



Wichita-Sedgwick County Metropolitan Area Planning Department

August 15, 2023

Nathan Farha
535 North Brookfield
Wichita, KS 67206

RE: CON2023-00026: Conditional Use request in the City to allow multi-family density on property zoned TF-3 Two-Family, generally located west of North Erie Street and 68 feet north of East 3rd Street North (405 North Erie Street).

Dear Applicant;

At its regular meeting on **August 15, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request with the following conditions:

1. The site is limited to a maximum of two dwelling units.
2. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
3. Development and maintenance of the site shall be in conformance with the approved site plan. The applicant shall submit a landscape plan to the Planning Department for review and approval prior to the issuance of building permits.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink that reads 'Christina Rieth'.

Christina Rieth
Current Plans, Associate Planner

Copies to: MABCD
Brandon Johnson, Council Member District I
Tasha Hayes, Community Services Representative District I
Danny Humsi, 1330 East Douglas Avenue, Suite 200, Wichita, KS 67214



Wichita-Sedgwick County Metropolitan Area Planning Department

July 13, 2023

Nathan Farha
525 North Brookfield
Wichita, KS 67206

Danny Humsi
1330 East Douglas Avenue
Suite 200
Wichita, KS 67214

RE: CON2023-00026: Conditional Use request in the City to allow multi-family density on property zoned TF-3 Two-Family, generally located west of N Erie Street and 68 feet north of E 3rd Street N (405 North Erie Street).

Dear Applicants;

At its regular meeting on **July 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 with the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.
2. Water and sewer services shall be connected to the main structure and provided in compliance with the Sedgwick County Sanitation Code before a building permit will be issued. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
3. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
4. Development and maintenance of the site shall be in conformance with the approved site plan.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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 July 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 **July 27, 2023 at 5:00 p.m.**

To ensure that Conditional Use applications would not be ruled invalid due to the recent American Warrior, Inc. v. Board of County Commissioners of Finney County, Kansas, the Planning Department is sending Conditional Use cases to the respective Governing Body for action. To do this, the Planning Director is submitting an appeal for all Conditional Use applications, per UZC Sec. V.A.5. This application will be considered by the Wichita City Council on **Tuesday, August 15, 2023** beginning at 9:00 a.m.

This is a reminder that development application 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: Brandon Johnson, Council Member District I
 Tasha Hayes, CSR District I
 MABCD

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

RESOLUTION NO. 23-343

WHEREAS, F4 LLC, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit Multi-Family Density on property zoned TF-3 Two-Family Residential District located on the west side of North Erie Street, 68 feet north of East 3rd Street North, legally described as:

Lots 23 and 25, on Roystone, now Erie Avenue, in Maple Grove Addition to Wichita, Sedgwick County, Kansas.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of July 13, 2023, consider said application; and

WHEREAS, the Wichita City Council has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Wichita City Council that this application be approved to allow a Conditional Use to permit Multi-Family Density on property zoned TF-3 Two-Family Residential District located on the west side of North Erie Street, 68 feet north of East 3rd Street North Avenue, legally described as:

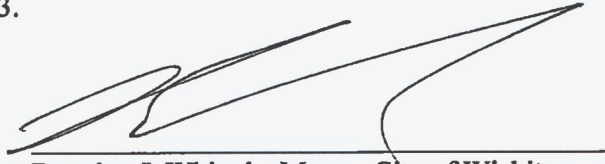
Lots 23 and 25, on Roystone, now Erie Avenue, in Maple Grove Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

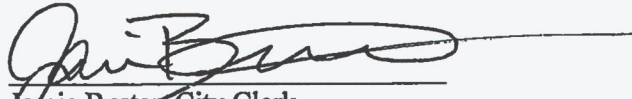
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3. Development and maintenance of the site shall be in conformance with the approved site plan. The applicant shall submit a landscape plan to the Planning Department for review and approval prior to the issuance of building permits.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 15th day of August, 2023.


Brandon J. Whipple, Mayor, City of Wichita

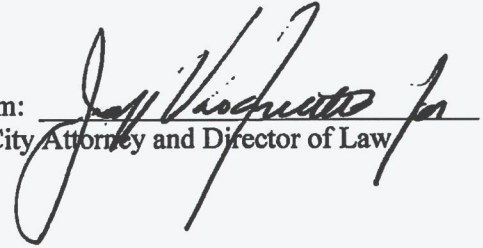
ATTEST:


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	456467	Print Legal Ad-IPL01357740 - IPL0135774	Res 23-343/OCA 150004	\$87.15	2	52 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
August 18, 2023
BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.
RESOLUTION NO. 23-343

WHEREAS, F4 LLC, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit Multi-Family Density on property zoned TF-3 Two-Family Residential District located on the west side of North Erie Street, 68 feet north of East 3rd Street North, legally described as:

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This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 15th day of August, 2023.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magan a, City Attorney and Director of Law

IPL0135774

Aug 18 2023

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

1 insertion(s) published on:

08/18/23

STATE OF KANSAS)

SS

County of Sedgwick)

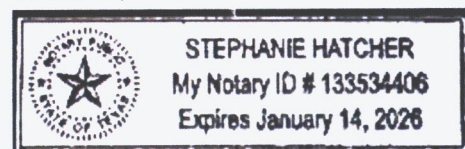
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 08/18/2023 to 08/18/2023.

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

DATED: 08/22/2023

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!

STAFF REPORT
 MAPC: July 13, 2023
 DAB I: July 10, 2023

CASE NUMBER: CON2023-00026 (City)

APPLICANT/AGENT: F4 LLC/Nathan Farha/Danny Humsi (Applicants)

REQUEST: Conditional Use to allow Multi-Family Residential

CURRENT ZONING: TF-3 Two-Family Residential District

SITE SIZE: 0.16 acres

LOCATION: Generally located on the west side of North Erie Street, within one-block south of East Central Avenue (405 North Erie Street).

PROPOSED USE: Two separate single-family dwelling units.

RECOMMENDATION: Approve with conditions.



BACKGROUND: The applicant is requesting a Conditional Use to allow Multi-Family Residential in TF-3 Two-Family Residential District. The property is generally located on the west side of North Erie Street, within one-block south of East Central Avenue (405 North Erie Street). The subject site is currently developed with a single-family residential dwelling and a detached garage that will be converted into a dwelling unit.

The site plan shows that the existing garage, which will be converted into a dwelling unit, is located 35 feet from the west property line and ten feet from the north property line. The existing garage measures 15 feet by 30 feet.

According to Section III-6.c of the Unified Zoning Code, Multi-Family Residential is allowed in TF-3 Two-Family Residential District zoning at a maximum density of 14.5 Dwelling Units per acre. The applicant is requesting a total of two units on 0.16 acres, which is the maximum density permitted.

According to the Unified Zoning Code, Multi-Family requires 1.25 parking spaces per efficiency and one-bedroom Dwelling Unit and 1.75 parking spaces per two bedroom or larger Dwelling Unit, so the site will require a total of three parking spaces. The site plan shows three parking spaces that will be accessed by the alley in the rear, which satisfies the parking requirement.

Because the property abuts TF-3 Two-Family Residential District zoning on all sides, it must adhere to the screening and landscaping requirements of the Unified Zoning Code and the Wichita Landscape Ordinance, respectively. There is currently a wooden fence around the north, west, and south boundaries of the property that satisfies the screening requirement. However, in addition to this screening, buffer trees must be planted on the north, west, and south sides. Any existing trees can be used toward the landscape buffer. If approved, the applicant would be required to submit a landscape plan prior for review and approval by the Planning Department prior to the issuance of building permits.

The character of the neighborhood is low-density residential. Properties to the north, south, east and west are all zoned TF-3 Two-Family Residential District and are developed with single-family dwellings.

CASE HISTORY: On July 9, 1886, the Maple Grove Addition was created. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

North:	TF-3	Single-family residential dwelling
South:	TF-3	Single-family residential dwelling
East:	TF-3	Single-family residential dwelling
West:	TF-3	Single-family residential dwelling

PUBLIC SERVICES: All municipal services and utilities are available to serve the site. The property has access to North Erie Street, a paved, two-way local street with sidewalks on both sides. Wichita Transit serves this area within one-block northwest of the subject site, on the southwest corner of East Central Avenue and North Volutsia Avenue.

CONFORMANCE TO PLANS/POLICIES: The proposed use is in conformance with the Community Investments Plan. The Community Investments Plan identifies the site as a “Residential and Employment Mix” on the 2035 Wichita Future Growth Map Concept Map as “*areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity businesses uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.*”

The requested zoning aligns with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested zoning aligns with Strategy 5, “Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA.” The small-scale development would provide housing options that otherwise might not be immediately available in the area.
- The requested zoning also aligns with Strategy 6, “Encourage infill and redevelopment that is contextual to the environment in which it is occurring.” The proposed Conditional Use would allow for the infill of an additional dwelling unit using an existing structure.
- Current Condition: The subject property is located within an area identified as an “area of opportunity.” The *Wichita: Places for People Plan* defines areas of opportunity as “areas that generally exhibit economic challenges, a disconnected development pattern and a lack of walkable places and facilities. These areas need strategic investment, both public and private, to assist in redefining and reinvigorating the area. Areas of Opportunity also require capacity-building at the neighborhood level to accommodate redevelopment that is beneficial to the neighborhood and its residents.”

The requested Conditional Use aligns with the goals of the *Central Northeast Area Update*. One of the Priorities listed in the *Plan* aims to “protect the neighborhood fabric by ensuring that the rate of new home construction exceeds the housing demolition rate in the Central Northeast Area.” The requested Conditional Use will add housing to the neighborhood using existing structures.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **APPROVED**, subject to the following conditions:

1. The site is limited to a maximum of two dwelling units.
2. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
3. Development and maintenance of the site shall be in conformance with the approved site plan. The applicant shall submit a landscape plan to the Planning Department for review and approval prior to the issuance of building permits.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is low-density residential. Properties to the north, south, east and west are all zoned TF-3 Two-Family Residential District and are developed with single-family dwellings.
2. The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned TF-3 Two-Family Residential, which permits Multi-Family Residential by Conditional Use approval under Section III-B.6.c of the Unified Zoning Code. The site is suitable for a limited number of residential, public and civic uses, including a single-family dwelling or a

duplex. It does not allow two single-family dwellings on site without a Conditional Use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not anticipate that approval of the request will generate significant amounts of additional traffic. There is ample parking on site to accommodate the multi-family density. The conditions of approval should minimize any anticipated detrimental impacts.
4. Length of time subject property has remained vacant as zoned: The subject property is not vacant. The property has been developed with a single-family residential dwelling since 1920.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: It is not anticipated that the requested Conditional Use will have an effect on the public health, safety, or welfare. Denial of the application may result in a loss of enjoyment for the applicant.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed use is in conformance with the *Community Investments Plan*, the *Wichita: Places for People Plan*, and the *Midtown Neighborhood Plan*, as discussed in the report.
7. Impact of the proposed development on community facilities: Staff expect that there will be minimal significant impact on public roads, water, and sewer service.
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff received one phone call from the public that was inquiring about the Conditional Use.

Attachments:

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

Situs: 405 N ERIE ST WICHITA, KS 67214

Situs: 405 N ERIE ST WICHITA, KS 67214

APPLICANT: NATHAN

FACULTA

Handwritten signature: *Handwritten signature*

15m41

EXISTING GERMENE
THAT WAS
PREVIOUSLY
CONVERTED
TO A LIVING UNIT.

CURRENTLY ZONED TF 3

TF-3
Zoning
NE19HDBR

1110/PARTIAL
UNIT
IF 9500
CONGRUENT

Answer

DATE

NORTH

FLIE STRAßE



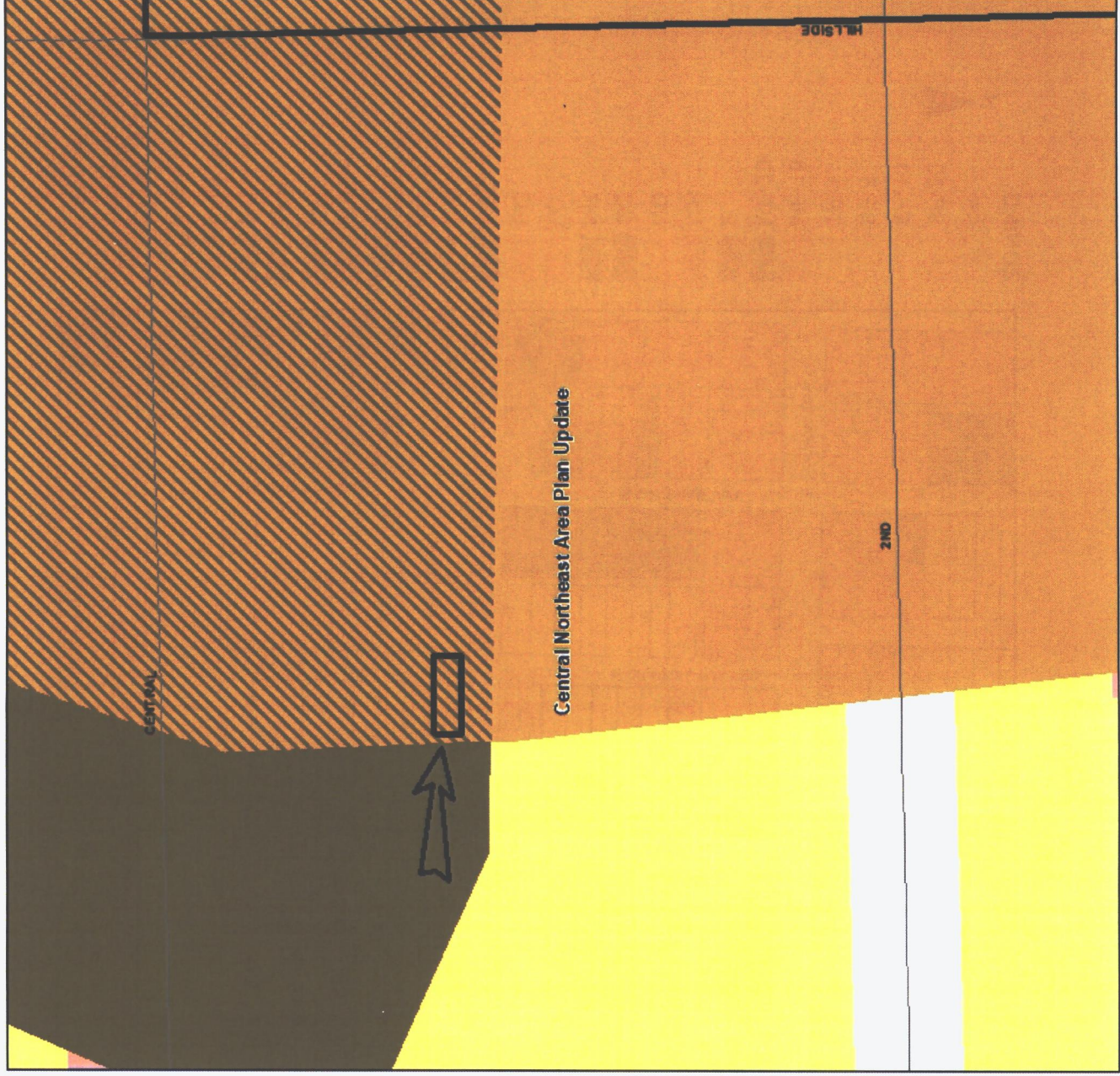


2035 Wichita Future Growth Concept Map

- 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



Map prepared by the Metropolitan Area Planning Commission (MAPC) in 2023. The map is for informational purposes only and does not constitute a legal document. The MAPC is not responsible for any errors or omissions on this map. The MAPC is not responsible for any damages or losses resulting from the use of this map. The MAPC is not responsible for any claims, damages, or liabilities arising from the use of this map. The MAPC is not responsible for any claims, damages, or liabilities arising from the use of this map.



Looking west towards site



Looking west towards accessory structure



Looking east away from site



Looking south towards site



Looking east towards accessory structure



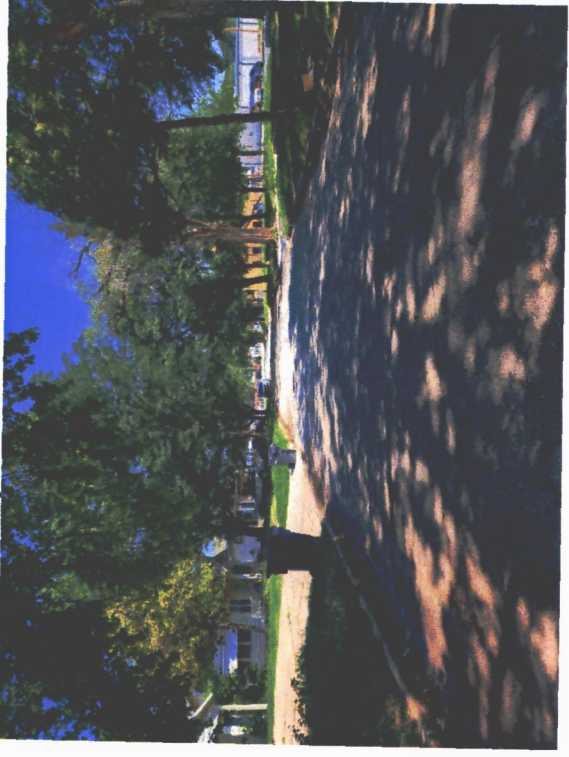
Looking west away from site



Looking east towards main structure



Looking north away from site



DAVID
THOMAS



STATE

3-7-11

Zoning

NE 19 HBR

RECEIVED

CMR

$$\begin{array}{r} 8 \\ 23 \overline{) 23} \\ \underline{23} \\ 0 \end{array}$$

North

FILE STABILITY