



**Wichita-Sedgwick County Metropolitan Area Planning Department**

May 17, 2023

Fairview Development Partners LLC  
c/o Brian Arenson  
PO Box 726  
Wichita, KS 67201

Baughman Company, P.A.  
c/o Phil Meyer  
315 South Ellis Street  
Wichita, KS 67211

**RE: ZON2023-00009:** Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the northwest corner of North Fairview Avenue and West 31st Street North (3205 North Fairview).

Dear Applicants;

At its regular meeting on **May 16, 2023**, the Wichita City Council considered the above captioned request. The action of the MAPC was to **APPROVE** the request.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth  
Current Plans  
Associate Planner

Copies to: Maggie Ballard, Council Member District VI  
Ana Lopez, CSR, District VI  
MABCD



**Wichita-Sedgwick County Metropolitan Area Planning Department**

April 13, 2023

Fairview Development Partners LLC  
Attn: Brian Arenson  
PO Box 726  
Wichita, KS 67201

Baughman Company  
Attn: Philip Meyer  
315 South Ellis Street  
Wichita, KS 67211

**RE: ZON2023-00009:** Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the northwest corner of North Fairview Avenue and West 31st Street North (3205 North Fairview).

Dear Applicant;

At its regular meeting on **April 13, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on April 27, 2023. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed and must be submitted to the City Clerk by **April 27, 2023 at 5:00 p.m.**

This application will be heard by the Wichita City Council on **Tuesday, May 16, 2023**, beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth  
Current Plans  
Associate Planner

Copies to: MABCD  
Maggie Ballard, Councilmember District VI  
Ana Lopez, CSR District VI  
Francisco Banuelos, 3115 North Fairview Avenue, Wichita, KS 67204  
Rhonda Waymire, 3235 North Fairview Avenue, Wichita, KS 67204

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON May 26, 2023

ORDINANCE NO. 52-182

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. ZON2023-00009**

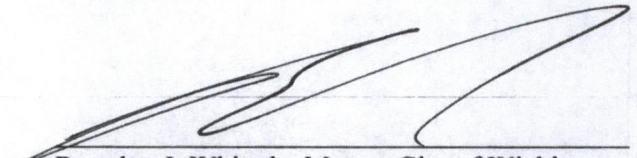
Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development, generally located on the northwest corner of North Fairview Avenue and West 31st Street North, on property legally described as:

The South Half of the Southeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 32, Township 26 South, Range 1 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas.

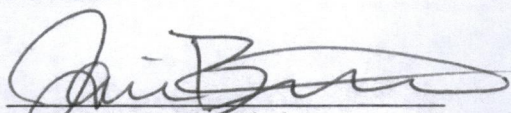
**SECTION 2.** That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

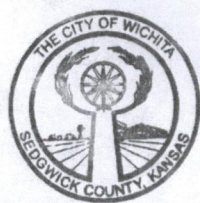
Adopted this 23rd day of May, 2023.

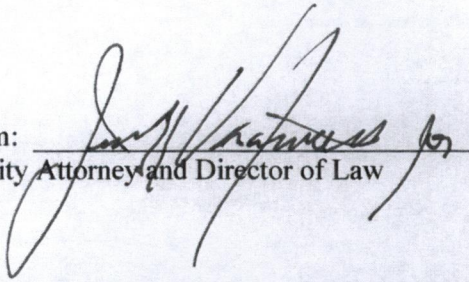
  
Brandon J. Whipple, Mayor, City of Wichita

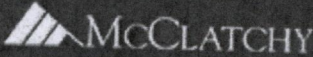
ATTEST:

  
Jamie Buster, City Clerk

(SEAL)



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



Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
 Modesto Bee  
 Raleigh News & Observer  
 The Olympian  
 Sacramento Bee  
 Fort Worth Star-Telegram  
 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	425218	Print Legal Ad-IPL01242620 - IPL0124262		\$57.01	1	68 L

**Attention:** Jamie Buster  
 CITY OF WICHITA/CLERKS OFFICE  
 455 N MAIN ST FL 13  
 WICHITA, KS 67202

LAlvarez@wichita.gov

### LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE  
 ON May 26, 2023

ORDINANCE NO. 52-182

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. ZON2023-00009

Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development, generally located on the northwest corner of North Fairview Avenue and West 31st Street North, on property legally described as:

The South Half of the Southeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 32, Township 26 South, Range 1 East of the Sixth Principal Meridian, 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.

Adopted this 23rd day of May, 2023.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and

Director of Law

IPL0124262

May 26 2023

In The STATE OF KANSAS  
 In and for the County of Sedgwick

1 insertion(s) published on:  
 05/26/23

STATE OF KANSAS)

SS

County of Sedgwick)

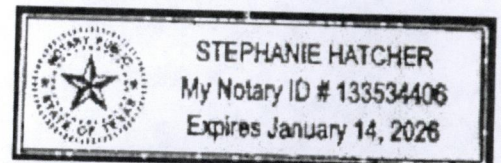
Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 05/26/2023 to 05/26/2023.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 05/26/2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!



Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
 Modesto Bee  
 Raleigh News & Observer  
 The Olympian  
 Sacramento Bee  
 Fort Worth Star-Telegram  
 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

# AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	398642	Print Legal Ad-IPL01149060 - IPL0114906		\$231.52	3	92 L

Attention: MANDY HEBERT  
 CITY OF WICHITA/PLANNING DEPT  
 271 WEST THIRD ST., 2ND FL, SU 203  
 WICHITA, KS 67202

## LEGAL PUBLICATION

OCA 180004  
 Published in The Wichita Eagle on March 23, 2023  
 (One Time Only)  
 MAPC/BZA April 13, 2023  
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 13, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 268-4421.

EZA2023-00008: Variance in the City to allow a rooftop sign in the CBD Central Business District on property located on the northwest corner of South Broadway Avenue and East William Street (230 East William).

EZA2023-00013: Variance request in the City to allow an off-site sign in the 20-foot west front setback on property zoned GI General Industrial; generally located west of North Hydraulic Avenue and approximately one-quarter-mile north of East 37th Street North (4035 N. Hydraulic).

CON2023-00005: Conditional Use request in the City to permit expansion of existing bar with live entertainment (defined as Night Club in the City) on property zoned LC Limited Commercial; located on the south side of East 17th Street and within one block east of North Hillside Avenue (3227 East 17th Street North).

DER2023-00006: Wichita-Sedgwick County Unified Zoning Code (UZC) amendment to include Short-Term Rental businesses.

PUD2023-00001: Zone change request in the City from LI Limited Industrial District with PO #162 to PUD Planned Unit Development for mixed-use development; generally located on the northwest corner of East 29th Street North and North Greenwich Road.

PUD2023-00002: Zone change request in the City from B Multi-Family Residential to PUD Planned Unit Development for duplex development with flexible development standards; generally located west of North Wellington Street and approximately 300 feet north of West 11th Street North.

VAC2023-00004: Request in the County to vacate a portion of platted access control located along East 71st Street South, within one block east of South 143rd Street East.

VAC2023-00005: Request in the County to vacate a platted 70-foot contingent street dedication between Lots 6 and 7, Downs Country Estates Addition, on properties zoned SF-20 Single-Family Residential; located within one-quarter mile northwest of South Webb Road and East 47th Street South (9314 and 9207 E Cherish).

VAC2023-00006: Request in the County to vacate a floodway reserve easement dedicated by separate instrument; generally located one-half-mile south of West 125th Street North and east of North Seneca (10th) Street West (12220 North Seneca).

VAC2023-00007: Request in the City to vacate a platted 30-foot utility easement on property zoned GI General Industrial; generally located north of North Cleveland Avenue and west of North New York Avenue.

ZON2023-00007: Zone change in the City from SF-5 Single-Family Residential District to GO General Office District to allow GO uses including duplexes; generally located east of South Weize Road and north of West Kellogg Drive.

ZON2023-00008: Zone change request in the City from SF-5 Single-Family Residential to LC Limited Commercial to build a commercial building with drive-through; located at South Seneca Street and South Walnut Street, within one block South ZON2023-00009: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the northwest corner of North Fairview Avenue and West 31st Street North (3205 North Fairview).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

- Options to participate (see below):
- 1) Participate virtually
  - 2) Attend in-person at the Ronald Reagan Building
  - 3) Submit comments ahead of time

Participate Virtually  
 Join Zoom Meeting  
<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBhbnFJQTFDFV0xPVBkUj09>  
 Meeting ID: 408 986 6967  
 Passcode: 094136  
 One tap mobile  
 +16899006833, 4089866967#...\*094136# US (San Jose)  
 +17193594580, 4089866967#...\*094136# US  
 Meeting ID: 408 986 6967  
 Passcode: 094136  
 Find your local number: <https://us06web.zoom.us/j/kc65codt1b>

Attend In-Person  
 You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time  
 You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email Planning@wichita.gov  
 Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department  
 Attn: Scott Wedle  
 271 W. 3rd Street - Suite 201  
 Wichita, KS 67202  
 Phone 316.268.4421  
 Fax 316.858.7764  
 WITNESS MY HAND on March 23, 2023  
 Scott Wedle, Secretary  
 WichitaSedgwick County  
 Metropolitan Area Planning Commission  
 FLO114906  
 Mar 23 2023

In The STATE OF KANSAS  
 In and for the County of Sedgwick

1 insertion(s) published on:  
 03/23/23

STATE OF KANSAS)

SS

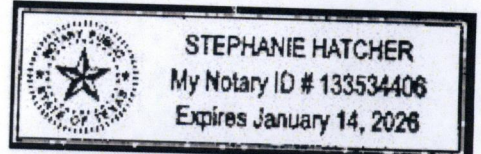
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 03/23/2023 to 03/23/2023.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
 DATED: 03/23/2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!



**BACKGROUND:** The applicant is requesting a zone change from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District on an unplatted lot totaling 4.57 acres (198,995 square feet) in size. The property is generally located on the northwest corner of West 31<sup>st</sup> Street North and North Fairview Avenue (3205 North Fairview Avenue). The subject site is currently developed with a single-family residence.

The applicant has indicated they intend to use the site for duplex development. The applicant has not submitted a site plan or elevations for the proposed development. Should the zone change request be approved, there will be no change in setbacks, parking requirements, or maximum height. SF-5 Single-Family Residential District requires a 5,000 square foot minimum lot size, while TF-3 Two-Family Residential District requires a 3,500 square foot minimum lot size per unit. If the lot is split, the subject site could accommodate up to 28 duplexes, or 56 dwelling units.

The character of the neighborhood is residential. Properties to the north, south, east and west are all zoned SF-5 Single-Family Residential District and are developed with single-family residences. Within one block east of the subject site are two properties zoned TF-3 Two-Family Residential District; one of which is developed with a duplex. The requested zone change is thus not introducing a new use to the area.

**CASE HISTORY:** The property is currently unplatted and will need to be platted prior to the issuance of building permits. There are no zoning cases associated with this property.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5	Single-family residence
EAST:	SF-5	Single-family residences
WEST:	SF-5	Single-family residences

**PUBLIC SERVICES:** The subject site currently has access to North Fairview Avenue, a two-way gravel street with no sidewalks on either side. The subject site has access to water, but sewer services will need to be extended onto the site. Wichita Transit serves this site within two blocks north, on the northeast corner of West 33<sup>rd</sup> Street North and North Wellington Place.

**CONFORMANCE TO PLANS/POLICIES:** The requested zone change is in conformance with the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject site as primarily appropriate for both “Residential” and “New Employment”. The *Plan* defines “Residential” as “*areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality.*” Duplex development is an appropriate use for this land.

**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 character of the neighborhood is residential. Properties to the north, south, east and west are all zoned SF-5 Single-Family Residential District and are developed with single-family residences. Within one block east of the subject site are two properties zoned TF-3 Two-Family Residential District; one of which is developed with a duplex.
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 District, which is suitable for a limited number of residential, public, and civic uses, including single-family residences.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The property will bring more development to an underdeveloped lot. There are two properties zoned TF-3 Two-Family

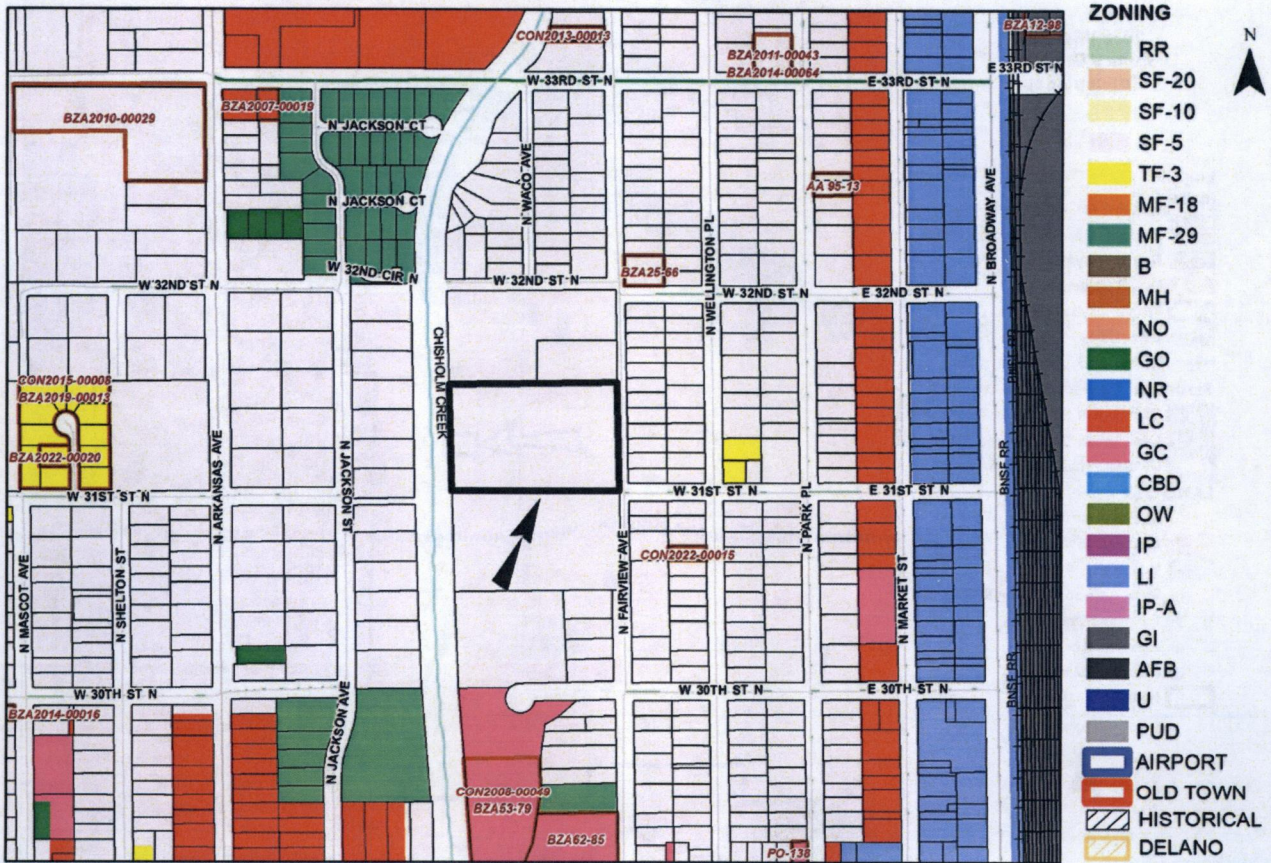
Residential District within one block east of the subject site. Therefore, duplexes are not a new type of development to the area.

4. **Length of time subject property has remained vacant as zoned:** The property is currently not vacant. According to historic aerial maps, the property has been developed with a single-family structure since the 1960s. However, the architectural style of the single-family residence suggests this property was built as late as the 1930s.
5. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would permit new development in an area on an underdeveloped parcel that is also appropriate for such development. Denial may represent a loss of economic opportunity for the applicant.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning would continue to allow the property to be in conformance with the *Community Investments Plan*, as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** The Planning Department does not anticipate the requested zone change will have a significant impact on community facilities.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has not received any comments from the public on the requested zone change.

Staff Report Attachments:








1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Site Plan
5. Site Photos








**2035 Wichita  
Future Growth  
Concept Map**









**Legend**

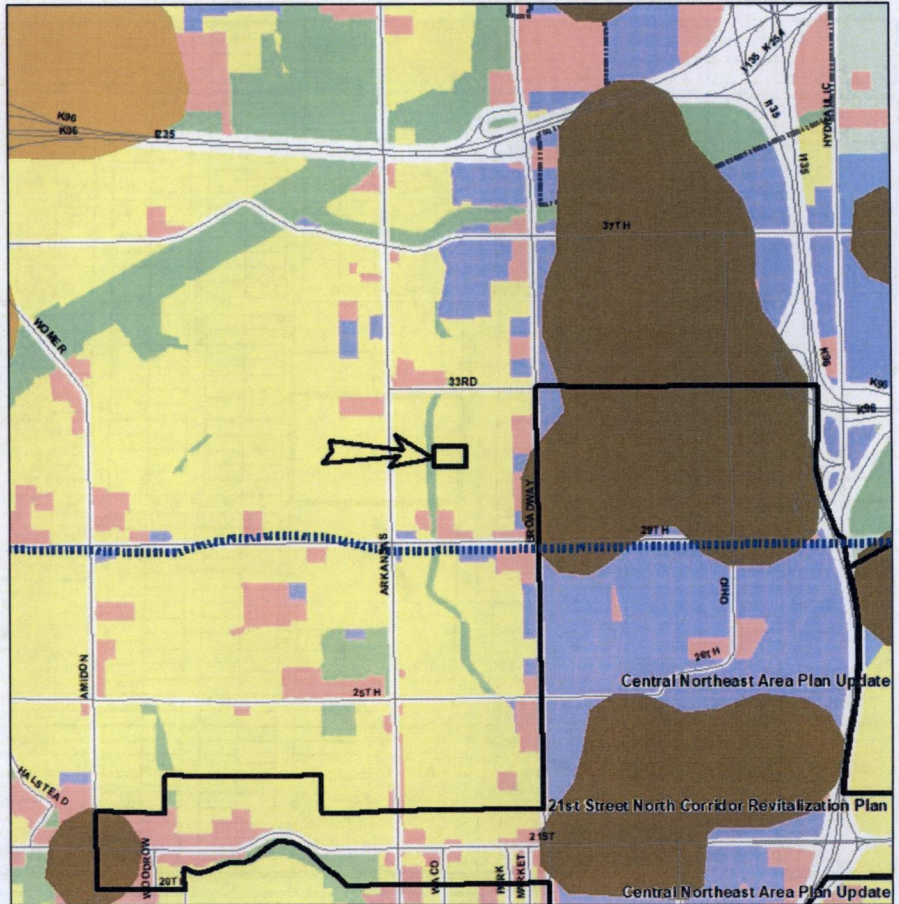
-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

**Statistical Development Areas**

-  Other Urban Growth Areas 2014
-  Other Urban Growth Areas 2014
-  Rural Growth Areas 2014

**LAND USE**

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Nghbd\_Plan\_Areas



Looking west towards site



Looking south away from site



Looking east away from site



Looking north away from site



