

(Published in the Wichita Eagle, Jan. 17, 2020)

ORDINANCE NO. 51-173

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. ZON2019-00045

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

That part of Lot 1, Block 1, Christ Community Church Addition, Wichita, Sedgwick County, Kansas, described as commencing at the southwest corner of said Lot 1; thence N89°25'46"E along the south line of said Lot 1, 544.50 feet to southeast corner of a tract described in Special Warranty Deed recorded as Doc.#Flm-Pg: 29696825 with the Register of Deeds in Sedgwick County, Kansas; thence N00°32'14"W along the east line of said tract and extended, 410.00 feet to the place of beginning; thence continuing N00°32'14"W, 91.00 feet; thence N89°25'46"E, 85.52 feet to the point of curvature of a curve to the right, said curve having a radius of 771.00 feet, an arc length of 120.47 feet, chord bearing S86°05'40"E, 120.35 feet; thence easterly along said curve, 120.47 feet to the point of tangency; thence S81°37'05"E, 50.00 feet to the point of curvature of a curve to the left, said curve having a radius of 970.83 feet, an arc length of 34.76 feet, chord bearing S82°38'38"E, 34.75 feet; thence easterly along said curve, 34.76 feet; thence S76°00'40"W, 297.48 feet to the place of beginning.

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

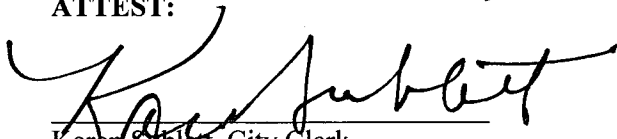
That part of Lot 1, Block 1, Christ Community Church Addition, Wichita, Sedgwick County, Kansas, described as commencing at the southwest corner of said Lot 1; thence N89°25'46"E along the south line of said Lot 1, 544.50 feet to southeast corner of a tract described in Special Warranty Deed recorded as Doc.#Flm-Pg: 29696825 with the Register of Deeds in Sedgwick County, Kansas; thence N00°32'14"W along the east line of said tract and extended, 501.00 feet; thence N89°25'46"E, 85.52 feet to the point of curvature of a curve to the right, said curve having a radius of 771.00 feet, an arc length of 120.47 feet, chord bearing S86°05'40"E, 120.35 feet; thence easterly along said curve, 120.47 feet to the point of tangency; thence S81°37'05"E, 50.00 feet to the point of curvature of a curve to the left, said curve having a radius of 970.83 feet, an arc length of 34.76 feet, chord bearing S82°38'38"E, 34.75 feet; thence easterly along said curve, 34.76 feet to the place of beginning; thence continuing easterly along said curve, chord bearing S87°07'12"E, 116.86 feet, an arc length of 116.93 feet to the point of tangency of said curve; thence N89°25'46"E, 283.00 feet to the point of curvature of a curve to the right, said curve having a radius of 151.00 feet, an arc length of 32.78 feet, chord bearing S84°21'08"E, 32.71 feet; thence easterly along said curve, 32.78 feet; thence S00°32'14"E, 126.46 feet; thence N89°25'46"E, 5.50 feet; thence S00°32'14"E, 342.00 feet to said south line; thence N89°25'46"E along said south line, 20.78 feet; thence N00°32'14"W, 487.97 feet; thence S89°25'46"W, 421.00 feet; thence S76°00'40"W, 38.52 feet to the place 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.

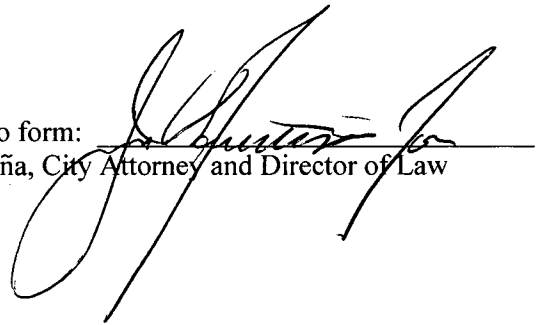

Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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



STAFF REPORT
 MAPC-December 5, 2019

CASE NUMBER: ZON2019-00045

APPLICANT/AGENT VCRC 4, LLC (Applicant)/ Gaylan and Ryan Nett, Will Clevenger (Agents)

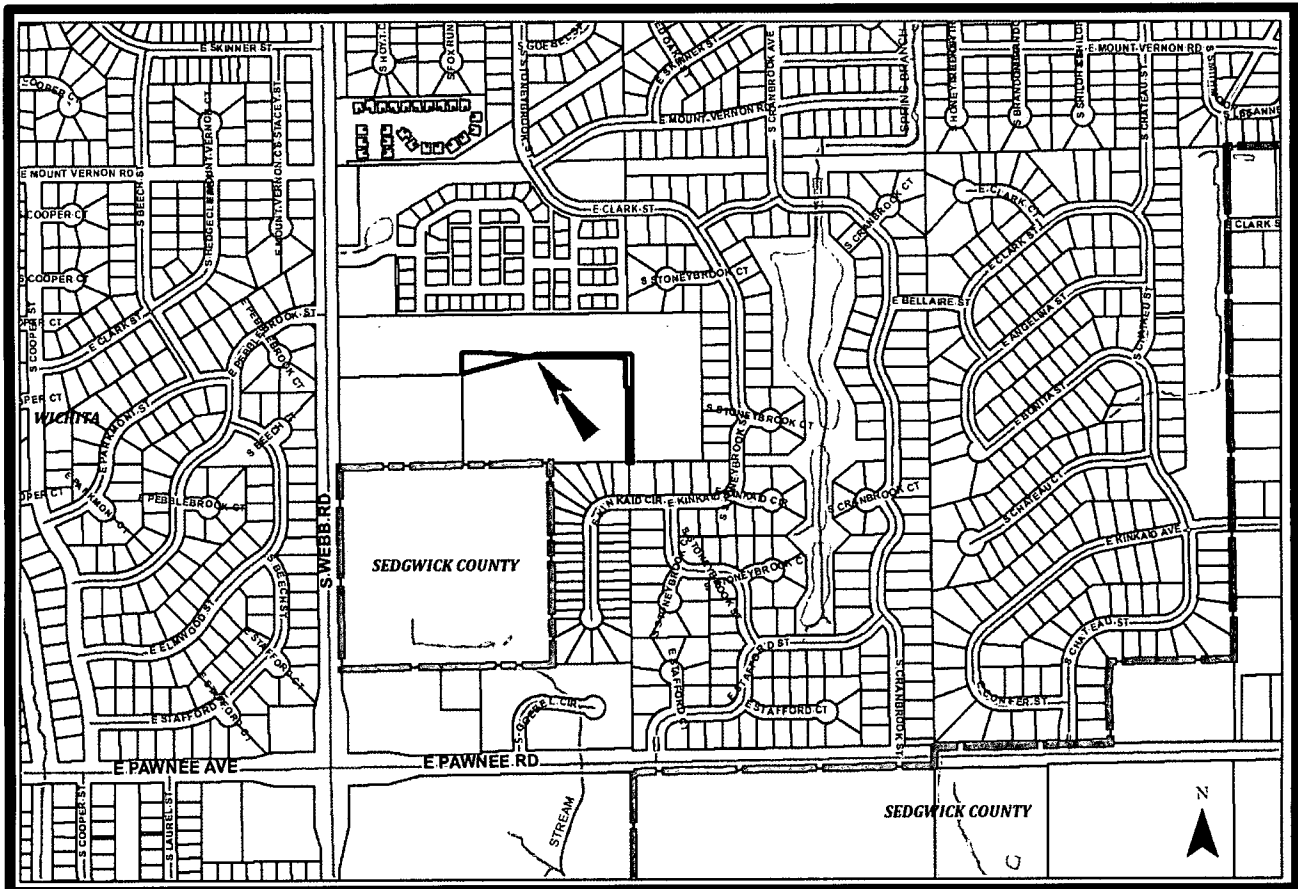
REQUEST: TF-3 Two-Family Residential and SF-5 Single Family Residential

CURRENT ZONING: SF-5 Single-Family Residential and TF-3 Two Family Residential

SITE SIZE: 0.76 acres

LOCATION: Approximately one-quarter mile north of East Pawnee Street and east of South Webb Road.

PROPOSED USE: Construction of duplexes



BACKGROUND: This application was filed to rezone a portion of the subject property from SF-5 Single-Family Residential to TF-3 Two-Family Residential and as well as another portion of the property from TF-3 to SF-5. The subject property is located approximately one quarter mile north of East Pawnee Road on the east side of South Webb Road. With this request, the applicant is needing to modify the existing zoning district boundaries to align with the platted lot boundaries that were created after the initial zone change request (ZON2019-00007). Ultimately, the applicant intends to develop 32 lots for duplexes equating to 64 dwelling units (see attached site plan). The plan for the remainder of the lots is to construct single family homes.

Parcel 1 on the site plan is 0.36 acres in size and represents the portion of the subject property requested to be rezoned from SF-5 to TF-3. Parcel 2 on the site plan is 0.40 acres in size and represents the portion of the subject property requested to be rezoned from TF-3 to SF-5. In total, the new area for the TF-3 district is 8.02 acres. The property is currently vacant land. The proposed TF-3 District has a minimum lot size of 6,000 square feet per dwelling unit, so the existing lots meet the minimum lot size for duplexes. The proposed duplexes would be subject to all applicable setback requirements of the TF-3 district.

The surrounding area is primarily single family residential; however, there is an area of TF-3 zoning with duplexes directly south of this property. In the larger area, a mixture of single family and duplexes is common including the patio home development to the north. Please see the attached area map showing the zoning districts surrounding the subject site.

CASE HISTORY: The property is platted as Lot 1, Block 1, Christ Community Church Addition, 1995.

In September 2012, an administrative adjustment to the sign code was approved to allow an electronic message sign on the property primarily for the church building that fronts Webb Road (BZA2012-00052).

On April 4, 2019, the Planning Commission heard ZON2019-00007, which is the original zone change requested to rezone the 8 acre portion of the property to TF-3. This case was ultimately approved by City Council on May 7, 2019.

On October 10, 2019, the Planning Commission heard SUB2019-00033, which reviewed the final plat of the entire property to be developed with single family homes and duplexes. This case has yet to be scheduled for final approval from City Council.

ADJACENT ZONING AND LAND USE:

North:	SF-5;	Undeveloped land.
South:	SF-20 & TF-3;	County Maintenance yard and duplexes
East:	SF-5;	Undeveloped land
West:	SF-5;	Church/place of worship.

PUBLIC SERVICES: South Webb Road is a fully improved four-lane arterial street. All municipal services are nearby, but will need to be extended to serve the subject site.

CONFORMANCE TO PLANS/POLICIES: The *Community Investment Plan* depicts the subject site as appropriate for “residential” and “new residential” uses. The residential use category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. The site is outside the Established Central Area (ECA), but is a good example of infill development.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be **APPROVED.**

This recommendation is based on the following findings:

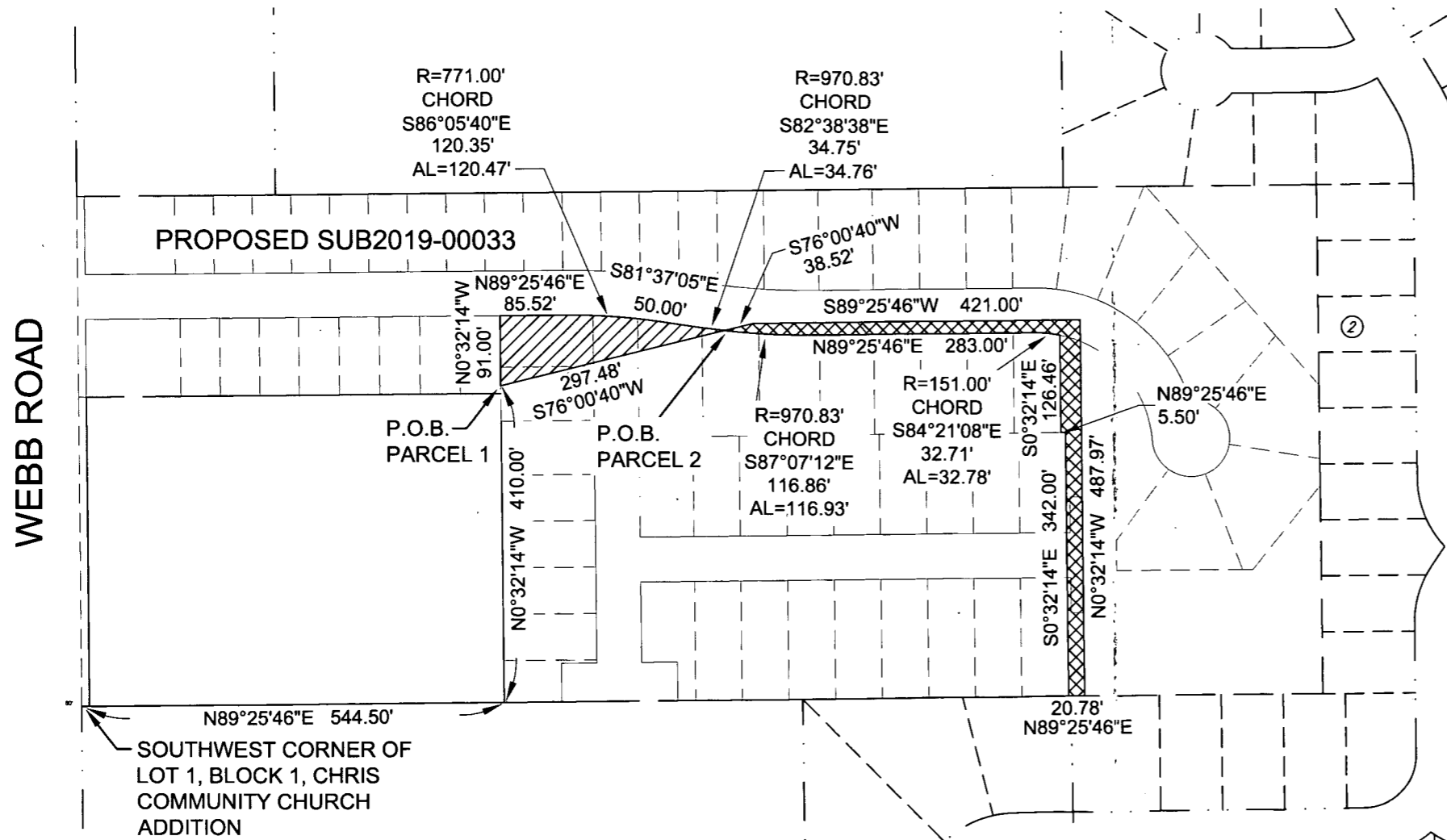
1. The zoning, uses and character of the neighborhood: Properties surrounding the subject site area are primarily zoned SF-5, but there are areas of TF-3 and MF-18 zoning in the immediate area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned SF-5, which primarily allows single-family residences. The portion of the lot being considered for rezoning is undeveloped and could be improved with a development of duplexes with this rezoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of TF-3 zoning would allow new two-family homes to be constructed on the property. Approval of the request should not detrimentally impact nearby property owners.
4. Length of time the property has remained vacant as currently zoned: This portion of the property is currently vacant and has never been developed.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Community Investment Plan* depicts the subject site as appropriate for “residential” and “new residential” uses. The residential use category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. The site is outside the Established Central Area (ECA), but is a good example of infill development.
6. Impact of the proposed development on community facilities: Existing municipal facilities are nearby but need to be extended to serve the application area.

Staff Report Attachments:

1. Area Map
2. Zoning Map
3. Land Use Map
4. Site Plan Submitted by Applicant

ZONE CHANGE EXHIBIT

Wichita, Sedgwick County, Kansas



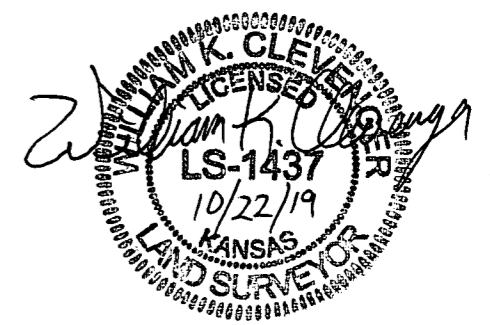
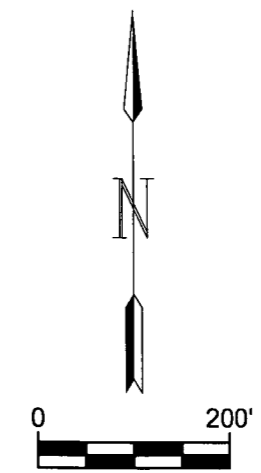
▨ = PARCEL 1
 ▩ = PARCEL 2

PARCEL 1: SF-5 TO TF-3 *3.36 Acres*

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PARCEL 2: TF-3 TO SF-5 *5.40 Acres*

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DWG FILE: ZONE CHANGE EXHIBIT2
 PROJECT NO. 19S04013
 OCTOBER 22, 2019

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