Wichita-Sedgwick County Metropolitan Area Planning Department

June 27, 2023

Build Wichita, Inc.
PO Box 780789
Wichita, KS 67278

K.E. Miller Engineering
c/o Kirk Miller
117 East Lewis Street
Wichita, KS 67202

RE: **ZON2023-00023:** Zone change request in the City from SF-5 to TF-3 for duplex development; generally located east of North Jackson Heights Street and approximately 675 feet north of East Douglas Avenue (200 North Jackson Heights Street).

Dear Applicants;

At its regular meeting on **June 27, 2023**, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request.

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

Sincerely,

Christina Rieth
Current Plans
Associate Planner

Copies to: Becky Tuttle, Council Member District II
Teresa Veazey, CSR, District II
MABCD

Wichita-Sedgwick County Metropolitan Area Planning Department

May 25, 2023

Build Wichita, Inc.
PO Box 780789
Wichita, KS 67278

RE: **ZON2023-00023:** Zone change request in the City from SF-5 to TF-3 for duplex development; generally located east of North Jackson Heights Street and approximately 675 feet north of East Douglas Avenue (200 North Jackson Heights Street).

Dear Applicant;

At its regular meeting on **May 25, 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 **June 8, 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 **June 8, 2023, at 5:00 p.m.**

This application will be presented to the District Advisory Board (DAB) II on **Monday, June 12, 2023**. DAB II meets at the Rockwell Branch Library, 5939 East 9th Street North, at 6:30pm. This application will also be presented at the Wichita City Council on **Tuesday, June 27, 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

Christina Rieth
Current Plans
Associate Planner

Copies to: Maggie Ballard, Council Member District VI
Ana Lopez, CSR, District VI
MABCD
K.E. Miller Engineering, c/o Kirk Miller, 117 East Lewis Street, Wichita, KS 67202
Nathan Haberichter, 12301 East Tipperary Circle, Wichita, KS, 67206

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON July 14, 2023

ORDINANCE NO. 52-207

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. ZON2023-00023

Zone change in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located east of North Jackson Heights Street and approximately 675 feet north of East Douglas Avenue, on property legally described as:

Lot 16, Gilder's Gardens Addition, Wichita, 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 11th day of July, 2023.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL)

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

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
16399	415548	Print Legal Ad-IPL01207300 - IPL0120730		$246.64	3	98 L

Attention: MANDY HEBERT

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

twells@wichita.gov

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on May 4, 2023
(One Time Only)
MAPC/BZA May 25, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, May 25, 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, 2 nd 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.

CON2023-00014: Conditional Use request in the City to allow Vehicle and Equipment Sales, Outdoor for trailer rentals, generally located on the southwest corner of West 37th Street North and North Arkansas Avenue (3733 North Arkansas Avenue).

CON2023-00015: Conditional Use request in the City to allow a neighborhood swimming pool on property zoned TF-3 Two-Family Residential District, generally located one-half mile west of North127th Street East and one-quarter mile south of Central Avenue.

CON2023-00016: Conditional Use request to permit Night Club in the City associated with an Event Center on property zoned GC General Commercial within 300 feet of a residential zoning; located on the east side of South Washington Avenue and approximately 140 feet south of East Lincoln Street (1208 S. Washington).

CON2023-00018: Conditional Use request in the City to permit a Personal Care Service on property zoned GO General Office with PO-170 (with ZON2023-00024); generally located south of East 21st Street North and west of North Cranbrook Street (10111 East 21st Street North).

CUP2023-00014: CUP Amendment in the City to allow Taverns and Drinking Establishments, Nightclubs in the City as an accessory use, and Restaurant Drive-Thrus; generally located on the west side of North Greenwich Road, within one-half mile south of East 13th Street North.

CUP2023-00015: Request in the City to amend the Maize and 29th Community Unit Plan CUP DP-327 to modify the architectural controls and landscaping requirements; generally located approximately 400 feet north of West 29th Street North and east of North Maize Road.

VAC2023-00011: Request in the City to vacate a portion of platted street right-of-way (reprocess of VAC2020-00033); generally located approximately 970 feet south of West 13th Street North, two blocks east of North West Street, on the southwest corner of West Ponderosa and North Nelson Streets.

VAC2023-00012: Request in the City to vacate a portion of a platted taxiway easement; generally located approximately 750 feet south of West Harry Street, west of South Hoover Road, on the west side of South Eisenhower Avenue, on the northwest side of Eisenhower Court, (1631 S. Eisenhower Court).

VAC2023-00013: Request in the City to vacate a joint access easement dedicated by separate instrument; generally located on the south side of West 53rd Street North and one-quarter mile west of North Meridian Avenue.

VAC2023-00014: Request in the City to vacate platted access controls to permit a 50-foot drive onto West 53rd Street North (together with VAC2023-00015); generally located on the south side of West 53rd Street North and one-quarter mile west of North Meridian Avenue.

VAC2023-00015: Request in the City to vacate platted access controls to permit a 50-foot drive onto West 53rd Street North (together with VAC2023-00014); generally located on the south side of West 53rd Street North and one-quarter mile west of North Meridian Avenue.

ZON2023-00023: Zone change request in the City from SF-5 to TF-3 for duplex development; generally located east of North Jackson Heights Street and approximately 675 feet north of East Douglas Avenue (200 North Jackson Heights Street).

ZON2023-00024: Request in the City to amend Protective Overlay PO-170 to permit Personal Care Service on property zoned GO General Office (with CON2023-00018); generally located on the south side of East 21st Street North and west of North Cranbrook Street (10111 East 21st Street North).

ZON2023-00025: Zone change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District for fourplex development; generally located south of North Hoover Road and west of North Curtis Street.

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)
+17193594580,,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 May 4, 2023
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0120730
May 4 2023

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

1 insertion(s) published on:
05/04/23

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 05/04/2023 to 05/04/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 05/04/2023

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
32522	443398	Print Legal Ad-IPL01310900 - IPL0131090		$54.49	1	65 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 July 14, 2023
ORDINANCE NO. 52-207

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. ZON2023-00023

Zone change in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located east of North Jackson Heights Street and approximately 675 feet north of East Douglas Avenue, on property legally described as:

Lot 16, Gilder's Gardens Addition, Wichita, 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 11th day of July, 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

IPL0131090
Jul 14 2023

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

1 insertion(s) published on:

07/14/23

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 07/14/2023 to 07/14/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 07/14/2023

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. 4.8

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC: May 25, 2023
DAB II: June 12, 2023

CASE NUMBER: ZON2023-00023 (City)

APPLICANT/AGENT: Build Wichita, Inc. (Owner)/K.E. Miller Engineering (Agent)

REQUEST: TF-3 Two-Family Residential District

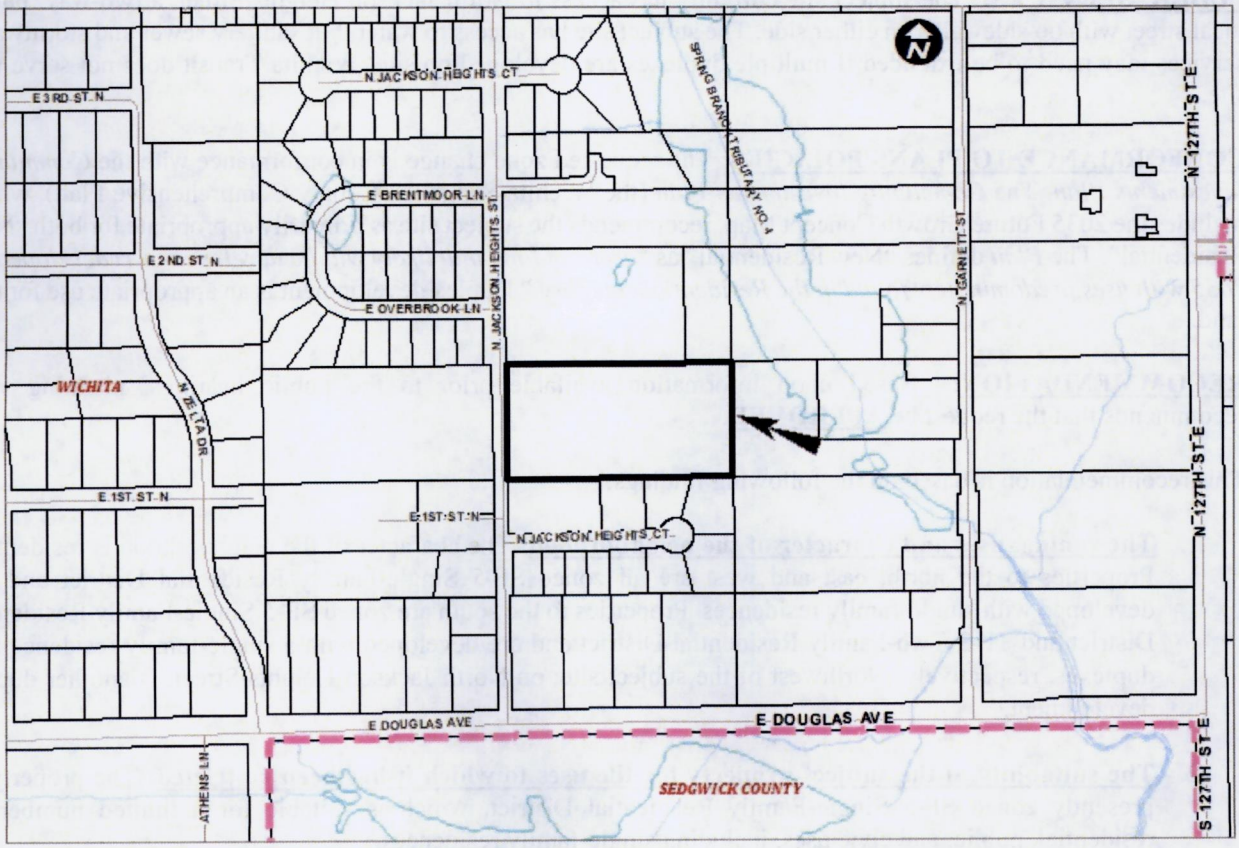
CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 4.85 acres

LOCATION: Generally located on the east side of North Jackson Heights Street, within one-block north of East Douglas Avenue (200 North Jackson Heights Street)

PROPOSED USE: Duplex development.

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 Lot 16 of the Gilder's Gardens Addition. The 4.85-acre property is generally located on the east side of North Jackson Heights Street, within one-block north of East Douglas Avenue (200 North Jackson Heights Street). The subject site is currently developed with a single-family residence.

The applicant has indicated they intend to use the site for duplex development. According to the plat, the applicant is proposing 19 duplexes on site, each on their own individual lot. 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 unit. The purpose of the zone change is to allow duplexes on site.

The character of the neighborhood is residential. Properties to the north, east and west are all zoned SF-5 Single-Family Residential District and are developed with single-family residences. Properties to the south are zoned SF-5 Single-Family Residential District and TF-3 Two-Family Residential District and are developed with a single-family residence and duplexes, respectively. Northwest of the subject site, on North Jackson Heights Street, is another duplex development.

CASE HISTORY: On December 28, 1923, the Gilder's Gardens Addition was created. In 2007, the Wichita City Council approved an Accessory Apartment on site (CON2007-00038).

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5, TF-3	Single-family residence, duplex
EAST:	SF-5	Single-family residence
WEST:	SF-5	Single-family residence

PUBLIC SERVICES: The subject site currently has access to North Jackson Heights Street, a two-way, paved local street with no sidewalks on either side. The subject site has access to water, but sanitary sewer and stormwater services may need to be extended if multiple duplexes are developed on site. Wichita Transit does not serve this site.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan), which includes the 2035 Future Growth Concept Map, recommends the subject site as primarily appropriate for both "New Residential". The *Plan* defines "New Residential" as "*areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category.*" Duplex development is an appropriate use for this land.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

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, east and west are all zoned SF-5 Single-Family Residential District and are developed with single-family residences. Properties to the south are zoned SF-5 Single-Family Residential District and TF-3 Two-Family Residential District and are developed with a single-family residence and duplexes, respectively. Northwest of the subject site, on North Jackson Heights Street, is another duplex development.

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 limited number of residential, public, and civic uses, including single-family residences.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The property will bring more development to an underdeveloped lot. There are multiple properties zoned TF-3 Two-Family Residential District within one block east of the subject site. Therefore, duplexes are not a new type of development to the area.

4. **Length of time subject property has remained vacant as zoned:** The property is currently not vacant. According to historic aerial maps, the property has been developed with a single-family structure since the 1960s.

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 on an underdeveloped parcel that is also appropriate for such development. Denial may represent a loss of economic opportunity for the applicant.

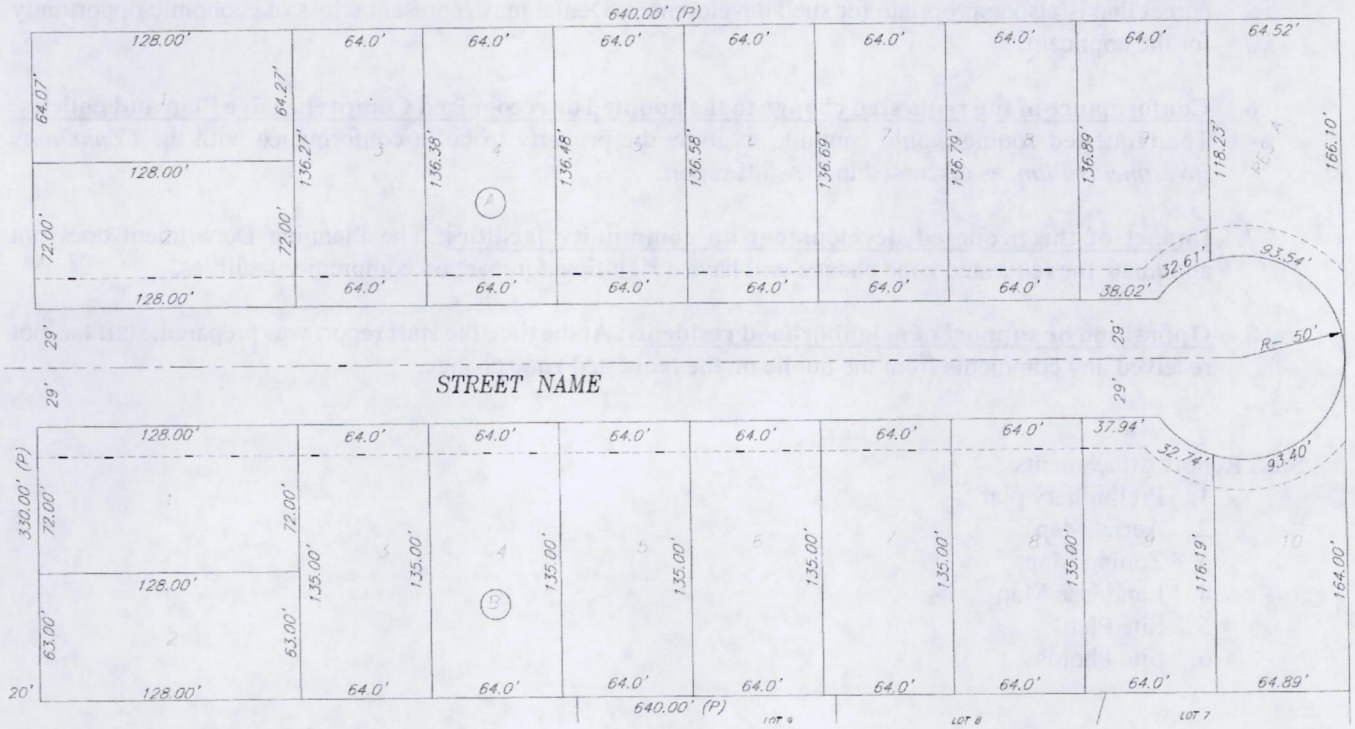
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning would continue to allow the property to be in conformance with the *Community Investments Plan*, as discussed in the staff report.

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

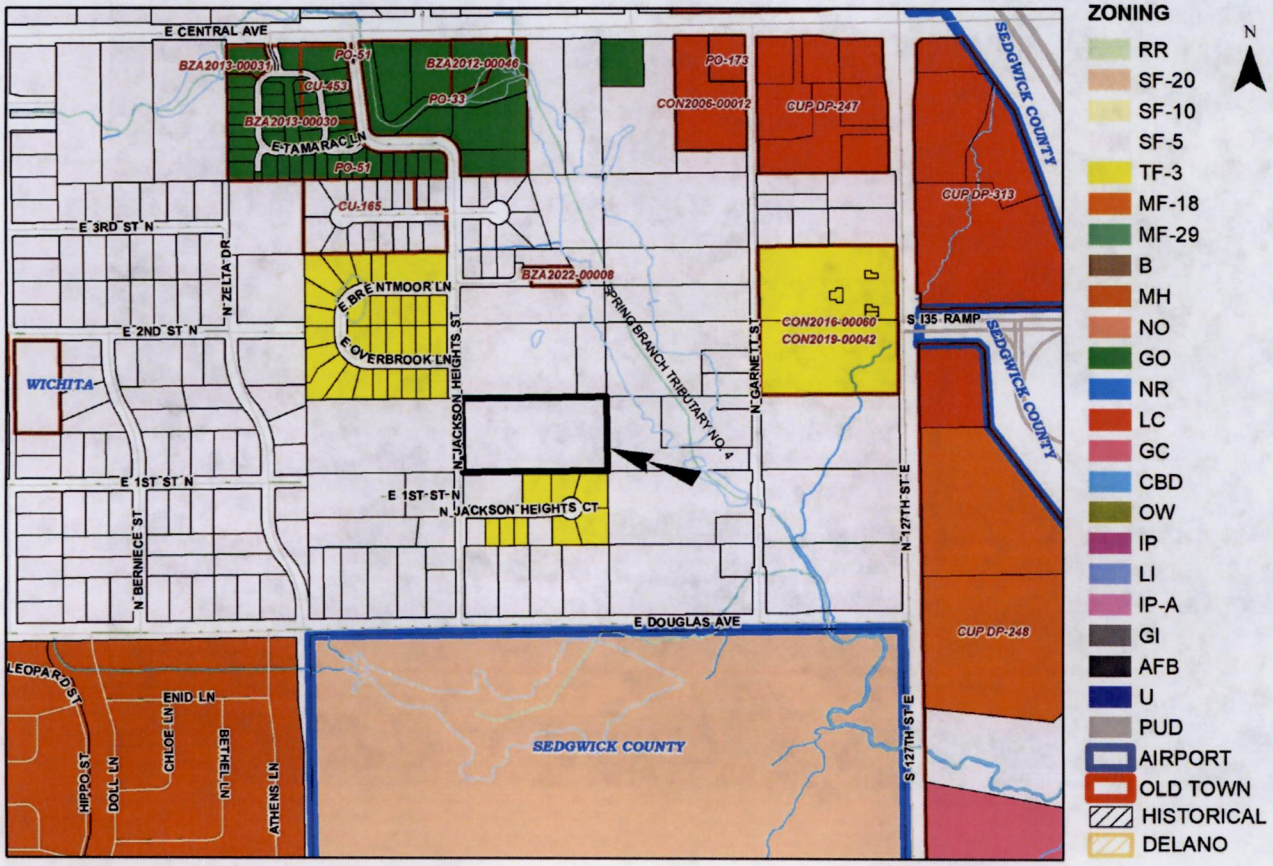
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has not received any comments from the public on the requested zone change.

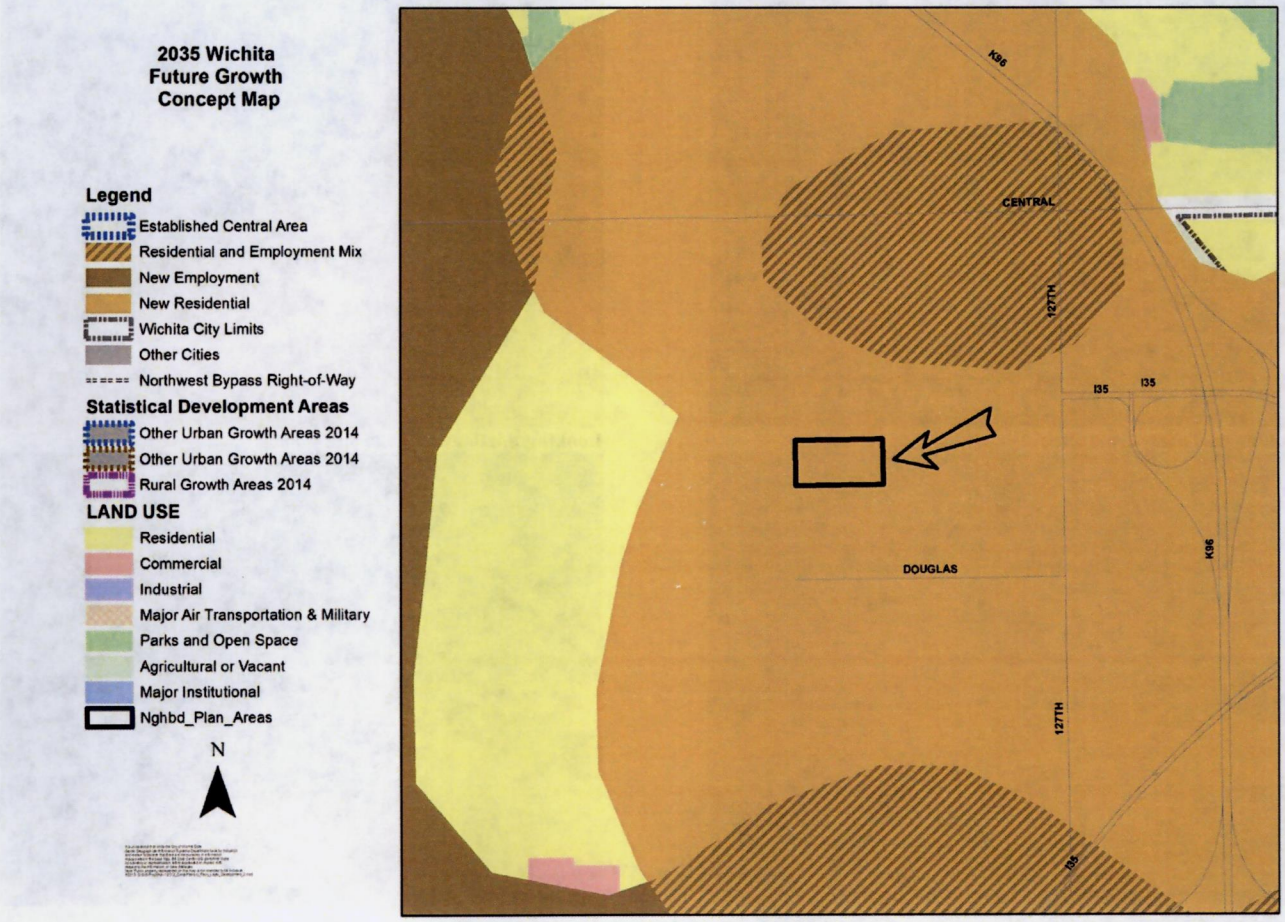
Staff Report Attachments:

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

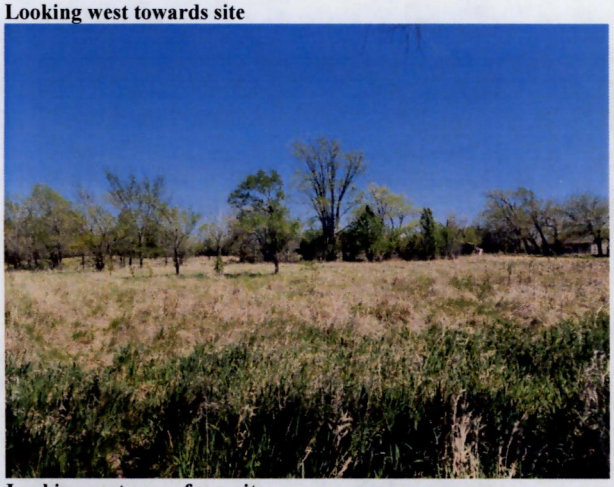

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LOT 8
LOT 7


E OVERBROOK LN
N JACKSON HEIGHTS ST
E 1ST ST N
N JACKSON HEIGHTS CT
N


E CENTRAL AVE
BZA2013-00037
PO-51
BZA2012-00046
CU-453
PO-33
BZA2013-00030
E TAMARAC LN
PO-51
CU-165
E 3RD ST N
N ZELTA DR
BZA2022-00008
E BRENTMOOR LN
E OVERBROOK LN
N JACKSON HEIGHTS ST
SPRING BRANCH TRIBUTARY NO 4
E 2ND ST N
WICHITA
E 1ST ST N
E 1ST ST N
N JACKSON HEIGHTS CT
N BERNECE ST
PO-173
CON2006-00012
CUP DP-247
N GARNETT ST
CON2016-00060
CON2019-00042
S I35 RAMP
SEDGWICK COUNTY
CUP DP-313
SEDGWICK COUNTY
N 127TH ST E
CUP DP-248
E DOUGLAS AVE
LEOPARD ST
ENID LN
HIPPO ST
DOLL LN
CHLOE LN
BETHEL LN
ATHENS LN
SEDGWICK COUNTY
S 127TH ST E
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PUD
AIRPORT
OLD TOWN
HISTORICAL
DELANO
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
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CENTRAL
127TH
I35
I35
DOUGLAS
K96
127TH
I35

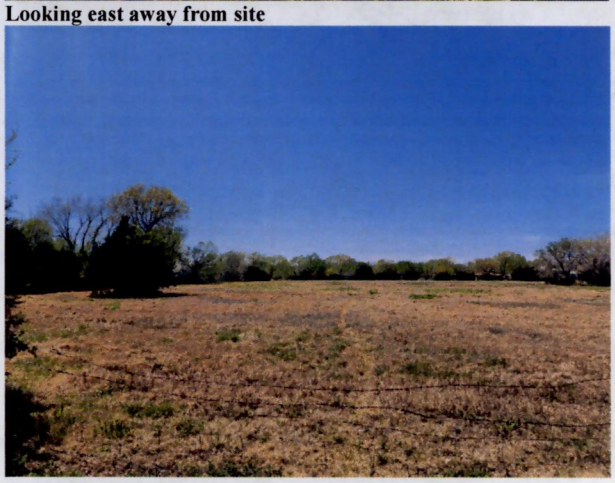
Looking west towards site



Looking south away from site



Looking east away from site



Looking north away from site

