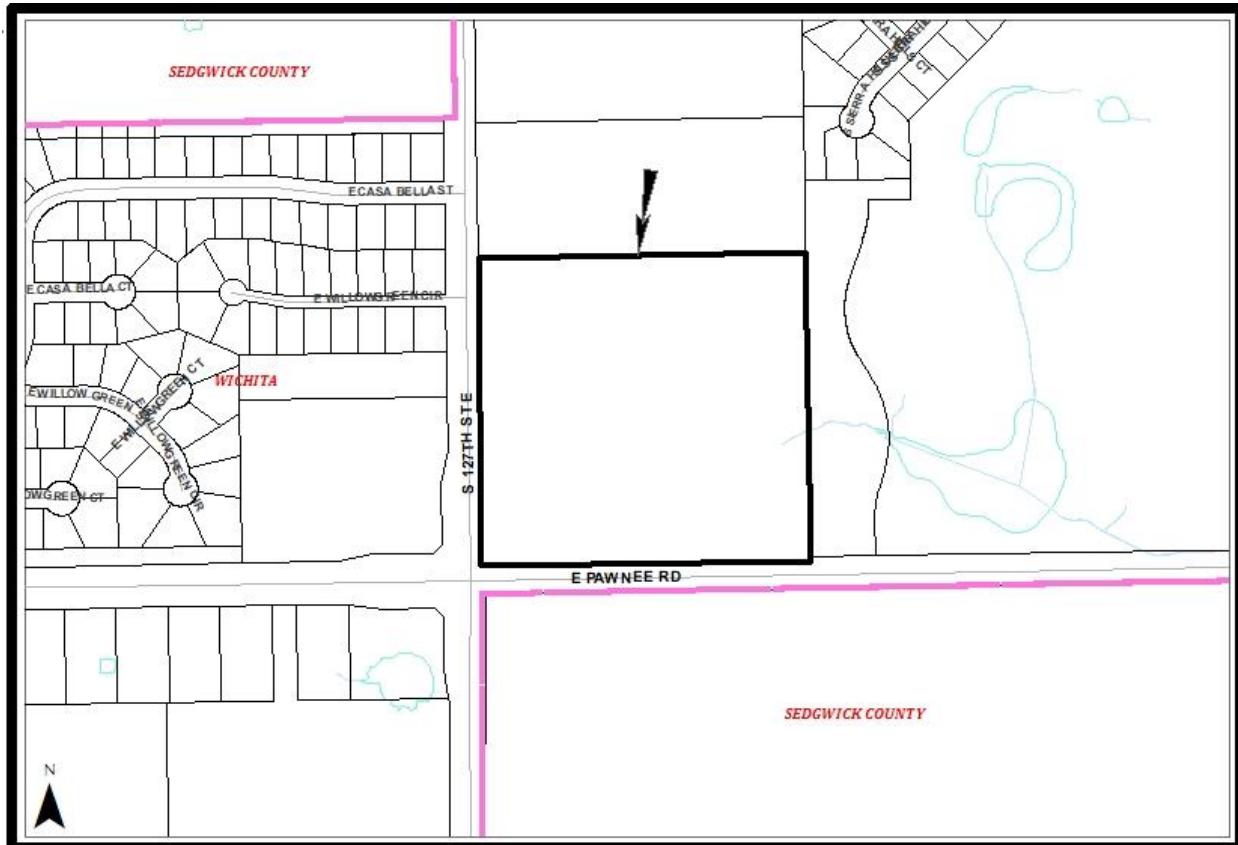


STAFF REPORT
MAPC April 8, 2021
DAB II April 12, 2021

<u>CASE NUMBER:</u>	PUD2021-00002 (City)
<u>APPLICANT/AGENT:</u>	Buffalo Grove Development Group, LLC (Owner/Applicant) MKEC Engineering, Brian Lindebak (Agent)
<u>REQUEST:</u>	Rezone to create the Buffalo Grove Planned Unit Development #83
<u>CURRENT ZONING:</u>	SF-5 Single Family Residential and LC Limited Commercial
<u>SITE SIZE:</u>	19.32 acres
<u>LOCATION:</u>	Generally located on the northeast corner of East Pawnee Road and South 127 th Street East. (WCC II)
<u>PROPOSED USE:</u>	To create a custom zoning for a mixture of residential development.



BACKGROUND: The applicant is requesting a zone change from SF-5 Single Family Residential and LC Limited Commercial to PUD Planned Unit Development to create the Buffalo Grove Planned Unit Development (PUD #83). The site is 19.32 acres in size and is generally located on the northeast corner of East Pawnee Road and South 127th Street East. The purpose of the PUD is to create a custom zoning classification to permit a mixture of residential development. The PUD provides flexibility, including the size of various setbacks. The intent is to create a unique, medium density development surrounding greenspaces.

The PUD drawing shows the extent of the development will be 38 residential lots and several reserves. Twenty-eight of the proposed lots will have alley access on the rear of the property with garage access off of the alleys. These 28 lots make up the center of this development with the remaining 10, non-alley properties along the east and west extents of the development. The conceptual site plan illustrates that lots with alleys could have four dwellings per lot, and the non-alley lots would have two dwellings per lot. The street and alley network shall double as utility corridors.

The PUD states a development density of up to 14.5 dwelling units per acres, as permitted by conditional use in the TF-3 zoning district. Though the PUD permits this density, the conceptual site plan illustrates 132 dwelling units, which equates to 6.83 dwelling units per acre. If all 38 lots are developed with four dwelling units per lot, the density would only be 7.87 dwelling units per acre.

The PUD would permit reductions to setbacks in order to develop the multi-family concept desired. The proposed setbacks vary depending on if lots abut alleys or reserves. The proposed setbacks are as follows:

Minimum Setbacks for Alley-Abutting Lots

PUD#83	TF-3 District
5-foot front setbacks	TF-3 requires a 25-foot front setback.
5-foot street side setbacks	TF-3 requires a 15-foot street side setback.
5-foot interior setbacks	TF-3 requires an interior side setback of 6 feet for lots greater than 6,000 square feet and 5 feet for lots less than 6,000 square feet. It also permits one side yard to be reduced to zero if there is a minimum of 12 feet between contiguous structures on the other side.
2-foot rear setback	TF-3 requires a 20-foot rear setback.

Minimum Setbacks for Non-Alley Lots:

PUD#83	TF-3 District
20-foot front setbacks	TF-3 requires a 25-foot front setback.
5-foot street side setbacks	TF-3 requires a 15-foot street side setback.
5-foot interior setbacks	TF-3 requires an interior side setback of 6 feet for lots greater than 6,000 square feet and 5 feet for lots less than 6,000 square feet. It also permits one side yard to be reduced to zero if there is a minimum of 12 feet between contiguous structures on the other side.
10-foot rear setbacks	TF-3 requires a 20-foot rear setback

Minimum Setbacks when Abutting a Reserve (any lot)

PUD#83	TF-3 District
5-foot front setback	TF-3 requires a 25-foot front setback.
5-foot street side setbacks	TF-3 requires a 15-foot street side setback.
5-foot interior setback	TF-3 requires an interior side setback of 6 feet for lots greater than 6,000 square feet and 5 feet for lots less than 6,000 square feet. It also permits one side yard to be reduced to zero if there is a minimum of 12 feet between contiguous structures on the other side.
5-foot rear setbacks	TF-3 requires a 20-foot rear setback

The PUD text also contains provision for architectural controls, landscaping, lighting, screening, parking and signage. The architectural controls require that all building within the PUD shall share a consistent architectural design. The provisions regarding landscaping states that a landscape plan shall be developed for review and approval by the Planning Department. This is for landscape screening and buffering that will be along the north and east property lines. The Wichita Landscape Ordinance requires a landscape buffer between multi-family developments when they abut residential zoning districts. It would not require landscaping for two-family developments. However, because the PUD does not specifically restrict certain perimeter lots to duplex development only, screening and landscape buffering are required along the east and north boundaries. The applicant intents to meet the screening requirement through landscaping. Section IV-B of the Unified Zoning Code does permit a landscape alternative for screening as opposed to a solid screening fence or wall. Signage shall be in accordance with the Wichita Sign Code for properties zoned TF-3. It does permit a temporary signs permitted within the PUD for the duration of both phases of initial development. Access controls shall be determined at the time of platted, and the PUD document shall be revised if necessary. Right now it is showing two entrances. One entrance on South 127th will be approximately 400 feet north of East Pawnee and one entrance on East Pawnee will be approximately 1,000 feet east of South 127th Street.

Each dwelling unit shall have a minimum of two off-street parking stalls regardless of the type of dwelling unit. As permitted by Section IV-A.6.a(8)(c), the four-plex/townhouse dwellings will have these spaces inside of the attached garages off of the alleys. Because of the reduced setbacks along the alleys, the intention is not to have a “driveway” in front of the garage, which would permit additional parking. Section IV-A.4 of the UZC states that multi-family developments with two bedrooms more shall provide 1.75 parking spaces per bed dwelling. Therefore, the parking requirement is met. The duplexes are proposed to have attached garages in addition to driveways, which will provide at least two off-street spaces per dwelling. Section IV-A.4 only requires one space per dwelling unit for duplexes. The PUD states that on-street parking areas shall be provided throughout the site in order to accommodate convenience or visitor parking. These spaces are above and beyond the parking requirement and can be used by visitors or other to park near those dwelling units that face the central reserve.

Property to the north is zoned SF-5 Single Family Residential. The property immediate to the north is undeveloped agricultural land. Property further north is single family residences. Property to the east is zoned SF-5, and is developed as a golf course. Property to the south is zoned LC Limited Commercial and SF-20 and is undeveloped agricultural land in Sedgwick County. Property to the west is zoned TF-3 Two-Family Residential, SF-5 and LC. The TF-3 land is developed with duplexes. The SF-5 and LC land is undeveloped. Property southwest of the intersection is zoned LC and SF-5. The LC land is undeveloped. The SF-5 land is developed as Southeast High School for the Wichita Unified School District 259.

CASE HISTORY: The subject property is unplatte. However, SUB2021-00009 was submitted in conjunction with the zone change request to create the Buffalo Grove Addition. This one-step final plat is

scheduled to be heard by the Planning Commission on April 8, 2021. The southwest seven acres of the site was up-zoned to LC Limited Commercial in 1958 when Sedgwick County rezoned the corners of arterial intersections to Limited Commercial within a three-mile ring around Wichita.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Agricultural Land, Single family residences
SOUTH:	LC and SF-20	Agricultural Land
EAST:	SF-5	Golf Course
WEST:	TF-3, SF-5, LC	Duplexes, undeveloped land.

PUBLIC SERVICES: East Pawnee Road is a paved, two-lane arterial street with open ditches. South 127th Street is a paved, two-lane arterial road with open ditches. The intersection of the two is controlled as a four-way stop with stop signs. As development continues to occur, the intersection will most likely be improved with a signal when Traffic Engineering deems it appropriate. Public water and sewer are available nearby, but they will need to be extended as development occurs.

CONFORMANCE TO PLANS/POLICIES: The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for New Residential/Employment Mix. This category is described as follows: *“Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.”*

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends **APPROVAL** of the application subject to provisions of the Buffalo Grove PUD #83, and subject to the following conditions:

1. The text of the PUD shall be revised in accordance with the recommended text as approved by the Planning Commission.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #83 Buffalo Grove Planned Unit Development) has special conditions for development on the property.
3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.
4. All other federal, state, and local laws and ordinances must be observed.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property to the north is zoned SF-5 Single Family Residential, and in use as agricultural land. Property farther north is zoned SF-5 and in use as single family residences. Property to the east is zoned SF-5 Single-Family Residential, and is developed as a golf course. Property to the south is zoned LC Limited Commercial and SF-20 Single Family Residential and is undeveloped agricultural land in unincorporated Sedgwick County. Property to the west is zoned TF-3 Two-Family Residential, SF-5 and LC. The TF-3 land is developed with duplexes. The SF-5 and LC land is undeveloped. Property southwest of the intersection is zoned LC and SF-5. The LC land is undeveloped. The SF-5 land is developed as Southeast High School for the Wichita Unified School District 259.

The proposed PUD will be a similar residential density to the property adjacent to the west.

Adjacent to the west are properties zoned TF-3 Two Family Residential district and in use with duplexes. The existing duplexes are developed with a density of 6.25 dwelling units per acre. The proposed PUD would allow a density of up to 14.5 dwelling units per acre. However, the current development plan proposes a residential density of 7.78 dwelling units per acre. Higher density multi-family development is generally appropriate for property at the intersection two arterial streets.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and the corner by the intersection of East Pawnee and South 127th Street is zoned LC Limited Commercial. The property is eligible to be developed with a wide array of higher intensity commercial uses as permitted in LC in addition to higher density multi-family development than what is being proposed. The SF-5 property can be developed with single family homes. It would be possible for the SF-5 property to have a zone change request to LC for a larger commercial development, which historically has been deemed appropriate for the intersection of two arterial streets. Any commercial or multi-family development would be required to have appropriate screening and landscaping between it and the single family development.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The site is currently zoned SF-5 and the corner by the intersection of East Pawnee and South 127th Street is zoned LC Limited Commercial. The property is eligible to be developed with a wide array of higher intensity commercial uses as permitted in LC in addition to higher density multi-family development than what is being proposed. The SF-5 property can be developed with single family homes. The density of the proposed development is significantly less than what would be permitted in LC for multi-family development. The provisions of the PUD are more restrictive than what could be developed on the LC portion of the site. The provisions of the PUD should minimize and mitigate potential negative impacts associated with the development of the PUD.
4. **Length of time the property has been vacant as currently zoned:** The property has historically been used for agriculture.
5. **Relative gain to the public health, safety, and welfare, compared to the loss in value or the hardship imposed upon the applicant:** The proposed changes should create no significant issues related to the public health, safety or welfare given the governing language of the recommended PUD text.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for New Residential/Employment Mix. This category is described as follows: *“Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.”*

The proposed development fits the spirit and intent of the adopted policy and plans of the City of Wichita.

7. **Impact of the proposed development on community facilities:** There are no anticipated significant adverse impacts on community facilities.
8. **Opposition or support of neighborhood residents:** At the time that this staff report was written

Planning staff have received a couple of emails with nearby residents curious about the development. No comments opposing the case have been received.

Attachments:

1. Recommended PUD Text
2. PUD Drawing
3. Conceptual Site Plan
4. Aerial Map
5. Zoning Map
6. Land use Map

PUD2021-00002 RECOMMENDED PUD TEXT

PUD Purpose Statement:

Buffalo Grove, is a medium-density residential development at the northeast corner of Pawnee Road and E. 127th St. S. The development consists of a mix of housing types (multi-family) duplex and fourplex/townhouse. The development intends to use public streets and alleys for vehicular access. The alleys and streets double as utility corridors. A sidewalk system is planned along a looping street connecting the residences to arterial streets and to internal greenways. The greenways (private) provide for gathering spaces, informal recreation, open space, landscaping, stormwater management and will be platted as reserves. The site has a pipeline corridor on the west that is planned to be platted into a reserve. Due to these unique conditions, traditional building setbacks are not conducive and are modified herein.

Accompanying the PUD is a Conceptual Site Plan to aid in the review of the PUD/Plan that is subject to change at the time of final platting.

1. This development contains 18.13 acres or 789,814 square feet, more or less.

2. Parcel Description:

Parcel 1

Gross Area = 18.13 Ac. or 789,814 sq. ft.

Minimum Lot Area = As per TF-3 Two-Family Residential Zoning District

Maximum Dwelling Units per Acre = As per TF-3 Two-Family Residential Zoning District 14.5 (D.U.A.)

Minimum Front Setbacks (as shown hereon)

Two-Family Unit Lots: Twenty Feet

Multi-Family Unit Lots: Five Feet

Abutting a Reserve: Five Feet

Minimum Side Setbacks (as shown hereon)

Street Side: Five Feet

Side: Five Feet

Abutting a Reserve: Five Feet

Minimum Rear Setbacks (as shown hereon)

Multi-Family Unit Lots: Two Feet

Abutting a Reserve: Five Feet

Maximum Height = 35 feet or as per TF-3 Two-Family Residential Zoning District

3. Land Uses and Development Standards:

The following uses are permitted for Parcel 1:

- A. All allowed uses permitted by right within the TF-3 Two-Family Residential Zoning District and Multi-Family (triplex, fourplex, and townhouse). Neighborhood swimming pool, community clubhouse, and parking area ancillary.
- B. The land uses permitted by the PUD are only those uses permitted by right and not by conditional use unless specifically identified herein.

4. Architectural Controls: All buildings within the PUD shall share a consistent architectural design with similar building materials including roofing materials.

5. Landscaping:

- A. A screening landscape plan shall be prepared for the north and east boundary lines of the PUD. Screening shall consist of a mix of evergreen and deciduous trees.
- B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above-referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Metropolitan Area Planning Department (MAPD) for its review and approval prior to issuance of any occupancy permit(s).

6. Lighting:

- A. Lighting shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV; and the amendments thereto, and as provided herein.

8. Screening:

- A. Trash receptacles shall be appropriately screened to reasonably hide them from street/alley view with fencing and/or landscaping.
- B. Screening fences will not be required on the boundary of the PUD; see G.P.5.A.

9. Parking:

- A. Each dwelling unit shall provide a minimum of two on-site parking stalls. No off-site parking stalls are required; however, on-street parking areas will be provided with the development similar to as depicted on the Conceptual Site Plan. Said on-street parking is for convenience / guest parking.

10. Utilities:

- A. All new utilities shall be installed underground.

11. Signs:

- A. Signs are permitted under the current Sign Code of the City of Wichita as per TF-3 Two-Family Residential Zoning District. Additionally, the following conditions apply:
- B. Temporary signs are permitted on Parcel 1 for the duration of initial development phases one and two.

12. Transportation:

Parcel access shall be provided as follows:

- A. Access controls shall be determined at the time of final platting and revised upon the PUD accordingly. If access controls are altered after the recording of the plat by vacation case, an adjustment to the PUD shall be required.
- B. A plan for a pedestrian walk system shall be a requirement of the PUD and shall be submitted and approved by the Director of Planning.

13. Title:

The transfer of the title on all or any portion of the land included in the Planned Unit Development does

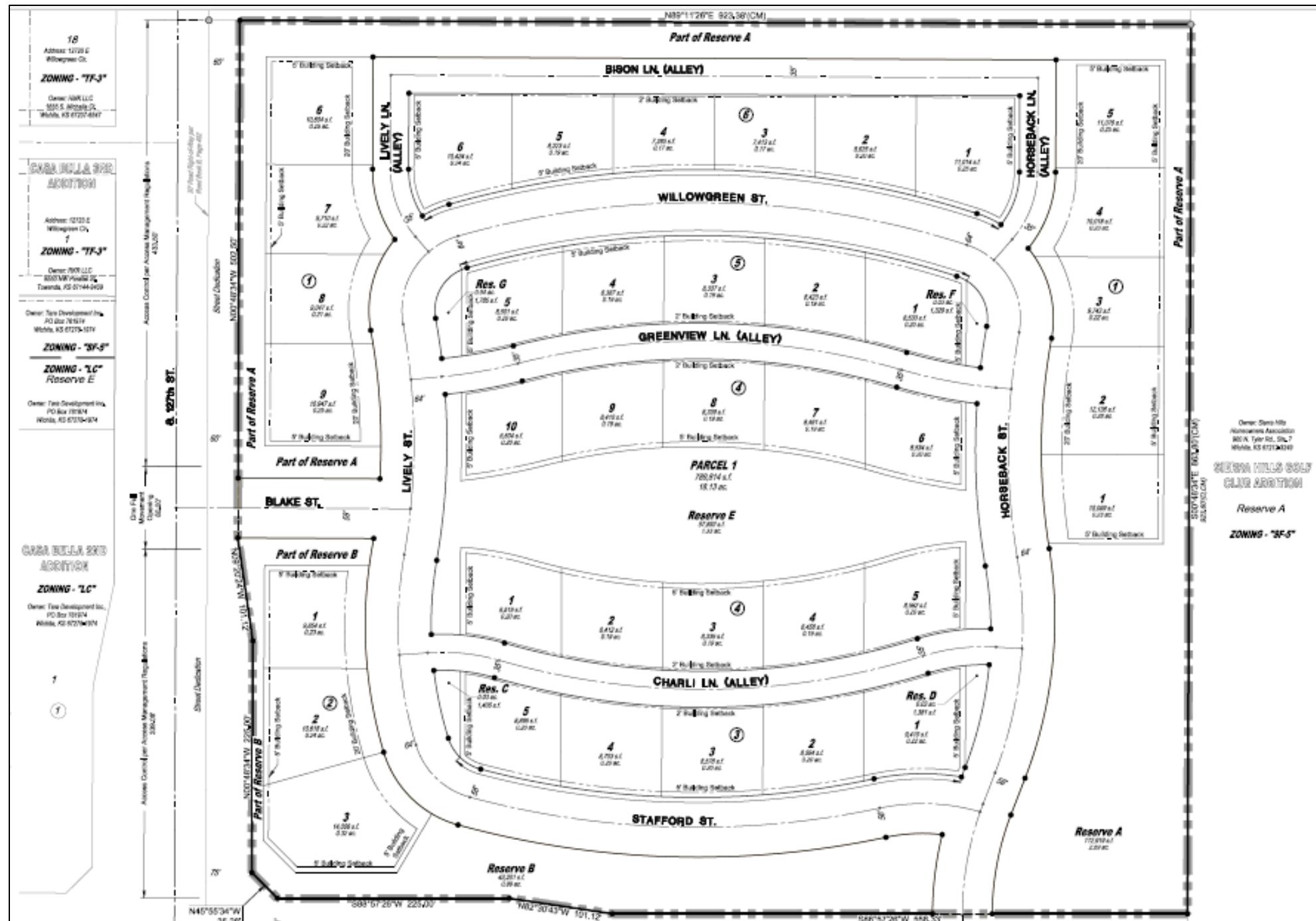
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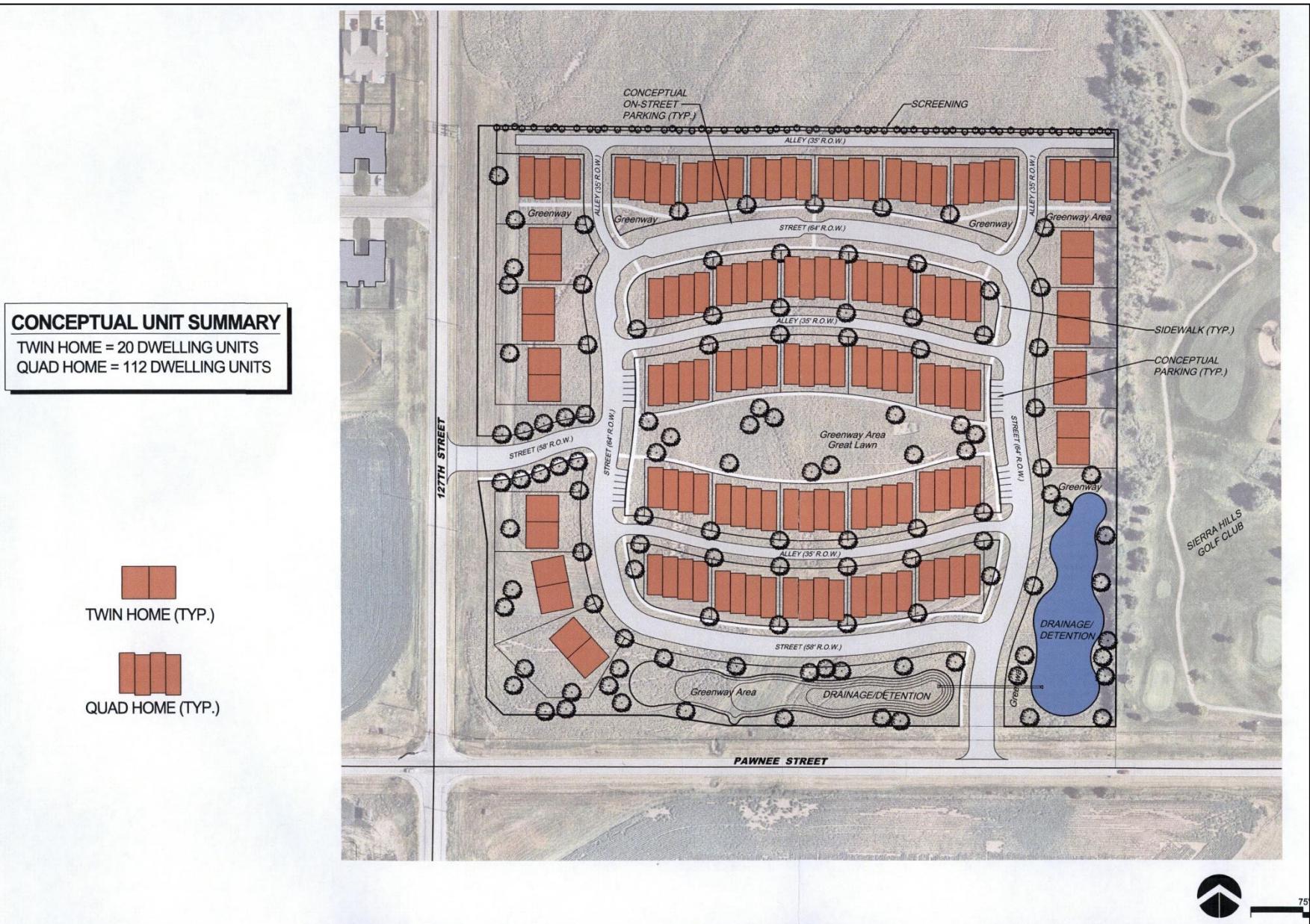
Metropolitan Area Planning Commission

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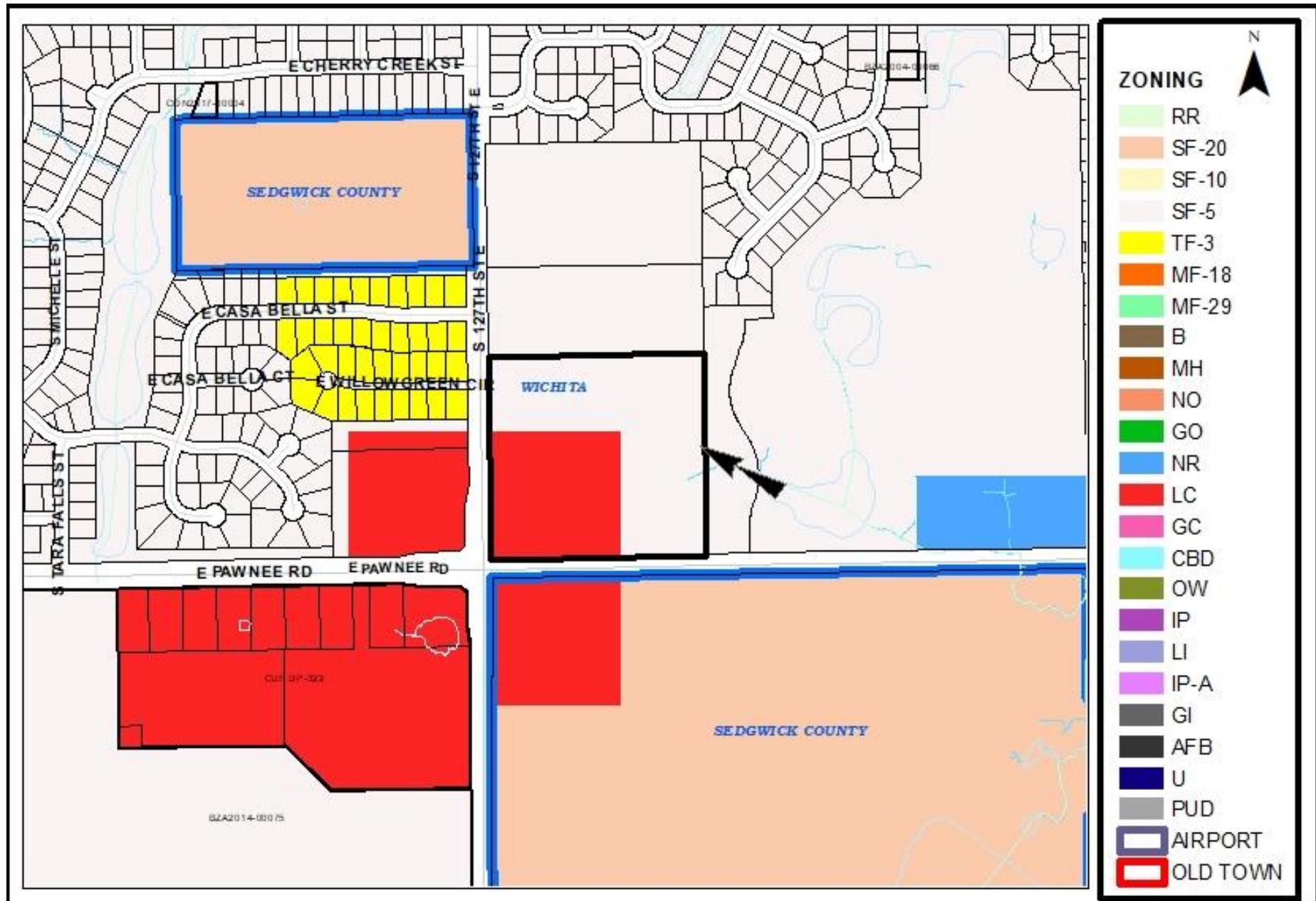
not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns and amended. However, the Director of Planning, with the concurrence of the Zoning Administrator, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal ordinance amendment.

- 14.** The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- 15.** Any major changes within this Planned Unit Development shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations of the PUD shall be done in accordance with the Unified Zoning Code.
- 16.** Amendments, adjustments or interpretations to this PUD shall be done in accordance with the Unified Zoning Code.
- 17.** A certificate or Notice of PUD is required to be recorded with the Sedgwick County Register of Deeds Office upon approval of the PUD.









2035 Wichita Future Growth Concept Map

Legend

- Established Central Area
- Residential and Employment Mix
- New Employment
- New Residential
- Wichita City Limits
- Other Cities
- Northwest Bypass Right-of-Way

Statistical Development Areas

- Other Urban Growth Areas 2014
- Other Urban Growth Areas 2014
- Rural Growth Areas 2014

LAND USE

- Residential
- Commercial
- Industrial
- Major Air Transportation & Military
- Parks and Open Space
- Agricultural or Vacant
- Major Institutional
- Nghbd_Plan_Areas

