

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON

July 5, 2019

ORDINANCE NO. SI-060

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. ZON2019-00009

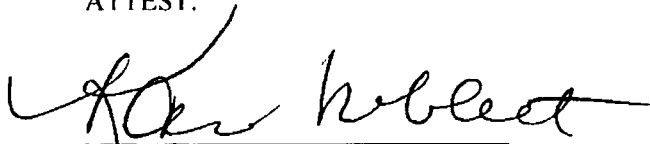
City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential zoning lot described as:

Begin 637.5 feet east and 330 feet north of the southwest corner of the Southeast Quarter; thence West 82.5 feet; thence North 330 feet; thence East 82.5 feet; thence South 330 feet to begin, except the south 3 feet thereof, Section 13, Township 27 South, Range 1 West of the 6th P.M., Wichita, Sedgwick County, Kansas.

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.

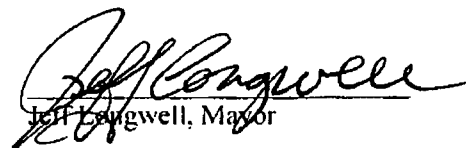
ATTEST:

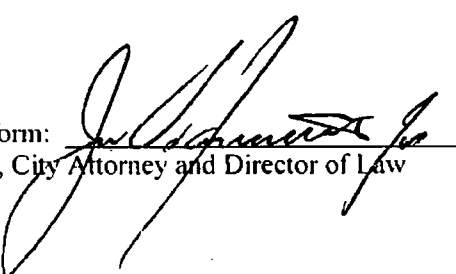


Karen Sublett, City Clerk

(SEAL)




Jeff Langwell, Mayor

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



AGENDA ITEM NO. 6

STAFF REPORT

MAPC May 23, 2019

DAB VI May 15, 2019

CASE NUMBER: ZON2019-00009 & CON2019-00014

APPLICANT/AGENT: Capri Holdings LLC/Jerome Castillo (co-owner) KE Miller Engineering/Kirk Miller (Agent)

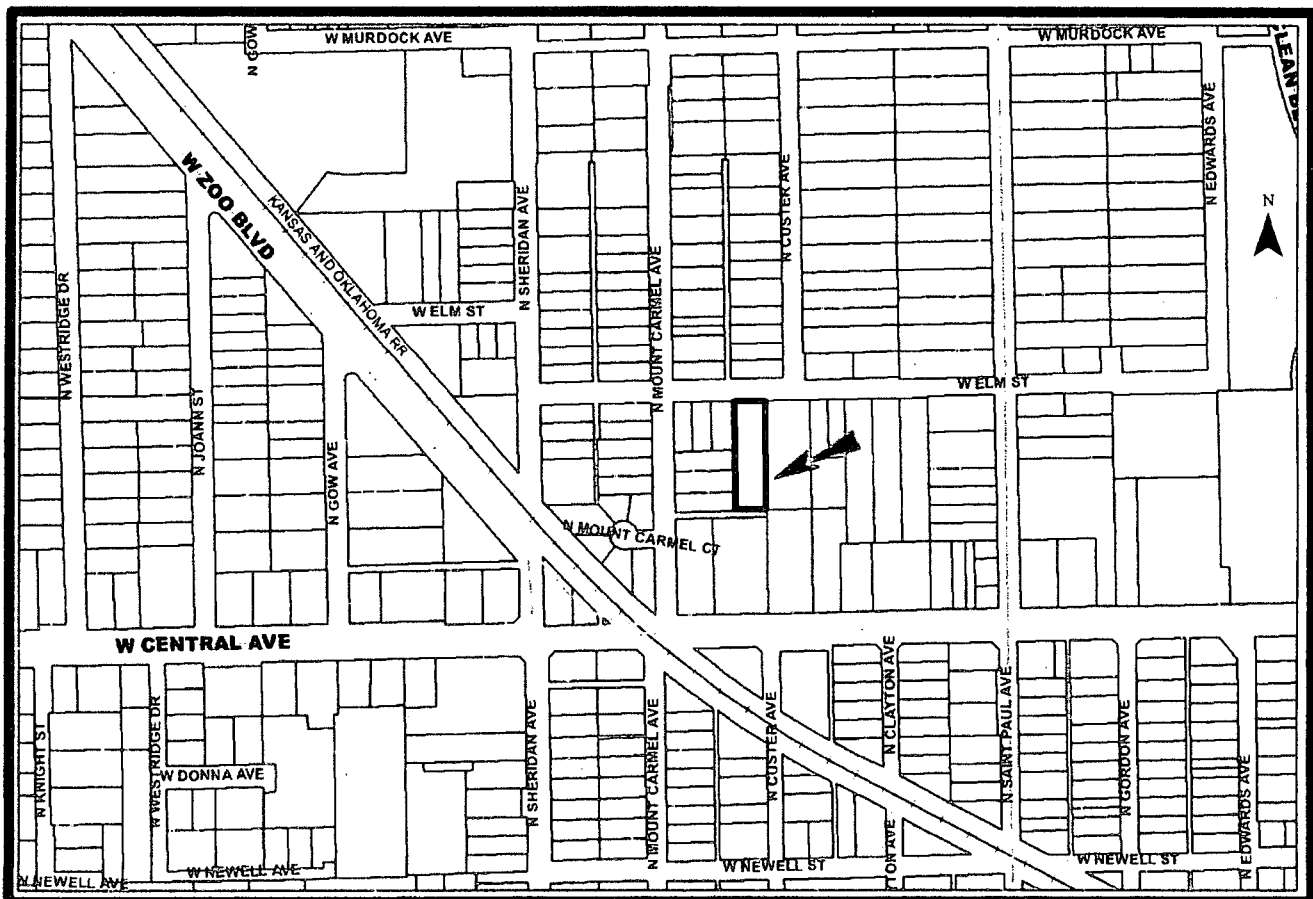
REQUEST: TF-3 Two-Family Residential for three duplexes (six dwelling units)

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 0.56 acre

LOCATION: Located northeast of the intersection of West Central Avenue and Zoo Boulevard

PROPOSED USE: Duplex units



BACKGROUND: The applicant/owner is requesting the rezoning 3007 West Elm (0.56 acre) from SF-5 Single Family Residential (SF-5) to TF-3 Two Family Residential (TF-3). The property is currently vacant. The applicant also requests a Conditional Use for multiple duplexes on one lot; the applicant intends to develop three duplexes with six total units (see the attached site plan). TF-3 zoning district requires a 20-foot rear setback; however, the site plan shows a five (5) foot rear setback. The property is approximately 24,413 square feet, with 82.5 linear feet of frontage along West Elm Street. The Unified Zoning Code (UZC) requires a minimum of 6,000 square feet per duplex building and allows for a reduction of building setback as shown on a recorded plat. The request to allow three duplex buildings is within the required limitations.

Property north and west of the subject site is zoned SF-5 and is developed with single-family residences. Property to the east is zoned TF-3 and is currently undeveloped with four duplexes. Property south of the subject site is zoned LC Limited Commercial ("LC") and is developed as a shopping center with frontage along Central Avenue.

CASE HISTORY: The application area is unplatted land located in the City of Wichita.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	LC	Shopping center
EAST:	TF-3	Two-Family residences
WEST:	SF-5	Single-family Residences

PUBLIC SERVICES: The streets nearest to the subject site are Mount Carmel and Elm Street, both of which are paved, local residential roads, with 60-foot right-of-ways. Neither street has recorded traffic counts. The closest major intersection to the subject site is Zoo Boulevard and Central Avenue, located approximately 800 feet southwest of the subject site. Both Zoo and Central are paved principal arterials. A sewer line currently runs through the center of the site and the nearest water line terminates at the northeast corner of the subject lot. This site is currently unplatted and will be required to be platted in order to be developed.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County *Community Investments Plan*, identifies the area in which the site is located Established Central Area. The site is located within the urban infill strategy area, where residential development is encouraged. The uses envisioned for redevelopment in this area include duplexes.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends APPROVAL of the request, as submitted. Based on these factors, plus the information available prior to the public hearing, staff recommends the request be **APPROVED subject to the following conditions:**

- A. **APPROVE** the zone change (ZON2019-09) to TF-3 Two-family Residential ("TF-3")
- B. **APPROVE** the Conditional Use Request (CON2019-14), subject to the following conditions:
 1. The site shall be limited to three duplexes and six total dwelling units.
 2. Prior to the issuance of a building permit, a revised site plan will need to be provided that will determine the location of landscaping, parking, setbacks and cross lot access with the duplex development to the east of the site.
 3. The site shall be developed in general conformance with the approved site plan.

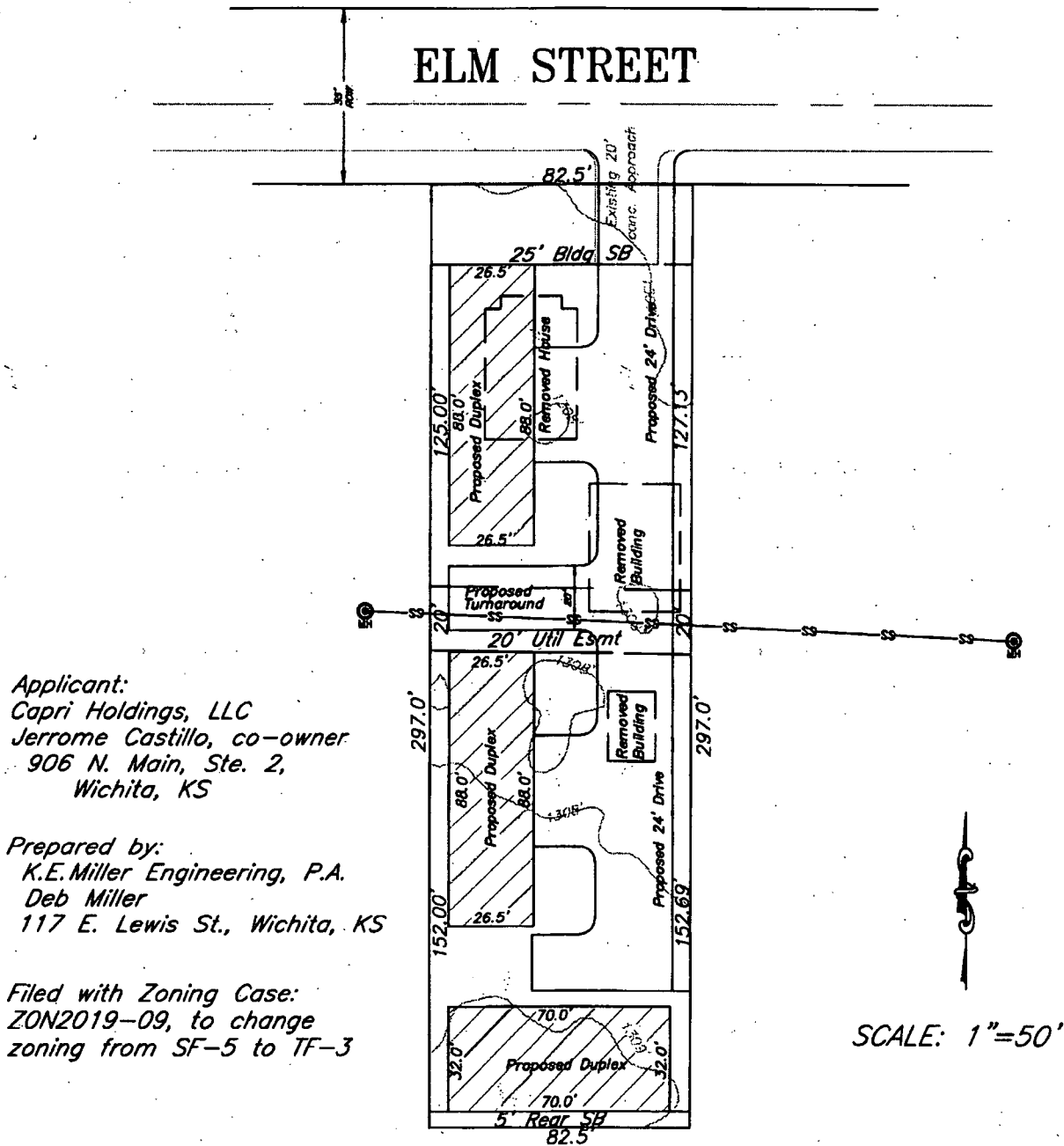
4. Development on the site shall conform to all applicable codes to include zoning, building, landscape, housing, and health codes.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property north and west of the subject site is zoned SF-5 and is developed with single-family residences. Property to the east is zoned TF-3 and is currently developed with four duplexes. Property south of the subject site is zoned LC Limited Commercial ("LC") and is developed as a shopping center with frontage along Central Avenue.
2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned SF-5 Single Family Residential and the property could be developed with a new single-family dwelling.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: TF-3 zoning is immediately adjacent to the subject property.
4. Length of time the property has been vacant as currently zoned: A substandard structure on the property has been vacant for approximately three years.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for residential uses within the Wichita city limit. This includes development of duplexes.
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.

Attachment: Site Plan

Site Plan
3007 W. Elm Street
Wichita, Sedgwick County, Kansas
Conditional Use to allow multiple duplexes on Lot



Applicant:
Capri Holdings, LLC
Jerrome Castillo, co-owner
906 N. Main, Ste. 2,
Wichita, KS

Prepared by:
K.E. Miller Engineering, P.A.
Deb Miller
117 E. Lewis St., Wichita, KS

Filed with Zoning Case:
ZON2019-09, to change
zoning from SF-5 to TF-3

LEGAL DESCRIPTION:

BEG 637 $\frac{1}{2}$ FT E & 350 FT N SW COR SE $\frac{1}{4}$ W 82 $\frac{1}{2}$ FT N 350 FT E
82 $\frac{1}{2}$ FT S 330 FT TO BEG EXC S 3 FT THEREOF SEC 13-27-1W