the CUP bordering Greenwich Road would remain zoned LC.

Parcels 5 and 10 would be restricted to single-family homes. Parcel 2 also would allow patio homes and Parcel 19 would add the flexibility of zero-lot setback homes and duplexes. All parcels would be developed below the density of 8.7 dwelling units per acre allowed by SF-5 zoning and remain subject to applicable site development requirements of the CUP. The Unified Zoning Code (“UZC”) allows this type of flexibility in housing styles within a residential CUP so long as housing density remains below the density permitted in the underlying zoning district.

To date, 12 homes are built or underway. Glengate Villas (east half of Parcel 2) is 2/3rds complete with eight residences. One home is located on The Manors at Oak Creek (the Parcel 10) and three are located in Forestgate Estates (Parcel 5). The density of dwellings varies from roughly half-acre lots on Parcel 2 to two-acre lots on Parcels 5 and 10.

Other land within the CUP to the west and northwest is zoned SF-5 and is vacant. The development to the west, The Remington, also is zoned SF-5. The portion of the CUP bordering Greenwich Road and 21st Street North is zoned LC except for the extreme northwest corner, which is zoned NR Neighborhood Retail (“NR”). Commercial use is anticipated as being appropriate along these major arterial corridors. Abutting the southern border of the CUP, the east half is zoned GI General Industrial (“GI”) and is the site of an asphalt batch plant. The west half is in process of being rezoned from LI Limited Industrial (“LI”) to SF-5 and being developed as Waterfront Residential.

Analysis: At the MAPC meeting held August 20, 2009, the MAPC voted (12-0) to approve. No citizens were present to speak on the case. No protests have been received.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change; place the ordinance on first reading.
2. Deny the request.
(An override of the Planning Commission’s recommendation requires a two-third majority vote of the City Council on the first hearing.)
3. Return the application to the MAPC for reconsideration.

ORDINANCE NO. 48-422

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. ZON 2009 14

Zone change from GO General Office and LC Limited Commercial to SF-5 Single-family Residential, for property described as:

Carriage Oaks Addition, Wichita, Sedgwick County, Kansas.

Generally located south of 21st Street North, west of Greenwich 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 this 15 day of Sept., 2009.

ATTEST.



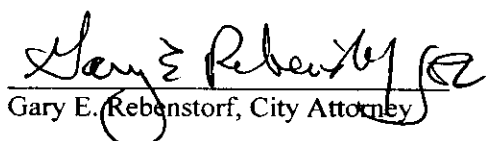
Karen Sublett, City Clerk



Carl Brewer, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney