Wichita-Sedgwick County Metropolitan Area Planning Department

July 14, 2023

Holland Ventures LLC
1255 South Tyler Road
Wichita, KS 67209

K.E. Miller Engineering
Attn: Kirk Miller
117 East Lewis Street
Wichita, KS 67202

RE: **ZON2023-00027:** Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for the development of duplexes; generally located on the east side of North Tyler Road, within one-half mile north of West 29th Street North (3320 North Tyler Road).

Dear Applicants;

At its regular meeting on **July 11, 2023**, the Wichita City Council considered the above captioned request. The action of the WCC 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,

Christina Rieth
Current Plans
Associate Planner

Copies to: Bryan Frye, Council Member District V
Teresa Veazey, CSR, District V
MABCD

Wichita-Sedgwick County Metropolitan Area Planning Department

June 9, 2023

Holland Ventures, LLC
1255 South Tyler Road
Wichita, KS 67209

RE: **ZON2023-00027:** Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for the development of duplexes; generally located on the east side of North Tyler Road, within one-half mile north of West 29th Street North (3320 North Tyler Road).

Dear Applicant;

At its regular meeting on **June 8, 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 requested zone change.

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 22, 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 22, 2023 at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, July 11, 2023, beginning at 9:00 a.m.**

This is a reminder that the 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
Bryan Frye, City Council District V
Teresa Veazey, CSR District V
Lisa and Kelly Roberts, 3402 North Valerie Circle, Wichita, KS 67205
Linda Woodard, 3314 North Tyler Road, Wichita, KS 67205
Leroy and Courtney Allen, 8613 West 34th Court North, Wichita, KS 67205
Kimberly Keeter, 6460 North Busy Bee Court, Andale, KS 67001
Patricia Becker, 3403 North Valerie Circle, Wichita, KS 67205
James and Sara Stratton, 3407 North Valerie Circle, Wichita, KS 67205
K.E. Miller Engineering, attn: Kirk Miller, 117 East Lewis Street, Wichita, KS 67202

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON July 21, 2023

ORDINANCE NO. 52-212

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. ZON2023-00027

Zone change in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the east side of North Tyler Road, within one-half mile north of West 29th Street North, on property legally described as:

> Beginning at the Northwest corner of the Southwest Quarter of Section 33, Township 26 South, Range 1 West of the Sixth P.M., Sedgwick County, Kansas; thence East 62 rods; thence South 17 rods; thence West 62 rods; thence North 17 rods to the place of beginning.

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 July, 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	446015	Print Legal Ad-IPL01320780 - IPL0132078		$59.53	1	71 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 21, 2023
ORDINANCE NO. 52-212

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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Zone change in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the east side of North Tyler Road, within one-half mile north of West 29th Street North, on property legally described as:

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Adopted this 18th 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

IPL0132078
Jul 21 2023

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

1 insertion(s) published on:
07/21/23

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 07/21/2023 to 07/21/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 07/21/2023

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
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Modesto Bee
Raleigh News & Observer
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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	421232	Print Legal Ad-IPL01228220 - IPL0122822	OCA 150004	$221.44	3	88 L

Attention: MANDY HEBERT

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

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on May 18, 2023
(One Time Only)
MAPC/BZA June 8, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 8, 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.

BZA2023-00028: Variance request in the City to reduce the side and the rear setback to bring carport into compliance and permit an addition on the rear, on property zoned SF-5 Single-Family; located within one-block north of West 1st Street North and one-quarter mile west of North Seneca (212 N. Elizabeth).

CON2023-00020: Request in the City for a Conditional Use to permit Nightclub in the City and Mobile Food Unit on property zoned LC Limited Commercial District; generally located on the southeast corner of West 21st Street North and North Waco Avenue (366 W. 21st St. N.)

CON2023-00022: Conditional Use request in the City to expand existing electric substation on property zoned LI Limited Industrial; generally located within one block south of East Central Avenue, and two-blocks west of North Washington Avenue (402 N. Mead).

CUP2023-00016: CUP Minor Amendment in the City to CUP DP-268 to allow on-site advertising on an off-site billboard; generally located on the northwest side of West Kellogg Drive, within 300 feet west of North Tyler Road.

VAC2023-00016: Request in the City to vacate 25-foot front building setback on property zoned TF-3 Two-Family Residential; located within one-quarter mile north of East Douglas Avenue, one-half mile west of North 127th Street East.

VAC2023-00017: Vacation request in the City for a portion of a platted 20-foot alley; generally located between North Santa Fe and North St. Francis and between East Pine Street and East Murdock Avenue (abutting 700 N. St. Francis).

VAC2023-00018: Vacation request in the City of a portion of complete access control to open a new access point and close an existing access point on property zoned LC & GC with PO-36; generally located on the west side of North Maize Road, within one-quarter mile north of West 21st Street North).

ZON2023-00021: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for the development of duplexes; generally located on the east side of North Hillside Avenue and within one-half mile north of East 45th Street North.

ZON2023-00026: Zone change request in the City from SF-5 Single-Family Residential District to GC General Commercial District with Protective Overlay #411; generally located on the north side of West Maple Street, within 500 feet west of North Tyler Road (8924 W. Maple St).

ZON2023-00027: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for the development of duplexes; generally located on the east side of North Tyler Road, within one-half mile north of West 29th Street North (3320 N. Tyler Rd).

ZON2023-00028: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential to permit development of duplexes on property; generally located on the east side of South Maize Road, within one-half mile north of West 31st Street South (2816 S. Maize Rd).

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 18, 2023
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0122822
May 18 2023

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

1 insertion(s) published on:
05/18/23

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 05/18/2023 to 05/18/2023.

M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 06/22/2023

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: June 8, 2023
DAB V: June 5, 2023

CASE NUMBER: ZON2023-00027 (City)

APPLICANT/AGENT: Holland Ventures LLC (Owner)/Kirk Miller Engineering (Agent)

REQUEST: TF-3 Two-Family Residential District

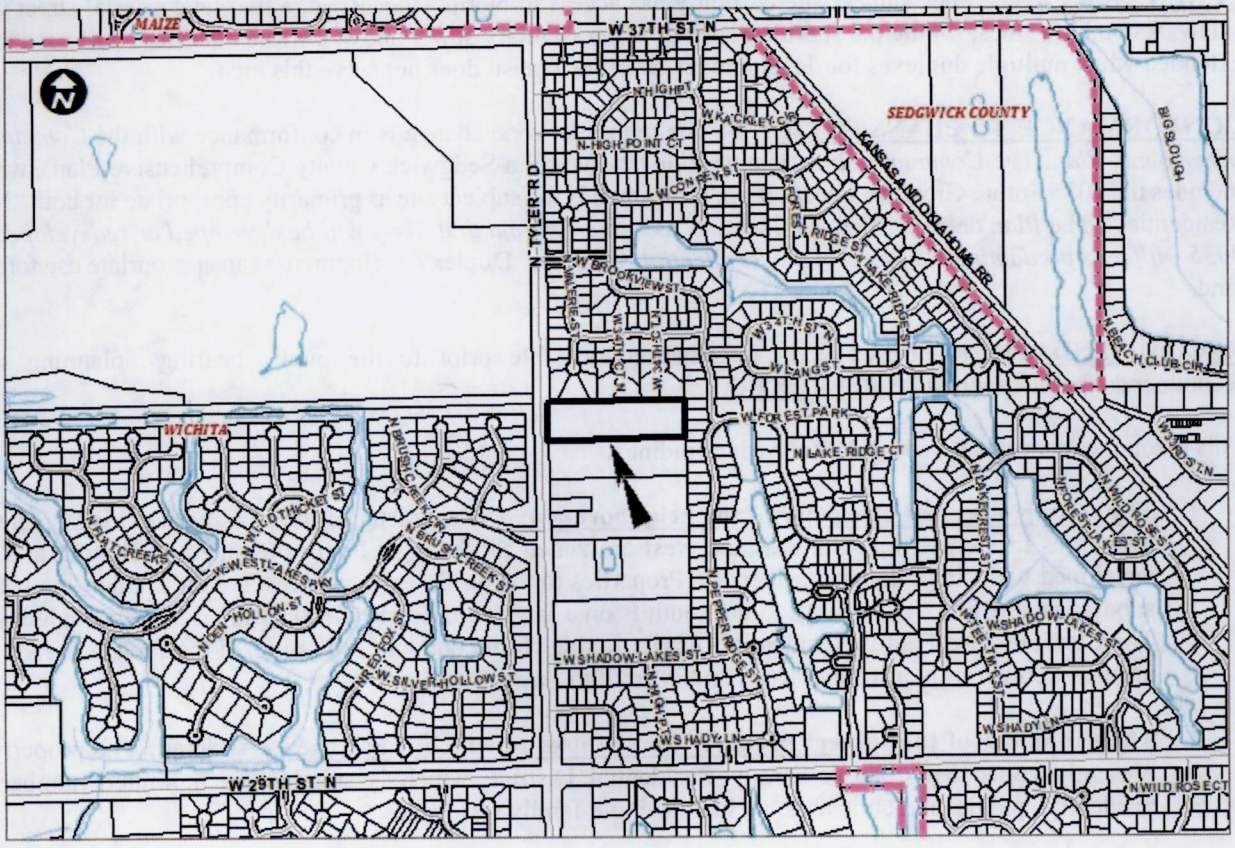
CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 6.10 acres

LOCATION: Generally located on the east side of North Tyler Road, within one-half mile north of West 29th Street North (3320 North Tyler Road).

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. The 6.10-acre property is located on the east side of North Tyler Road, within one-half mile north of West 29th Street North (3320 North Tyler Road). The subject site is currently developed with a single-family residence that was constructed in 1975 and an outbuilding.

The applicant has indicated they intend to use the site for duplex development. According to the agent, the applicant is proposing approximately 20 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 character of the neighborhood is residential. Properties to the north, south, east and west are zoned SF-5 Single-Family Residential District and are developed with single-family residences. Properties to the north, east, and west are on smaller lots within subdivisions, while the property to the south is on a larger lot, nearly identical in size to the subject site. There is TF-3 Two-Family Residential District zoning within one-half mile south of the subject site, on the northeast corner of North Tyler Road and West 29th Street North.

CASE HISTORY: The subject site is currently unplatted. Platting will be required prior to the issuance of building permits. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: The subject site currently has access to North Tyler Road, a two-lane arterial street with sidewalks on both sides. Municipal services, such as water, sanitary sewer and stormwater services will need to be extended when multiple duplexes for development. Wichita Transit does not serve this area.

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, south, east and west are zoned SF-5 Single-Family Residential District and are developed with single-family residences. Properties to the north, east, and west are on smaller lots within subdivisions, while the property to the south is on a larger lot, nearly identical in size to the subject site. There is TF-3 Two-Family Residential District zoning within one-half mile south of the subject site, on the northeast corner of North Tyler Road and West 29th Street North.

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:** There is TF-3 Two-Family Residential District zoning within one-half mile south of the subject site, on the northeast corner of North Tyler Road and West 29th Street North as well as duplex development one-half mile north on West 37th Street North.

4. **Length of time subject property has remained vacant as zoned:** The property is currently not vacant. The property has been developed with a single-family residence since 1975.

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 undeveloped 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 received one public comment in opposition to the requested zone change. This comment is attached at the end of the report.

Staff Report Attachments:

1. Public comment
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Plan
6. Site Photos

Wichita Sedgwick County Metropolitan Area Planning Department

Attention Christine Rieth

Planning Commission Agenda

271 W. 3rd Street, Suite 201

Wichita, Ks. 67202

Dear Christine,

I am writing in regard to the possibility of changing the zoning of Oakwood II and Oakwood III neighborhoods. I am definitely opposed to the change. We have a nice neighborhood of single family dwellings. Duplexes so close by would ruin our neighborhood. Please do not allow this to happen. Open spaces on Tyler Road helps one to feel more like we are in the country and gives a peaceful effect.

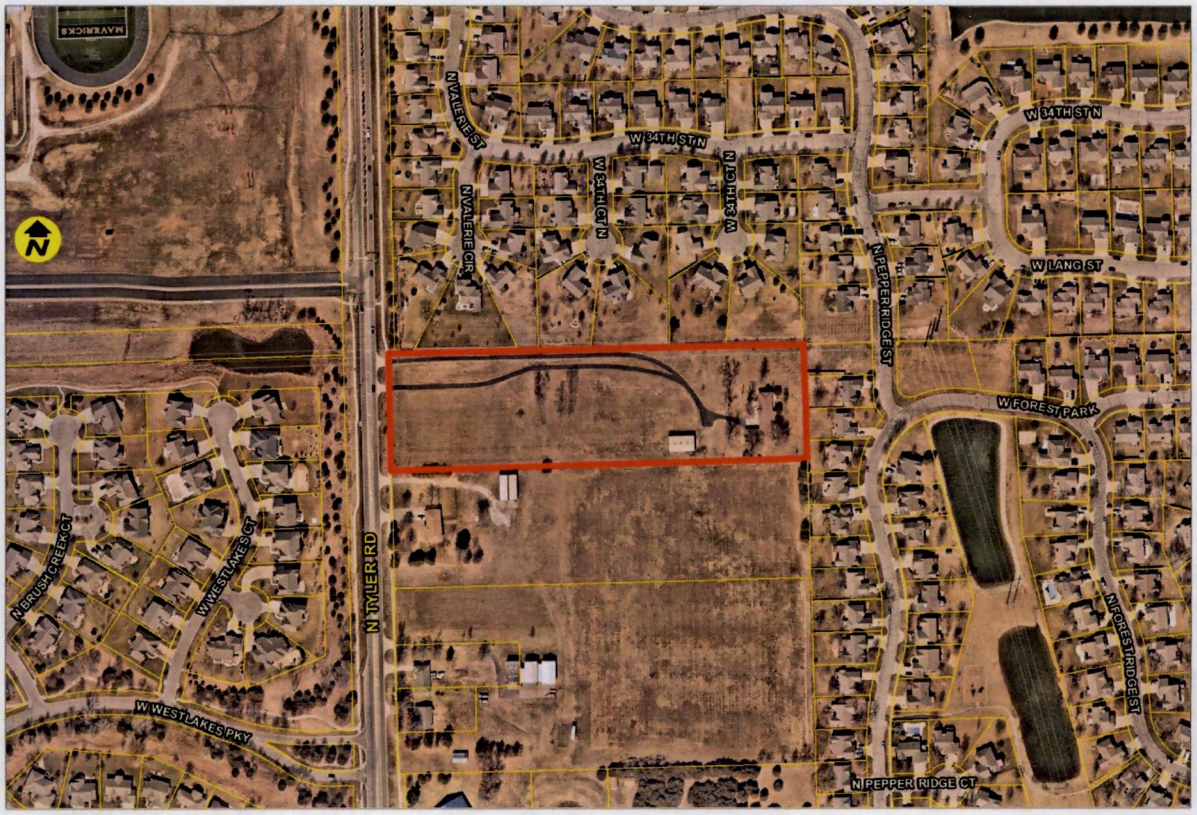
I do not want my property value to decline due to the close proximity of duplexes. Leave our Oakwood II and Oakwood III as it is. Do not approve of this zone change.

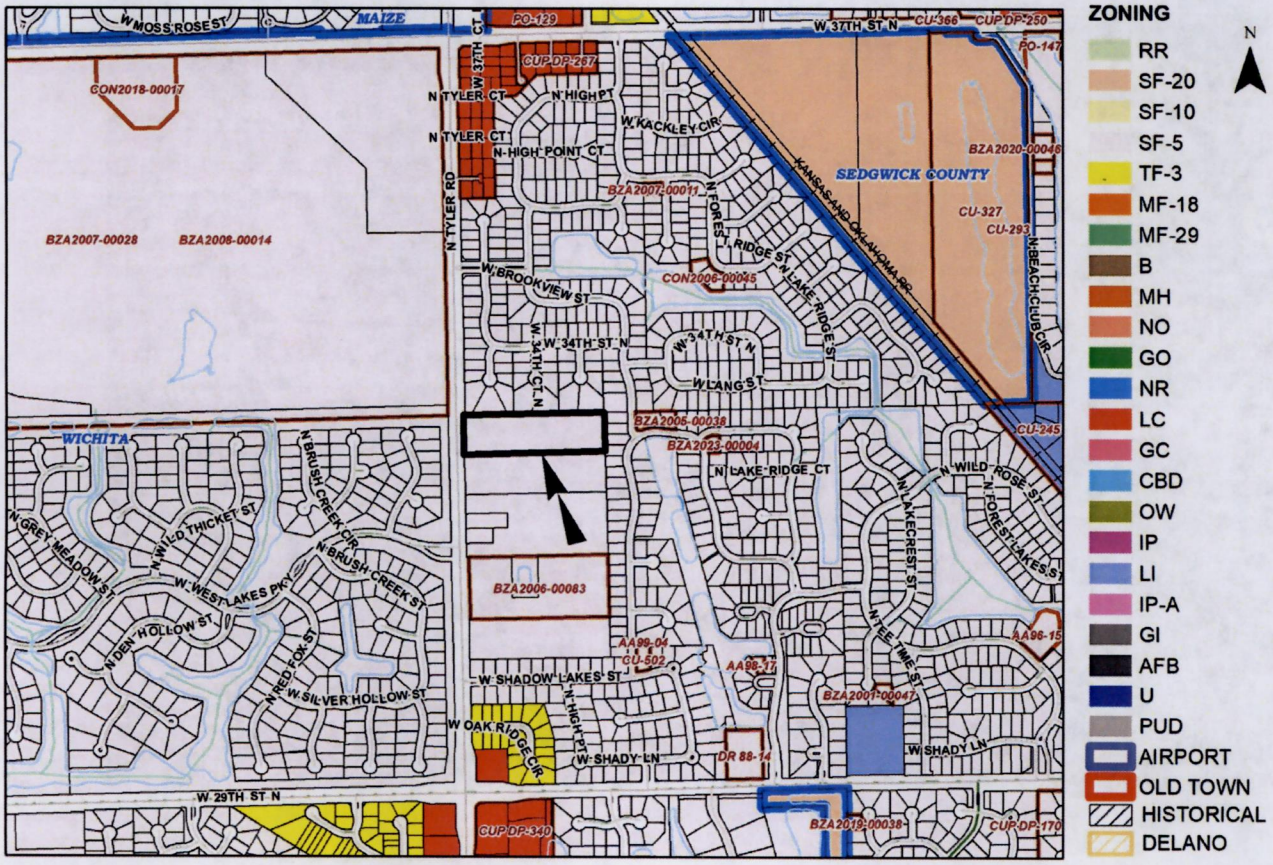
Thank you.

Frances L. McNeal Frances L. McNeal

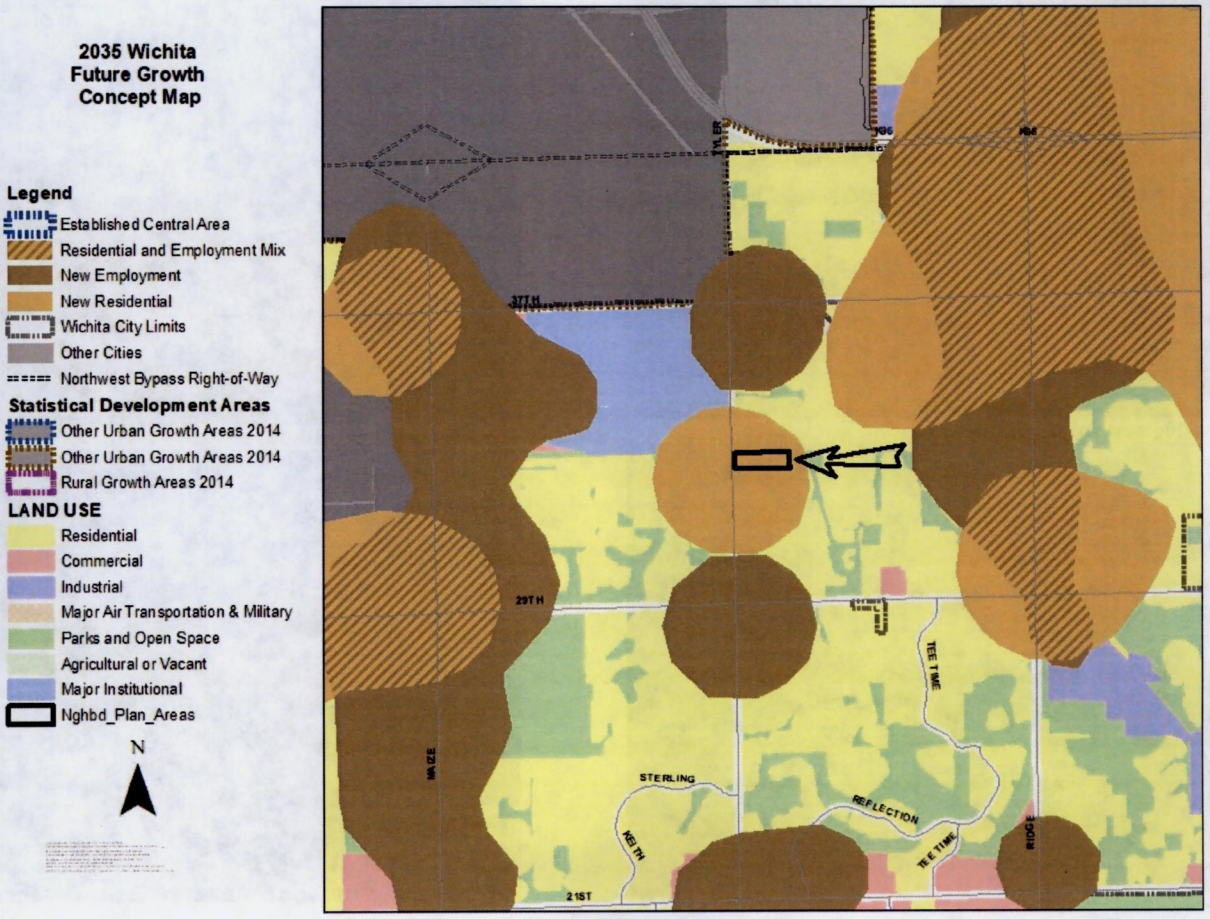
8514 Shadow Lakes Street

Wichita, Ks. 67205


MARIANICK
N VALERIE ST
W 34TH ST N
W 34TH CT N
N VALERIE CIR
W 34TH CIR N
N PEPPER RIDGE ST
W LANG ST
W FOREST PARK
N TYLER RD
N BRUSH CREEK CT
W WESTLAKES CT
W WEST LAKES PKY
N FOREST RIDGE ST
N PEPPER RIDGE CT


ZONING
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SF-10
SF-5
TF-3
MF-18
MF-29
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MAIZE
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W 37TH ST N
CU-366
CUP DP-250
PO-147
CUP DP-287
CON2018-00017
N TYLER CT
N HIGH PT
W KACKLEY CIR
N TYLER CT
N HIGH POINT CT
BZA2020-00046
SEDGWICK COUNTY
BZA2007-00011
N TYLER RD
N FOREST RIDGE ST
CU-327
CU-293
BZA2007-00028
BZA2008-00014
N BEACH CLUB CIR
W BROOKVIEW ST
CON2006-00045
N LAKE RIDGE ST
W 34TH ST N
W 34TH CT N
W 34TH ST N
W LANG ST
BZA2006-00038
BZA2023-00004
CU-245
WICHITA
N LAKE RIDGE CT
N WILD ROSE ST
N FOREST LAKES ST
N GREY MEADOW ST
N WILD THICKET ST
N BRUSH CREEK CIR
N BRUSH CREEK ST
N LAKECREST ST
W WEST LAKES PKY
BZA2006-00083
N DEN HOLLOW ST
AA96-15
AA98-04
CU-502
AA98-17
N TEE TIME ST
N RED FOX ST
W SHADOW LAKES ST
W SILVER HOLLOW ST
BZA2001-00047
W OAK RIDGE CIR
N HIGH PT
W SHADY LN
DR 88-14
W SHADY LN
W 29TH ST N
CUP DP-340
BZA2019-00038
CUP DP-170

2035 Wichita Future Growth Concept Map



Looking east towards site



Looking south towards site



Looking west away from site



Looking north towards site

