

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

City of Wichita  
City Council Meeting

April 4, 1995

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

**TO:** Mayor and City Council Members

**SUBJECT:** Z-3162 - ZONE CHANGE REQUEST FROM THE "LC" LIGHT COMMERCIAL AND "E" LIGHT INDUSTRIAL DISTRICTS TO THE "AA" ONE-FAMILY DWELLING DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF 29TH STREET NORTH AND HOOVER AND 1/2 MILE EAST OF RIDGE ROAD ON THE SOUTH SIDE OF 29TH STREET NORTH.  
(District #5)

**INITIATED BY:** Metropolitan Area Planning Department



**AGENDA ACTION:** Planning

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MAPC Recommendation: Approve, subject to platting (11-1).

Staff Recommendation: Approve, subject to platting.

CPO Recommendation: CPO Council "5" voted 9-0 to recommend approval of the zone change request.

Background: On March 9, 1995, the MAPC considered a zone change from the 'LC' Light Commercial to the 'AA' One Family Dwelling District for 8.26 acres located at the southwest corner of 29th Street North and Hoover Road and a zone change from 'E' Light Industrial to 'AA' for 11.94 acres located ½ mile east of Ridge Road on the south side of 29th Street North. Both properties are currently undeveloped. The applicant proposes to develop the sites as part of a larger single family residential subdivision that would include nine single family lots along 29th Street North and Hoover Road.

On December 8, 1994, the Subdivision Committee of the MAPC approved a preliminary plat for this site (S/D 94-80 Barefoot Bay 2nd Addition), subject to conditions which included a requirement to rezone the portions of the site zoned 'LC' and 'E'. On January 24, 1995, the City Council approved a request to annex this area into the city.

According to the FEMA maps, a portion of the site is located within the 100 year floodplain. Also, according to the most recent information pertaining to wetlands from the Sedgwick County Soil Conservation District and the Soil Survey of Sedgwick County, portions of this site include a number of hydric soils (Carwile fine sandy loam, Lesho loam, Plevna fine sandy loam, and Waldeck sandy loam) commonly associated with wetlands. Therefore, prior to any development on this site, the applicant will need to acquire all necessary permits from the Army Corps of Engineers for the protection and management of any wetland or riparian areas located within the application area.

The subject properties, which border a lake located to the south, are currently undeveloped. Suburban single family homes are located at the 29th Street North / Hoover Road intersection and also south of the Barefoot Bay Additions along the west side of Hoover Road. Properties to the north and east are used for agricultural purposes.

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 first hearing).

( ) Published in The Daily Reporter on 4-2-948

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 SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

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 Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3162

Zone change from the "LC" Light Commercial and "E" Light Industrial zoning districts to the "AA" One-Family Residence District.

"LC" to "AA"

The North 600 feet of the East 600 feet of the Northeast Quarter of Section 3, Township 27 South, Range 1 West of the 6th P.M. except existing right-of-way; AND

"E" to "AA"

A tract of land in the N.W. 1/4 of Section 3, Township 27 South, Range 1 West of the 6th P.M. described as: Beginning at the N.E. Corner of said N.W. 1/4; thence bearing S0°03'54" W along the east line of said N.W. 1/4, a distance of 755.30 feet to a point in the north line of Barefoot Bay, an Addition to Wichita, Sedgwick County, Kansas; thence S 89°47'30" W along said North line a distance of 500.00 feet to the Northwest Corner of said Barefoot Bay Addition; thence N 25°59'16" W a distance of 781.47 feet; thence N 0°19'01" W a distance of 50.00 feet to a point in the north line of the N.W. 1/4 of said Section 3; thence N 89°40'59" E along said north line a distance of 843.57 feet to the point of beginning.

Both areas now being platted as parts of the Barefoot Bay 2nd Addition to Wichita, Sedgwick County, Kansas.

Generally located south of 29th street North and west of Hoover.

**SECTION 2.** That upon the taking effect of the Ordinance, the above zoning change 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 Zoning Ordinance 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.

# STAFF REPORT

March 9, 1995

CASE NUMBER: Z-3162

APPLICANT/AGENT: Grandview, Inc. / PEC c/o Rob Hartman

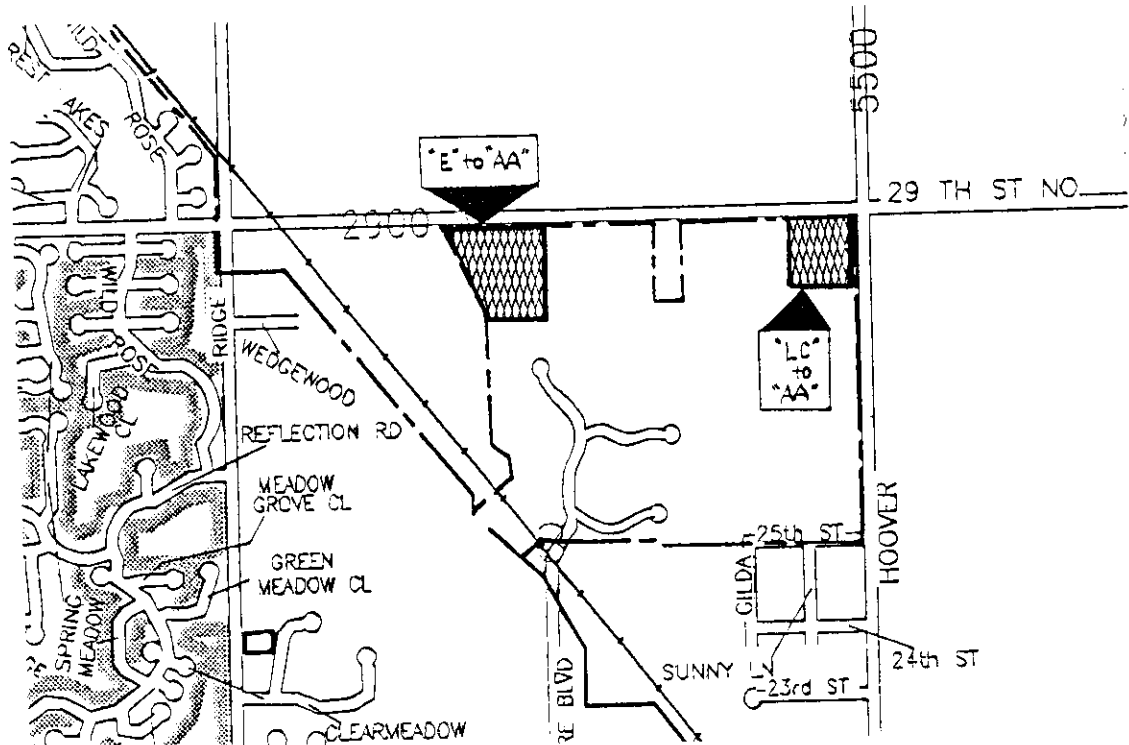
REQUEST: Zone change to 'AA' One Family Dwelling District

CURRENT ZONING: 'LC' Light Commercial and 'E' Light Industrial

SITE SIZE: 'E' to 'AA': 11.94 acres  
'LC' to 'AA': 8.26 acres

LOCATION: Southwest corner of 29th Street North and ½ mile east of Ridge Road on the south side of 29th Street North.

PROPOSED USE: Single family residential subdivision



**BACKGROUND / CASE HISTORY:** The applicant requests a zone change from 'LC' Light Commercial to the 'AA' One Family Dwelling District for 8.26 acres located at the southwest corner of 29th Street North and Hoover Road and a zone change from 'E' Light Industrial to 'AA' for 11.94 acres located ½ mile east of Ridge Road on the south side of 29th Street North. Both properties are currently undeveloped. The applicant proposes to develop the sites as part of a larger single family residential subdivision that would include nine single family lots along 29th Street North and Hoover Road.

On December 8, 1994, the Subdivision Committee of the MAPC approved a preliminary plat for this site (S/D 94-80 Barefoot Bay 2nd Addition), subject to conditions which included a requirement to rezone the portions of the site zoned 'LC' and 'E'. On January 24, 1995, the City Council approved a request to annex this area into the city.

According to the FEMA maps, a portion of the site is located within the 100 year floodplain. Also, according to the most recent information pertaining to wetlands from the Sedgwick County Soil Conservation District and the Soil Survey of Sedgwick County, portions of this site include a number of hydric soils (Carwile fine sandy loam, Lesho loam, Plevna fine sandy loam, and Waldeck sandy loam) commonly associated with wetlands. Therefore, prior to any development on this site, the applicant will need to acquire all necessary permits from the Army Corps of Engineers for the protection and management of any wetland or riparian areas located within the application area.

The subject properties, which border a lake located to the south, are currently undeveloped. Suburban single family homes are located at the 29th Street North / Hoover Road intersection and also south of the Barefoot Bay Additions along the west side of Hoover Road. Properties to the north and east are used for agricultural purposes.

**ADJACENT ZONING AND LAND USE:**

NORTH:	'R-1', 'E'	Agricultural uses, suburban single family homes
SOUTH:	'AA'	Developing single family residential subdivision
EAST:	'AA', 'LC'	Agricultural uses
WEST:	'E'	Asphalt plant

**PUBLIC SERVICES:** Neither municipal water nor sewer services are available to serve this property, and this site is not anticipated to initially use those services. However, as part of the plat, the applicant will be required to submit petitions for the future extension of water and sanitary sewer to serve this site. Also, the

applicant will be required to receive approval from the Wichita-Sedgwick County Department of Community Health - Environmental Health Division for any on-site sewerage facilities and water wells.

The sites border Hoover Road, a 2-lane paved section line arterial road with 30 feet of existing half-street right-of-way, and 29th Street North, an unpaved section line road with 30 feet of existing half street right-of-way. A total of 50 feet of half-street right-of-way will be required along both arterials when this property is platted. Existing traffic volumes on Hoover Road are approximately 373 average daily trips (ADT). Traffic counts are not available for 29th Street North because of the minimal amount of traffic on that roadway. Neither Hoover Road nor 29th Street are classified as arterial roadways by the 2020 Transportation Plan. Although 29th Street is unpaved in this area, the preliminary plat for this property did not include a requirement for a paving petition because of the small number of residential lots proposed to have access to 29th Street (6 lots) and because urban development is not anticipated in this area north of the roadway.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Land Use Guide of the Comprehensive Plan identifies this general area for agricultural uses. However, the Guide was prepared at a time when it was believed that municipal water and sewer services could not be extended to serve this area. Now, the City Public Works Department indicates that future capacity will be available to serve this area with municipal services. Therefore, as part of the proposed amendments to the Wichita-Sedgwick County Comprehensive Plan, this area would be designated for "low density residential" uses.

**RECOMMENDATION:** Planning staff recommends that the request be APPROVED, subject to platting within 1-year. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The development of single family homes at suburban densities on the subject property would be consistent with the surrounding area which is characterized by agricultural and suburban residential uses.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed residential zoning would be more restrictive than the existing zoning and would be consistent with the residential uses located nearby.
3. Conformance of the requested change to adopted or recognized Plans/Policies: The adopted Land Use Guide of the Comprehensive Plan identifies this general area for agricultural uses. However, since the City now has capacity to extend municipal services to this area in the future. Therefore, staff recommends that this

area be designated for "low density residential" uses as part of the proposed amendments to the Wichita-Sedgwick County Comprehensive Plan.

4. Impact of the proposed development on community facilities: Neither municipal water nor sewer services are available to serve this property, and this site is not anticipated to initially use those services. Therefore, the applicant will be required to receive approval from the Wichita-Sedgwick County Department of Community Health - Environmental Health Division for approval of any on-site sewerage facilities and water wells. Also, as part of the plat, the applicant will be required to submit petitions for the future extension of water and sanitary sewer to serve this site. The proposed nine single family lots in this area should have minimal impact upon traffic in the area.