Wichita-Sedgwick County Metropolitan Area Planning Department

July 28, 2023

Kirk Richards
7540 W Northwind
Wichita, KS 67208

RE: **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 side of North Arkansas Avenue and north of West 38th Street North (3825 N. Arkansas).

Dear Applicants;

At its regular meeting on **July 25, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request.

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
Current Plans
Division Manager

Copies to: Maggie Ballard, Council Member District VI
Ana Lopez, CSR, District VI
MABCD

Wichita-Sedgwick County Metropolitan Area Planning Department

June 26, 2023

Kirk Richards
7540 W Northwind
Wichita, KS 67208

RE: **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 side of North Arkansas Avenue and north of West 38th Street North (3825 N. Arkansas).

Dear Applicants;

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** 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 **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 application will be presented to 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,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: Maggie Ballard, Council Member District VI
Ana Lopez, CSR, District VI
MABCD

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON Aug. 4, 2023

ORDINANCE NO. 52-233

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. ZON2023-00030

Zone change in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District, on property legally described as:

Lots 1 and 2, and the East 40 feet of Lot 3, Block B, Sullivan's Dam Addition, Sedgwick County, Kansas.

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	451427	Print Legal Ad-IPL01338950 - IPL0133895		$51.97	1	62 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. 52-233

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:
Jamie Buster, City Clerk
(SEAL)
Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0133895
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
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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/4089866967?pwd=a0k3bW0ySlBNbFJQTDFyV0xPVDBXUT09
Meeting ID: 408 986 6967
Passcode: 094136
One tap mobile
+16699006833,,4089866967#,,,,*094136# US (San Jose)
+17193584580,,4089866967#,,,,*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. 4.7

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

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

CASE NUMBER: ZON2023-00030 (City)

APPLICANT/AGENT: Ron Blanchat (Applicant)/ Kirk Richards (Agent)

REQUEST: TF-3 Two-Family Residential District

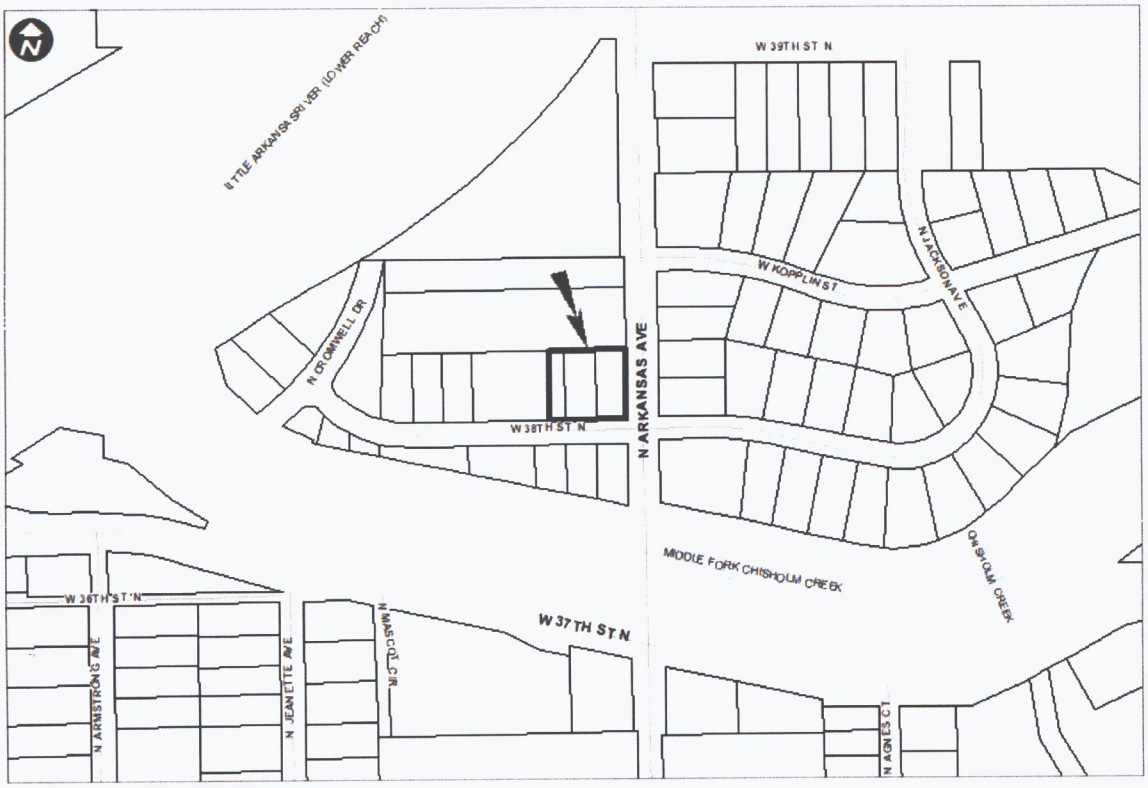
CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 0.746 acres

LOCATION: Generally located on the west side of North Arkansas Avenue and within one-quarter mile north of West 37th Street North (3825 North Arkansas Avenue).

PROPOSED USE: Duplex

RECOMMENDATION: Approve



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District on property generally located on the west side of North Arkansas Avenue and within one-quarter mile north of West 37th Street North (3825 North Arkansas Avenue). The subject site is 0.746 acres in size is currently developed with a single-family dwelling and an accessory structure. The applicant intends to demolish the existing dwelling structure and build a new duplex on the site.

Should the zone change request be approved, there will be no change in setbacks, parking requirements, or maximum height. SF-5 Single-Family Residential District requires a 5,000 square foot minimum lot size, while TF-3 Two-Family Residential District requires a 3,000 square foot minimum lot size per dwelling unit for duplex development (6000 total square feet for one duplex). The site is large enough to exceed the minimum lot requirement for a duplex.

The character of the neighborhood is residential. Properties to the north, south, east, and west are all zoned SF-5 Single-Family Residential District and developed with single-family dwellings. Within one block to the west, one property is zoned TF-3 Two-Family Residential District and developed with a single-family dwelling. Within one-block north, a property is zoned SF-5, but is a legal non-conforming use developed with an AT&T warehouse facility.

CASE HISTORY: In 1939, the site was platted as part of the Sullivans Dam Addition. In 2022, a zone change request to OW Office Warehouse to permit Warehousing for a roofing business was denied.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: This property has access to North Arkansas Avenue, a two-lane paved arterial street with no sidewalks. On the south side, the site has access to West 38th Street North, a two-way, gravel local street with no sidewalks. Municipal services, such as water and sewer, are ready and available to serve the site. Wichita Transit does not provide regular bus service in the area.

CONFORMANCE TO PLANS/POLICIES: The requested zoning is in conformance with *Community Investments 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 to be within the Wichita 2035 growth area, and it is designated for "Residential" development. The Comprehensive Plan defines "Residential" as "*areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality.*"

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the zone change request.

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 all zoned SF-5 Single-Family Residential District and developed with single-family dwellings. Within one block to the west, one property is zoned TF-3 Two-Family Residential District and developed with a single-family dwelling. Within one-block north, a property is zoned SF-5, but is a legal non-conforming use developed with an AT&T warehouse facility.

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, which is suitable for a variety of residential,

public, and civic uses, including single-family residences. The site is currently developed with a single-family dwelling and accessory structures.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The property will replace a vacant single-family dwelling with a duplex. Staff does not anticipate the removal of restrictions will detrimentally affect nearby property.

4. **Length of time subject property has remained vacant as zoned**: The current single-family structure was constructed in 1948.

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 a new duplex in an area that is appropriate for residential development. Denial may represent a loss of economic opportunity for the applicant.

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* as discussed in the staff report.

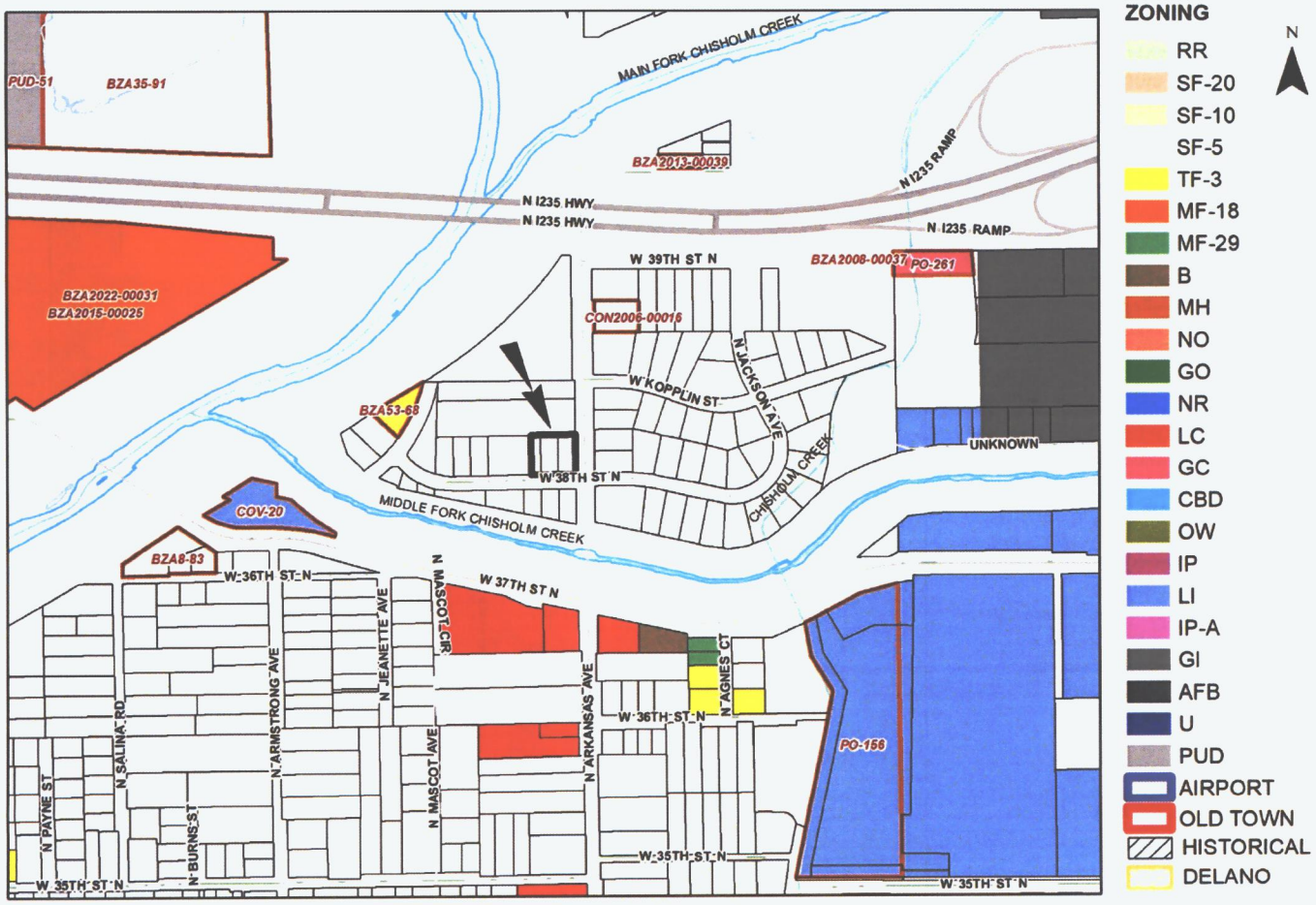
7. **Impact of the proposed development on community facilities:** The Planning Department does not anticipate the proposed duplex to have any significant negative impacts on community facilities.

8. **Opposition or support of neighborhood residents**: At the time the staff report was prepared, staff received a comment asking if the development would raze the existing single-family home.

Attachments:

- Aerial Map
- Zoning Map
- 2035 Wichita Future Growth Concept Map
- Photos


W KOPPLIN ST
N CROMWELL DR
N ARKANSAS AVE
W 38TH 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
PUD-51
BZA35-91
MAIN FORK CHISHOLM CREEK
BZA2013-00039
N I235 HWY
N I235 HWY
N I235 RAMP
N I235 RAMP
BZA2022-00031
BZA2015-00025
W 39TH ST N
BZA2008-00037
PO-261
CON2006-00016
W KOPPLIN ST
N JACKSON AVE
BZA53-68
W 38TH ST N
UNKNOWN
CHISHOLM CREEK
COV-20
MIDDLE FORK CHISHOLM CREEK
BZA8-83
W 36TH ST N
W 37TH ST N
N MASCOT CIR
N JEANETTE AVE
N ARMSTRONG AVE
N SALINA RD
N PAYNE ST
N BURNS ST
N MASCOT AVE
N ARKANSAS AVE
N AGNES CT
W 36TH ST N
PO-156
W 35TH ST N
W 35TH ST N
W 35TH ST N

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

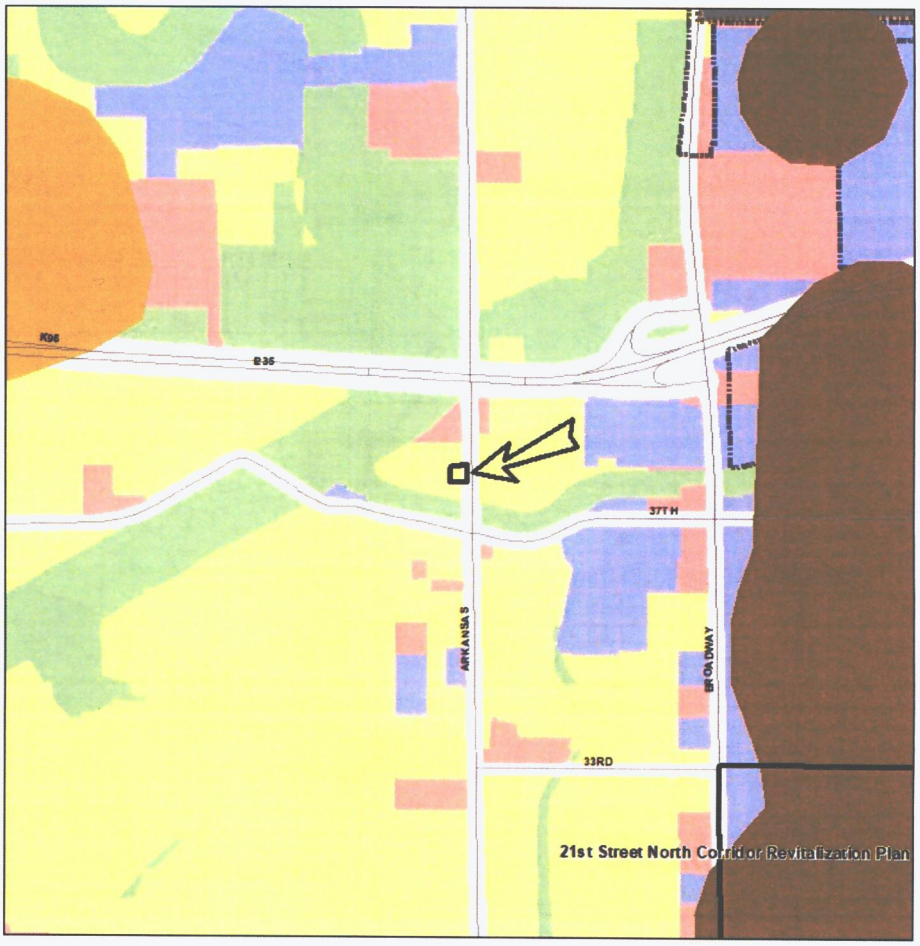
Statistical Development Areas

- Other Urban Growth Areas 2014
- Other Urban Growth Areas 2014
- Rural Growth Areas 2014

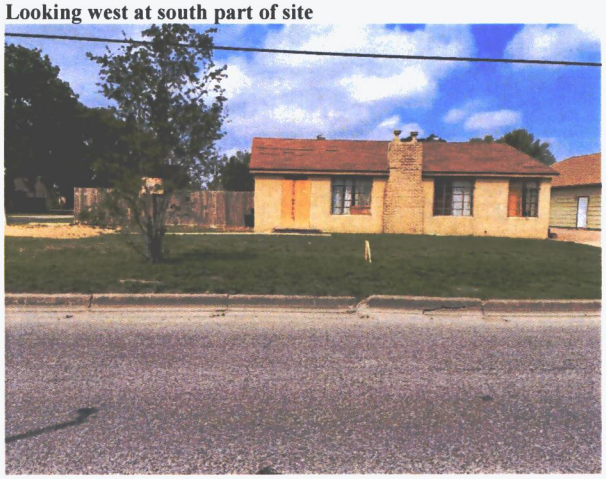
LAND USE

- Residential
- Commercial
- Industrial
- Major Air Transportation & Military
- Parks and Open Space
- Agricultural or Vacant
- Major Institutional
- Nghbd_Plan_Areas

N



Looking west at south part of site



Looking west at property south of site



Looking west at north part of site



Looking west at property north of site



Looking north at property west of site



Looking east away from site

