



Wichita-Sedgwick County Metropolitan Area Planning Department

January 5, 2022

JJB Properties, LLC
7540 W Northwind St., Ste 300
Wichita, KS 67205

RE: ZON2021-00052: City Zone Change from SF-5 Single-Family Residential to MF-18 Multi-Family Residential with a Protective Overlay; generally located northwest of West Central Avenue and North Hoover Avenue (915 North Hoover Avenue).

Dear Applicant;

At its regular meeting on **January 4, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request subject to the enclosed Protective Overlay #382.

If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP
Senior Planner

Copies to: MABCD
Cindy Claycomb, City Council District VI
Ana Lopez, CSR District VI
KE Miller Engineering, Kirk Miller, 117 E Lewis St., Wichita, KS 67202

Approved Protective Overlay

Protective Overlay #382

1. Structures shall be limited to duplexes and single-family dwellings.
2. Utilities shall be installed underground.
3. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
4. The transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
5. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval 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.
6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. If access is shared with the adjacent property, a joint access easement shall be recorded with the Register of Deeds.
8. Building height shall be limited to 35 feet.
9. The zone change is subject to platting of the property.
10. A landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits. Landscape buffers are required on the north and south sides, and a landscape street yard is also required across from residential zoning.



Wichita-Sedgwick County Metropolitan Area Planning Department

December 3, 2021

JJB Properties, LLC
7540 W Northwind St., Ste 300
Wichita, KS 67205

RE: ZON2021-00052: City Zone Change from SF-5 Single-Family Residential to MF-18 Multi-Family Residential with a Protective Overlay; generally located northwest of West Central Avenue and North Hoover Avenue (915 North Hoover Avenue).

Dear Applicant;

At its regular meeting on **December 2, 2021**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** subject to the enclosed Protective Overlay #382.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on December 16, 2021. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed and must be submitted to the City Clerk by **December 16, 2021 at 5:00 p.m.**

This case is scheduled for consideration by the Wichita City Council on **Tuesday, January 4, 2022, beginning at 9:00 a.m.** The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP
Senior Planner

Copies to: MABCD
Cindy Claycomb, City Council District VI
Ana Lopez, CSR District VI
KE Miller Engineering, Kirk Miller, 117 E Lewis St., Wichita, KS 67202

MAPC Recommended Protective Overlay

Protective Overlay #382

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OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON

Jan 14, 2022

ORDINANCE NO.

51-700

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. ZON2021-00052

City zone change from SF-5 Single-Family Residential to MF-18 Multi-Family Residential, subject to Protective Overlay #382, on a zoning lot described as:

Commencing at a point 18 rods South of the Northeast corner of the Southeast Quarter of Section 15, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence South 10 rods; thence West parallel with the North line of said Southeast Quarter to the East right-of-way line of Highway I-235; thence North along said right-of-way to a point 18 rods South of the North line of said Southeast Quarter; thence East to the point of beginning.

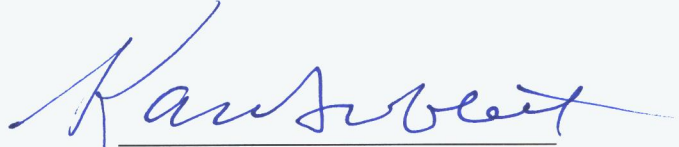
Protective Overlay #382

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2. Utilities shall be installed underground.
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8. Building height shall be limited to 35 feet.
9. A landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits. Landscape buffers are required on the north and south sides, and a landscape street yard is also required across from residential zoning.

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



Brandon J. Whipple, Mayor, City of Wichita

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

ZON2021-52
PZ



AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	201509	Print Legal Ad - IPL0056269		\$102.27	2	61L

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: 01/14/2022
 Ending Issue of: 01/14/2022

LEGAL PUBLICATION
ORDINANCE NO. 51-700

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. ZON2021-0005D.

City zone change from SF-5 Single-Family Residential to MF-18 Multi-Family Residential, subject to Protective Overlay #382, on a zoning lot described as:

Commencing at a point 18 rods South of the Northeast corner of the Southeast Quarter of Section 15, Township 27 South, Range 1 West of the 6th PM., Sedgwick County, Kansas; thence South 10 rods; thence West parallel with the North line of said Southeast Quarter to the East right-of-way line of Highway I-235; thence North along said right-of-way to a point 18 rods South of the North line of said Southeast Quarter; thence East to the point of beginning.

Protective Overlay #382
 Structures shall be limited to duplexes and single-family dwellings.
 Utilities shall be installed underground.
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Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

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Building height shall be limited to 35 feet.
 A landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits. Landscape buffers are required on the north and south sides, and a landscape street yard is also required across from residential zoning.

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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 Magan a. City Attorney and Director of Law
 IPL0056269
 Jan 14 2022

STATE OF KANSAS)

SS

County of Sedgwick)

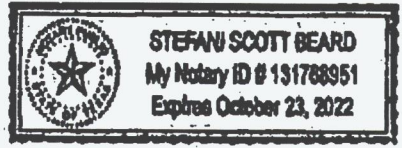
Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper 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 01/14/2022 to 01/14/2022.

M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
 DATED: 01/13/2022

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!

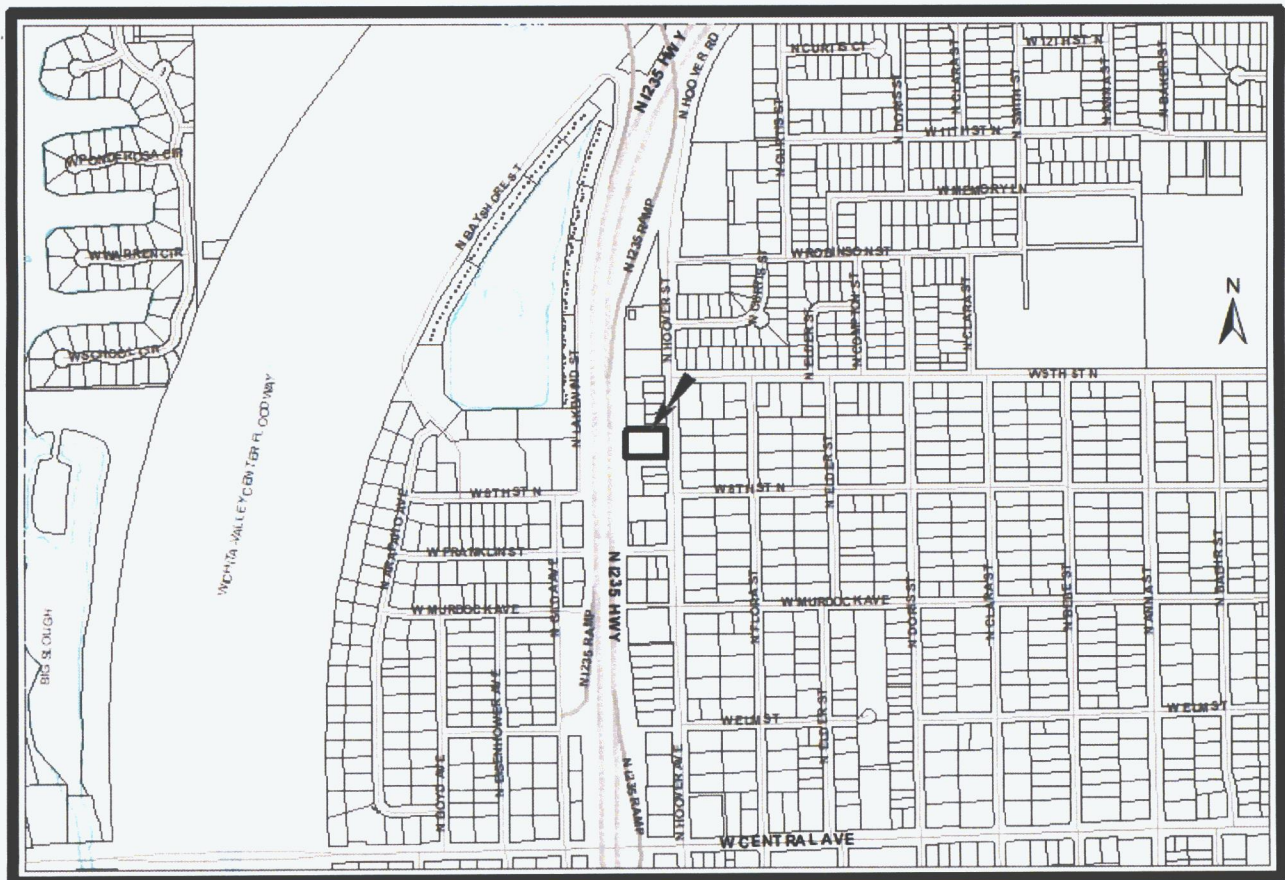


STAFF REPORT

MAPC December 2, 2021

DAB VI December 6, 2021

-
- CASE NUMBER:** ZON2021-00052 (City)
- APPLICANT/AGENT:** JJB Properties, LLC (owner/applicant), KE Miller Engineering (Agent)
- REQUEST:** MF-18 Multi-Family Residential with a Protective Overlay
- CURRENT ZONING:** SF-5 Single-Family Residential
- SITE SIZE:** 0.84 acres
- LOCATION:** Generally located on the west side of North Hoover Avenue, within one-half mile north of West Central Avenue (915 North Hoover Avenue).
- PROPOSED USE:** To permit infill, multi-family development.
- RECOMMENDATION:** Approve subject to Protective Overlay #382



BACKGROUND: The applicant is requesting the rezoning of an unplatted parcel from SF-5 Single-Family Residential to MF-18 Multi-Family Residential with a proposed Protective Overlay. The site is generally located on the west side of North Hoover Avenue, one-half mile north of West Central Avenue (915 North Hoover). The subject property is currently developed with a single family home, detached garage, and an accessory structure. The attached site plan shows that the applicant intends to keep the current structures and build four additional dwelling units on the north side of the property. The applicant submitted the following proposed language for a protective overlay.

Protective Overlay #382:

1. Structures shall be limited to duplexes and single-family dwellings.
2. Utilities shall be installed underground.
3. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
4. The transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
5. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval 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.
6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. If access is shared with the adjacent property, a joint access easement shall be recorded with the Register of Deeds.
8. Building height shall be limited to 35 feet.
9. A landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits. Landscape buffers are required on the north and south sides, and a landscape street yard is also required across from residential zoning.

If all the proposed dwellings are constructed as duplexes, the total number of dwelling units on the site will be nine. The MF-18 zoning district permits a maximum density of 17.4 dwelling units per acre. The site has an area of 0.84 acres, which would provide a maximum density of 14.6 dwelling units. The proposed nine dwelling units equates to 10.7 dwelling units per acre, which is within the maximum density of MF-18 zoning. The MF-18 zoning district also has minimum lot area requirements for different dwelling types that must be considered. The table below analyzes the minimum lot size requirements compared the proposed development. Overall, the site is large enough to accommodate the proposed development in addition to the existing single-family development as required by MF-18 zoning.

	Minimum Lot Size	Number of proposed dwellings	Total Square Footage
Single-Family	3,500 per dwelling	1	3,500
Duplex	3,000 per dwelling	8	24,000
Total Square Footage Needed:			27,500
Subject Site Square Footage (0.84 x 43,560)			36,590
Surplus Area			9,090

The desired outcome of the Protective Overlay also could have been achieved by requesting a zone change to TF-3 Two-Family Residential in addition to a Conditional Use request for multi-family. Financially, it is more economical to request a zone change to MF-18 for multi-family residential development and restrict it with the proposed Protective Overlay. Section IV-C of the Unified Zoning Code (UZC) sets compatibility setbacks at 25 feet from property lines that abut more restrictive residential zoning such as the SF-5 Single-Family zoning to the

south and the TF-3-Two Family zoning to the north. Section IV-A of the UZC sets off-street parking standards. Two-family dwellings require one parking stall per dwelling unit. The final off-street parking requirement will be determined by the make-up of the development. Off-street parking cannot be within the front setback. If all the proposed dwellings are constructed as duplexes, the total off-street parking requirement for the entire site is nine. The site plan shows 16 total spaces. Access to the proposed parking area for the new dwellings would be from the existing drive located on the property to the north (919 North Hoover). This property is under common ownership as the subject property. Staff recommends a requirement that the applicant record an access easement with the Register of Deeds to protect access to the subject site in the future.

Because the site is proposed to have multi-family development, it shall comply with screening standards of the Unified Zoning Code and landscaping standards of the Wichita Landscape Ordinance. Section IV-B of the UZC requires a minimum of a six-foot screening fence where abutting SF-5 or TF-3 zoning districts. The Wichita Landscape Ordinance requires a landscape buffer with a minimum of one shade tree per 40 linear feet along the same property lines. The Ordinance also requires a landscaped street yard for this location because it is across the street from residential zoning. The required screening and landscaping interferes with the applicant's proposal to use the existing drive on the property to the north to access the new proposed structures. A screening fence and landscape buffer is required along that shared property line due to the northern property being zoned TF-3. The applicant will either have to reconfigure the proposed development on the site or apply for a variance requesting a waiver of the screening and landscaping requirements. Protective Overlays can only restrict, they cannot waive or reduce requirements of the UZC or Landscape Ordinance.

This property is within the Established Central Area (defined in the Plans and Policies section below). Per community goals identified in the plan, staff are recommending that the following *Wichita Places for People* design features be incorporated into any residential structures on the site.

1. **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.
2. **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.
3. **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.
4. **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.
5. **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.
6. **HVAC.** HVAC units shall be located away from the front of the buildings and screened from public view through landscaping and/or screen walls.

Property to the north is zoned TF-3 Two-Family Residential and is developed with duplexes. All six lots of those lots to the north are under common ownership as the subject site. The total area of all six lots is 1.5 acres and is developed with a density of 7.89 dwelling units per acre. Property to the east and south are zoned SF-5 Single-Family Residential and are developed with single-family dwellings with accessory structures. Property to the west is the I-235 Highway.

CASE HISTORY: The property is unplatted. Platting is required prior to the issuance of building permits. Platting of the property will address development standards regarding drainage and access.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Duplexes
SOUTH:	SF-5	Single-Family Dwelling
EAST:	SF-5	Single-Family Dwellings
WEST:	None	I-235 Highway

PUBLIC SERVICES: The property access off of North Hoover Avenue, a two way local street with no sidewalks. The site is served by municipal water a sewer. Any improvements to the utilities in order to accommodate the proposed developed will be determined at the time of platting. There are Wichita Transit bus stops located approximately one-half mile south along West Central Avenue.

CONFORMANCE TO PLANS/POLICIES: The proposed rezoning is in conformance with the following plans.

The Community Investments Plan: The requested zoning is in conformance with the goals of the Community Investment Plan. 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 primarily appropriate for residential uses and defines residential uses as a variety of housing types including duplexes and multi-family development.

Wichita: Places for People Plan: The requested zoning is in conformance with the goals of the Wichita: Places for People Plan. The Wichita: Places for People Plan provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested zoning aligns with Strategy 5, “Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA.” The proposed triplex would provide a housing option that otherwise is limited in the area. The requested zoning also aligns with Strategy 6, “Encourage infill and redevelopment that is contextual to the environment in which it is occurring”. The proposed rezoning would allow infill within the undeveloped zoning lot that is residential in nature and compatible with the surrounding area.
- Current Condition: The subject property is located within an area identified as an “area of opportunity.” The Places for People Plan defines Areas of Opportunity as those “areas that generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area, physically and socially.” The zone change would expand the opportunity for private investment in the area.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request subject to Protective Overlay #382.

Recommended Language for Protective Overlay #382

1. Structures shall be limited to duplexes and single-family dwellings.
2. Utilities shall be installed underground.
3. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
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10. A landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits. Landscape buffers are required on the north and south sides, and a landscape street yard is also required across from residential zoning.

The recommendation is supported by the following findings.

1. **The zoning, uses and character of the neighborhood:** Property to the north is zoned TF-3 Two-Family Residential and is developed with duplexes. All six lots are under common ownership as the subject site. The total area of all six lots is 1.5 acres and is developed with a density of 7.89 dwelling units per acre. Property to the east and south is zoned SF-5 Single-Family Residential and is developed with single-family dwellings with accessory structures. Property to the west is the I-235 Highway. Along North Hoover, north of West Central, there are several instances of property owners redeveloping large, single-family lots into higher density housing. Two instances are the properties abutting to the north and south of the subject site. Both properties were replatted in 2007. The property to the north was redeveloped with duplexes, and the south property was redeveloped with four single-family dwellings. Another instance is one-quarter mile south where property was replatted in 2004 for duplex development. The proposed development is in character with the surrounding area.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property is presently zoned SF-5 Single Family Residential and is developed with a single-family dwelling. The site can continue to support single family residential uses.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The re-zoning of the parcel to MF-18 with a protective overlay limiting the structures to duplexes and single-family dwellings, and restricting height of buildings to 35 feet will not detrimentally affect nearby properties. The applicable provisions of the Wichita Landscape Ordinance and screening standards in the Unified Zoning Code are designed to mitigate negative impacts high intensity uses abutting less intensive uses.
4. **Length of time the property has been vacant as currently zoned:** The site is developed with a single-family dwelling built in 1920.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The proposed rezoning is in conformance with the following plans.

The Community Investments Plan: The requested zoning is in conformance with the goals of the Community Investment Plan. 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 primarily appropriate for residential uses and defines residential uses as a variety of housing types including duplexes and multi-family development.

Wichita: Places for People Plan: The requested zoning is in conformance with the goals of the Wichita: Places for People Plan. The Wichita: Places for People Plan provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

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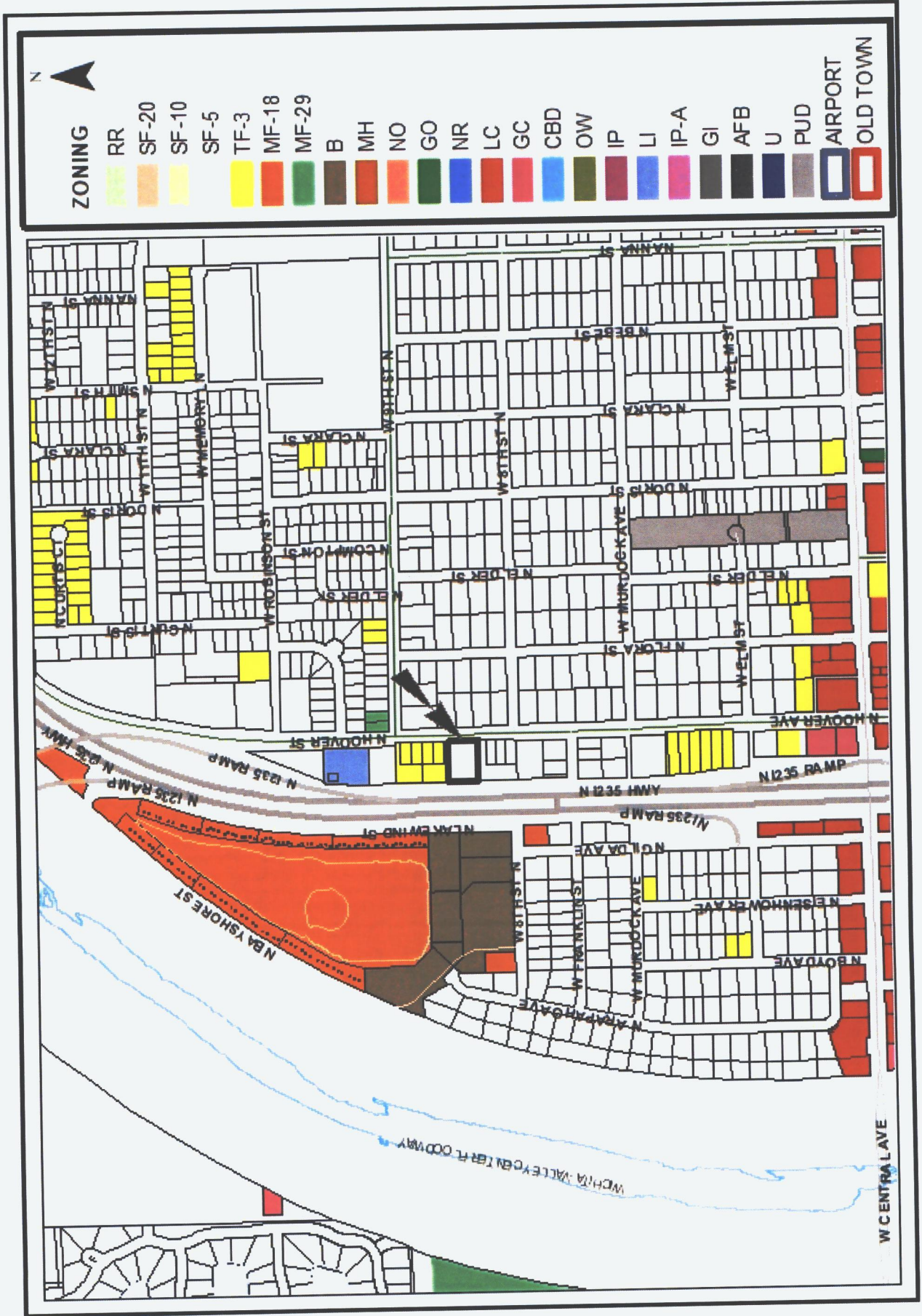
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6. **Impact of the proposed development on community facilities:** Development of the property would make use of existing community facilities and resources, and is not expected to exceed their capacity. Any improvements required to the public facilities to accommodate additional dwelling units will be determined at the time of platting. All public services are available to be extended to serve the property.



















Attachments:

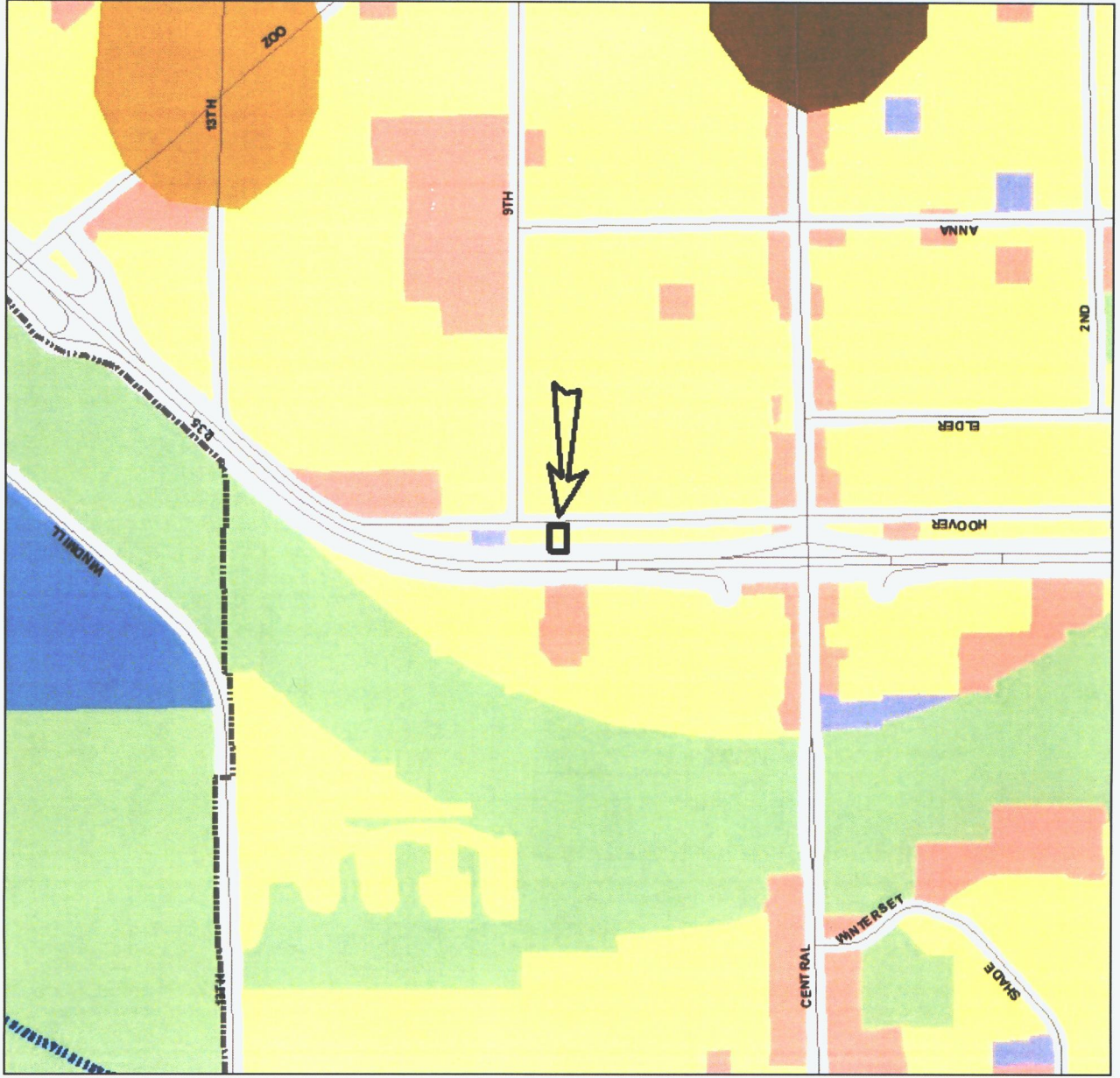
1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Site Plan
5. Site Photos





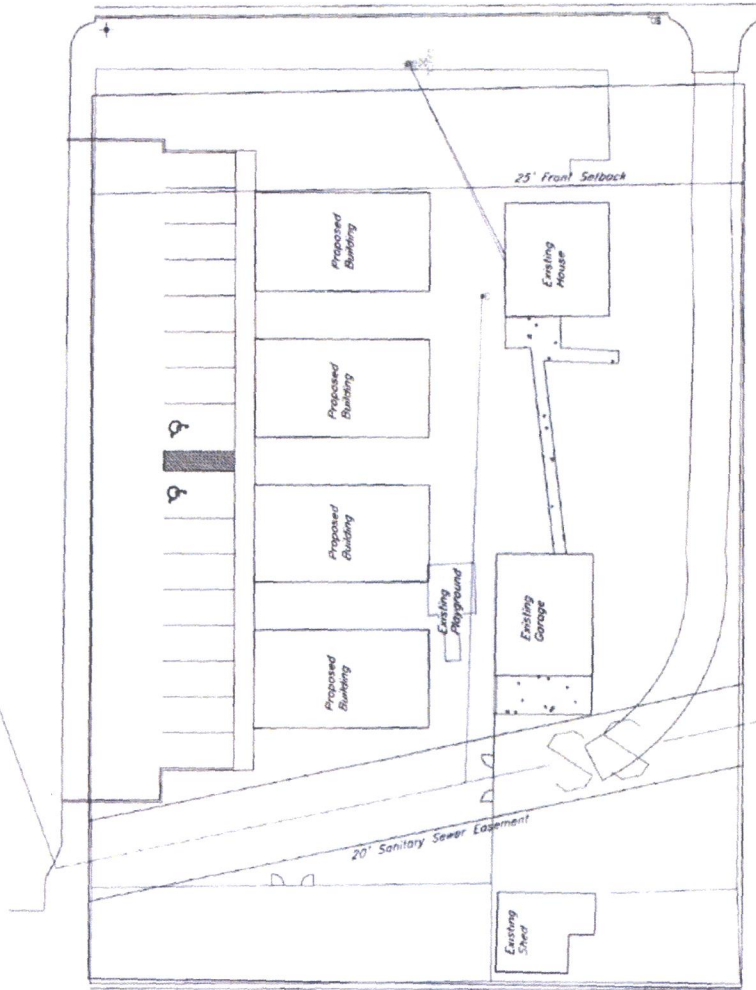
2035 Wichita Future Growth Concept Map

- 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



N HOOVER AVE

Lot 6, Block 7
Armstrong Estates



Lot 4, Block A
Dumas 1st Addition

INTERSTATE 235

Looking southwest at site



Looking east away from site



Looking northwest away from site



Looking southeast away from site

