

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON

ORDINANCE NO. 50-845

9/14/18

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. ZON2018-00025

City zone change from SF-5 Single Family Residential District and TF-3 Two-Family Residential to MF-18 Multiple Family Residential District described as:

Lot 1, Block B, and Reserve A, The Arboretum Addition, to Wichita, Kansas; AND Beginning at the Southwest corner of The Arboretum Addition; thence easterly on the Southerly line of said Arboretum Addition, a distance of 440.61 feet the southeast corner of said Lot 1, Block B, also being the west line of Red Oaks 1st Addition; thence Southerly on said west line of Red Oaks 1st Addition, a distance of 503.3 feet, to the northeast corner of Reserve E, Brentwood Village Addition; thence westerly on said north line of Brentwood Village Addition, a distance of 439.92 feet, to a point 9.33 feet south of the extended east line of Harry & Webb Commercial Addition, also being the extended west line of Arboretum Addition; thence northerly on said extended west line and west line of said Harry & Webb Commercial Addition, a distance of 503.3 feet to the Point of Beginning.

Subject to the following Protective Overlay (**PO-331**):

1. Building heights shall be restricted to two stories adjacent to property zoned SF-5.
2. Landscape requirements adjacent to property zoned SF-5 shall be increased to one tree for every 20 feet.

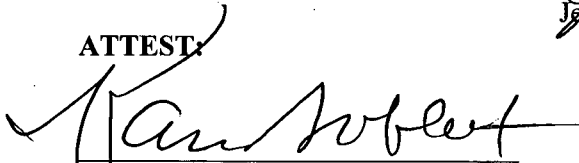
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 11 day of Sept, 2018.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law

BACKGROUND: The contract buyer/applicant is requesting the rezoning of this property from SF-5 Single Family Residential and TF-3 Two-Family Residential to MF-18 Multiple-Family Residential in order to develop the property with a mixture of two-family and four-family residential structures. This plan will also result in the replatting of a portion of the property along with the original platting on the bulk of the land in this case.

The main property adjacent to east Harry Street is platted as Arboretum Addition, which occurred in January of 1989 under the ownership of Sunnyside Nursery, which used to be on this property. The property was subsequently developed as a church, known now as Journey and includes all the lands in this application, along with the church property along Harry Street.

The surrounding neighborhood is a mixture of uses. The property to the west is zoned LC Limited Commercial and is developed under the Harry and Webb CUP (DP-321). There are numerous commercial businesses located within this overall development including a convenience store, auto parts store and restaurants. The land to the south is zoned SF-5 Single Family Residential and has a vacant parcel immediately to the south, with single family residential development on the other lands. The property to the east is zoned SF-5 Single Family Residential and is fully developed with single-family homes in the Red Oaks Addition. The property to the north of East Harry Street has a mixture of zoning with MF-18 Multiple Family Residential, GO General Office, and LC Limited Commercial zoning districts. The property immediately to the north is a strip office building, with a self-storage business immediately west of that. The other land on the east side of Goebel Street is developing multiple family.

CASE HISTORY: As noted above, the only zoning action on this property was the original plat of Arboretum Addition in January of 1989. That plat created Goebel Street from east Harry Street, which has not been constructed and will become a part of the replat/plat for this proposed development.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, GO and MF-18	commercial and multiple-family residential
SOUTH:	SF-5	vacant
EAST:	SF-5	single family residential
WEST:	LC	commercial

PUBLIC SERVICES: The subject property has access to East Harry Street, which is a paved, four-lane arterial roadway with curbs and gutters. As previously noted, Goebel Street is platted into the property and will be further addressed through the replatting with guarantees for improvement. All other city utilities exist to the property and will be extended to the development in conformance with all city policies and standard requirements for guarantees as part of the development and platting.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for “residential employment mix”. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature.

The *Community Investments Plan* discusses **Location Guidelines** in section 3 of the Future Land Use Policies. In the subsection titled **Development Pattern**, guideline 1.a. states “development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with development. Guideline 3.c. states “small, neighborhood-serving retail and offices uses and high-density residential uses not located at arterial intersections should be limited to the intersection of an arterial and a

collector street. Guideline 3.e. states “new development areas be separated from existing developed areas by major barriers (such as: highways, railroads, waterways, and airports) or by significant open space or undeveloped areas should be discouraged unless the scale of the development is sufficient to support the cost of extending infrastructure and services in a manner that supports additional development on surrounding sites.”

The overall spirit and intent of this rezoning appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed rezoning to MF-18 Multiple-Family Residential be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: This property is adjacent to a mixture of uses. There are single family homes to the east and south and commercial developments to the west and north. There are some multiple family uses to the north across Harry Street as well.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned mostly SF-5 Single-Family Residential, but is an unusual property and does not provide sufficient area to support single family development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed development pattern will provide an appropriate design for the transition from the single family development to the east to the commercial development to the west. Application of the required screening and landscaping required by the Unified Development Code should mitigate all impacts of this change.
4. Length of time the property has been vacant as currently zoned: The bulk of the subject property has remained vacant for some time and the development as proposed is considered appropriate for the neighborhood.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for “residential employment mix”. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature.

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6. Impact of the proposed development on community facilities: Development of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property and will be guaranteed at the time of platting.

Staff Report Attachments:

1. Supporting documents

Harry

