



Wichita-Sedgwick County Metropolitan Area Planning Department

April 9, 2021

Clifford and Linda Varner
973 Wilbur
Wichita, KS 67212

Kirk Richards
7540 W. Northwind, Ste. 200
Wichita, KS 67205

RE: ZON2021-00002 - City Zone Change from SF-5 Single-Family Residential to TF-3 Two-Family Residential on Property Located 1,200 Feet North of West Central Avenue and 900 Feet West of North McLean Boulevard (771-781 North St. Paul).

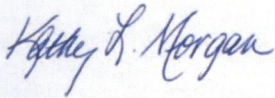
Dear Applicants:

At its regular meeting on April 6, 2021, the Wichita City Council considered the above captioned request. The action of the MAPC was to APPROVE the request with conditions of Protective Overlay #363 as follows:

1. The property shall be replatted or shall be limited to one duplex unit per zoning lot.
2. A Conditional Use for multi-family dwellings will be required if there is more than one duplex per zoning lot.
3. The following conditions shall apply:
 - a. **Garages.** The garage face shall occupy no more than 50 percent of the ground-level façade facing the street and may not project more than five feet in front of the main facade.
 - b. **Entrances.** Pedestrian scaled entry shall be a prominent feature of the front elevation. Front doors shall be oriented to the street in front of the units.
 - c. **Architectural Variety.** Developments shall achieve architectural variety by accommodating a variety of architectural styles that are compatible or consistent with the surrounding neighborhood, variation of the same architectural style, and through the use of multiple design elements. Duplicative house facades adjacent to each other are highly discouraged. Simple reverse configurations of the same house design on adjacent lots are not sufficient to meet this standard.
 - d. **Windows and Transparency.** Transparent windows and/or doors facing the street are required. To meet this requirement, at least 10 percent of the façade must be transparent. The façade is measured from the base of the house to the start of the roofline and any other vertical walls facing the street, except for gabled portions of the facade not containing livable floor area. Garages facing the street shall count as part of the façade.
 - e. **Roof Design.** Roofs shall have variation in roof planes in order to break up the large roof mass through dormers, gables, or changes in elevation. Roof forms and roof pitches of porches, dormers and garages shall be consistent and complement the building style within the neighborhood.
 - f. **Siding materials.** Siding materials shall be appropriate to the architectural style of the structure. Traditional materials consistent with the neighborhood architectural styles are encouraged such as wood, masonry and brick. Siding materials and window trim should be consistent on all sides of the structures.

- g. **HVAC.** HVAC units shall be located away from the front of the buildings and screened from public view through landscaping and/or screen walls.
4. Should individual lots be sold, the deed shall have a clause included that the owner must participate in the cost of maintenance for the private drive.
 5. The parking area shall not cover more than 50% of the front yard and trash dumpsters shall not be permitted in front of each duplex building.
 6. A site plan shall be approved by the Director of Planning before any building permits are issued.
 7. Prior to publishing the ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.

Sincerely,



Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: Cindy Claycomb, WCC VI, Mail Stop 1-13
Ana Lopez, CRS District VI, Mail Stop 1-135
Jeff Van Zandt, City Law, Mail Stop 1-72
MABCD
Deb Ary, Mail Stop 1-71
Leo & Kathleen Brown, 789 N. St. Paul, Wichita, KS 67203
Krob Family Irrevocable Trust, 785 N. St. Paul, Wichita, KS 67203
William & Kahtonna Stavig, 782 N. St. Paul, Wichita, KS 67203

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. ZON2021-00002

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

Lots 80 and 81, Sim Park Gardens Addition, Sedgwick County, Kansas

Subject to the following Protective Overlay #363 as follows:

1. The property shall be replatted or shall be limited to one duplex unit per zoning lot.
2. A Conditional Use for multi-family dwellings will be required if there is more than one duplex per zoning lot.
3. The following conditions shall apply:
 - a. **Garages.** The garage face shall occupy no more than 50 percent of the ground-level façade facing the street and may not project more than five feet in front of the main facade.
 - b. **Entrances.** Pedestrian scaled entry shall be a prominent feature of the front elevation. Front doors shall be oriented to the street in front of the units.
 - c. **Architectural Variety.** Developments shall achieve architectural variety by accommodating a variety of architectural styles that are compatible or consistent with the surrounding neighborhood, variation of the same architectural style, and through the use of multiple design elements. Duplicative house facades adjacent to each other are highly discouraged. Simple reverse configurations of the same house design on adjacent lots are not sufficient to meet this standard.
 - d. **Windows and Transparency.** Transparent windows and/or doors facing the street are required. To meet this requirement, at least 10 percent of the façade must be transparent. The façade is measured from the base of the house to the start of the roofline and any other vertical walls facing the street, except for gabled portions of the facade not containing livable floor area. Garages facing the street shall count as part of the façade.
 - e. **Roof Design.** Roofs shall have variation in roof planes in order to break up the large roof mass through dormers, gables, or changes in elevation. Roof forms and roof pitches of porches, dormers and garages shall be consistent and complement the building style within the neighborhood.
 - f. **Siding materials.** Siding materials shall be appropriate to the architectural style of the structure. Traditional materials consistent with the neighborhood architectural styles are encouraged such as wood, masonry and brick. Siding materials and window trim should be consistent on all sides of the structures.

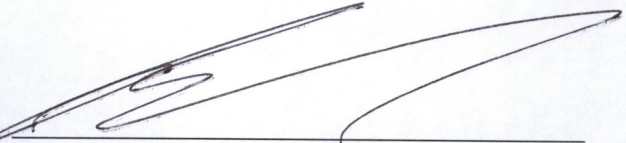
- g. **HVAC.** HVAC units shall be located away from the front of the buildings and screened from public view through landscaping and/or screen walls.
4. Should individual lots be sold, the deed shall have a clause included that the owner must participate in the cost of maintenance for the private drive.
 5. The parking area shall not cover more than 50% of the front yard and trash dumpsters shall not be permitted in front of each duplex building.
 6. A site plan shall be approved by the Director of Planning before any building permits are issued.
 7. Prior to publishing the ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.

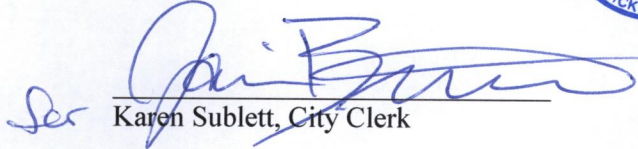
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

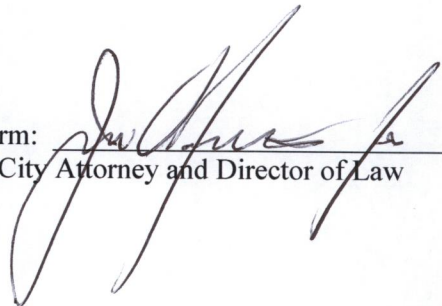
ATTEST:




Brandon J. Whipple, Mayor, City of Wichita


Karen Sublett, City Clerk

(SEAL)

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



Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star

Miami Herald/el Nuevo Herald
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star Telegram
The State - Columbia

Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune - Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	46279	(default) - WIC-04-16-2021	ORD NO. 51-432/OCA 150	\$75.60	1	9.00

Attention: Jamie Buster
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

In The STATE OF KANSAS
In and for the County of Sedgwick

No. of Insertions: 1
Beginning Issue of: 04/16/2021
Ending Issue of: 04/16/2021

STATE OF KANSAS)

SS

County of Sedgwick)

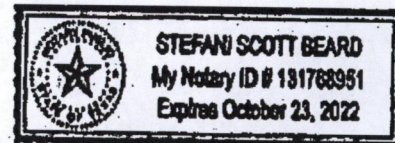
Hayley Martin, of lawful age, being first duly sworn, deposeeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 04/16/2021 to 04/16/2021.

M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 04/16/2021

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

LEGAL PUBLICATION

PUBLISHED BY THE WICHITA EAGLE
WICHITA, KANSAS
ON APRIL 16, 2021
IN RESPONSE TO THE ORDER
OF THE JUDGE OF THE DISTRICT COURT
IN AND FOR THE COUNTY OF SEDGWICK
STATE OF KANSAS, IN CASE NO. 21-0001, ENTERED BY
THE COURT ON APRIL 16, 2021.
THE WICHITA EAGLE, A DAILY NEWSPAPER PUBLISHED
IN THE CITY OF WICHITA, KANSAS, HAS BEEN
ENTERED AS SECOND CLASS MAIL MATTER AT THE
UNITED STATES POST OFFICE IN WICHITA, KANSAS,
AND WHICH SAID NEWSPAPER IS NOT A TRADE,
RELIGIOUS OR FRATERNAL PUBLICATION AND
THAT A NOTICE OF A TRUE COPY IS HERETO
ATTACHED WAS PUBLISHED IN THE REGULAR
AND ENTIRE MORNING ISSUE OF SAID THE
WICHITA EAGLE FROM 04/16/2021 TO 04/16/2021.

Witness my hand and seal of office on the day first above written.

Stefani Beard, Notary Public
My Notary ID # 131768951
Expires October 23, 2022

LEGAL PUBLICATION

OCA 150004
PUBLISHED IN THE WICHITA EAGLE,
ON MARCH 16, 2021 (106692)

ORDINANCE NO. 51-432

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. ZON2021-00002

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

Lots 80 and 81, Sim Park Gardens Addition,
Sedgwick County, Kansas

Subject to the following Protective Overlay #363 as follows:

1. The property shall be replatted or shall be limited to one duplex unit per zoning lot.
2. A Conditional Use for multi-family dwellings will be required if there is more than one duplex per zoning lot.
3. The following conditions shall apply:
 - a. **Garages.** The garage face shall occupy no more than 50 percent of the ground-level façade facing the street and may not project more than five feet in front of the main façade.
 - b. **Entrances.** Pedestrian scaled entry shall be a prominent feature of the front elevation. Front doors shall be oriented to the street in front of the units.
 - c. **Architectural Variety.** Developments shall achieve architectural variety by accommodating a variety of architectural styles that are compatible or consistent with the surrounding neighborhood, variation of the same architectural style, and through the use of multiple design elements. Duplicative house facades adjacent to each other are highly discouraged. Simple reverse configurations of the same house design on adjacent lots are not sufficient to meet this standard.
 - d. **Windows and Transparency.** Transparent windows and/or doors facing the street are required. To meet this requirement, at least 10 percent of the façade must be transparent. The façade is measured from the base of the house to the start of the roofline and any other vertical walls facing the street, except for gabled portions of the façade not containing livable floor area. Garages facing the street shall count as part of the façade.
 - e. **Roof Design.** Roofs shall have variation in roof planes in order to break up the large roof mass through dormers, gables, or changes in elevation. Roof forms and roof pitches of porches, dormers and garages shall be consistent and complement the building style within the neighborhood.
 - f. **Siding materials.** Siding materials shall be appropriate to the architectural style of the structure. Traditional materials consistent with the neighborhood architectural styles are encouraged such as wood, masonry and brick. Siding materials and window trim should be consistent on all sides of the structures.
 - g. **HVAC.** HVAC units shall be located away from the front of the buildings and screened from public view through landscaping and/or screen walls.
4. Should individual lots be sold, the deed shall have a clause included that the owner must participate in the cost of maintenance for the private drive.
5. The parking area shall not cover more than 50% of the front yard and trash dumpsters shall not be permitted in front of each duplex building.
6. A site plan shall be approved by the Director of Planning before any building permits are issued.
7. Prior to publishing the ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.

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:

Brandon J. Whipple, Mayor, City of Wichita

Karen Sublett, City Clerk

(SEAL) APPROVED AS TO FORM:
Jennifer Magaña, City Attorney
and Director of Law