

Jan 17, 2020ORDINANCE NO. 51-175

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. ZON2019-00047

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


All of Lots 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82, Block C, together with all of Lots 77, 78, 79, 85, 86, 87, 88, 89, 90, 96, 97, and 98, Block D, together with part of Lot 43 in said Block C, together with part of Lots 72, 73, 74, 75, 76, 80, 84, 91, and 95 in said Block D, together with all of Reserve "C", together with all of the Grant Ct. and all of the Forestview Cir. lying south of the south line of Grant, together with part of the Grant Ct. and part of the Forestview Cir. lying north of said Grant, and together with part of said Grant, all of the above being platted and dedicated in Turkey Creek 3rd Addition, Wichita, Sedgwick County, Kansas, and all of the above lying within and being coincident with the following described tract of land: Beginning at the southwest corner of Lot 75 in said Block C; thence N00°03'21"W, (platted basis of bearings), coincident with the west line of said Block C, coincident with the west right-of-way line of said Grant, coincident with the west line of said Reserve "C", and coincident with the west line of said Block D, 1000.51 feet to a point 0.62 feet north of the southwest corner of Lot 95 in said Block D; thence N89°56'39"E parallel with the south line of Lot 95 in said Block D, 100.00 feet; thence N71°30'33"E, 37.43 feet to the intersection with the east line of Lot 95 in said Block D, said east line also being the west right-of-way line of the Grant Ct. lying north of said Grant; thence continuing N71°30'33"E into said Grant Ct., 25.82 feet; thence N89°56'39"E, 51.40 feet to the intersection with the east right-of-way line of said Grant Ct., said east right-of-way line also being the west line of Lot 91 in said Block D; thence continuing N89°56'39"E into Lot 91 in said Block D, 50.81 feet to the point of curvature of a tangent curve to the right; thence easterly coincident with said curve, through a central angle of 14°39'11" and having a radius of 268.00 feet, an arc distance of 68.54 feet, (having a chord length of 68.35 feet bearing S82°43'46"E), to the intersection with the lot line common to Lots 91 and 84 in said Block D; thence continuing easterly along the last described curve and into Lot 84 in said Block D, through a central angle of 01°26'31" and having a radius of 268.00 feet, an arc distance of 6.74 feet, (having a chord length of 6.74 feet bearing S74°40'55"E), to the point of tangency of said curve; thence S73°57'39"E, 110.84 feet to the intersection with the east line of Lot 84 in said Block D, said east line also being the west right-of-way line of the Forestview Cir. lying north of said Grant; thence continuing S73°57'39"E into said Forestview Cir., 80.86

feet to the intersection with the east right -of -way line of said Forestview Cir., said east right -of -way line also being the west line of Lot 80 in said Block D; thence continuing S73 °57'39 "E into Lot 80 in said Block D, 134.46 feet to the intersection with the lot line common to Lots 80 and 72 in said Block D; thence continuing S73 °57'39 "E into Lot 72 in said Block D, 48.58 feet; thence S00 °43'09 "W, 21.22 feet to the intersection with the lot line common to Lots 72 and 73 in said Block D; thence continuing S00 °43'09 "W into Lot 73 in said Block D, 68.01 feet to the intersection with the lot line common to Lots 73 and 74 in said Block D; thence continuing S00 °43'09 "W into Lot 74 in said Block D, 64.07 feet; thence S09°54'1 1"W, 14.15 feet to the intersection with the lot line common to Lots 74 and 75 in said Block D; thence continuing S09°54'1 1"W into Lot 75 in said Block D, 68.01 feet to the intersection with the lot line common to Lots 75 and 76 in said Block D; thence continuing S09°54'1 1"W into Lot 76 in said Block D, 44.19 feet to the intersection with the southwest line of Lot 76 in said Block D, said southwest line also being the north right -of -way line of said Grant; thence continuing S09°54'1 1"W into said Grant, 71.00 feet to the intersection with the south right -of -way line of said Grant, said south right -of -way line also being the northeast line of Lot 43 in said Block C; thence continuing S09°54'1 1"W into Lot 43 in said Block C, 48.65 feet to the intersection with the west line of Lot 43 in said Block C, said intersection also being the northeast corner of Lot 45 in said Block C; thence S00 °03'2 1 "E coincident with the east line of Lots 45, 46, 47, 48, 49, 50, and 51 in said Block C, 676.27 feet to the most easterly corner common to Lots 51 and 52 in said Block C; thence S31 ° 11' 15 "W coincident with the southeast line of Lots 52 and 53 in said Block C, 96.40 feet to the most southerly southeast corner in Lot 53 in said Block C; thence S89 °56'39"W coincident with the south line of Lots 53 and 54 in said Block C, 410.80 feet to the most westerly corner common to Lots 54 and 55 in said Block C; thence N00 °03'21 "W coincident with the west line of Lots 55 and 56 in said Block C, 259.16 feet to the most westerly corner common to Lots 56 and 74 in said Block C; thence S89 °56'39 "W coincident with the south line of Lots 74 and 75 in said Block C, 189.20 feet to the point of beginning.

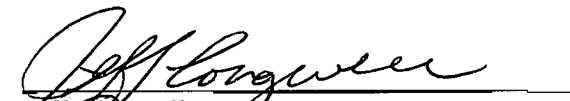
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

ATTEST:



Karen Sublett, City Clerk


Jeff Longwell, Mayor

Approved as to form:


Jennifer Magaña, City Attorney and Director of Law



STAFF REPORT

MAPC December 5, 2019
DAB IV January 6, 2020

CASE NUMBER: ZON2019-00047

APPLICANT/AGENT: DPK LLC, Paul Kelsey (owner)/ Baughman Company, Phil Meyer (Agent)

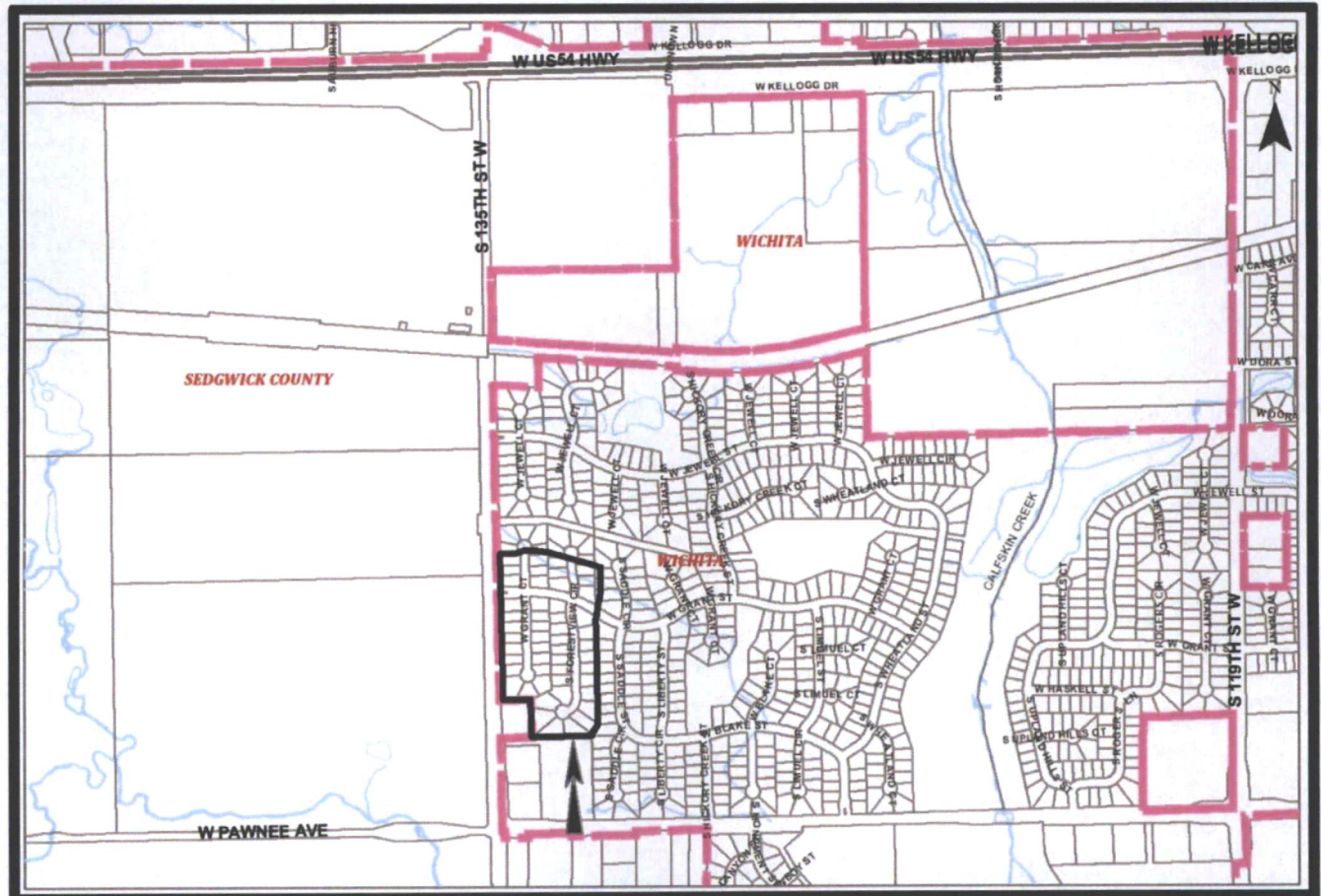
REQUEST: TF-3 Two-Family Residential

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 17.8 acres

LOCATION: Located approximately 1,000 feet North of Pawnee Avenue and East of West 135th Street South

PROPOSED USE: Duplex development



BACKGROUND: The applicant/owner is requesting the rezoning of 17.8 acres of Turkey Creek 3rd Addition (approximately 59 lots, which includes portions of existing platted lots) from SF-5 Single-Family Residential (SF-5) to TF-3 Two Family Residential (TF-3). The applicant has indicated that a re-plat will be submitted to reflect the proposed zone change. The site is located 1,000 feet north of West Pawnee Avenue on the east side of West 135th Street South. The property is currently undeveloped.

The surrounding area is undeveloped land. SF-20 Single Family Residential zoned property to the west of the site is used for agriculture. Turkey Creek 3rd Addition is zoned SF-5 to the north and east and is undeveloped. South of the subject site is SF-20 Single-Family Residential and is developed with a single family dwelling unit and CUP DP-314 which is to be developed with limited commercial uses and is located within the Wichita City Limit.

CASE HISTORY: Turkey Creek 3rd Addition was platted in February 2007 as a single-family residential subdivision. In March 2019, 48 lots (19 acres) north of the site were re-zoned to TF-3 (ZON2019-05).

ADJACENT ZONING AND LAND USE:

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|--------|-------------------|--|
| NORTH: | SF-5 | Undeveloped residential lots |
| SOUTH: | SF-20, CUP DP-314 | Single-family dwelling unit, Undeveloped ± 8.7 acres |
| EAST: | SF-5 | Undeveloped residential lots |
| WEST: | SF-20 | Agricultural land |

PUBLIC SERVICES: West 135th Street South is a paved arterial road with travel in both directions and a dedicated center turn lane with a 60-foot right-of-way. The nearest municipal services are located approximately 1,200 feet east of the subject site on West Grant Street.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County *Community Investments Plan*, identifies the area in which the site is located as Wichita Urban Growth Area. The site is located in an area in which City expansion and extension of municipal services and infrastructure should be focused for residential growth and has the potential to be developed by 2035 based upon population growth and market trends. The uses envisioned for redevelopment in this area include a variety of residential types including single-family dwellings, duplexes and multi-family residential.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends APPROVAL of the request, as submitted. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding neighborhood is zoned for predominantly residential uses. Turkey Creek 3rd Addition has a 19-acre TF-3 zoning district located along West 135th Street South 250 feet north of the subject site.
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 the property could be developed with new single-family dwellings; however, the Community Investments Plan encourages a variety of housing types, including duplexes.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: TF-3 zoning will be compatible with the surrounding zoning districts. Turkey Creek Commercial Community Unit Plan DP-314 requires solid screen walls and landscaping per General Provision #12 and #13 as parcels are developed.
4. Length of time the property has been vacant as currently zoned: The property was platted in February 2007. No development has begun on the site.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County *Community Investments Plan*, identifies the area in which the site is located as Wichita Urban Growth Area. The site is located in an area in which City expansion and extension of

