

ORDINANCE NO. 50-417

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. ZON2016-00061

City zone change from SF-5 Single-Family Residential to MF-18 Multi-Family Residential; described as:

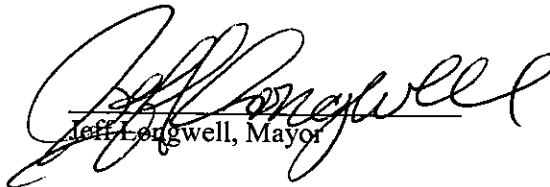
RESERVE B, FALCON FALLS EAST ADDITION, Wichita, Sedgwick County, Kansas

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.

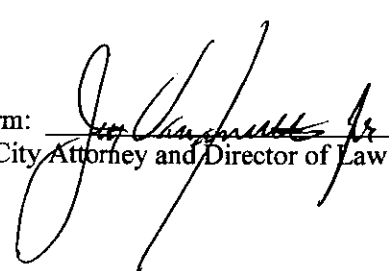
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ATTEST:


Karen Sublett, City Clerk


Jeff Longwell, Mayor



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



AGENDA ITEM NO. 5

STAFF REPORT
MAPC January 5, 2017
DAB | January 4, 2017

CASE NUMBER: ZON2016-61

APPLICANT/AGENT: Jason Bell (owner) Baughman Company/Russ Ewy (Agent)

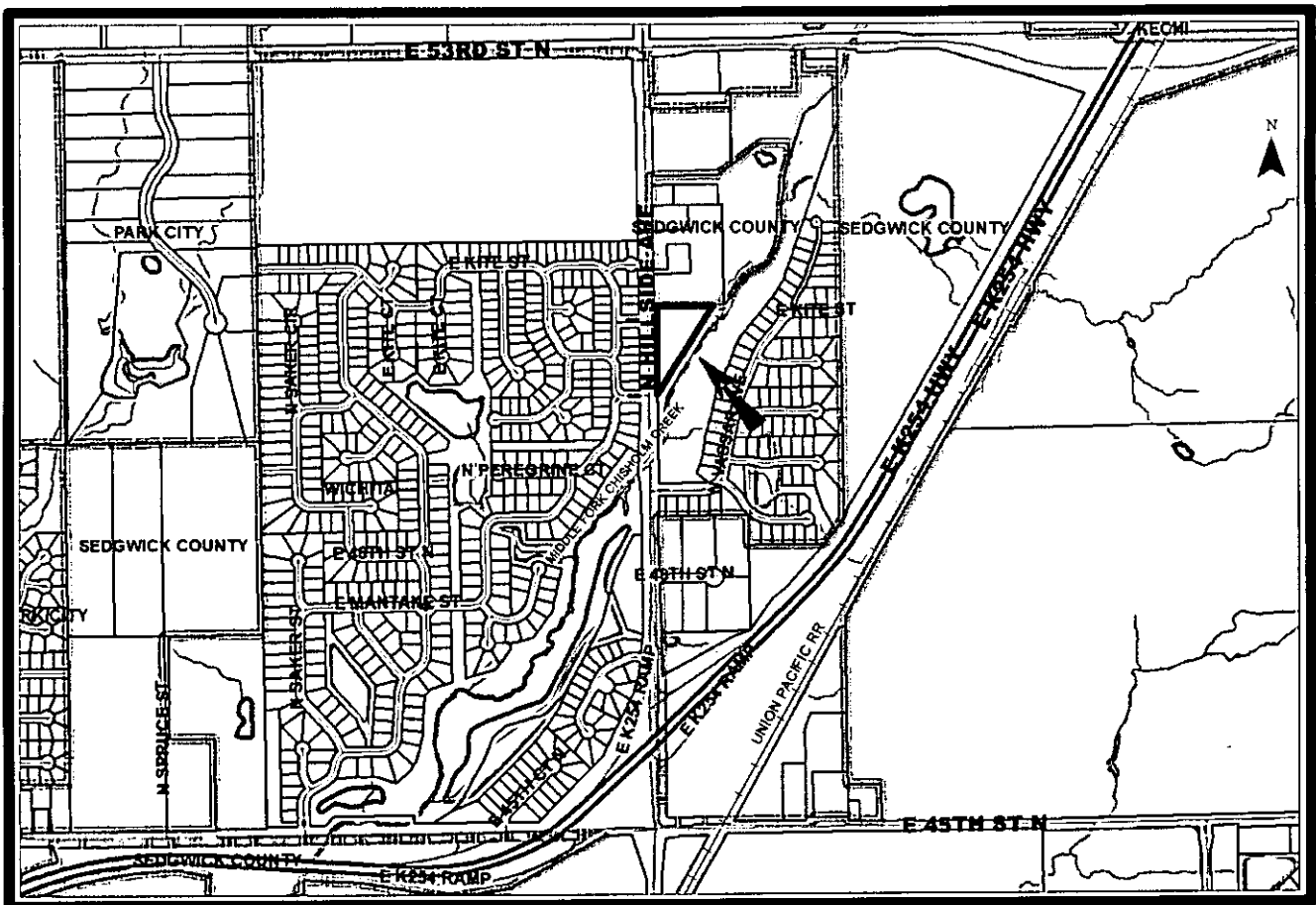
REQUEST: NR Neighborhood Retail (NR)

CURRENT ZONING: SF-5 Single-Family Residential (SF-5)

SITE SIZE: 2.74 acres

LOCATION: Generally located east of North Hillside Avenue approximately one-third mile south of East 53rd Street North

PROPOSED USE: Local commercial uses



BACKGROUND: The applicant requests NR Neighborhood Retail zoning on 2.74 acres, a portion of Reserve B, platted as Falcon Falls East Addition to allow local commercial development.

The site and the surrounding neighborhood are zoned SF-5 Single-family Residential and LC Limited Commercial. South and east of the subject site are SF-5 zoned, undeveloped Falcon Falls East Subdivision lots. West of the subject site across Hillside, is Falcon Falls Addition, which is currently developed with single-family residences. North of the site is SF-20 Single-Family Residential and LC developed with a single family residence associated with a non-conforming business use located in the county. All four corners of East 53rd Street and North Hillside are zoned LC USD 259 Wichita Heights High School is located at the southwest corner of East 53rd Street North and North Hillside Avenue. Wichita Heights has approximately 1,150 students and 150 faculty and staff.

CASE HISTORY: The site was platted in February 2010 as the Falcon Falls East Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20, LC	Single-family residence, non-conforming business use
SOUTH:	SF-5	Single-family residential, undeveloped
EAST:	SF-5	Single-family residential, undeveloped
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: North Hillside is a paved, two-lane secondary street at this location with a 135-foot right-of-way. All public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City limit. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "new residential," encompassing areas that reflect the full diversity of residential development densities and types, including multi-family, typically found in large urban municipality. Residential serving uses are also encouraged in these areas.

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 site and the surrounding neighborhood are zoned SF-5 Single-family Residential and LC Limited Commercial. South and east of the subject site are SF-5 zoned, undeveloped Falcon Falls East Subdivision lots. West of the subject site across Hillside, is Falcon Falls Addition, which is currently developed with single-family residences. North of the site is SF-20 Single-Family Residential and LC developed with a single family residence associated with a non-conforming business use located in the county. All four corners of East 53rd Street and North Hillside are zoned LC USD 259 Wichita Heights High School is located at the southwest corner of East 53rd Street North and North Hillside Avenue. Wichita Heights has approximately 1,150 students and 150 faculty and staff.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and is undeveloped. Re-zoning the property to NR would allow very-low intensity retail and other complementary land uses that serve and are generally appropriate near residential neighborhoods.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal. Residential development is allowed by right in NR zoned districts and commercial and office uses are limited to office use of less than 8,000 square feet, restaurant uses not to exceed 2,000 square feet and no drive-through service.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City limit. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "new residential," encompassing areas that reflect the full diversity of residential development densities and types, including multi-family, typically found in large urban municipality. Residential serving uses are also encouraged in these areas.
- (5) **Impact of the proposed development on community facilities:** All services are in place. Any increased demand on community facilities can be handled by existing infrastructure.