

(Published in the Wichita Eagle, March 6, 2020)

ORDINANCE NO. 51-191

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. ZON2019-00052

City zone change from MF-29 Multi-Family Residential to B Multi Family Residential described as:

Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, and 46 on Yale Avenue, L.R. Gordon Addition to Wichita, Sedgwick County, Kansas.

TOGETHER WITH,

All of Lots 1, and 3, Lot 5, EXCEPT the south 20 feet thereof, on Harvard Avenue, L.R. Gordon Addition to Wichita, Sedgwick County, Kansas.

TOGETHER WITH,

All of Lots 37, 39, 41, 43, and 45, and the South 15 feet of Lot 33, on Harvard Avenue, L.R. Gordon Addition to Wichita, Sedgwick County, Kansas.

TOGETHER WITH,

All of Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, and 20, and Lot 22 EXCEPT the south 20 feet thereof, all on Harvard Avenue, L.R. Gordon Addition to Wichita, Sedgwick County, Kansas.

Along with City zone change from SF-5 Single Family Residential to B Multi-Family Residential described as:

Lot 6, Dorsett Addition to Wichita, Sedgwick County, Kansas

TOGETHER WITH,

Lots 9, 10, 11, and 12, Block A, and Lots 6, 7, 10, 11, 15, 18, Block D, University Park 2nd Addition to 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.

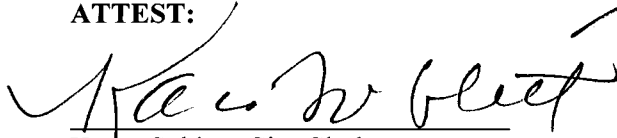
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.



Brandon J. Whipple

Mayor, City of Wichita

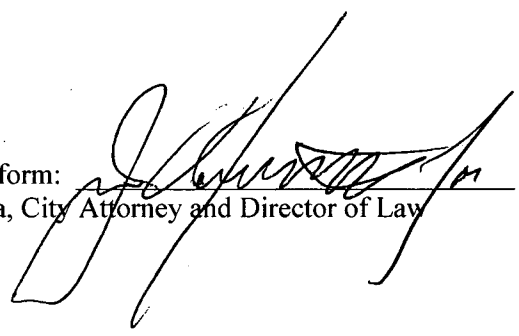
ATTEST:



Karen Sublett, City Clerk



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





STAFF REPORT

MAPC January 23, 2020

DAB I February 3, 2020

CASE NUMBER: ZON2019-00052

APPLICANT/AGENT: Linear Properties, LLC, Wilhelmina Rentals, LLC; Elevations Investment Partners, LLC – Andrew Nolan (Owner)/Brian Lindebak – MKEC Engineering, Inc. (Agent)

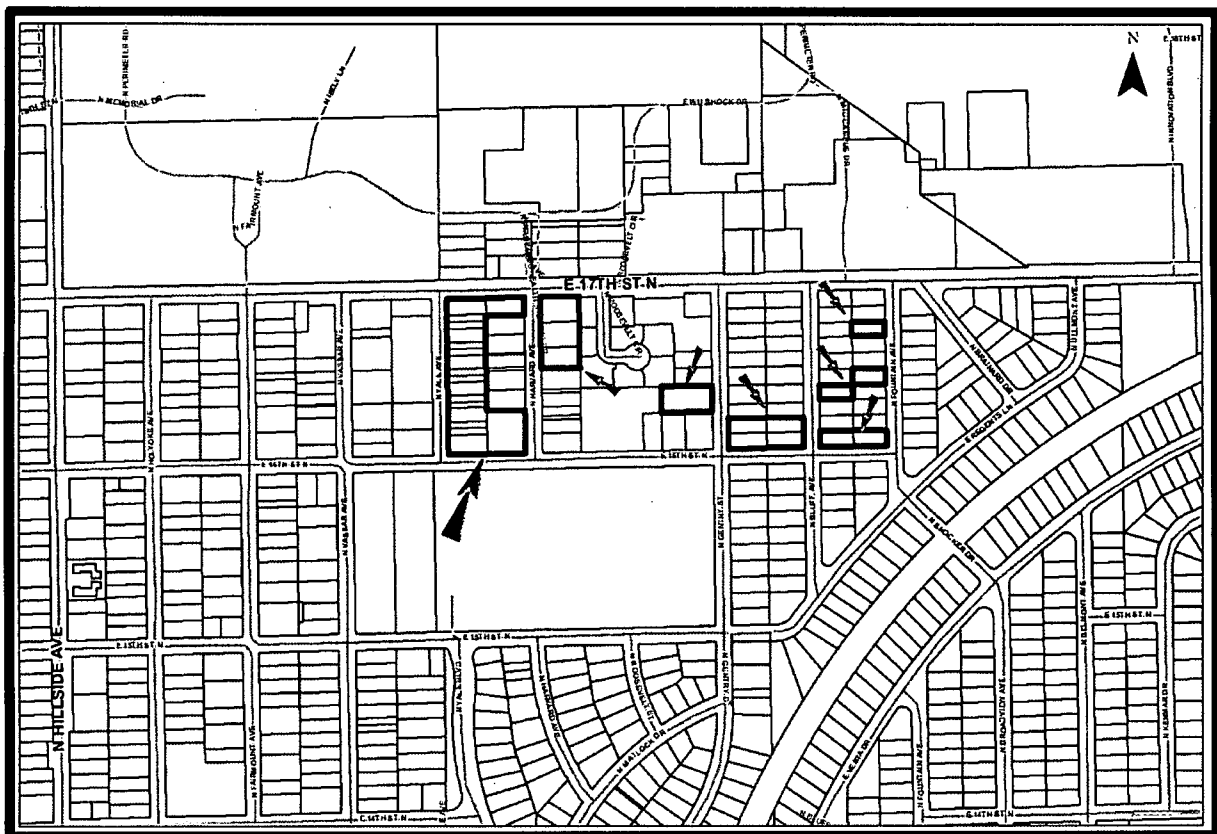
REQUEST: B Multiple-Family Residential

CURRENT ZONING: SF-5 Single-Family Residential and MF-29 Multi Family Residential

SITE SIZE: 5.83 acres

LOCATION: Located on the south side of East 17th Street North between Hillside Avenue and Oliver Avenue

PROPOSED USE: Allow multi-family residential development



BACKGROUND: The application concerns the request of the owner to rezone the subject properties from SF-5 Single-Family Residential and MF-29 Multi-Family Residential to B Multiple-Family Residential to allow the redevelopment of the properties for multi-family residential use. The subject properties are south of the Wichita State University Campus between 17th and 16th Streets. As seen on the attached Zoning Exhibit, the properties front Yale, Harvard, Gentry, Bluff and Fountain Avenues. This neighborhood has historically been older single-family homes that have been used as rentals supporting students for many years. The properties are a mixture of single family and multi-family dwellings. With a zone change request to B Multi-Family, it is anticipated that all existing structures will be removed and the sites will be redeveloped with higher density multi-family dwellings.

Properties fronting Gentry, Bluff and Fountain are associated with VAC2019-00044, which is being heard concurrently with this case, in order to vacate a platted 30-foot front setback in order to let the zoning setback govern the site. These properties are zoned SF-5 Single Family Residential, and would have a 25-foot front setback. If this zoning case is approved, all properties would have a consistent zoning setback of 20 feet in the B Multi-Family Residential District.

The surrounding neighborhood is a mixture of uses, dominated by Wichita State University to the north. The University land is zoned B Multiple-Family, TF-3 Two Family and SF-5 Single Family Residential with the University Overlay. The campus is occupied by many buildings supporting the University, as well as parking lots. Nearby properties that surround the subject properties are mixture of SF-5, MF-29, B, and LC Limited Commercial. The predominant zoning to the south and to the east of the subject area is SF-5 with single family homes and Fairmount Park. The predominant zoning to the west of the subject are is zoned B Multi Family and are multi-family housing structures and student housing/fraternity/sorority houses.

CASE HISTORY: The properties were platted in the University Park 2nd Addition, Wichita, Sedgwick County, Kansas, which was recorded on September 14, 1948.

ADJACENT ZONING AND LAND USE:

NORTH:	B, TF-3, SF-5	Wichita State University
SOUTH:	SF-5	Single family residences and Fairmount Park
EAST:	SF-5	Single family residences
WEST:	B	Multi-family residential and student housing

PUBLIC SERVICES: East 17th Street North is a paved, three-lane arterial that accommodates the traffic demands associated with activity at Wichita State University. Yale, Harvard, Gentry, Bluff and Fountain Avenues are paved, residential streets with curb and gutters. All other public utilities are available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map indicates the site is appropriate for “residential employment mix,” and is located within both the Established Central area and Central Northeast Area Plan Update. 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 site is located within the Established Central Area of the Community Investments Plan. The Wichita Urban Infill Strategy is focused on the Established Central Area – comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. Increased levels of infill redevelopment throughout the Established Central Area is a major policy goal of the Community Investments Plan. One of the strategies to promote infill redevelopment is to permit infill projects.

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 the information available at the time the staff report was completed, staff recommends the request to rezone the property from SF-5 Single-Family Residential and MF-29 Multi-Family Residential to B Multi-Family Residential be **APPROVED.**

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding neighborhood is a mixture of uses, dominated by Wichita State University to the north. The University land is zoned B Multiple-Family, TF-3 Two Family and SF-5 Single Family Residential with the University Overlay. The campus is occupied by many buildings supporting the University, as well as parking lots. Nearby properties that surround the subject properties are mixture of SF-5, MF-29, B, and LC Limited Commercial. The predominant zoning to the south and to the east of the subject area is SF-5 with single family homes and Fairmount Park. The predominant zoning to the west of the subject area is zoned B Multi Family and are multi-family housing structures and student housing/fraternity/sorority houses.
2. The suitability of the subject property for the uses to which it has been restricted: The subject properties are a mixture of single family and multi-family dwellings. Rezoning of the subject properties to pursue higher density housing to support the university is more suitable than the current zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed B Multiple-Family Residential will be consistent with the development and redevelopment activity happening in the immediate area and should have no detrimental affect on nearby properties. The standards applicable within the Unified Zoning Code will provide acceptable mitigation as needed.
4. Length of time the property has been vacant as currently zoned: The property had previously been used residentially, but has seen the need to remove the older structures and the other structures have reached the end of their useful life. This rezoning is reasonable to accommodate the reuse of the subject property.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept map indicates the site is appropriate for “residential employment mix,” and is located within both the Established Central area and Central Northeast Area Plan Update. 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: Rezoning of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property.

Staff Report Attachments:

1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Zoning Exhibit