

(150004)

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ORDINANCE NO. 50-686

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. ZON2017-00058**

Zone change from SF-5 Single-Family Residential to LC Limited Commercial subject to the development standards contained in amended Community Unit Plan DP-8, on property described as:

The west 190 feet of Lot 2, University Gardens 2<sup>nd</sup> Addition, to the City of Wichita, Sedgwick County, Kansas.

Said property CONTAINS: 1.75 acres of land, more or less, generally located on the east side of Oliver Avenue on the north side of 21<sup>st</sup> Street North.

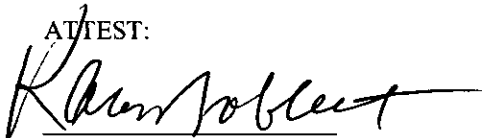
**SECTION 2.** That said amendment to the Community Unit Plan DP-8 for Parcel Eight is subject to a height restriction of 70 feet or six stories for all multi-family residential development.

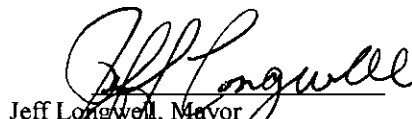
**SECTION 3.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**SECTION 4.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this <sup>10<sup>th</sup></sup> ~~31<sup>st</sup>~~ day of April, 2018.

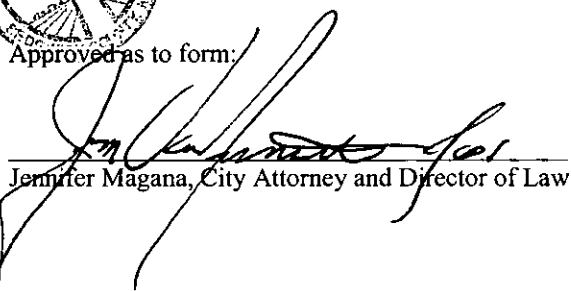
ATTEST:

  
Karen Sublett, City Clerk

  
Jeff Longwell, Mayor



Approved as to form:

  
Jennifer Magana, City Attorney and Director of Law

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CASE NUMBER: ZON2017-00058 and CUP2017-00056

APPLICANT/AGENT: ME Enterprises V, LLC (Masoud Etezazi, President) OWNER / MKEC (Brian Lindebak), AGENT

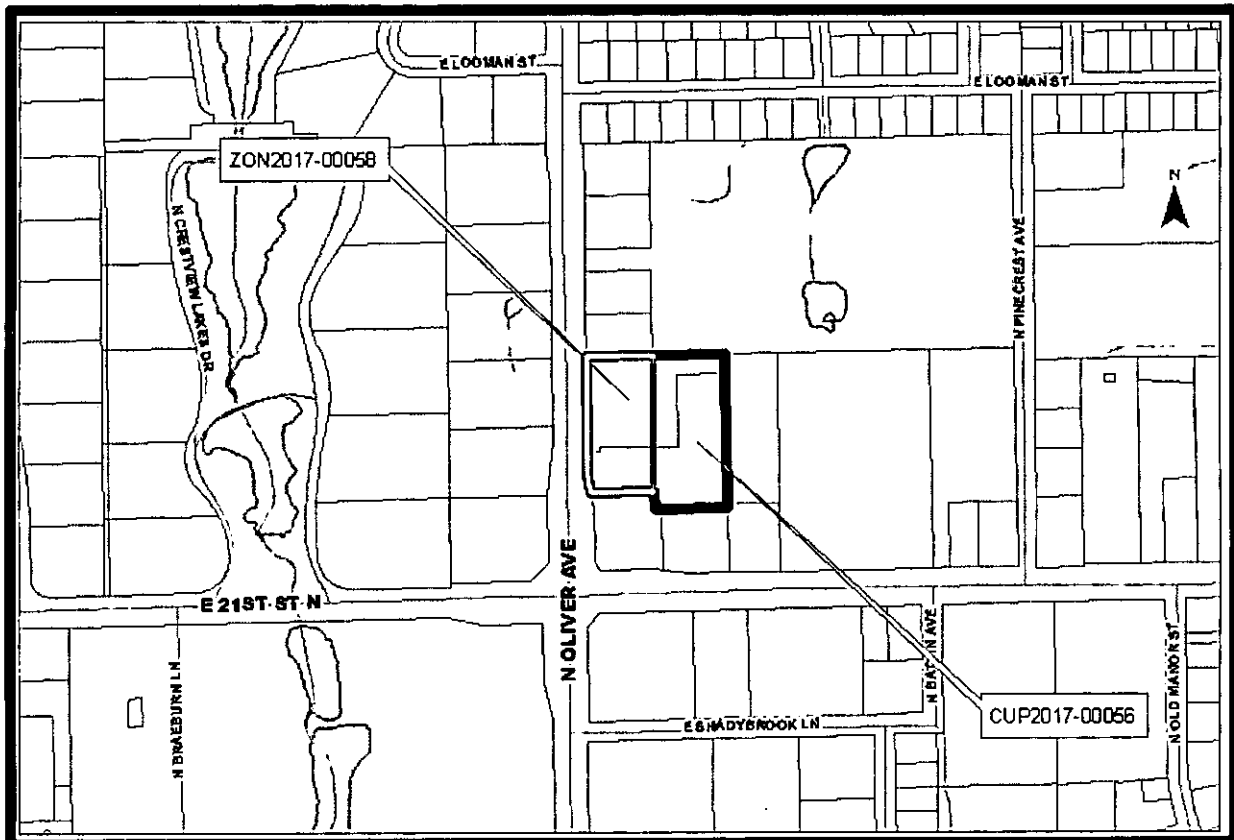
REQUEST: LC Limited Commercial and amendment of University Garden CUP DP-8

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 3.9 acres LC Limited Commercial

LOCATION: East side of Oliver Avenue East, approximately 300 feet north of 21<sup>st</sup> Street North

PROPOSED USE: Multi-family development targeted for student housing



**BACKGROUND:** This application proposes to rezone the frontage along Oliver Avenue from SF-5 Single Family Residential (SF-5) to LC Limited Commercial (LC), which is what the balance of Parcel 8 is zoned, and amend the University Gardens Community Unit Plan (DP-8) for Parcel 8 to accommodate the redevelopment of the parcel for a new multi-family housing on this portion of the CUP. The applicant has indicated the development will be targeted for student housing.

The overall property size involved in these cases is 3.9 acres, with the rezoning covering approximately the western 1.75 acres of that area, which is approximately the east 190 feet of the property which abuts Oliver Avenue. This redevelopment will include the demolition of the existing structure on Parcel 8, which is the western portion of the strip center. The proposed language has been reviewed by staff with the applicant and the proposed new language is attached to this staff report.

The proposed plan indicates approximately 26-units per floor, with the project to be a four-story building. The site plan shows an estimated 186 on-site parking spaces. Access will primarily be from Oliver Avenue, with access available across other lots from 21<sup>st</sup> Street as well.

There is expanded landscaping required along Oliver Avenue as part of this amendment. The parcel is subject to a replatting, which is being processed simultaneously with this application.

As noted, this is all part of the University Gardens Community Unit Plan (DP-8). This CUP has seen many amendments over the years; however, parcel 8 has not been addressed for a long time. Virtually all of the most recent amendments concerning parcel 8 have dealt with modifications for screening and landscaping because of improvements to the property to the north. Some of this language dates back almost 40 years.

**CASE HISTORY:** As noted above, the University Gardens CUP has seen considerable amendments, adjustments and other zoning actions. Redevelopment of the parcel 9 resulted in the new Kwik Shop convenience store at 21<sup>st</sup> and Oliver. Many other changes have been made over the years resulting in the indoor storage facility and Family Dollar store on 21<sup>st</sup> Street.

**ADJACENT ZONING AND LAND USE:**

North: SF-5 and B: multiple family residential  
South: LC: Commercial  
East: LC: Commercial  
West: SF-5: Single Family Residential

**PUBLIC SERVICES:** All public services are available to the site. The intersection of 21<sup>st</sup> and Oliver, as well as both streets have been recently reconstructed and widened with improve traffic control improvements.

**CONFORMANCE TO PLANS/POLICIES:** The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for “residential employment mix,” and is located within Wichita’s 2035 Established Central area. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature.

*Community Investments Plan* discusses **Location Guidelines** in section 3 of the Future Land Use Policies. In the subsection titled **Development Pattern**, guideline 1.a. states “development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with development. Guideline 3.c. states “small, neighborhood-serving retail and offices uses and high-density

residential uses not located at arterial intersections should be limited to the intersection of an arterial and a collector street. Guideline 3.e. states “new development areas be separated from existing developed areas by major barriers (such as: highways, railroads, waterways, and airports) or by significant open space or undeveloped areas should be discouraged unless the scale of the development is sufficient to support the cost of extending infrastructure and services in a manner that supports additional development on surrounding sites.”

The site is located within the Established Central Area of the Community Investments Plan. The Wichita Urban Infill Strategy is focused on the Established Central Area – comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. Increased levels of infill redevelopment throughout the Established Central Area is a major policy goal of the Community Investments Plan. One of the strategies to promote infill redevelopment is to support regulatory changes, like the proposed amendment to this CUP, to permit infill projects.

In the subsection titled **Design**, guideline 1.a. states “Commercial centers, office parks, and mixed-use developments should be designed with shared internal vehicular and pedestrian circulation, combined signage, coordinated landscaping and building design, and combined ingress/egress locations.” Guideline 1.g. states “Building entrances should be oriented to the street or internal circulation drives that connect to the street and designated pedestrian connections should be provided from building entrances to the street.”

The overall spirit and intent of this CUP appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED**, subject to the following conditions:

1. The General Provisions and Parcel Description language shall be modified to read in accordance with the attached recommendation on the final CUP drawing.
2. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP.
3. The applicant shall submit four copies of the approved CUP within 60 days of final approval to the Metropolitan Area Planning Department or the amendment shall be deemed null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The neighborhood is mixed, with the bulk of the main property associated with this case being commercial. There is a multi-family development to the north and single-family development to the west on the other side of Oliver Avenue. This neighborhood is also heavily dominated by the presence of Wichita State University to the southwest, which is experiencing significant new redevelopment and expansion.
2. The suitability of the subject property for the uses to which it has been restricted: The portion of University Gardens is restricted to retail use, which is not as attractive for investment today.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: With the management of the redevelopment through the Community Unit Plan, the approval of the proposed zone change and CUP amendment should have minimal detrimental impact on nearby property.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will expand housing opportunities for the

neighborhood; especially for students associated with Wichita State, which is generally considered a gain to the public welfare. Denial would presumably represent a loss of economic opportunity to the applicant and/or land owner.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for “residential employment mix,” and is located within Wichita’s 2035 established central area. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature. As noted above, staff believes this project is in conformance with the adopted Plan.
6. Impact of the proposed development on community facilities: Negative impacts are not anticipated.

Attachment: Recommended General Provisions and Parcel Description language for DP-8.  
CUP Drawings and supporting documents