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,

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,

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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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

ZON2021-52
PZ

McCLATCHY

Beaufort Gazette
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 - Miami
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	201509	Print Legal Ad - IPL0056269		$102.27	2	61 L

Attention: Jamie Buster

CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

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.

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ATTEST:
Brandon J. Whipple, Mayor, City of Wichita
Karen Sublett, City Clerk
(SEAL) Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0056269
Jan 14 2022

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

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.

H. 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

STEFANI SCOTT BEARD
My Notary ID # 131788951
Expires October 23, 2022

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

FROM PAGE 1A

VETERANS DAY

ministration from Northeastern State University and works at the Wichita Workforce Center as a Veterans Employment Representative, where he helps veterans find employment.

JAMES H. BORING, ARMY AIR FORCE

Served: 1943 to 1946
World War II (1941 - 1945)
From: Wichita, KS

James H. Boring

My dad was a B-17 waist gunner in the Army Air Force. He was a member of the 368th Bomb Squad of the 306th Bomb Group. Their plane was named the "Ruptured Duck." He was stationed in Thurleigh, England, during World War II. He is the only member of his squad that is still living. He never talked a lot about his time in the war until about the last 10 years. I have asked questions, trying not to bring up the horrible memories he still has. When he was in training, they picked him to be waist gunner because he was thin and not real tall so he could fit in the waist. They trained them how to put together and take apart the gun blindfolded because their missions were mostly in the dark. He would talk about when they would go on a mission that his fellow servicemen would send a case of beer up with them to get it chilled. The beer was hot on the ground.

He will be 97 years old on Nov. 29, 2021. His mother died when he was 12, and his two sisters and he were raised by their grandma and grandpa. They were very poor. He ate in the soup lines during the Depression. His grandpa also died young. After he was discharged, he married my mom and had two girls, and then my mom went into labor early with their third child, a boy. He died while Dad was rushing him to the hospital. Then my mom died at 45 and left him with two girls to raise as a single dad. He has had a lot of sadness and heartache during his life, but he never let it show.

Dad, I am so very proud of you. I am so lucky to be your daughter. Not only did you serve our country bravely and proudly, you also took care of our family. You have always taken care of everyone — from your grandmother, to our mom, to us girls, grandchildren and great-grandchildren. You take care of all God's creatures including bugs and mice - yuck! It is a privilege to honor you today. You are my hero. - *Debra Vossen, daughter*

SGT. MORRIS P. COCKING, ARMY

Served: 1942 to 1945
World War II (1941 - 1945)
From: Wichita, KS

Morris P. Cocking

Morris was in the fighting war from D-Day to Berlin. He had become an aide to an officer in Berlin. Morris carried a bottle of Coca-Cola throughout the war in his backpack, thinking he would drink it after the U.S. victory. While he was in Berlin working as an aide, the officer he worked for came and asked if he still had the bottle of Coke. He told Morris that Gen. Eisenhower was looking for a Coke, but they didn't have any at the officer's club. Morris offered to give his Coke for Ike. The attached picture is the General thanking Morris (at left) with his officer looking on.

We are truly blessed with young Americans giving up their lives and service throughout our history to preserve and defend our freedoms by service in the military. My uncle represents how a young man from Kansas can be called on to serve our country, which was the case in times of need for the defense of our freedoms, and repeated by hundreds of thousands of young men who have been called on by our country for that purpose. We need to stop and ponder the great sacrifices members of the military make for each of us and give thanks for their service! - *Jim Beasley, nephew*

STAFF SGT. JOSEPH FABER, AIR FORCE

Served: 1952 to 1956
Korean War (1950 - 1953)
From: Wichita, KS

Joseph Faber

Joe Faber was born in Iowa in 1932. He married Barbara Vernia in 1952 and has four children. The same year as his marriage, Joe enlisted in the Air Force, serving until 1956. He was last stationed at Elmendorf Air Force Base in Anchorage, Alaska, in the 6981st Radio Group as a Morse Code Radio Intercept Officer, where he listened to the 'clicks.' After the Air Force, he moved to Wichita with his family and worked at Beech Aircraft until his retirement in 1996. He has enjoyed a retirement of golf, music and time spent with Barbara until her death in 2020. Joe continues to live in Wichita with his dog, Sadie.

Dad, Grampa, Great-papa: We know how hard you worked to protect and to serve our country. The pride you have in that service is well deserved. We are grateful for your service to your country and to your family. We love you (ditto). Don't take any wooden nickels! - *Kelsey Faber, granddaughter*

SGT. WAYNE E. FAHRBACH, ARMY

Served: 1941 to 1945
World War II (1941 - 1945)
From: Abilene, KS
Died: May 23, 2017

Wayne E. Fahrbach

Wayne Eugene Fahrbach served in the Army during World War II. He was proud of his service and enjoyed sharing stories about his service. He was one of the brave soldiers who landed on Omaha Beach on D-Day. In a story, he said that as they were approaching the beach in an amphibious tank, he was scared to death. He asked his commander, 'What if I don't get off?' His commander told him, 'You can either get shot in the back, or you can take your chance on the beach, but you are getting off one way or the other.' He said he jumped off when they hit the beach and ran like hell! He was one of the lucky soldiers to survive the battle on Omaha Beach and lived until he was 96.

A special thanks to my dad for serving our country. My brother and I took him to the dedication of the World War II memorial. It was an honor to take him, and this memory will always be cherished. Wayne Fahrbach was a proud veteran and wore his World War II cap every day. - *Connie Fahrbach, daughter*

MAJ. ROBERT W. FIZER, AIR FORCE

Served: 1951 to 1971
Korean War (1950 - 1953) and 16 months of combat missions in Vietnam in 1966 and 1967
From: Wichita, KS

Robert W. Fizer left Staten Island at age 18 to join the Air Force. After initial training, his first assignment was a B-29 tail gunner, but through the Aviation Cadet program, he was able to go to flight training and become a fighter pilot. He flew the F-84, F-86, and his favorite, the F-100 Super Sabre. During his career, he spent a year in Korea and 16 months in combat in Vietnam where he received a Distinguished Flying Commendation. Maj. Fizer's peace time assignments included training other fighter pilots at Luke Air Force Base in Phoenix and tours in the Philippines and Tripoli, Libya. Military life was not all work, and Bob has a wonderful story about the time he got to fly in a movie, 'The Hunters,' starring Robert Mitchem. Unfortunately, he was playing a bad pilot and ended in a blazing crash in the movie.

Robert W. Fizer

Retirement after twenty years in the Air Force did not end Bob's flying career. He was hired by Cessna early in the development of the Citation program as a demonstration pilot. He advanced to manager of flight operations for the Citation Division and flew to over 120 countries around the world. In 1983, he and another pilot set a speed record flying a Citation 650 from Gander to Paris for the Paris Air Show. His retirement from Cessna after 19 years left him to spin flying stories to his golf buddies at Terradyne Golf Club, where he has had four holes in one.

Bob Fizer has given his wife and three children an interesting life, living in a variety of places, visiting many countries, and creating wonderful memories despite the hardships of a military life. He has the appreciation of many young pilots for the quality of his instruction, as well as other pilots with whom he has worked. Most of all, like all military personnel, he should have the gratitude of our country for his willingness to place his life at the service of his country. - *Barbara Fizer, wife*

LEROY FREEMAN, ARMY

From: Wichita, KS
Died: Jan. 9, 2021

Thank you for your service from your daughter, Gina Freeman.

MASTER SGT. DAN GEHMAN, AIR FORCE

Served: 1966 to 1986
Vietnam War (1962 - 1973)
From: Wichita, KS

Thank you for your service from your spouse, Nellma Gehman.

STAFF SGT. CLIFTON W. GILLENWATER, AIR FORCE

Served: 1948 to 1955
From: Wichita, KS

Clifton W. Gillenwater

Staff Sgt. Clifton W. Gillenwater began his military service in 1948 (while still a student at the University of Wichita) as a member of the Air Guard's 127th Fighter Squadron at Wichita Municipal Airport. After graduation he enlisted in the United States Air Force. He completed basic training in the winter of 1952 at Sampson Air Force Base in Geneva, New York, and was assigned to Reese Air Force Base in Lubbock, Texas, home of the 3500th Pilot Training Wing. During the summer of 1953, he relocated to Lowry Air Force Base in Denver, where he completed a course of study at the Air Training Command in accounting.

He returned to Reese Air Force Base before being ordered overseas the following spring. He reported to Camp Kilmer, New Jersey, and boarded the USNS General H. F. Hodges in May of 1954 for a 20-day voyage to Tripoli, Libya. During his time in Tripoli, he was stationed at Wheelus Air Base, a 20-square-mile facility that hosted over 15,000 military personnel and their dependents. He continued his accounting training while on TDY to Wiesbaden, Germany, in 1954 and received a promotion to Airman 1st class in August of that year. He remained overseas for the duration of his 18-month assignment, returning to the states via Manhattan Beach AFS in Brooklyn, New York, in November of 1955. He was honorably discharged from the Armed Forces of the United States of America, with the rank of Staff Sergeant, later that same year. - *Jeffrey Gillenwater, son*

AVIATION/FLIGHT INSTRUCTOR LAURA M. GRUBBS, NAVY

Served: 1943 to 1945
World War II (1941 - 1945)
From: Meade, KS
Died: 2008

Laura M. Grubbs

Laura was born in a rock house in Meade County, Kansas, in 1910. After surviving the Great Depression and the Dust Bowl days in Southwest Kansas teaching in one-room schools, she enlisted in the Navy in 1943 to become part of the WAVES (Women Accepted for Voluntary Emergency Service). After training, Laura was assigned to the largest Naval Air Station in the world in Corpus Christie, Texas, where she taught pilots, co-pilots and navigators how to use radio navigation and instrument flight using the Link Trainer. Her students included U.S. Naval personnel from all 48 states, as well as cadets from Latin American allies and Great Britain.

The young women who served in the WAVES left their homes and families, underwent rigorous military training, endured housing accommodations which were less than comfortable and sometimes experienced a hostile work environment because they were women who were trained and assumed jobs previously held by men. Even though these women never served on the front lines, their contributions to the war effort should be remembered and honored. So it was that a young woman from the Kansas prairies became a true pioneer as part of the Greatest Generation who sacrificed so much to serve in the military of the great nation during very uncertain times. Laura completed her military service in 1945 as WWII ended. She returned to Kansas to teach school until she moved to Oregon in 1947, where she continued her teaching career and education.

Laura Grubbs was 'Aunt Laura' to my three siblings and me. We loved her deeply, and she was a blessing to so many people during her 97-year journey through life on earth. We were always very excited to have an 'Aunt Laura' visit each summer since she lived in far away Oregon, brought unusual surprises for each of us and entertained us with stories about her teacher friends, students, many church-related activities and adventures on Oregon's coast and mountains. - *Roger Kepley, nephew*

PVT. ROBERT E. JOHNSON, ARMY AND MARINE CORPS

Served: 1941 to 1944
World War II (1941 - 1945)
From: Mt. Hope, KS
Died: May 3, 1982

Robert E. Johnson

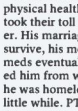
Robert started his military service with the Army, Company B, 137th Infantry, then transferred to the 167th Infantry. He was on a ship with the Army and had the opportunity to transfer to the Marine Corps. He did this and was part of combat at Guadalcanal, with the 1st Marine Division. He was wounded in combat while with the Marines. After his service, he farmed and custom harvested until his death, raising eight children with his wife, Alvera. Bob and Alvera are in the Custom Harvester's Hall of Fame, too.

Thank you, Dad. You taught each of us to be patriotic, love our country and to support veterans. - *Marcy K Aycock, daughter*

ROBERT R. MARTIN, AIR FORCE

Vietnam War (1962 - 1973)
From: Wichita, KS
Died: July 17, 2019

My father came to the U.S. at 12 years old. He enlisted prior to the draft and served throughout the Vietnam War. Unfortunately, he was injured while on duty on an air base and was medically discharged.



Robert R. Martin

Years of mental and physical health problems took their toll on my father. His marriage didn't survive, his mental health meds eventually precluded him from working, and he was homeless for a little while. PTSD and depression treatment along with pain management from knee and back injuries were his whole life. The VA was the only place he found community.

I will always appreciate the staff and doctors that took care of him right up until the end. Our veterans need more than just a thank you on Nov. 11 or a discount. They have suffered, and some have lost. We need to be compassionate for our houseless, struggling with substance abuse or mental health issues. There's a good chance that they are a veteran and deserve better. - *Faith Martin, daughter*

SEAMAN 1ST CLASS WALTER A. MCKAIN, NAVY

Served: 1944 to 1946
World War II (1941 - 1945)
From: Wichita, KS
Died: Dec. 1, 2017

Walter McKain served as an enlisted sailor in WWII. His duties as a Fire Controlman included servicing and maintaining the weapons on board ship. He served on two ships, both Landing Ship-Tank (LST) type, in the Pacific Theater. His missions included laying smoke screens near shore to support air raids and delivering supplies and troops to islands throughout the region.

Walter (AKA Daddy and Poppy) was an extremely proud man who was very humble about his service years. After returning from the war, he married his high school sweetheart — a union that lasted 54 years. He never met a stranger and would mentor anyone who expressed an interest. He was loved by many and always had a kind word for anyone he knew. His family carries on his legacy of honesty, loyalty and trying to see the best in any situation. For that, we will always be grateful. - *Brenda Kuhns, daughter*

JERRY D. PAPPAN, ARMY

Served: 1965 to 1967
Vietnam War (1962 - 1973)
From: Derby, KS

Jerry made it home safe, but he had a brother, Bobby, who was 13 months younger and was drafted after Jerry came home. He was wounded in Vietnam and died on his way to Denver for prosthesis. We should all thank our Vietnam veterans because they were not appreciated or thanked when they came home from that war. - *Linda Pappan, wife*

MASTER SGT. PAUL D. WARD, AIR FORCE

Served: 1955 to 1975
Vietnam War (1962 - 1973)
From: Wichita, KS

Paul Ward is a Vietnam veteran who was awarded the Bronze Star Medal for acts of heroism while

SEE VETERANS DAY, 5A

LEGAL PUBLICATION
CDCA 156004
PUBLISHED IN THE WICHITA EAGLE
ONE TIME ON NOVEMBER 11, 2021 (3858972)

MAPC/BZA December 2, 2021
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 2, 2021 no earlier than 1:30 p.m. the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board/Zoning Appeals will consider the following applications. The meeting will be held virtually; public participation is available in multiple ways; those without technology options can participate in person to the Wichita City Hall Building – 1st Floor Council Chambers – 455 N. Main Street, Wichita, Kansas 67202 (directions in the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421

ZA2021-00058: City Variance to require street yard setback from 35 feet to a less permanent bona SF-5 Single-Family Residential to build an in-ground pool, generally located at the southeast corner of Vale Avenue and East 2nd Street (2604 Vale Ave.)

CON2021-00057: City Conditional Use to permit Vehicle and Equipment Sales on property zoned LC Limited Commercial generally located on the west side of North Hoover Avenue and north side of W. 37th Street North (3301 Hoover Ave.)

CUP2021-00056: City Conditional Use to permit the expansion of an existing substation on property zoned GO General Office, generally located on the north side of East 37th Street North and directly one-half mile east of North Hoover Road (3611 East 37th Street North)

CUP2021-00062: City Amendment to Lawrence's Addition Community Unit Plan (CUP-38) to permit a restaurant use to have only carryout deliveries in Night Club in the City, on property zoned LC Limited Commercial, generally located on the east side of South Seneca Street and on the north side of West Kellogg (245 S Seneca)

VAC2021-00060: City request to vacate the Platted Utility Easement to allow development on a platted reserve on property generally located one-quarter mile north of East 13th Street North and one-half mile east of North Rock Road in connection with zone change ZON2021-00049 from SF-5 Single-Family Residential to GO General Office;

VAC2021-00064: City request to vacate a portion of East 19th Street North public street right-of-way generally located west of I-135, between the Gypsy Avenue and the Wichita Diversion Canal

VAC2021-00065: City request to vacate a portion of the platted right-of-way setback on MF-29 Multi-Family Residential zoned property generally located west of South Webb Road, south and west of the East Harry - South Seneca Street intersection on the north side of the East Orbit Street turnaround

ZON2021-00048: City Zone Change from SF-5 Single-Family Residential to TF-3 Two Family Residential on property generally located within one block east of North Meridian Avenue and two blocks north of West 2nd Street north (2609 N. 2nd Street North)

ZON2021-00049: City Zone Change from Single-Family SF-5 to General Office (GO) to allow redevelopment of an office building in connection with VAC2021-00065 change of platted right-of-way, generally located on the east side of North Rock Road and within a quarter mile north of East 37th Street North

ZON2021-00050: City Zone Change from Limited Commercial (LC) to General Commercial (GC) to allow redevelopment, generally located on the south side of West Maple Street and within one quarter mile east of South West Street (521 West Maple Street)

ZON2021-00051: City Zone Change from SF-5 Single-Family Residential to MF-18 Multi-Family Residential with a Protective Overlay, generally located east of North Hoover Avenue and a quarter north of West Central Avenue

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 (935 North Hoover Avenue)

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department (MAPD) 3rd Floor, Wichita, Kansas 67202 and posted in Section V of the Wichita-Sedgwick County Unified Zoning Code. The staff will then and there be discussions and comments by the two MAPC and all persons interested or concerned shall be heard at this time concerning their views and wishes. If the proposals and any related aspects are of the provisions of the proposed changes in the zoning regulations will be considered by the MAPC as to law presented.

PLEASE NOTE THE MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH IMPLIES SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below)

Submit Comments Ahead of Time
You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 3 days prior to the meeting. Please be sure to provide name, time for delivery. The comments can be submitted by the following: e-mail, letter, voice and audio recorded (mp3, etc.). The comment should indicate whether they wish to speak live their three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC prior to or during the meeting.

E-mail	Planning@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: Scott Wadle 271 W. 3rd Street - Suite 28 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7364

Participate Remotely
Please join my meeting from your computer, tablet or smartphone
https://global.gotomeeting.com/join/423544101
You can also dial in using your phone
United States: +1 (571) 317-3122
Access Code: 423-544-101
Join from a video-conferencing room or system.
Dial in or type 67.251.176.207 or meeting.gotomeet.me
Meeting ID: 423-544-101
Or dial directly: 423544101@67.251.176.207 or 67.251.176.207##423544101
New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/423544101
Attend In-Person
You may also participate in the meeting in-person at the Wichita City Hall Council Chambers: 455 N. Main Street, Wichita, KS 67202. Please note that security screening is required for public access to the building. Hall would be only available nearby and COVID-19 protocols and practices for more information please visit www.wichita.gov/visitcityhall. The in-person option is principally provided for those without other technology options, and who have not previously submitted electronic audio or video comments. If you have any written or visual materials to submit to present, please contact Planning Department Staff no later than noon on the Tuesday prior to the meeting.

WITNESS MY HAND on November 11, 2021
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

AGENDA ITEM NO. 4.10

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

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

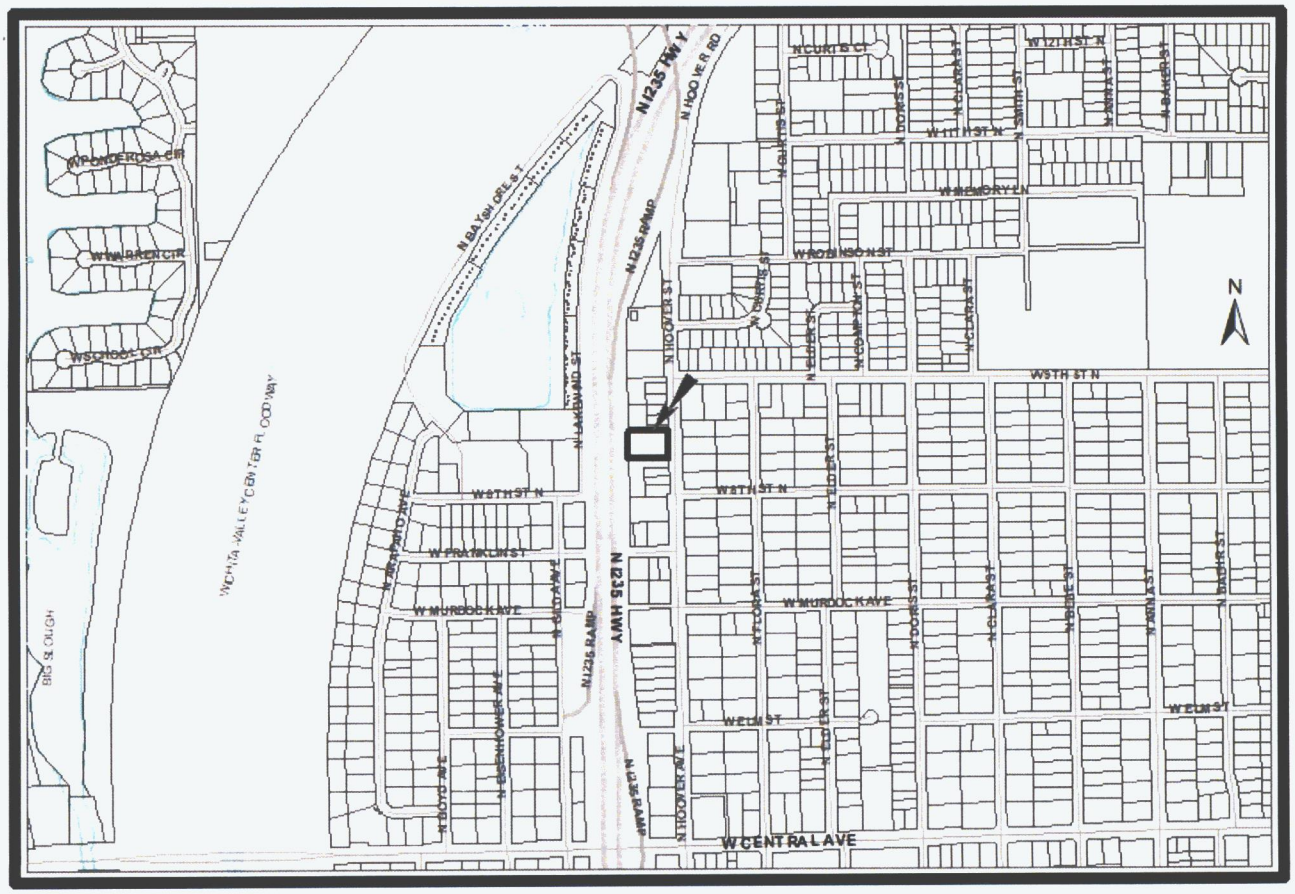
CURRENT ZONING: SF-5 Single-Family Residential

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.
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.

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."

   - 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.

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

N I 235 HWY
N I 235 HWY
N HOOVER AV E
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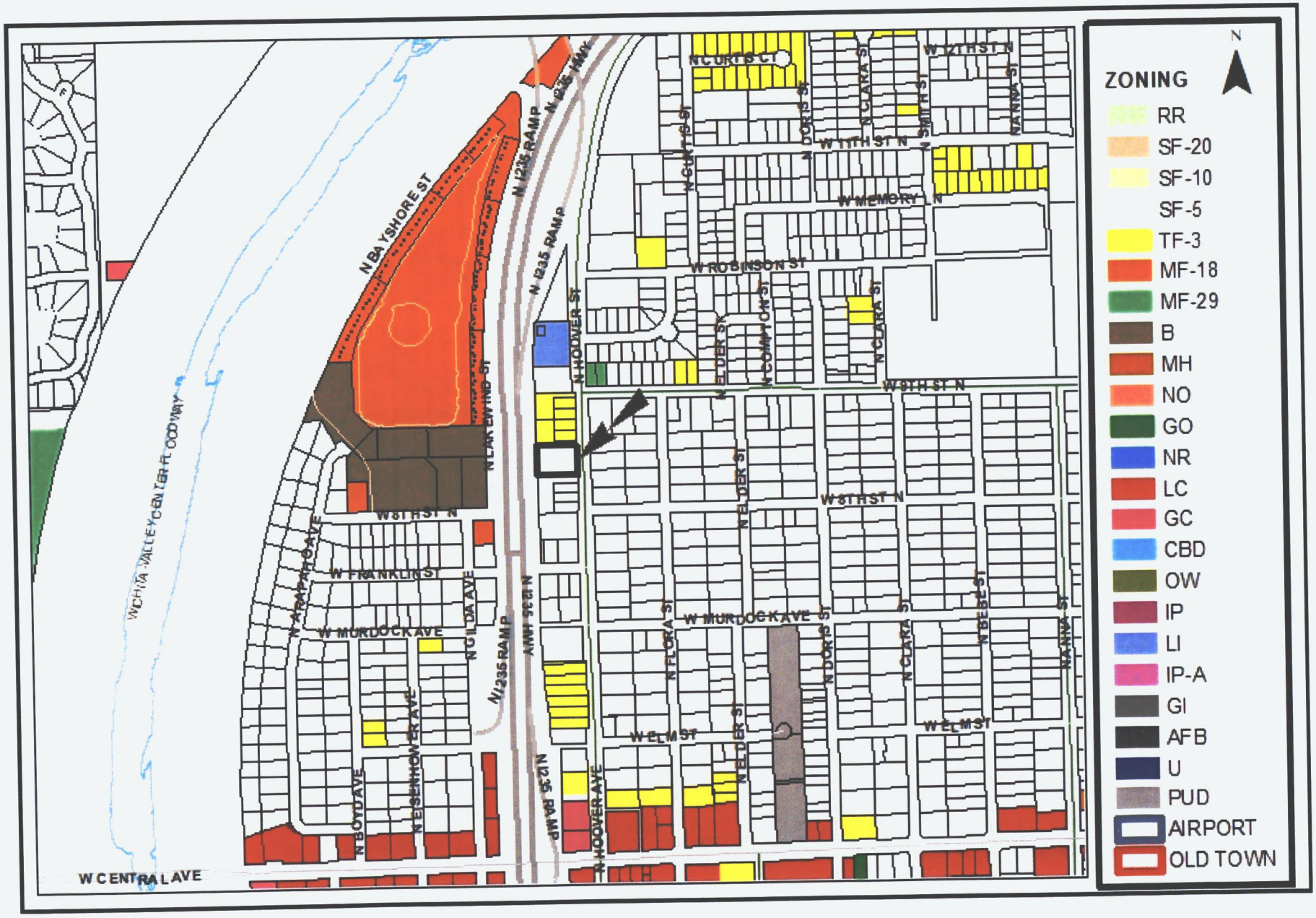
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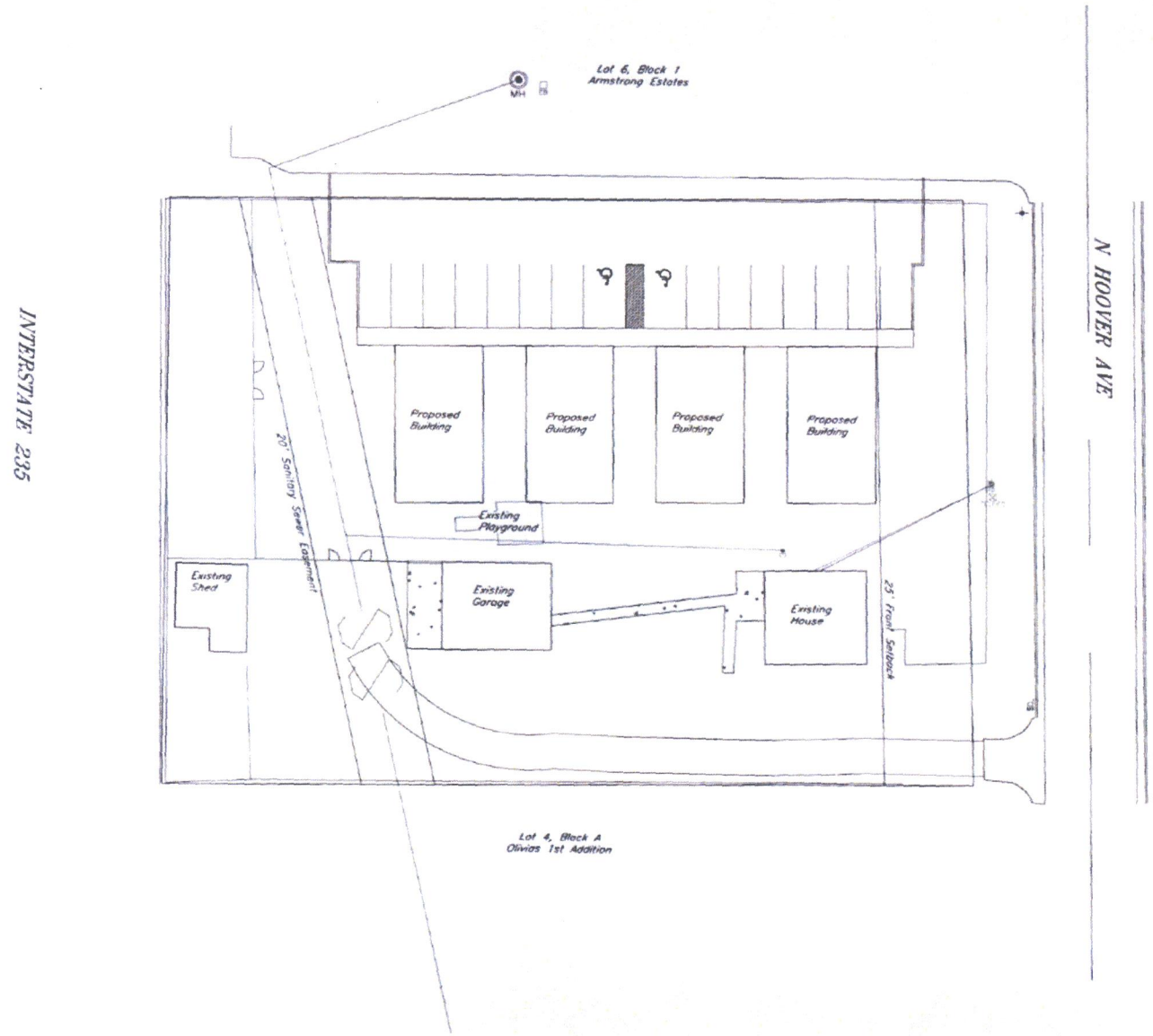
N CLARA ST
N DORIS ST
N FLORA ST
N BEBE ST
N ARAPAHO AVE
N GILDA AVE
N BOYD AVE
N EISENHOWER AVE
N LAKEWIND ST
WICHITA VALLEY CENTER FLOODWAY

2035 Wichita Future Growth Concept Map


Lot 6, Block 1
Armstrong Estates
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INTERSTATE 235
N HOOVER AVE
Proposed Building
Proposed Building
Proposed Building
Proposed Building
20' Sanitary Sewer Easement
Existing Playground
Existing Shed
Existing Garage
Existing House
25' Front Setback
Lot 4, Block A
Olivias 1st Addition

Looking southwest at site

Looking east away from site

Looking northwest away from site

Looking southeast away from site