

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Aug. 14, 2019  
ORDINANCE NO. 51-088

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. ZON2019-00018**

City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential and described as follows:

All of Lots 11 through 38, inclusive, Block B, together with all of Lots 38 through 53, inclusive, Block C, together with all of Lots 41 and 42, Block D, together with part of Lot 39 in said Block B, together with part of Lots 32 through 37, inclusive, in said Block C, together with part of Reserve "C", and together with all of Reserve "D", all as platted in Northgate Addition, Wichita, Sedgwick County, Kansas, all of the above lying generally south of and abutting the following described line: Commencing at the southwest corner of Lot 39 in said Block B; thence North 00° 10' 43" East along the west line of said Lot 39, 60.84 feet for a point of beginning; thence South 89° 09' 05" East, 920.69 feet; thence North 72° 54' 39" East, 102.98 feet; thence South 89° 09' 05" East, 453.10 feet; thence North 62° 30' 47" East, 234.86 feet to the intersection with the westerly prolongation of the lot line common to Lots 40 and 41 in said Block D; thence South 89° 57' 19" East along said common lot line and the westerly prolongation thereof, 300.20 feet to the northeast corner of said Lot 41, and for a point of termination. (Generally located on the West side of North Meridian Avenue and north of 53<sup>rd</sup> Street North).

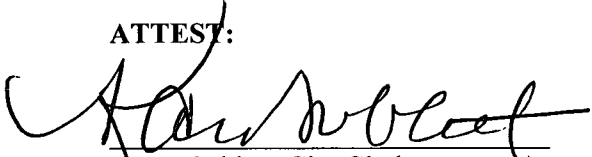
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

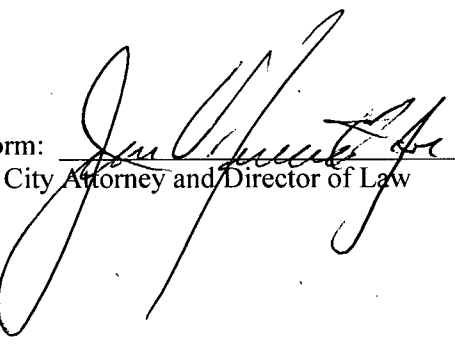
ADOPTED this 13<sup>th</sup> day of Aug, 2019.

  
Jeff Longwell, Mayor

ATTEST:

  
Karen Sublett, City Clerk



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



**BACKGROUND:** The applicant is requesting a change in zoning from SF-5 Single-Family Residential District (SF-5) to TF-3 Two-Family Residential (TF-3) of the southern portion of the Northgate Addition containing 28.459 acres, and is seeking a Conditional Use to permit soil extraction to make a larger water feature within the subdivision immediately to the north of the property subject to the rezoning. The entire area will be included in a replatting that is being considered at this time (SUB2019-00029).

The rezoning will allow the development of this area for two-family residential dwellings similar to what is occurring on the property to the east; which was replatted as Northgate 2<sup>nd</sup> Addition and rezoned to TF-3 Two-Family Residential in 2016 (ZON2016-00019). That case also included a modification to the Northgate Commercial Park CUP (DP-299) by removing that area from the CUP and removing the LC Limited Commercial (LC) zoning that applied to the land that was replatted for duplex development.

The area surrounding this property is mostly undeveloped, but transitioning into urban uses. As noted above, the property immediately to the east is under development of duplexes. To the southeast is commercial development of a Walmart. To the southwest is a residential development on property zoned SF-20 Single-Family Residential consisting of 1-acre lots in the Denton McWorter Addition, which was recorded with the Register of Deeds on April 24, 1951. The property to the south is vacant, zoned LC Limited Commercial and a part of the Northgate Commercial Park Community Unit Plan (DP-299). The land to the north is vacant and part of the Northgate Addition, but is in an attendant case with this rezoning (CON2019-00019) which is requesting approval of a soil extraction operation to enlarge the pond area. That land will be included with the subject property in a replatting to accommodate the new design for development.

**CASE HISTORY:** The property is included in the Northgate Addition, which was recorded with the Sedgwick County Register of Deeds on November 1, 2006. As noted above, there is an attendant request for a conditional use for soil extraction on the land to the north (CON2019-00019) and a replatting has been submitted and is now going through the review process (SUB2019-00029).

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Vacant
SOUTH:	LC	Vacant
EAST:	TF-3	Two-Family Residential
WEST:	SF-20	Single-Family Residential

**PUBLIC SERVICES:** West 53<sup>rd</sup> Street North and North Meridian Avenue are fully improved arterial streets. Sanitary sewer mains have already been installed to the subject property and public water service will be extended as part of the improvements following replatting. Primary access to the subject property will be by West 55<sup>th</sup> Street North, which will be extended from its intersection with North Meridian Avenue. All other utilities are available and will be extended to the property.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the subject property is located as appropriate for New Residential uses. The Plan defines “residential” to: Encompasses 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). Elementary and middle schools, churches, playgrounds, small parks and other similar residential- serving uses are located in these areas.

The subject property is described within the Plan as: “**New Residential:** Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed.”

The site is outside of the Established Central Area (ECA), however, the uses envisioned for development in this area include duplexes. The established land uses in the neighborhood are a mixture of residential and commercial and, consistent with the Comprehensive Plan, this type of residential use is considered acceptable for this neighborhood.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends the requested rezoning be approved from SF-5 Single Family Residential to TF-3 Two-Family Residential be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area surrounding this property is mostly undeveloped, but transitioning into urban uses. As noted above, the property immediately to the east is under development of duplexes. To the southeast is commercial development of a Walmart. To the southwest is a residential development on property zoned SF-20 Single-Family Residential consisting of 1-acre lots in the Denton McWorter Addition, which was recorded with the Register of Deeds on April 24, 1951. The property to the south is vacant, zoned LC Limited Commercial and a part of the Northgate Commercial Park Community Unit Plan (DP-299). The land to the north is vacant and part of the Northgate Addition, but is in an attendant case with this rezoning (CON2019-00019) which is requesting approval of a soil extraction operation to enlarge the pond area. That land and the subject property is being replatted to accommodate the new design for development (SUB2019-00029).
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 and could be developed for single-family uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use is consistent with uses being developed to the east. Additionally, the proposed uses would be appropriate given the proposed commercial use to the south. This change should have not a detrimental affect on any nearby property.
4. Length of time the property has been vacant as currently zoned: The property has been available for development for some time.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the subject property is located as appropriate for New Residential uses. The Plan defines “residential” to: Encompasses 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). Elementary and middle schools, churches, playgrounds, small parks and other similar residential- serving uses are located in these areas.

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7. Impact of the proposed development on community facilities: Rezoning of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property or will be extended upon replatting.