



**Wichita-Sedgwick County Metropolitan Area Planning Department**

April 11, 2023

RJR Properties LLC  
10709 West Dallas Street  
Wichita, KS 67215

Certified Engineering Design, P.A.  
Attn: Logan Mills  
1935 West Maple Street  
Wichita, KS 67213

**RE: ZON2022-00076 and CON2022-00055:** Zone change request in the City from SF-5 Single-Family to TF-3 Two-Family to bring an existing duplex into compliance and build additional duplexes (with CON22-55 for multi-family density), located within one-block south of West 31st Street and one-quarter mile west of South Broadway (3255 S Waco).

Dear Applicant;

At its regular meeting on April 11, 2023, the Wichita City Council considered the above captioned request. The action of the WCC was to APPROVE the request subject to the following conditions:

1. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
2. Development and maintenance of the site shall be in conformance with the approved site plan. The applicant shall submit a revised site plan to the Planning Department for review and approval prior to the issuance of building permits. The site plan shall include any required screening, landscaping, and required parking spaces.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

Sincerely,

A handwritten signature in black ink that reads 'Christina Rieth'.

Christina Rieth  
Current Plans, Associate Planner

Copies to: MABCD  
Mike Hoheisel, District Advisory Board III  
Becca Johnson, CSR District III





**Wichita-Sedgwick County Metropolitan Area Planning Department**

February 9, 2023

RJR Properties LLC  
10709 West Dallas Street  
Wichita, KS 67215

Certified Engineering Design, P.A.  
Attn: Logan Mills  
1935 West Maple Street  
Wichita, KS 67213

**RE: ZON2022-00076 and CON2022-00055:** Zone change request in the City from SF-5 Single-Family to TF-3 Two-Family to bring an existing duplex into compliance and build additional duplexes (with CON22-55 for multi-family density), located within one-block south of West 31st Street and one-quarter mile west of South Broadway (3255 S Waco)

Dear Applicant;

At its regular meeting on **February 9, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request.

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 February 23, 2023. 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 **February 23, 2023 at 5:00 p.m.**

This application is scheduled for consideration by the Wichita City Council on **Tuesday, March 14, 2023, 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 cursive script that reads 'Christina Rieth'.

Christina Rieth  
Current Plans, Associate Planner

Copies to: MABCD  
Mike Hoheisel, District Advisory Board III  
Becca Johnson, CSR District III



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. ZON2022-00076 with CON2022-00055**

Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two Family Residential District zoning (with CON2022-00055 for multi-family density) on property described as:

Beginning at a point 514 feet South of a point 438.12 feet West of the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 8, Township 28 South, Range 1 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence South 146 feet; thence West 220.37 feet; thence in a Northerly direction 146 feet; thence East to the point of beginning, except the East 30 feet for road.

The described property above is subject to the following conditions of approval of Conditional Use CON2022-00055 to permit multi-family density in TF-3 Two-Family Residential District Zoning:

1. The site shall be limited to three duplexes and six total dwelling units.
2. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
3. Development and maintenance of the site shall be in conformance with the approved site plan. The applicant shall submit a revised site plan to the Planning Department for review and approval prior to the issuance of building permits. The site plan shall include any required screening, landscaping, and required parking spaces.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

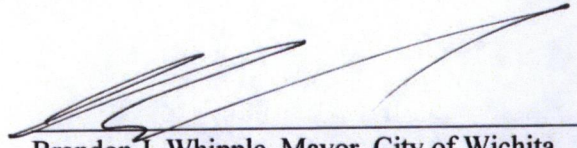
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

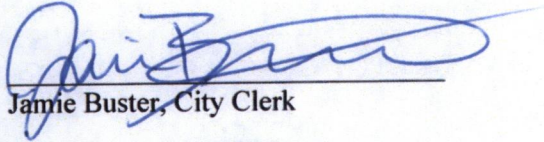
**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.



Adopted this 18<sup>th</sup> day of April, 2023

ATTEST:

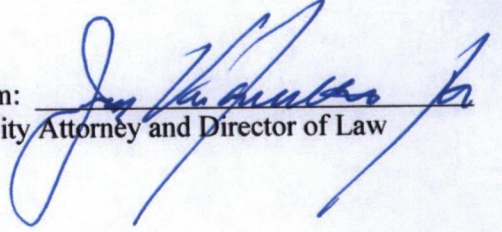
  
Brandon J. Whipple, Mayor, City of Wichita

  
Jamie Buster, City Clerk

(SEAL)



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







Beaufort Gazette  
Belleville News-Democrat  
Bellingham Herald  
Bradenon 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     | 411007       | Print Legal Ad-IPL01191290 - IPL0119129 |          | \$95.55 | 2    | 57 L  |

Attention: Jamie Buster  
CITY OF WICHITA/CLERKS OFFICE  
455 N MAIN ST FL 13  
ABurgardt@wichita.gov

### LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON April 21, 2023  
ORDINANCE NO. 52-058

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. ZON2022-00076 with CON2022-00055

Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two Family Residential District zoning (with CON2022-00055 for multi-family density) on property described as:

Beginning at a point 514 feet South of a point 438.12 feet West of the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 8, Township 28 South, Range 1 East of the 6 th P.M., Sedgwick County, Kansas; thence South 146 feet; thence West 220.37 feet; thence in a Northerly direction 146 feet; thence East to the point of beginning, except the East 30 feet for road.

The described property above is subject to the following conditions of approval of Conditional Use CON2022-00055 to permit multi-family density in TF-3 Two-Family Residential District Zoning:

1. The site shall be limited to three duplexes and six total dwelling units.
2. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
3. Development and maintenance of the site shall be in conformance with the approved site plan. The applicant shall submit a revised site plan to the Planning Department for review and approval prior to the issuance of building permits. The site plan shall include any required screening, landscaping, and required parking spaces.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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.

Adopted this 18th day of April, 2023

ATTEST:

Brandon J. Whipple, Mayor, City of Wichita

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magan a, City Attorney and Director of Law

IPL0119129

Apr 21 2023

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

1 insertion(s) published on:

04/21/23

STATE OF KANSAS)

SS

County of Sedgwick)

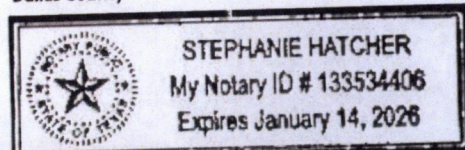
Hayley Martin, of lawful age, being first duly sworn, deposeeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper 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 04/21/2023 to 04/21/2023.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 04/21/2023

Stephanie Hatcher

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!





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 |
|-----------|--------------|-----------------------------------------|------------|----------|------|-------|
| 16399     | 370865       | Print Legal Ad-IPL01055960 - IPL0105596 | OCA 150004 | \$167.79 | 2    | 100 L |

**Attention: MANDY HEBERT**  
CITY OF WICHITA/PLANNING DEPT  
271 WEST THIRD ST., 2ND FL, SU 203  
WICHITA, KS 67202

### LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on January 19, 2023  
(One Time Only)

MAPC/BZA February 9, 2023  
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, February 9, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2022-00055: Conditional Use request in the City to allow Multi-Family density (with ZON2022-00076 to allow TF-3 zoning); located within one-block south of West 31st Street and one-quarter mile west of South Broadway, (3255 South Waco).

CON2022-00056: Conditional Use request in the City to permit a carwash on property zoned GC General Commercial District; generally located on the south-west corner of East Kellogg Drive and South Greenwich Road (11051 East Kellogg Drive).

CON2022-00057: Conditional Use request in the City to an Event Center with live music/entertainment and alcohol (defined as Night Club in the City) on property zoned LC Limited Commercial; located approximately 0.40 miles east of North Hoover Ave and on the south side of West Central Avenue (4925 W Central Ave). DEF2022-00013: Amendment to Article 3-102 of the Wichita-Sedgwick County Subdivision Regulations Pertaining to Extraterritorial Subdivision Regulation Authority for Derby.

VAC2022-00036: Vacation request in the City to vacate access control and building setback; generally located on the southwest corner of West York Street and South Norman Street (801 West York Street).

ZON2022-00076: Zone Change request in the City from SF-5 Single-Family to TF-3 Two-Family to bring an existing duplex into compliance and build additional duplexes (with CON2022-00055 for multi-family density); located within one-block south of West 31st Street and one-quarter mile west of South Broadway (3255 S Waco).

ZON2022-00077: Zone Change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the northeast corner of North 63rd Street South and South Clifton Avenue.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate (see below):

1) Participate virtually

2) Attend in-person at the Ronald Reagan Building

3) Submit comments ahead of time

Participate Virtually

Topic: Wichita-Sedgwick County Metropolitan Planning Commission

Time: 1:30 PM

Join Zoom Meeting

<https://us06web.zoom.us/j/4089866967?pwd=s0k3bW0ySElnbFJOTDFVb0xP-V0RkUT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16698006333,4089866967#,,\*094136# US (San Jose)

+17193594580,4089866967#,,\*094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/kc65codfb1>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

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 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than 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.

Email: [Planning@wichita.gov](mailto:Planning@wichita.gov)

Mailing Address: Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.268.7764

WITNESS MY HAND on January 19, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

PL0105596

Jan 19 2023

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

1 insertion(s) published on:

01/19/23

STATE OF KANSAS)

SS

County of Sedgwick)

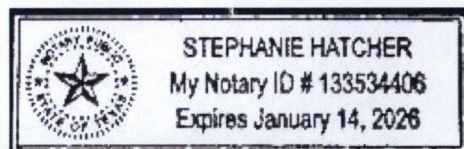
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 01/19/2023 to 01/19/2023.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 01/19/2023

*Stephanie Hatcher*

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!









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

Page 1 of 1

CITY OF WICHITA/PLANNING DEPT  
271 WEST THIRD ST., 2ND FL, SU 203  
WICHITA KS 67202

| MEMO INVOICE     |               |
|------------------|---------------|
| Order No.:       | 370865        |
| Memo Date:       | 01/19/2023    |
| Bill-To Account: | 16399         |
| Sales Rep:       | Hayley Martin |

| Dates                   | Order No. | Description                                                | Product                                                  | Size      | Billed Units | Times Run | Net Amount |
|-------------------------|-----------|------------------------------------------------------------|----------------------------------------------------------|-----------|--------------|-----------|------------|
| 01/19/2023 - 01/19/2023 | 370865    | Print Legal Ad-IPL01055960<br>IPL0105596<br>PO: OCA 150004 | WIC-Wichita Eagle<br>Legal   Legals & Public Notices CLS | 2 x 100 L | 200 L        | 1         | \$167.79   |

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Please Return This Portion With Your Payment (Thank You)

McClatchy Company LLC  
PO Box 510150  
Livonia MI 48151

\*\*\* MEMO INVOICE \*\*\*

CITY OF WICHITA/PLANNING DEPT  
271 WEST THIRD ST., 2ND FL, SU 203  
WICHITA KS 67202

| MEMO INVOICE  |                               |
|---------------|-------------------------------|
| Order No.:    | 370865                        |
| Account No.:  | 16399                         |
| Account Name: | CITY OF WICHITA/PLANNING DEPT |
| Order Amount: | \$167.79                      |

Email questions to [ssccreditandcollections@mcclatchy.com](mailto:ssccreditandcollections@mcclatchy.com)

McClatchy Company LLC  
PO Box 510150  
Livonia MI 48151





**STAFF REPORT**  
MAPC: February 9, 2023  
DAB III: February 1, 2023

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**CASE NUMBER:** ZON2022-00076 & CON2022-00055 (City)

**APPLICANT/AGENT:** RJR Properties LLC/Ricardo Gamboa (Applicant)  
Certified Engineering Design, P.A./Logan Mills (Agent)

**REQUEST:** TF-3 Two-Family Residential District and allow multi-family density

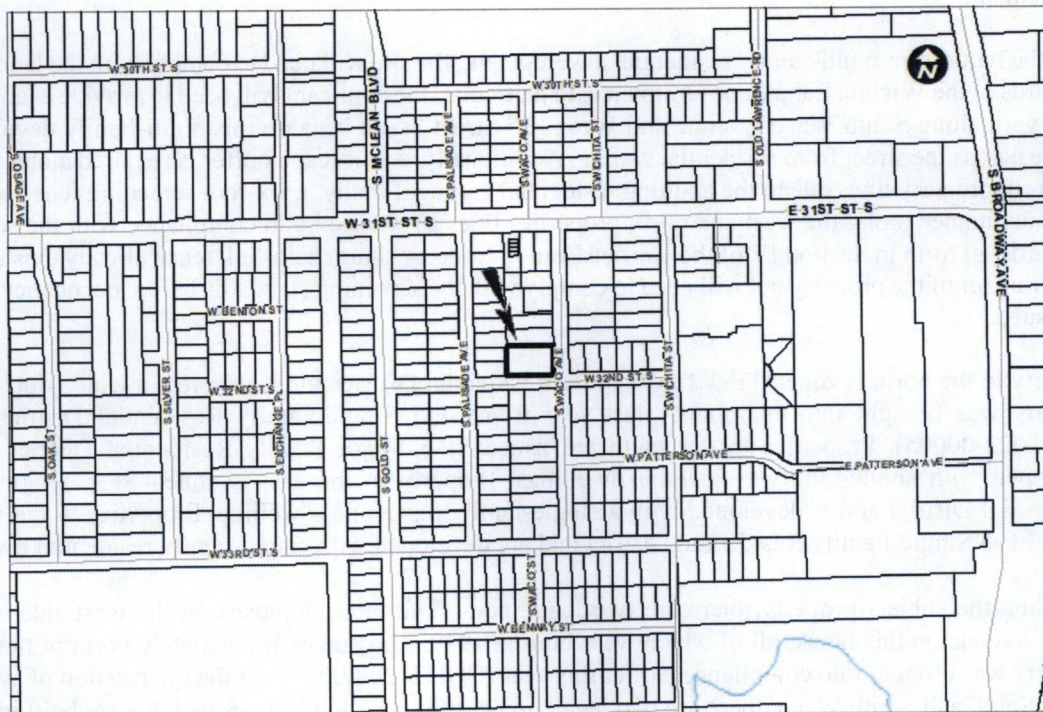
**CURRENT ZONING:** SF-5 Single-Family Residential District

**SITE SIZE:** 0.53 acre

**LOCATION:** Northwest corner of South Waco Avenue and West 32<sup>nd</sup> Street South (3255 South Waco)

**PROPOSED USE:** To bring an existing duplex into conformance and allow for two additional duplexes on site

**RECOMMENDATION:** Approve with conditions





**BACKGROUND:** The applicant requesting two things:

1. a zone change from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District; and
2. a Conditional Use to allow multi-family development within the proposed TF-3 zoning.

The site is currently developed with a duplex, built in 1949, and is a legal, non-conforming use. The applicant is requesting the Conditional Use to allow two additional duplexes on-site (four additional dwelling units).

There are advantages to rezoning legal-non-conforming uses to avoid a future rezoning to rebuild the structure if it was damaged or a destroyed. Section VII-C.1 of the Unified Zoning Code permits a non-conforming structure to be rebuilt if it is damaged to the extent of 50 percent or less of its fair market value by fire, wind, tornado, earthquake or other natural disaster. If damage is greater than 50 percent of its fair market value, the property would either have to be rezoned to rebuild a new duplex or the site must be used for permitted uses within the current zoning classification.

According to the submitted site plan, the applicant proposes to demolish the existing shed in the backyard and construct two additional duplexes on-site, for a total of six dwelling units on the subject property. In TF-3 zoning, multi-family density is allowed at 14.5 dwelling units per acre, and the subject property is 0.53 acres in size, so the site can accommodate up to 7 dwelling units. Therefore, they are requesting fewer dwelling units than the maximum permitted density allows. The existing duplex fronts South Waco Avenue, and the proposed duplexes will front West 32<sup>nd</sup> Street. Required building separation is per the fire code.

The site plan does not specify parking, but the applicant will be required to submit a final site plan demonstrating parking prior to the issuance of building permits. The Unified Zoning Code requires one parking space per dwelling unit for duplexes. In the TF-3 district, off-street parking cannot occupy any portion of a front or street side setback. Space inside a garage can count toward the off-street parking requirement.

With the request for multi-family residential development, the site will need to comply with the landscaping standards of the Wichita Landscape Ordinance. In particular, the applicant will need to provide a landscaped street yard along South Waco Avenue and West 32<sup>nd</sup> Street South because this multi-family development will be across the street from residential zoning. Additionally, a landscape buffer is required along the west and north property lines due to the abutting residential zoning. Finally, a six-foot screening fence will need to be maintained along the west and north properties lines as well to be in compliance with the screening standards set forth in Section IV of the Unified Zoning Code. A short chain-link fence already exists around the perimeter of the property but will need to comply with the screening standards before occupancy permits are issued.

Property to the north is zoned TF-3 Two-Family Residential District and is developed with a duplex. This property was brought into compliance last year from SF-5 Single-Family Residential District zoning (ZON2022-00005). Properties to the south are zoned SF-5 Single-Family Residential District and are developed with single-family residential dwellings. Property to the east is zoned SF-5 Single-Family Residential District and is developed with a single-family residential dwelling. Properties to the west are zoned SF-5 Single-Family Residential District and are developed with single-family residential dwellings.

Including the subject property, there are two legal, non-conforming duplexes on the west side of South Waco Avenue on this block, all of which were built in 1949. The duplex immediately north of the subject property was brought into compliance earlier this year (CON2022-00005). At the intersection of West 31st Street South and South Waco, there are two legal, non-conforming four-plexes which were built in 1954.

**CASE HISTORY:** On February 25, 1954, the Louis 6<sup>th</sup> Addition was created. There are no zoning cases ZON2022-00076 and CON2022-00055



associated with this property.

**ADJACENT ZONING AND LAND USE:**

|        |      |                         |
|--------|------|-------------------------|
| North: | TF-3 | Duplex                  |
| South: | SF-5 | Single-family dwellings |
| East:  | SF-5 | Single-family dwelling  |
| West:  | SF-5 | Single-family dwellings |

**PUBLIC SERVICES:** The property has access to South Waco Avenue, a paved two-lane local street with no sidewalks on either side, and West 32<sup>nd</sup> Street South, an unpaved two-lane local street with no sidewalks. The site is served by all typical municipal services, such as sewer and water. Wichita Transit serves this site within two blocks west of the subject property, on the northeast corner of West 31<sup>st</sup> Street South and South Exchange Place.

**CONFORMANCE TO PLANS/POLICIES:** The requested zone change and Conditional Use are in conformance with the following plans:

**Community Investments Plan**

The adopted Wichita-Sedgwick County Comprehensive Plan and the *Community Investments Plan's* 2035 Future Growth Concept Map identifies the recommended future land use as "Residential". The plan defines Residential areas as those that "reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes)."

**Wichita Places for People Plan**

The parcels are located in an "Area of Stability". Properties in this area "exhibit less stress, or fewer economic, connectivity, and walkability issues. Areas of Stability should require fewer interventions and potentially less investment to maintain a viable development environment and community. Improvements should be geared towards continuing the area's momentum and strengthening the established context."

The requested zone change and Conditional Use are in conformance with the *Plan's* Strategies 5 and 6, which aim to "Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA" and "Encourage infill and redevelopment that is contextual to the environment in which it is occurring", respectively. The proposed duplexes will add to a diverse housing stock within one-block of the subject property, which includes single-family houses, duplexes, and fourplexes. Additionally, the applicant proposes duplexes as infill development where there is currently a large yard. There are two duplexes immediately north of the subject property, so two additional duplexes are contextual to the surrounding environment.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request for the zone change and Conditional Use with the following conditions:

1. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
2. Development and maintenance of the site shall be in conformance with the approved site plan. The applicant shall submit a revised site plan to the Planning Department for review and approval prior to the issuance of building permits. The site plan shall include any required screening, landscaping, and required parking spaces.



3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is residential with a variety of housing types. Property to the north is zoned TF-3 Two-Family Residential District and is developed with a duplex. This property was brought into compliance last year from SF-5 Single-Family Residential District zoning (ZON2022-00005). Properties to the south are zoned SF-5 Single-Family Residential District and are developed with single-family residential dwellings. Property to the east is zoned SF-5 Single-Family Residential District and is developed with a single-family residential dwelling. Properties to the west are zoned SF-5 Single-Family Residential District and are developed with single-family residential dwellings.

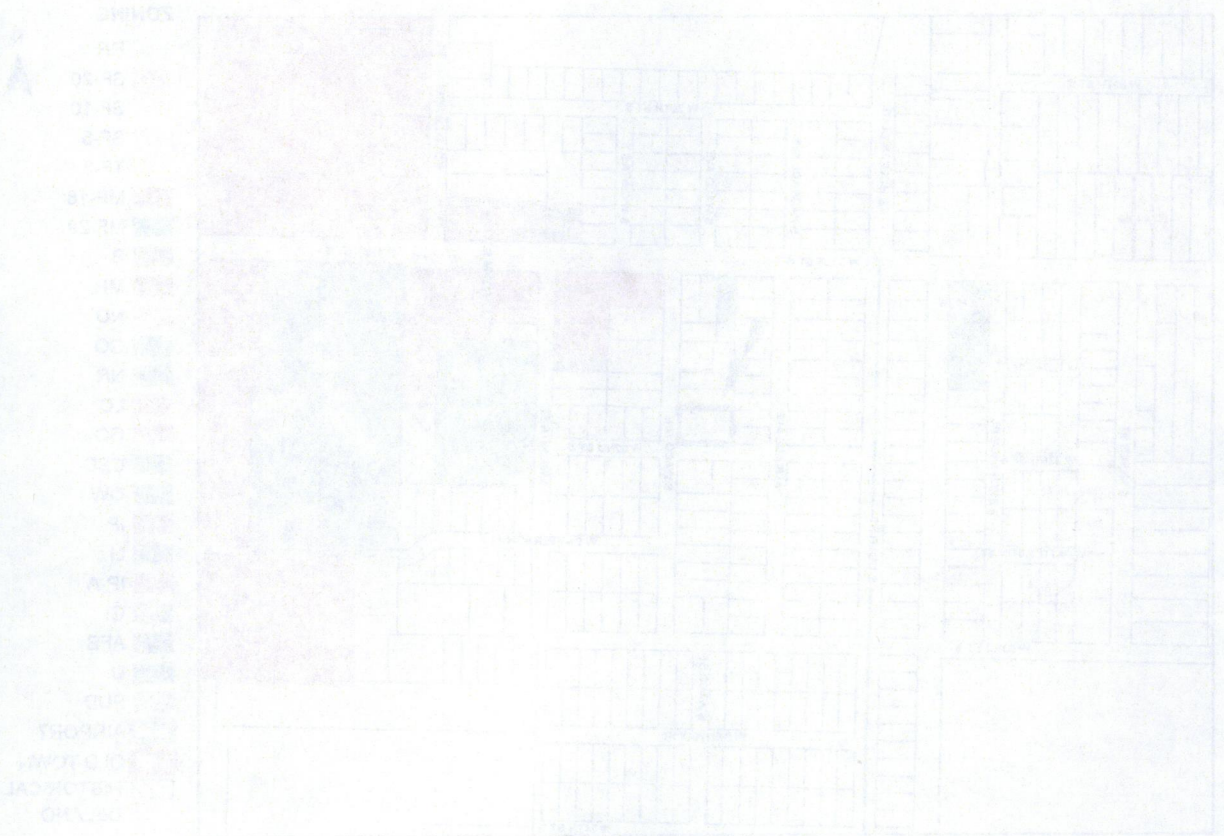
Including the subject property, there are two legal, non-conforming duplexes on the west side of South Waco Avenue on this block, all of which were built in 1949. The duplex immediately north of the subject property was brought into compliance earlier this year (CON2022-00005). At the intersection of West 31st Street South and South Waco, there are two legal, non-conforming four-plexes which were built in 1954.

2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned SF-5 Single-Family Residential and could be redeveloped with a single-family home. The existing duplex is a legal, non-conforming use that can remain, but could face challenges in the future if were damaged/destroyed and would need to be rebuilt. The lot size is likely sufficient such that a lot split could occur to development one additional single-family dwelling in the rear as long as all required setbacks are maintained.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the requests would allow the construction of additional homes and provide infill and redevelopment in an area identified in the *Places for People Plan's* Strategies 5 and 6, as referenced in the report. Rezoning the property to bring the use into compliance should not negatively affect any surrounding properties. Conditions of approval regarding screening and landscaping are designed to mitigate possible negative impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship. Approval of the application will bring an existing duplex into compliance and contribute to the diversity of housing in the area. Denial would represent a loss of economic opportunity to the applicant or property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zone change and Conditional Use are in conformance with the *Comprehensive Plan* and the *Wichita: Places for People Plan*, as discussed in the staff report.
6. Impact of the proposed development on community facilities: Approval of the request may generate minimal, additional traffic along South Waco Avenue and West 32<sup>nd</sup> Street South. Additional traffic along West 32<sup>nd</sup> Street South could create additional dust from the gravel road and also could require additional maintenance of the gravel road. However, it is not anticipated to have a significant negative impact on community facilities. Existing public infrastructure at the site will accommodate uses under the proposed TF-3 zoning.

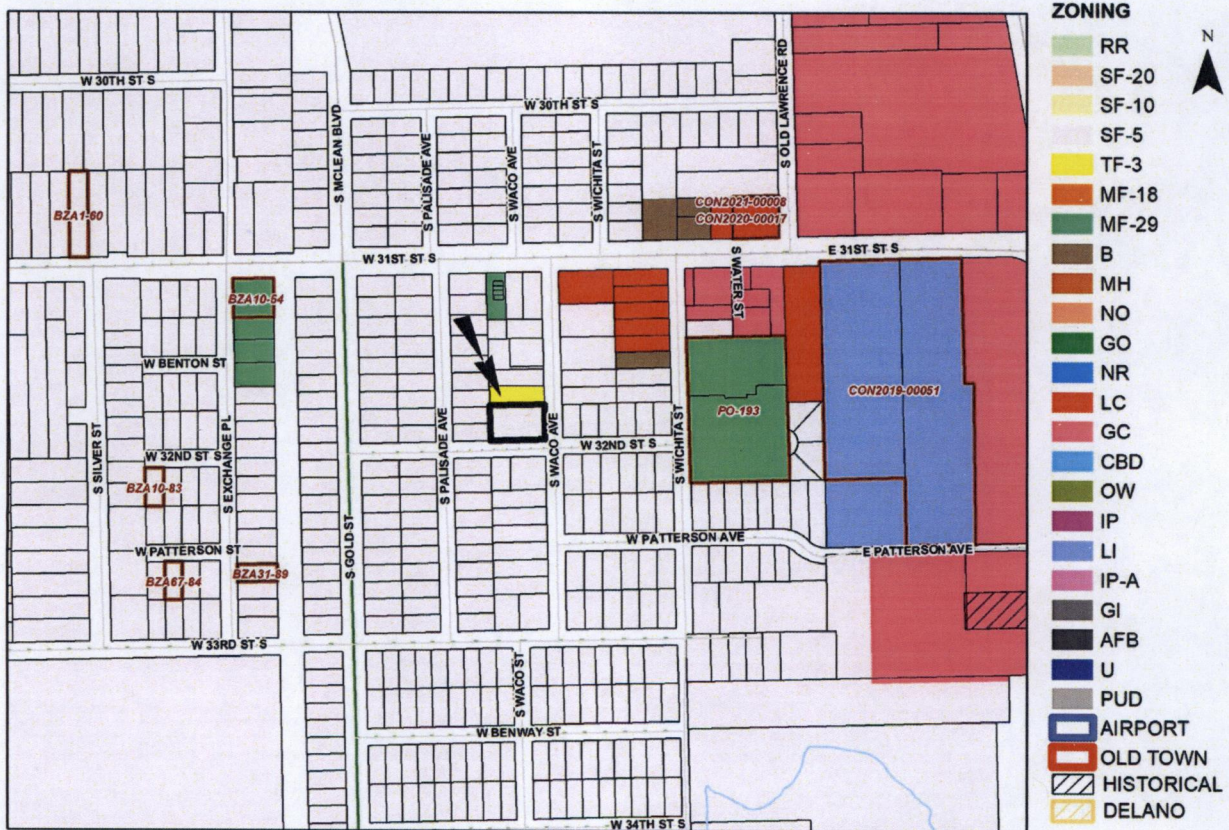


Attachments:

1. Zoning Map
2. Aerial Map
3. Land Use Map
4. Comprehensive Plan Map
5. Applicant Site Plan
6. Site Photography













# 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



Map prepared by the Metropolitan Area Planning Commission (MPC) in cooperation with the City of Wichita. The map is for informational purposes only and does not constitute a legal document. The MPC and the City of Wichita are not responsible for any errors or omissions on this map. The map is subject to change without notice.



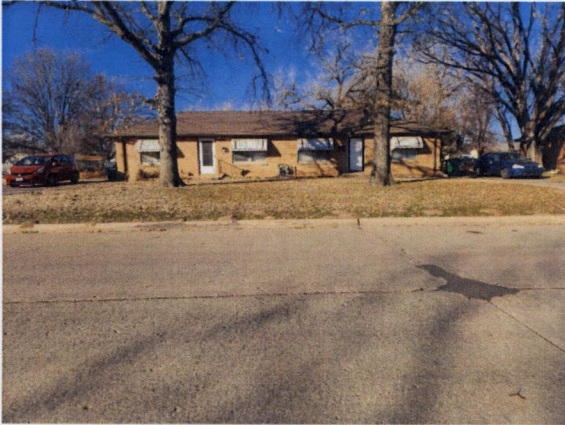


# Site Plan





**Looking north towards site**



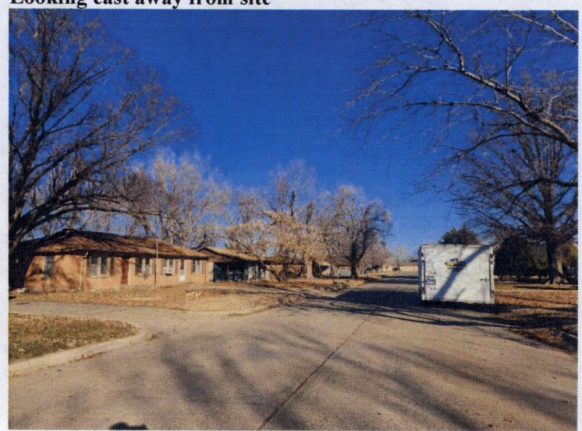
**Looking east towards site**



**Looking north away from site**

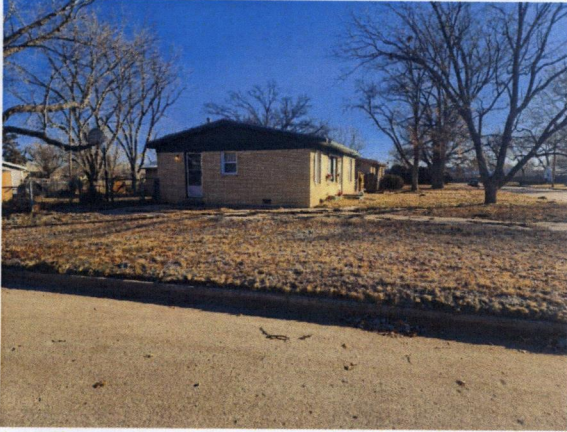


**Looking east away from site**





**Looking south away from site**



**Looking west away from site**





