Wichita-Sedgwick County Metropolitan Area Planning Department

July 25, 2023

T.B. Holdings LLC
4634 W Emerald Bay Ct
Wichita, KS 67212

RE: ZON2023-00034: Zone change request in the City from SF-5 to MF-18, subject to Protective Overlay #413 to allow multiple duplexes on one lot; generally located west of North Clara Street, within 180 feet south of West Elm Street (741 North Clara).

Dear Applicant;

At its regular meeting on **July 25, 2023**, the Wichita City Council considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to Protective Overlay #413, which reads:

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 hereto) 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 shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. Building height shall be limited to 35 feet.

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

Sincerely,

Christina Rieth
Current Plans
Associate Planner

Copies to: MABCD
Maggie Ballard, Councilmember District VI
Ana Lopez, CSR District VI
K.E. Miller Engineering, attn: Kirk Miller, 117 East Lewis Street, Wichita, KS 67202

Wichita-Sedgwick County Metropolitan Area Planning Department

June 23, 2023

T.B. Holdings LLC
4634 W Emerald Bay Ct
Wichita, KS 67212

RE: ZON2023-00034: Zone change request in the City from SF-5 to MF-18, subject to Protective Overlay #413 to allow multiple duplexes on one lot; generally located west of North Clara Street, within 180 feet south of West Elm Street (741 North Clara).

Dear Applicant;

At its regular meeting on **June 22, 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 subject to Protective Overlay #413, which reads:

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 hereot) 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 shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. Building height shall be limited to 35 feet.

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 **July 6, 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 **July 6, 2023 at 5:00 p.m.**

This case will be heard by the District VI Advisory Board (DAB) on **Monday, July 10, 2023**, beginning at 6:30 p.m. DAB VI meets at the Evergreen Community Center and Library, 2601 North Arkansas, Wichita, Kansas. For more information, please contact the Community Services Representative for District VI, Ana Lopez, at ALopez@wichita.gov or (316) 303-8042.

This application will be heard by the Wichita City Council on **Tuesday, July 25, 2023**, beginning at 9:00 a.m.

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,

Christina Rieth
Current Plans
Associate Planner

Copies to: MABCD
Maggie Ballard, Councilmember District VI
Ana Lopez, CSR District VI
K.E. Miller Engineering, attn: Kirk Miller, 117 East Lewis Street, Wichita, KS 67202
David and Lynne Blessman, 749 North Clara Street, Wichita, KS 67212

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON August 4, 2023

ORDINANCE NO. 52-234

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. ZON2023-00034

Zone change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District zoning subject to the provisions of Protective Overlay #413, on property legally described as:

Lot 25, Pettett Gardens Addition, Wichita, Sedgwick County, Kansas.

Protective Overlay #413

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 hereto) 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 shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. Building height shall be limited to 35 feet.

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 1st day of August, 2023.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL)

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

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	451432	Print Legal Ad-IPL01338970 - IPL0133897		$92.19	2	55 L

Attention: Jamie Buster

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

LAlvarez@wichita.gov

LEGAL PUBLICATION

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON August 4, 2023

ORDINANCE NO. 52-234

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. ZON2023-00034

Zone change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District zoning subject to the provisions of Protective Overlay #413, on property legally described as:

Lot 25, Pettett Gardens Addition, Wichita, Sedgwick County, Kansas.

Protective Overlay #413

Structures shall be limited to duplexes and single family dwellings.

Utilities shall be installed underground.

Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.

The transfer of title of all or any portion of land included within the Protective Overlay (or any amendments hereto) 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.

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.

Any major changes in this development shall be submitted to the Planning Commission and to the Governing Body for their consideration.

Building height shall be limited to 35 feet.

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 1st day of August, 2023.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0133897

Aug 4 2023

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

1 insertion(s) published on:

08/04/23

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 08/04/2023 to 08/04/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 08/04/2023

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

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
16399	425993	Print Legal Ad-IPL01245720 - IPL0124572	OCA 150004	$251.68	3	100 L

Attention: MANDY HEBERT

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

kgonzalez@wichita.gov

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on June 1, 2023
(One Time Only)
MAPC/BZA June 22, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 22, 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.

CON2023-00013: Conditional Use request in the City to permit Nightclub in the City on property zoned Limited Commercial, within 300 feet of a park; generally located on the southeast corner of West Douglas Avenue and South Seneca Street (1019 W. Douglas Ave).

CON2023-00024: Conditional Use request in the City to allow Vehicle and Equipment Sales, Outdoor; generally located on the northeast corner of East 13th Street North and North Topeka Avenue (404 East 13th Street North).

CON2023-00025: Conditional Use request in the City to allow Wrecking and Salvage (with ZON2023-00035 to change SF-5 to LI), to bring existing use into compliance; generally located on the northwest corner of West Esthner Avenue and South Baehr Street.

CUP2023-00018: Request in the City to Amend the Chelsea Station CUP DP-62 to allow a 40.47 square foot mural on the north elevation of the building on Parcel 11; generally located west of North Broadmoor Street and south of East 21st Street North (2023 N. Broadmoor).

CUP2023-00019: Request in the City to amend CUP DP-356 to permit Vehicle Sales/Rental, Outdoor on Parcel 2, Increase height of masonry screening to 8 feet, and increase size of Parcel 2; located on the north side of East Kellogg Drive, within one-quarter mile east of South Rock Road.

PUD2023-00006: Zone change request in the City from TF-3 Two-Family Residential to PUD Planned Unit Development #114 to for custom development standards and allow shipping containers to be used for residence; located on the southeast corner of East 1st Street North and North Poplar Avenue (158 North Poplar).

VAC2023-00019: Vacation request in the City to vacate a portion of a platted access control to allow access to a community boat ramp for the Rennick Addition; located on the north side of West 45th Street North and one-half mile west of North Hoover Road.

VAC2023-00020: Vacation request in the City to vacate a portion of a platted alley to allow for future redevelopment; generally located south of East 21st Street North, between North Market Street and North Park Place.

VAC2023-00021: Request in the City to vacate a portion of an easement in which the existing building encroaches 2.26 feet; located on the northwest corner of South Lulu Avenue and East 49th Street (4999 S. Lulu Ave).

VAC2023-00022: Vacation request in the City to vacate 100 linear feet of alley south of Lot 1 to allow better use of property and control access to owner's buildings; generally located south of East Central Avenue and east of North Mosely Avenue. (448 & 430 N Mosley Avenue).

ZON2023-00029: Zoning change request in the City from Single-Family Residential SF-5 to Two-Family Residential TF-3; generally located west of Young Street and 283.5 feet north of West 1st Street North (225 N Young).

ZON2023-00030: Zone change request in the City from Single-Family Residential SF-5 to Two Family Residential TF-3; generally located on the west of North Arkansas Avenue and north of West 38th Street North (3825 N Arkansas).

ZON2023-00031: Zone change request in the City from General Office GO to Neighborhood Retail NR; generally located on the south side of East English Street and east side of South Hillside Avenue (200 S Hillside).

ZON2023-00033: Zone change request in the City from TF-3 Two-Family Residential District to GO General Office District for a medical office; generally located south of East Elm Street and north of East Central Avenue, on the west side of North Lorraine Avenue and the east side of North Chautauqua Avenue.

ZON2023-00034: Zone change request in the City from SF-5 to MF-18, subject to Protective Overlay #413 to allow multiple duplexes on one lot; generally located west of North Clara Street, within 180 feet south of West Elm Street (741 North Clara).

ZON2023-00035: Zone change request in the City from SF-5 Single-Family Residential to LI Limited Industrial (with CON2023-25 for Wrecking/Salvage) to bring a property into compliance; generally located on the west side of South Baehr Street, north of West Esthner Ave (1701 & 1721 S Baehr St).

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
Join Zoom Meeting
https://us06web.zoom.us/j/4089666967?pwd=a0k3bW0ySlBNbFJQTDFyV0xPVDBXUT09
Meeting ID: 408 986 6967
Passcode: 094136
One tap mobile
+16699006833,,4089666967#,,,,*094136# US (San Jose)
+17193594580,,4089666967#,,,,*094136# US
Meeting ID: 408 986 6967
Passcode: 094136
Find your local number: https://us06web.zoom.us/u/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
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 316.858.7764

WITNESS MY HAND on June 1, 2023
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0124572
Jun 1 2023

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

1 insertion(s) published on:
06/01/23

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 06/01/2023 to 06/01/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 06/01/2023

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

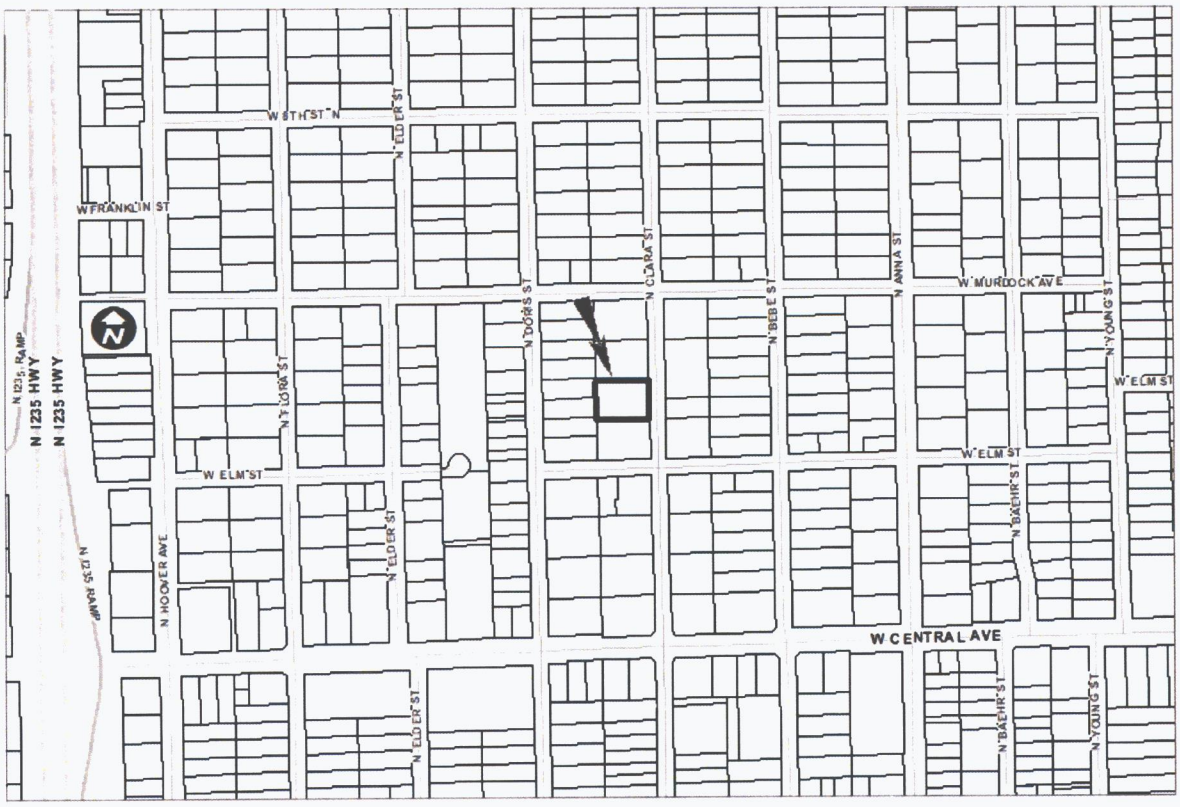
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

AGENDA ITEM NO. 4.10

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC: June 22, 2023
DAB VI: July 10, 2023

CASE NUMBER:	ZON2023-00034 (City)
APPLICANT/AGENT:	T.B. Holdings LLC (Applicant)/ K.E. Miller Engineering (Agent)
REQUEST:	MF-18 Multi-Family Residential District
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	0.63 acres
LOCATION:	Generally located on the west side of North Clara Street within two blocks north of West Central Avenue (741 North Clara Street).
PROPOSED USE:	Allow multiple duplexes on site.
RECOMMENDATION:	Approve subject to Protective Overlay.



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District, with Protective Overlay #413, on a 0.63-acre property in Lot 25 of the Pettett Gardens Addition. The property is generally located on the west side of North Clara Street within two blocks north of West Central Avenue (741 North Clara Street). The subject site is currently developed with an unoccupied single-family dwelling and a detached garage, which were built in 1941.

The applicant is requesting the zone change to allow multiple duplexes on-site. According to the preliminary site plan, the applicant is proposing five duplexes (ten dwelling units) on the property. With a maximum density of 17.4 dwelling units per acre in MF-18 Multi-Family Residential District zoning, the site is allowed up to ten dwelling units on the property. With the Protective Overlay #413, there will be no changes in setback standards or height restrictions.

Property Development Standards	**SF-5 Single-Family Residential District**	**MF-18 Multi-Family Residential District with Protective Overlay #413**
Minimum lot area	5,000 square feet	3,000 square feet per Dwelling Unit for Duplex
Front setback	25 feet	25 feet
Rear setback	20 feet	20 feet
Maximum height	35 feet	35 feet
Minimum lot width	50 feet	50 feet
Density	Single-family dwelling	17.4 Dwelling Units per acre

The preliminary site plan shows a total of five duplexes (ten dwelling units) with twelve parking spaces in the middle. The Unified Zoning Code (UZC) requires one parking space per dwelling unit for duplexes. The duplexes thus comply with the front and rear setback requirements.

Because the applicant is proposing multi-family zoning in a single-family residential zoning district, they will need to adhere to the requirements of the Wichita Landscape Ordinance. In general, the ordinance requires one shade tree (or two ornamental trees) per 40 linear feet along the abutting residential property lines and a landscape street yard will be required for the proposed parking lot. The proposed development abuts single-family residential zoning on all sides. A landscape plan is required to be submitted for review and approval prior to the issuance of building permits. The property will also need to adhere to the rules and regulations of the Wichita Sign Code, which prohibits buildings signs from facing residential zoning district if the building is within 150 feet of the residential lot line.

The UZC's Sec.IV-C.5.a, Compatibility Height standards states that no structure shall exceed 35 feet in height within 50 feet of the lot line of property zoned TF-3 or more restrictive. However, the provisions of the Protective Overlay #413 already implement a 35-foot maximum height restriction on the property. The minimum building compatibility setback shall be 15 feet plus one foot for each five feet of lot width over 50 feet.

Properties to the north, south, east and west are zoned SF-5 Single-Family Residential. All properties are developed with single-family dwellings, with the exception of one of the parcels to the east, which is vacant.

CASE HISTORY: On September 21, 1948, the Pettett Gardens Subdivision was created. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residence
SOUTH:	SF-5	Single-family residence
EAST:	SF-5	Undeveloped
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: The subject site has access to North Clara Street, a paved, two-lane local street with no sidewalks on either side. The subject site has access to municipal services, such as sewer, water, and stormwater. Wichita Transit serves this site within two blocks southeast, on the northeast corner of West Central Avenue and North Bebe Street.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the *Community Investments Plan*. The *Community Investment Plan* (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject site as primarily appropriate for both "Residential". The *Plan* defines "Residential" as "*areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality*."

The Design Guidelines of the *Community Investments Plan* provide a framework for decision-making regarding land use changes. In the Established Central Area, where the subject site is located, "Accessory dwelling units, duplexes, and small-scale multi-family developments can be appropriate in existing residential areas if appropriate site design limits adverse impacts on surrounding residential uses, the design of the buildings is compatible with existing residences, and the scale of the development is compatible with the intensity of the surrounding area." The provisions of the Protective Overlay and the Wichita Landscape Ordinance, which include a building height restriction and landscape buffering, are designed to provide a site design that limits the adverse impacts on surrounding residential uses. Additionally, the Design Guidelines encourage "development of a variety of lot sizes and housing types."

The requested zone change is in conformance with the *Wichita: Places for People Plan*. The subject site is in what the *Plan* defines as an "Area of Opportunity". The *Plan* defines "Area of Opportunity" as "areas that generally exhibit economic challenges, a disconnected development pattern and a lack of walkable places and facilities. These areas need strategic investment, both public and private, to assist in redefining and reinvigorating the area. Areas of Opportunity also require capacity-building at the neighborhood level to accommodate redevelopment that is beneficial to the neighborhood and its residents."

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED** subject to Protective Overlay #413, which reads:

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 hereot) 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 shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. Building height shall be limited to 35 feet.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is residential. Properties to the north, south, east and west are zoned SF-5 Single-Family Residential. All properties are developed with single-family dwellings, except for one of the parcels to the east, which is vacant.

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 District, the property is suitable for a limited number of

residential, public, and civic uses, including single-family residences. The current zoning does not allow for duplexes on site.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Staff does not anticipate that the removal of the restrictions will detrimentally affect nearby property. The screening and landscaping requirements, along with the Protective Overlay, are designed to mitigate any potential negative impacts on surrounding properties. These requirements include a maximum height restriction, screening, and landscape buffers.

4. **Length of time subject property has remained vacant as zoned:** The property is not vacant. The property has been developed with a single-family dwelling and detached garage since 1941.

5. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would permit new development in an area that is appropriate for such development. The requested zone change would introduce a new type of housing that is not already present in the area. However, the provisions of the screening requirements, landscaping requirements, and Protective Overlay should mitigate any potential negative impacts that may be associated with multi-family housing. Denial may result in the loss of use and enjoyment of the applicant's property.

6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning would continue to allow the property to be in conformance with the *Community Investments Plan* and the *Wichita: Places for People Plan*, as discussed in the staff report.

7. **Impact of the proposed development on community facilities:** The Planning Department does not anticipate the requested zone change will have a significant impact on community facilities.

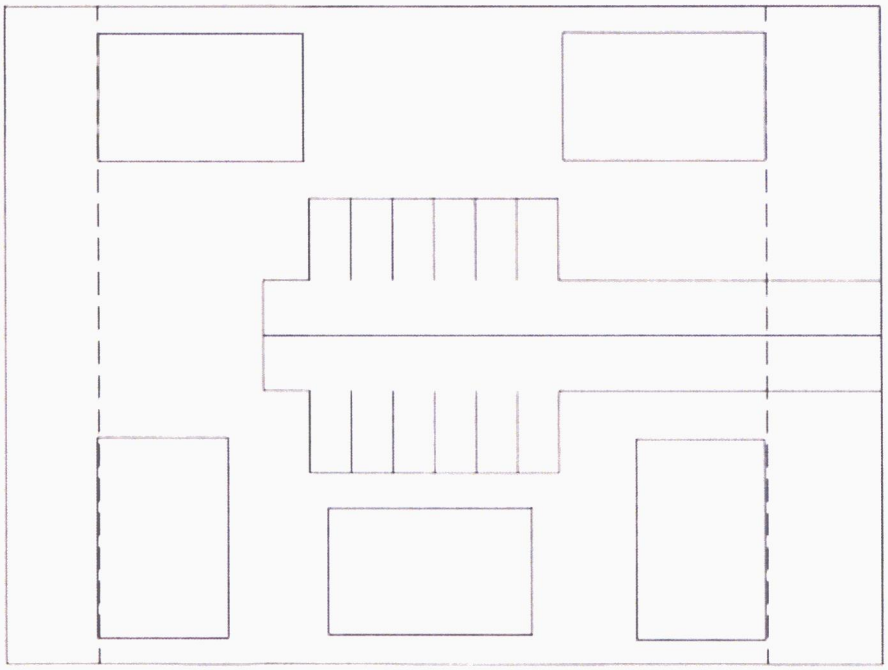
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has not received any comments from the public on the requested zone change.

Staff Report Attachments:

1. Protective Overlay #413
2. Preliminary Site Plan
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Plan
7. Photos

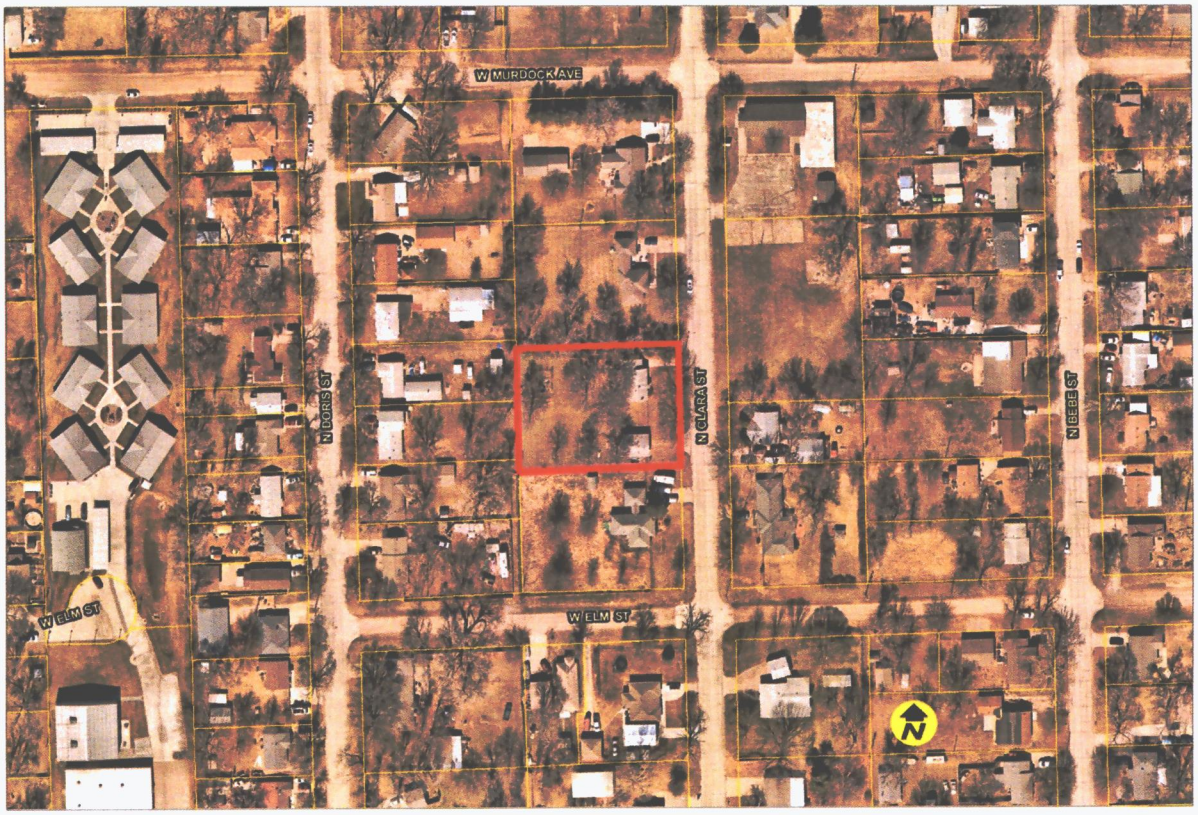
Protective Overlay #413

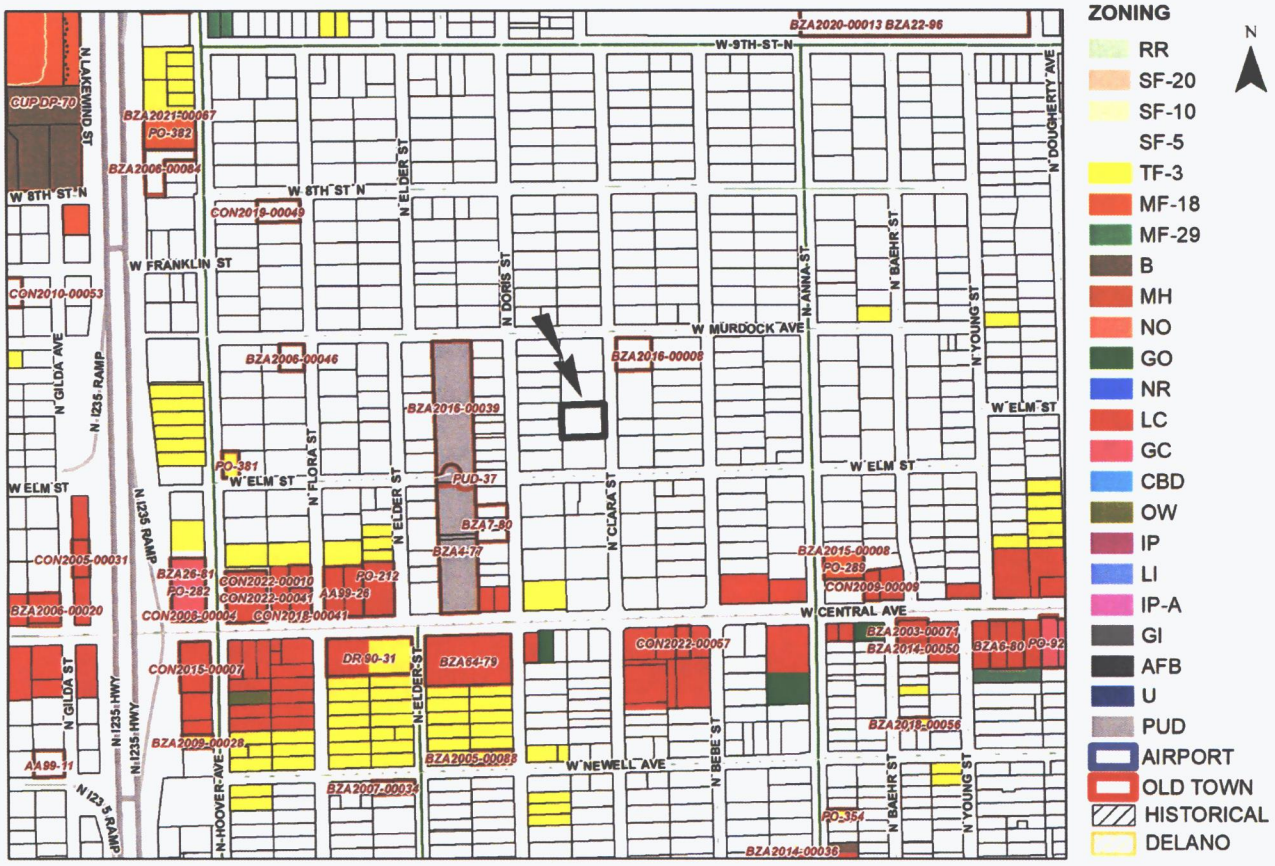
1. Structures shall be limited to duplexes and single family dwellings.
2. Utilities shall be installed underground.
3. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
4. The transfer of title of all or any portion of land included within the Protective Overlay (or any amendments hereot) 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 shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. Building height shall be limited to 35 feet.



741 N. CLARA

8.


W MURDOCK AVE
N DORIS ST
N CLARA ST
N BEEBE ST
W ELM ST
W ELM ST
N


ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
HISTORICAL
DELANO
N
W 9TH ST N
W 8TH ST N
W FRANKLIN ST
W MURDOCK AVE
W ELM ST
W CENTRAL AVE
W NEWELL AVE
N LAKEMOND ST
N GILDA AVE
N I235 RAMP
N I235 HWY
N ELDER ST
N DORIS ST
N FLORA ST
N CLARA ST
N ANNA ST
N BAEHR ST
N YOUNG ST
N DOUGHERTY AVE
N BEBE ST
N HOOVER AVE
GUP DP-70
BZA2021-00067
PO-382
BZA2006-00084
CON2018-00049
CON2010-00053
BZA2006-00046
BZA2016-00039
BZA2016-00008
PO-381
PUD-37
BZA7-80
BZA4-77
CON2005-00031
BZA26-81
PO-282
CON2022-00010
CON2022-00041
AA99-28
PO-212
BZA2006-00020
CON2008-00004
CON2018-00041
CON2015-00007
DR 90-31
BZA64-79
CON2022-00057
BZA2015-00008
PO-288
CON2009-00009
BZA2003-00071
BZA2014-00050
BZA6-80
PO-92
BZA2009-00028
BZA2005-00083
BZA2018-00056
AA99-11
BZA2007-00034
PO-354
BZA2014-00036
BZA2020-00013 BZA22-96

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

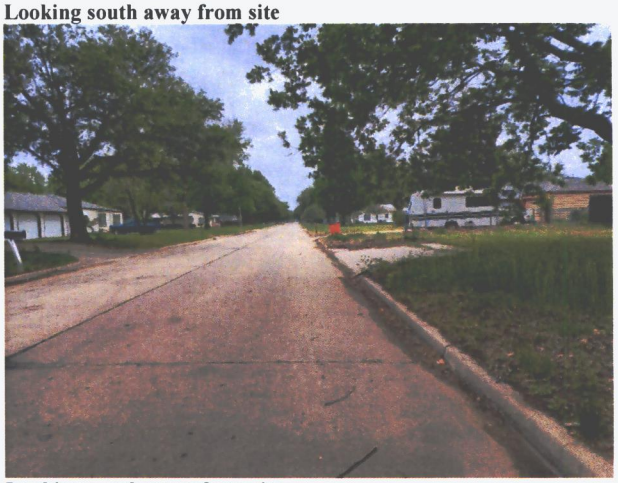
N



Looking west towards site



Looking south away from site



Looking east away from site



Looking north away from site

