

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM: ZON2000-00055 - Zone change from "SF-20" Single-Family Residential to "LC" Limited Commercial and "MF_18" Multi-Family Residential, located south of Mt. Vernon (extended) and east of Webb.

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: January 17, 2001

COMMISSION DISTRICT #5

MAPC Recommendation: Deny "LC" Limited Commercial zoning and approve "NO" Neighborhood Office and "MF-18" Multi-Family Residential zoning, subject to platting within 1 year and the provisions of a Protective Overlay.

Staff Recommendation: Deny "LC" Limited Commercial zoning and approve "NO" Neighborhood Office and "MF-18" Multi-Family Residential zoning, subject to platting within 1 year and the provisions of a Protective Overlay.

Background/Discussion The applicant requests a zone change from "SF-20" Single-Family Residential to "LC" Limited Commercial and "MF-18" Multi-Family Residential on a 12.6 acre unplatted tract located south of Mt. Vernon (extended) and east of Webb. The applicant indicates that the rezoning request has been submitted to permit patio homes in condominium ownership and office or commercial development. The applicant indicates that the patio homes would be of a density of approximately six units per acre and that the multi-family zoning is requested to permit condominium ownership consisting of multiple dwelling units on a single lot.

The surrounding area is characterized by developing single-family residential and institutional uses with significant amounts of undeveloped property remaining in the vicinity. The property north of the subject property is zoned "SF-20" Single-Family Residential and is primarily undeveloped with a natural gas utility substation located on the western portion along Webb. The property south of the subject property is zoned "SF-6" Single-Family Residential and is developed with a church. The property east of the subject property is zoned "SF-20" Single-Family Residential and is undeveloped. The properties west of the subject property across Webb are zoned "SF-6" Single-Family Residential and are developed with single-family residences.

A preliminary development plan (attached) has been provided for the proposed patio home uses, but no specific office or commercial uses have been proposed. The "MF-18" Multi-Family Residential district would permit 200 dwelling units in buildings up to 45 feet in height and would not restrict uses to patio homes. The "LC" Limited Commercial district would permit high-intensity commercial uses such as convenience stores and drive-thru restaurants.

Planning staff finds that the subject property is not appropriate for high-density residential and high-intensity commercial uses based upon the following factors. First, the Comprehensive Plan indicates that a mix of housing types including townhouse and multi-family units is appropriate for areas identified for low-density residential development only when they are part of a planned development. As submitted, the application does not include a firm development plan for the property requested for "MF-18" Multi-Family Residential zoning. Planning staff finds that planned residential development not exceeding a density of six dwelling units per acre is a more appropriate use of the property requested for "MF-18" zoning. Second, the requested "LC" Limited Commercial zoning would permit higher-intensity uses such as convenience stores and drive-thru restaurants that would likely create detrimental affects from lighting, noise, trash, and traffic on nearby residential properties. Planning staff finds that offices providing services to the immediate neighborhood are a more appropriate use than high-intensity commercial uses.

At the hearing on December 7, 2000, there were no speakers, other than the applicant, for or against the request. A written protest (attached) representing 23 properties in the vicinity was submitted that cited opposition to the request based upon concerns regarding traffic, declining property values, and incompatibilities between multi-family and single-family residences. The written protest represents a valid protest from 2.93% of the land area within the protest area, which is significantly short of the 20% of the land area that requires a $\frac{3}{4}$ majority vote for approval.

The MAPC voted (10-0) to approve "NO" Neighborhood Office (rather than the requested "LC" Limited Commercial) and "MF-18" subject to platting within one-year and the following provisions of a Protective Overlay:

1. Residential development on the site shall be developed in general conformance with a development plan to be approved by the Planning Director prior to the issuance of building permits.
2. The development plan may contain a mixture of housing types as long as the overall residential density of the development does not exceed 6 units per acre.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the

zone change subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting within one year; adopt the resolution and authorize the Chairman to sign; and instruct the Planning Department to withhold publication of the resolution until the plat has been recorded with the Register of Deeds; or

2. Return to the Planning Commission 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).

Applicants:

Brentwood Development, Inc. 527 North Forestview Wichita KS 67235
Savoy, Ruggles & Bohm, PA 924 North Main Wichita KS 67203

Protestors:

See attached

89 degrees 41'29"E, 143.77 feet to the P.C. of a curve to the left, having a radius of 147.14 feet and a central angle of 44 degrees 04'56"; thence northeasterly along said curve, 113.21 feet to the P.T. of said curve; thence N 45 degrees 36'33"E, 85.03 feet for a place of beginning; thence continuing N 45 degrees 36'33"E, 136.16 feet to the P.C. of a curve to the right, having a radius of 318.94 feet and a central angle of 44 degrees 04'57"; thence northeasterly along said curve, 245.39 feet to a point of reverse curve, said point being the P.C. of a curve to the left, having a radius of 462.30 feet and a central angle of 31 degrees 56'25"; thence northeasterly along said curve 257.72 feet to the P.T. of said curve; thence N 57 degrees 45' 04"E, 44.75 feet; thence S 32 degrees 14' 56"E, 85.32 feet to the P.C. a curve to the left, having a radius of 232.00 feet and a central angle of 58 degrees 03'35"; thence southeasterly along said curve, 235.09 feet to the P.T. of said curve; thence N 89 degrees 41'29"E, 171.81 feet to a point 1321.25 feet east of the west line of said SW 1/4, as measured at right angles; thence S 00 degrees 15'38"W, 429.05 feet to a point on the north line of Lot 1, Block 1, Christ Community Church Addition, Wichita, Sedgwick County, Kansas; thence N 89 degrees 46'22"W, along the north line of said Lot 1, 1015.06 feet to a point 256.20 feet east of the N.W. Corner of said Lot 1; thence N 00 degrees 15' 38"E, 322.99 feet to the place of beginning. To be platted as Lot 2, Block 1, Maple Shade Addition. Generally located south of Mt. Vernon (extended) and east of Webb.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. Residential development on the site shall be developed in general conformance with a development plan to be approved by the Planning Director prior to the issuance of building permits.
2. The development plan may contain a mixture of housing types as long as the overall residential density of the development does not exceed 6 units per acre.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Published in The Wichita Eagle on _____.

RESOLUTION NO. 07-2001

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY RESOLUTION NO. 178-1997.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-C of the Wichita Sedgwick County unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2000-00055

Zone change request from "SF-20" Single-Family Residential to "NO" Neighborhood Office and "MF-18" Multi-Family Residential, and to "P-O" Protective Overlay District #83, on property described as:

"NO" ZONING:

That part of the SW 1/4 of Sec. 33, Twp. 27-S, R-2-E of the 6th P.M., Sedgwick County, Kansas described as commencing at the N.W. Corner thereof; thence S00 degrees 15'38"W along the west line of said SW1/4, 447.18 feet; thence N 89 degrees 41'29"E, 50 feet for a place of beginning; thence continuing N 89 degrees 41'29"E, 93.77 feet to the P.C. of a curve to the left, having a radius of 147.14 feet and a central angle of 44 degrees 04'56"; thence northeasterly along said curve, 113.21 feet to the P.T. of said curve; thence N45 degrees 36'33"E, 85.03 feet; thence S00 degrees 15'38"W, 322.99 feet to a point on the north line of Lot 1, Block 1, Christ Community Church Addition, Wichita, Sedgwick County Kansas; thence N89 degrees 46'22"W, along the north line of said Lot 1, 256.20 feet to the N.W. Corner of said Lot 1; thence N00 degrees 15'38"E, 219.99 feet to the place of beginning. To be platted as Lot 1, Block 1, Maple Shade Addition.

"MF-18" ZONING:

That part of the SW 1/4 of Sec. 33, Twp. 27-S, R-2-E of the 6th P.M., Sedgwick County, Kansas described as commencing at the N.W. corner thereof; thence S00 degrees 15'38"W along the west line of said SW 1/4, 447.18 feet; thence N

STAFF REPORT
MAPC December 7, 2000

CASE NUMBER: ZON2000-00055

APPLICANT/AGENT: Brentwood Development Inc. c/o Steve Miller (Owner/Applicant); Savoy, Ruggles, & Bohm, PA c/o Mark Savoy (Agent)

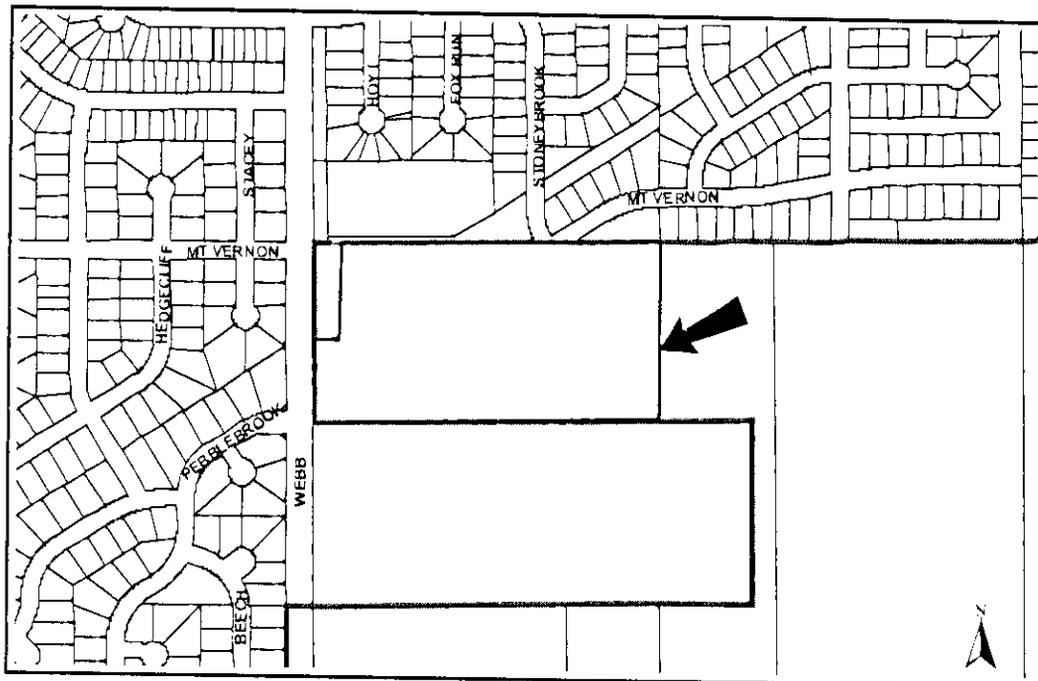
REQUEST: "LC" Limited Commercial and "MF-18" Multi-Family Residential

CURRENT ZONING: "SF-20" Single-Family

SITE SIZE: 12.6 acres

LOCATION: South of Mt. Vernon (extended) and east of Webb

PROPOSED USE: Patio homes in condominium ownership and office or commercial development



BACKGROUND: The applicant requests a zone change from "SF-20" Single-Family Residential to "LC" Limited Commercial and "MF-18" Multi-Family Residential on a 12.6 acre unplatted tract located south of Mt. Vernon (extended) and east of Webb. The applicant indicates that the rezoning request has been submitted to permit patio homes in condominium ownership and office or commercial development. The applicant indicates that the patio homes would be of a density of approximately six units per acre; however, the multi-family zoning is requested to permit condominium ownership consisting of multiple dwelling units on a single lot. A preliminary plat (SUB2000-00055) was approved by the Subdivision Committee on July 20, 2000 that includes the subject property (see attached).

The surrounding area is characterized by developing single-family residential and institutional uses with significant amounts of undeveloped property remaining in the vicinity. The property north of the subject property is zoned "SF-20" Single-Family Residential and is primarily undeveloped with a natural gas utility substation located on the western portion along Webb. The property south of the subject property is zoned "SF-6" Single-Family Residential and is developed with a church. The property east of the subject property is zoned "SF-20" Single-Family Residential and is undeveloped. The properties west of the subject property across Webb are zoned "SF-6" Single-Family Residential and are developed with single-family residences.

No development plan has been provided for the proposed patio home uses and no specific office or commercial uses have been proposed. The "MF-18" Multi-Family Residential district would permit 200 dwelling units in buildings up to 45 feet in height and would not restrict uses to patio homes. The "LC" Limited Commercial district would permit high-intensity commercial uses such as convenience stores and drive-thru restaurants.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Utility substation; undeveloped
SOUTH:	"SF-6"	Church
EAST:	"SF-20"	Undeveloped
WEST:	"SF-6"	Single-family

PUBLIC SERVICES: The site has access to Webb, a two-lane arterial street with 1997 traffic volumes of approximately 6,700 vehicles per day. The 2030 Transportation Plan estimates that traffic volume on Webb will increase to approximately 12,200 vehicles per day. The Capital Improvement Program for the City of Wichita contains a project to widen Webb to four lanes between Harry and Pawnee in the year 2000. Public water and sewer are available or can be extended to serve the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for “Low-Density Residential” development. The Low Density Residential category provides for the lowest density (1 to 6 units per acre) of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions, and planned developments with a mix of housing types that may include townhouse and multi-family units. The requested “MF-18” Multi-Family Residential zoning does not conform to the Land Use Guide due to the higher permitted densities and the lack of a planned development. The Commercial Locational Guidelines of the 1999 Update to the Comprehensive Plan indicates the commercial uses should be located in compact clusters or nodes versus strip developments. The requested “LC” Limited Commercial zoning does not conform to the Locational Guidelines since it is located mid-mile along an arterial and is not near a cluster or node of commercial zoning.

RECOMMENDATION: Planning staff finds that the subject property is not appropriate for high-density residential and high-intensity commercial uses based upon the following factors. First, the Comprehensive Plan indicates that a mix of housing types including townhouse and multi-family units is appropriate for areas identified for low-density residential development only when they are part of a planned development. As submitted, the application does not include a development plan for the property requested for “MF-18” Multi-Family Residential zoning. Second, the requested “LC” Limited Commercial zoning would permit higher-intensity uses such as convenience stores and drive-thru restaurants that would likely create detrimental affects from lighting, noise, trash, and traffic on nearby residential properties. Planning staff finds that offices providing services to the immediate neighborhood are a more appropriate use than high-intensity commercial uses. Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request for “LC” Limited Commercial zoning be DENIED and instead that “NO” Neighborhood Office and “MF-18” Multi-Family Residential zoning be APPROVED, subject to platting within 1-year and subject to the following provisions of a Protective Overlay:

1. Gross residential density shall be limited to 6 units per acre.
2. Dwelling units shall be limited to detached single-family structures.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by developing single-family residential and institutional uses with significant amounts of undeveloped property remaining in the vicinity. The property north of the subject property is zoned “SF-20” Single-Family Residential and is primarily undeveloped with a natural gas utility substation located on the western portion along Webb. The property south of the subject

property is zoned "SF-6" Single-Family Residential and is developed with a church. The property east of the subject property is zoned "SF-20" Single-Family Residential and is undeveloped. The properties west of the subject property across Webb are zoned "SF-6" Single-Family Residential and are developed with single-family residences.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-20" Single-Family Residential, which accommodates large lot residential development and complementary land uses. By annexing the property into the City of Wichita, the property's zoning could be automatically changed to "SF-6" Single-Family Residential, which accommodates moderate-density, single-family residential development and complementary land uses. The subject property is suitable for the uses permitted in the "SF-6" Single-Family Residential district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested "LC" Limited Commercial zoning would permit higher-intensity uses such as convenience stores and drive-thru restaurants that would likely create detrimental affects from lighting, noise, trash, and traffic on nearby residential properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "Low-Density Residential" development. The Low Density Residential category provides for the lowest density (1 to 6 units per acre) of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions, and planned developments with a mix of housing types that may include townhouse and multi-family units. The requested "MF-18" Multi-Family Residential zoning does not conform to the Land Use Guide due to the higher permitted densities and the lack of a planned development. The Commercial Locational Guidelines of the 1999 Update to the Comprehensive Plan indicates the commercial uses should be located in compact clusters or nodes versus strip developments. The requested "LC" Limited Commercial zoning does not conform to the Locational Guidelines since it is located mid-mile along an arterial and is not near a cluster or node of commercial zoning.
5. Impact of the proposed development on community facilities: No impacts on community facilities have been identified.