



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

Titan Realty, Inc.
906 N Main
Suite 2
Wichita, KS 67203

June 7, 2024

K. E. Miller Engineering, P.A.
117 E. Lewis St.
Wichita, KS 67202

RE: ZON2024-000016 – Zone Change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District, located on the northwest corner of the West Elm Street and North Elder Street intersection (729 North Elder Street).

Dear Applicant;

At its regular meeting on **June 4, 2024**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** of the zone change from SF-5 Single Family Residential District and TF-3 Two-Family Residential District to TF-3 Two-Family Residential District subject to PO #435, listed below. If you have any questions concerning this application, please contact our office at 268-4421.

Protective Overlay #435

1. Dwellings shall have a hip or gabled roof.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Eatherly'.

Brad Eatherly
Current Plans
Senior Planner

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



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

Titan Realty, Inc.
906 N Main
Suite 2
Wichita, KS 67203

April 25, 2024

K. E. Miller Engineering, P.A.
117 E. Lewis St.
Wichita, KS 67202

RE: ZON2024-000016 – Zone Change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District, located on the northwest corner of the West Elm Street and North Elder Street intersection (729 North Elder Street).

Dear Applicant,

At its regular meeting on **April 25, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request to change zoning from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District.

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 May 9, 2024.** 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 **May 9, 2024, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, June 6, 2024**, 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 316-268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Paul Edwards'.

Brad Eatherly
Current Plans
Senior Planner

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

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON June 14, 2024

ORDINANCE NO. 52-496

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. ZON2024-00016

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

Lot 4, Harvey Patterson Addition, Sedgwick County, Kansas.

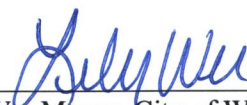
Protective Overlay #435

1. Dwellings shall have a hip or gabled roof.

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.

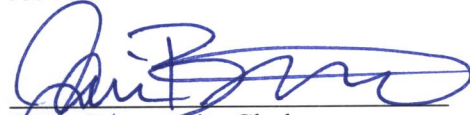
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 11th day of June, 2024.



Lily Wu, Mayor, City of Wichita

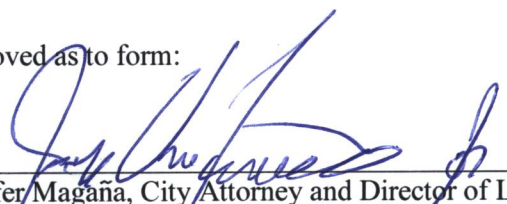
ATTEST:



Jamie Buster, City Clerk



Approved as to form:



Jennifer Magaña, City Attorney and Director of Law



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

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The Kansas City Star
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Miami Herald
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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	562505	Print Legal Ad-IPL01781780 - IPL0178178	ORD# 52-496	\$52.17	1	62 L

Attention: LaTosha Alvarez
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

JMBuster@wichita.gov

**OCA 150004 PUBLISHED
IN THE WICHITA EAGLE ON**

June 14, 2024

ORDINANCE NO. 52-496

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

Lot 4, Harvey Patterson Addition, Sedgwick County, Kansas.

Protective Overlay #435

Dwellings shall have a hip or gabled roof.

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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 June 2024.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0178178

Jun 14 2024

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

06/14/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 06/14/2024 to 06/14/2024.

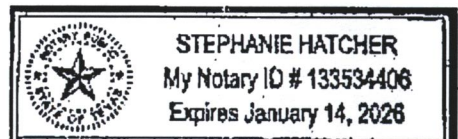
Mary Castro

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

DATED: 06/14/2024

Stephanie Hatcher

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



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



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
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Idaho Statesman
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The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	537883	Print Legal Ad-IPL01670650 - IPL0167065		\$127.86	2	76 L

Attention: MANDY HEBERT

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on April 4, 2024
(One Time Only)

MAPC/BZA April 25, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, April 25, 2024, 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 in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. **If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 268-4421.**

VAC2024-00016: Vacation request in the City to vacate a portion of an alley on property zoned LC Limited Commercial and B Multi-Family, generally located on the south side of East Kellogg Drive, west of South Hunter Street (6601 and 6603 East Kellogg Drive).

ZON2024-00016: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential, generally located on the northwest corner of West Elm Street and North Elder Street (729 North Elder Street).

ZON2024-00017: Zone change request in the City from SF-5 Single-family residential to TF-3 Two-family Residential, generally located on the west side of North Joann Street and within one-quarter mile south of West Saint Louis Avenue (539 North Joann Street).

ZON2024-00018: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential, generally located on the east side of South Meridian Avenue and within one-half mile south of West 55th Street South.

ZON2024-00019: Zone Change request in the City from SF-5 Single-family residential to TF-3 Two-Family Residential, generally located on the east side of South 119th Street West and within one-half mile south of West Pawnee Avenue.

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

Options to participate:

1) **Attend in-Person** at the **Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202.** Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5:00 PM, 3 days prior to the meeting.

2) **Submit Comments Ahead of Time** regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - 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. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. **Written Comments** should be submitted by 5:00 PM the day before the meeting. **Video and Audio Comments** (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

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

3) **If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting. Option to View Remotely (Not Participate)**

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link:

<https://www.wichita.gov/Planning>

WITNESS MY HAND on April 4, 2024

Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0167065
Apr 4 2024

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

1 insertion(s) published on:

04/04/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in The City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 04/04/2024 to 04/04/2024.

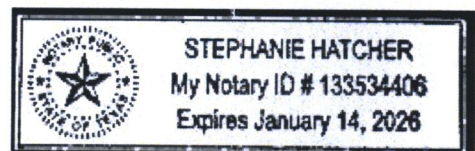
Mary Castro

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

DATED: 04/04/2024

Stephanie Hatcher

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



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



STAFF REPORT
MAPC: April 25, 2024
DAB VI: May 13, 2024

AGENDA ITEM NO. 4.3

CASE NUMBER: ZON2024-00016 (City)

APPLICANT/AGENT: Titan Realty, Inc (Applicant)/K. E. Miller Engineering, P.A.

REQUEST: TF-3 Two-Family Residential District

CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 0.46 acres

LOCATION: Generally located on the northwest corner of the West Elm Street and North Elder Street intersection (729 North Elder Street).

PROPOSED USE: Duplex development.

RECOMMENDATION: Approve.



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential District (SF-5) to TF-3 Two-Family Residential District (TF-3). The 0.46-acre property is generally located at the northwest corner of the West Elm Street and North Elder Street intersection (729 North Elder Street).

The applicant has indicated they intend to use the site for duplex development. Should the zone change request be approved, there will be no change in setbacks, parking requirements, or maximum height. SF-5 requires a 5,000 square foot minimum lot size, while TF-3 requires a 3,000 square foot minimum lot size per dwelling unit (6,000 square feet for one duplex). Based on the size of the subject site, the applicant would be able to place one duplex.

The property is surrounded on all sides by the SF-5 District and is developed on all sides by single-family dwellings. Several single-lot, TF-3 zoned properties are within a few hundred feet of the subject site.

CASE HISTORY: On July 31, 1951, the subject site was platted as Lot 4, of the Harvey Patterson Addition. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: The subject site currently has access to West Elm Street, a two-lane, paved local street with no sidewalks on either side, and North Elder Street, a two-lane, paved local street with no sidewalks on either side. All Municipal Services serve the site currently. Wichita Transit serves the area at the northeast corner of West Central Avenue and North Hoover Avenue and on the southwest corner of West Central Avenue and North Dorris Street, both of which are approximately within one-quarter mile from the subject property.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the following plans:

Community Investments Plan: 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 appropriate for “Residential” uses. 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 range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes).*” Duplex development is an appropriate use for this area.

The Locational Guidelines of the *Community Investments Plan* provide a framework for decision-making regarding land use changes. Under the heading of “Development Pattern, Guideline 2.a encourages, “*infill development that maximizes public investment in existing and planned infrastructure and services.*”

Wichita: Places for People Plan: The requested zone change is in conformance with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

- **Strategies:** The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested Duplex partially aligns with Strategy 5: *Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA.* The scale of the request is not out of character with the neighborhood, with TF-3-zoned lots within 200 feet of the subject site. The request aligns with Strategy 6: *Encourage infill and redevelopment that contextual to the*

environment in which it is occurring. Adding a duplex to the neighborhood will not adversely affect the area.

- Current Condition: The subject property is located within an area identified as an “Area of Opportunity.” The *Places for People Plan* defines Areas of Opportunity as “areas that generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area, physically and socially.”

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

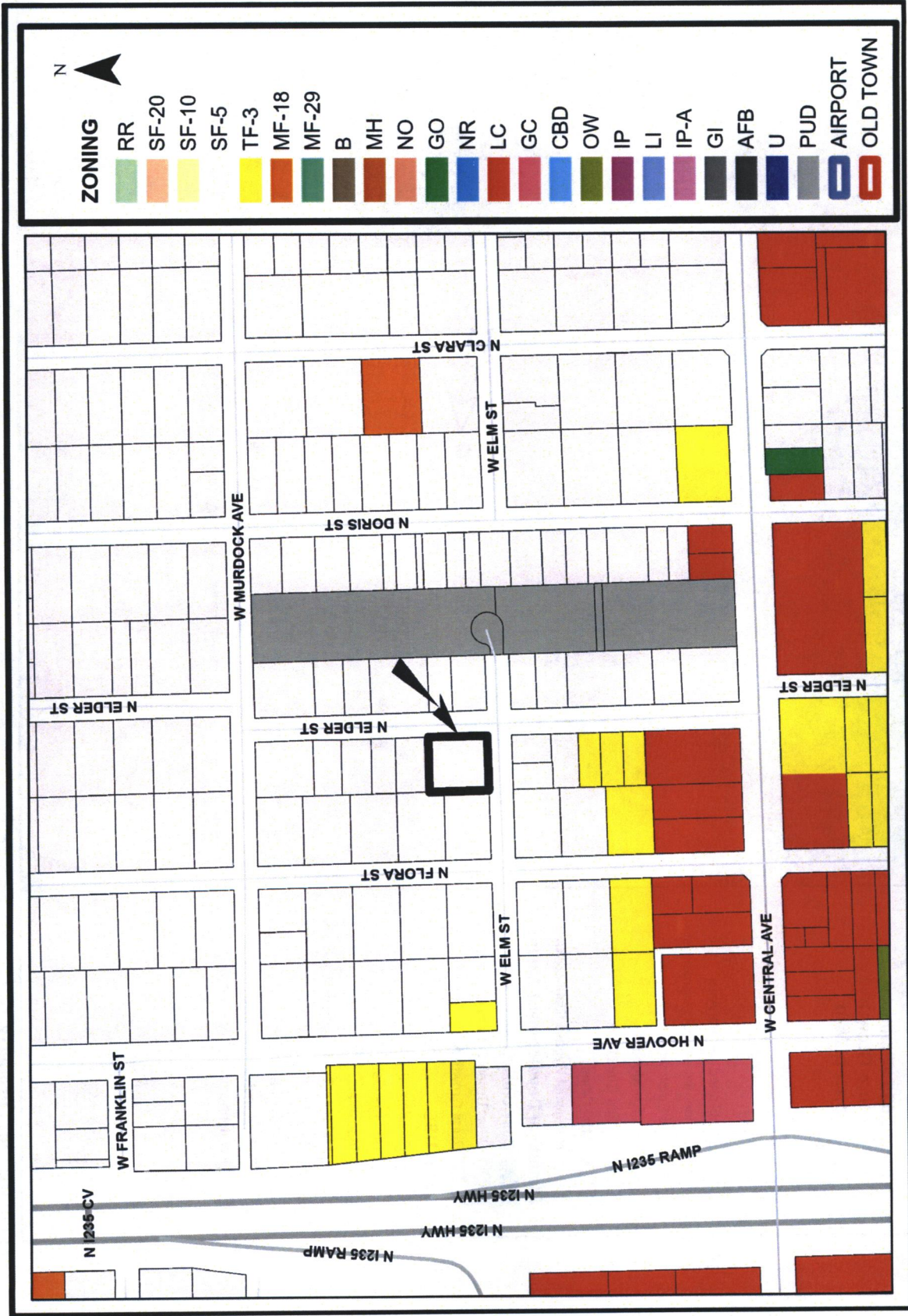
This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The property is surrounded on all sides by the SF-5 District and is developed on all sides by single-family dwellings. Several single-lot, TF-3 zoned properties are within a few hundred feet of the subject site. Therefore, duplexes are not a new type of development to the area.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned SF-5, 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:** Staff does not anticipate the removal of restrictions to have detrimental impacts on nearby property. There are duplexes developed on properties zoned TF-3 approximately 200 feet from the subject site in multiple directions. 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 developed with a single-family dwelling. It appears that the dwelling is not currently in use.
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 under-developed 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*, 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 received no comments in regards to the requested zone change.

Staff Report Attachments:

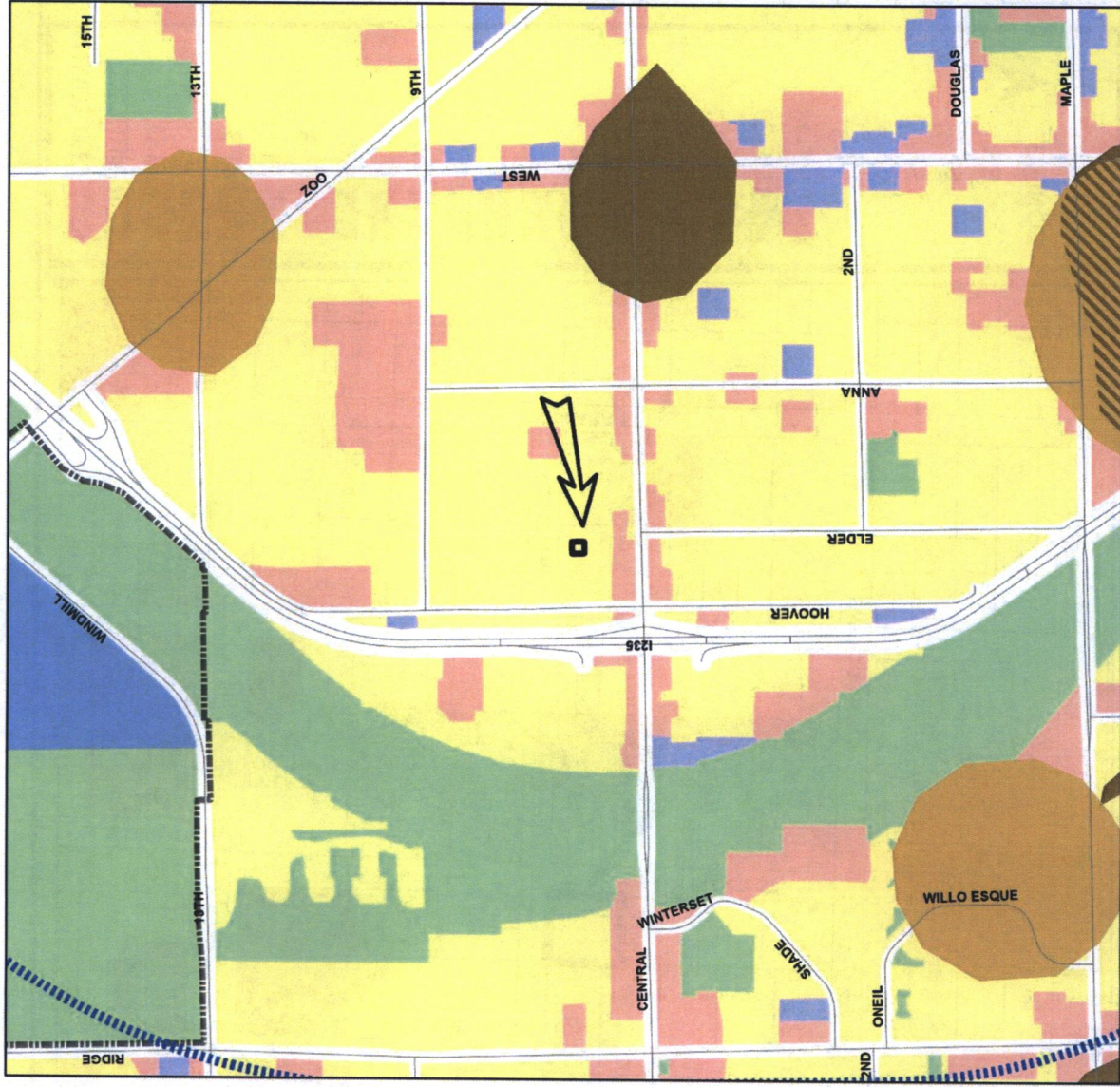
1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Site Photos





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
 - Neighborhood & Area Plans



Looking west into property

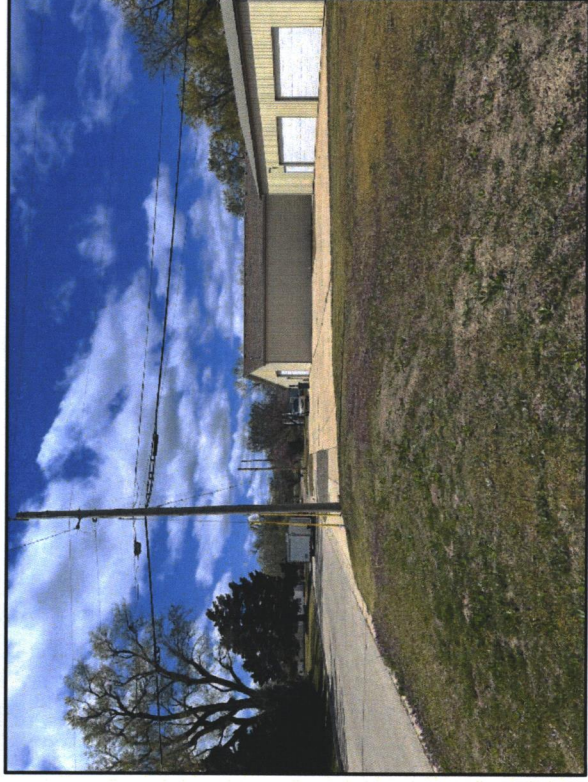
Looking north into site



Looking south away from site



Looking west away from site



Looking east away from site

