



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

Larry J. Cook
4123 S. Broadway Ave.
Wichita, KS 67216

Oct. 1, 2024

Alex and Alexandra Lee
1408 11th St.
Argyle, TX 76226

RE: CON2024-00125 –A Conditional Use request to allow Multi-Family Residential on property zoned TF-3 Two-Family Residential; Generally bounded by North Custer Avenue, North Clayton Avenue, West Newell Street, and West Saint Louis Avenue (3006 West Saint Louis Avenue).

Dear Applicant:

At its regular meeting on **September 12, 2024**, 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. Any change to the Conditional Use, including but not limited to an increase in density greater than 28 dwelling units, must be approved by an amendment to the Conditional Use.
2. The site shall be developed in general conformance with the approved site plan, which shall indicate all required screening, landscaping, and parking.
3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
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.

No protests were filed against this case. Therefore, the decision of the MAPC is final. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Maggie Ballard, Council Member District VI
Ana Lopez, CSR, District VI



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

Larry J. Cook
4123 S. Broadway Ave
Wichita, KS 67216

September 13, 2024

Alex and Alexandra Lee
1408 11th St.
Argyle, TX 76226

RE: CON2024-00125 –A Conditional Use request to allow Multi-Family Residential on property zoned TF-3 Two-Family Residential, Generally bounded by North Custer Avenue, North Clayton Avenue, West Newell Street, and West Saint Louis Avenue (3006 West Saint Louis Avenue).

Dear Applicant,

At its regular meeting on **September 12, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the Conditional Use request for the multi-family residential.

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 September 26, 2024. 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 **September 26, 2024, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, October 10, 2024**, 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 316-268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Maggie Ballard, Council Member District VI
Ana Lopez, CSR, District VI

CONDITIONAL USE RESOLUTION NO. CON2024-00125

WHEREAS, 30-06 LLC, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for Multi-Family Residential in TF-3 Two-Family Residential District zoning located at 3006 West Saint Louis Avenue, legally described as:

Lots 1 through 46 inclusive, in Block 9, in J.O. Davidson's Second 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 September 12, 2024, consider said application; and

WHEREAS, the MAPC 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 Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for Multi-Family Residential in TF-3 Two-Family Residential District zoning located at 3006 West Saint Louis Avenue, legally described as:

Lots 1 through 46 inclusive, in Block 9, in J.O. Davidson's Second Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

1. Any change to the Conditional Use, including but not limited to an increase in density greater than 28 dwelling units, must be approved by an amendment to the Conditional Use.
2. The site shall be developed in general conformance with the approved site plan, which shall indicate all required screening, landscaping, and parking.
3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
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.

Adopted this 13th Day of September, 2024.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:



Bryan Frye, Chairman



Scott Wadle, Secretary



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenot Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	584581	Print Legal Ad-IPL01898810 - IPL0189881		\$122.82	2	73 L

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on August 22, 2024
(One Time Only)
MAPC/BZA September 12, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 12, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

CON2024-00125: Conditional Use request in the City for Multi-Family density on property zoned TF-3 Two-Family Residential District to allow 28 apartments on 3.67 acres; generally bounded by North Custer Avenue, North Clayton Avenue, West Newell Street, and West Saint Louis Avenue (3006 West Saint Louis Avenue).

VAC2024-00039: Vacation request in the city to vacate a portion of the platted 25 feet Waterline Easement; located at the corner of North Meridian Avenue and West 42nd Street North (4243 North Meridian).

ZON2024-00038: Zone Change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District; generally located on the west side of North Tyler Road and within 700 feet south of West Central Avenue (545 North Tyler Road).

ZON2024-00040: Zone change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District to match the zoning of nearby properties, generally located on the north side of West MacArthur Road, within 800 feet west of South Seneca Street (1310 West MacArthur Road).

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 Wichita-Sedgwick 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:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.
2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - 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. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

Email: Planning@wichita.gov

Mailing Address:

Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone: 316.268.4421

Fax: 316.858.7764

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available.

To view the live stream or recording, follow the link: <https://www.wichita.gov/planning>.

WITNESS MY HAND on August 22, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0189881

Aug 22 2024

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

1 insertion(s) published on:

08/22/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 08/22/2024 to 08/22/2024.

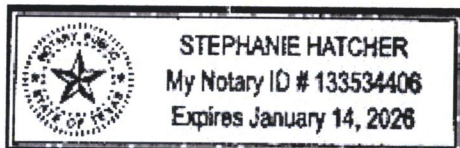
Mary Castro

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

DATED: 08/22/2024

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: September 12, 2024
DAB VI: September 9, 2024

CASE NUMBER: CON2024-00125 (City)

APPLICANT: Larry J. Cook, Alex C. Lee, Aleandra J. Lee
(Applicants)

REQUEST: Conditional Use to allow Multi-Family Residential

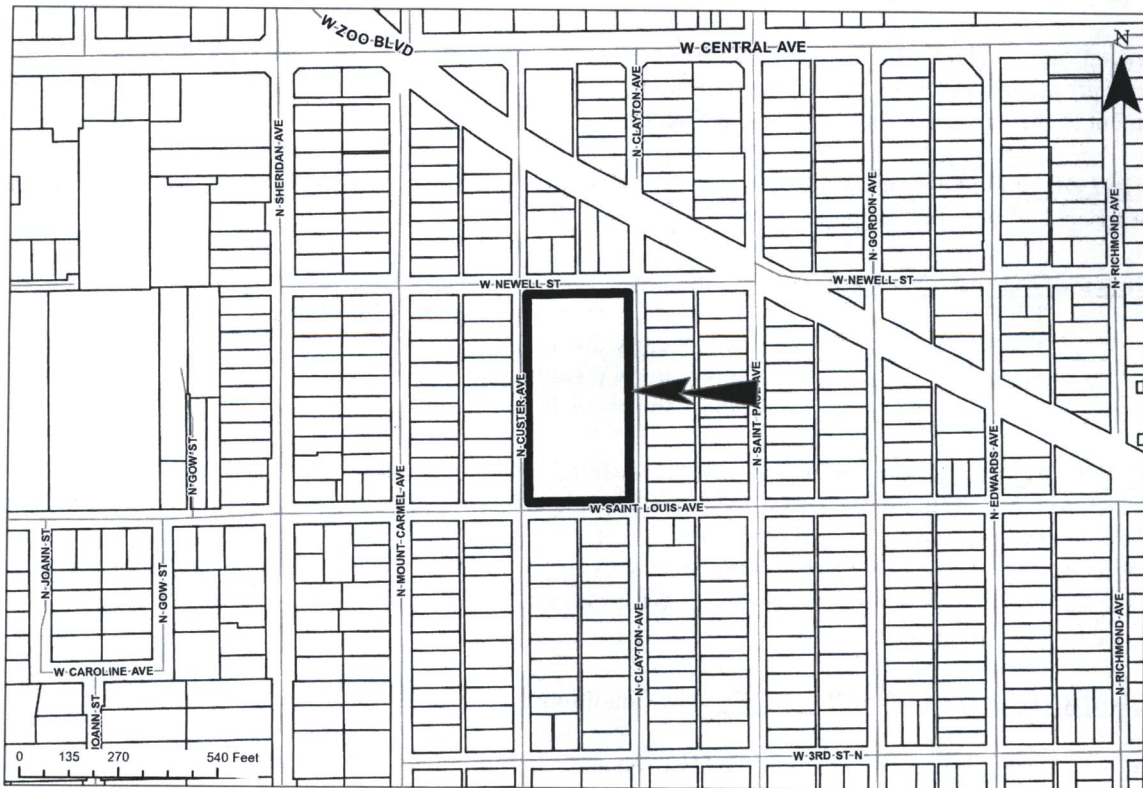
CURRENT ZONING: TF-3 Two-Family Residence

SITE SIZE: 3.67 acres

LOCATION: Generally bounded by North Custer Avenue, North Clayton Avenue, West Newell Street, and West Saint Louis Avenue (3006 West Saint Louis Avenue).

PROPOSED USE: 28-unit Multi-Family Residential

RECOMMENDATION: Approval with Conditions,



BACKGROUND: The applicant is requesting a Conditional Use to allow Multi-Family Residential in TF-3 Two-Family Residential District (TF-3). The property is bounded by North Custer Avenue, North Clayton Avenue, West Newell Street, and West Saint Louis Avenue (3006 West Saint Louis Avenue). The site currently has a vacant elementary school on the property. If approved, the applicant would redevelop the former school into 28 separate dwelling units.

According to Section III-6.c of the Unified Zoning Code (UZC), Multi-Family is allowed in TF-3 Two-Family Residential District at a maximum density of 14.5 Dwelling Units per acre. The applicant is requesting a total of 28 units on 3.67 acres, which is less than the maximum density permitted. The density allowed per the UZC would equal 53 dwelling units on the entire site.

According to the UZC, 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. The applicant has not given an indication as to the types of units to be developed, however the lot is large enough to include enough parking stalls for the requested development.

Section IV-B.2 of the UZC requires screening of all properties developed for all uses except Single-family and Duplex when abutting or across a street or alley from residential zoning districts. Because the property abuts residential zoning all sides, the applicant would be required to provide a solid screening fence of at least six feet in height along the Multi-family use. Any proposed changes to the screening requirement would require the approval of a Variance application to be considered by the Board of Zoning Appeals. The property would also need to adhere to the rules and regulations of the Wichita Sign Code, which prohibits building signs from facing residential zoning district if the building is within 150 feet of the residential lot line.

The applicant would need to adhere to the requirements of the Wichita Landscape Ordinance. In general, the ordinance requires one shade tree (or two ornamental trees) per 40 linear feet along the abutting residential property lines and a landscape street yard with parking lot screening will be required. Instead of requiring the whole subject site to be screened with landscaped buffer trees, the site would need to adhere to the landscape buffering around the multi-family use. 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 permits.

The character of the neighborhood is residential in nature. The property is surrounded on all sides by TF-3 zoning. The majority of properties are developed with single-family dwellings, with one multi-family development and one duplex development to the north, across West Newell Street.

CASE HISTORY: On February 9, 1887, the site was platted as part of the J O Davidsons 2nd Addition. No other zoning cases are associated with this property.

ADJACENT ZONING AND LAND USE:

North:	TF-3	Single-Family dwelling, Duplex, Multi-Family Residential
South:	TF-3	Single-Family dwellings
East:	TF-3	Single-Family dwellings
West:	TF-3	Single-Family dwellings

PUBLIC SERVICES: The site has access to West Newell Street, North Clayton Avenue, West Saint Louis Street, and North Custer Avenue, all two-lane, paved local streets. Sidewalks exist on the southern half of the subject site and on the northeast half of the north side of West Newell Street. Municipal water, sewer and stormwater services currently serve the site. Wichita Transit serves the area on the northwest corner of West Central Avenue and North Custer Street, one block to the north, and on the northeast corner of West Central Avenue and North Saint Paul Avenue, one block to the east and one block to the north.

CONFORMANCE TO PLANS/POLICIES: The Conditional Use request is in conformance with the following plans:

Community Investments Plan: The Conditional Use request is in conformance with the *Community Investments Plan*. The

Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, namely the 2035 Wichita Future Growth Concept Map, identifies the site as "Commercial." The *Plan* describes "Commercial" as, "Encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, Residential Uses. Major destination areas (centers and corridors) containing concentrations of commercial and office uses that have regional market areas and generate high volumes of traffic are located in close proximity to major arterials or highways and typically are buffered from lower density residential areas by higher density housing types." Multi-Family dwellings at the subject site would be more contextual to the area than commercial uses.

The proposed Conditional Use is in conformance with the Land Use Compatibility Guidelines of the *Community Investments Plan*. Under the heading "Development Pattern," Guideline 2.a states, "Encourage infill development that maximizes public investment in existing and planned infrastructure and services." Also, under the heading "Land Use Compatibility," Guideline 2.a states that "Neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context." The proposed Conditional Use would be utilizing an infill site that is proposing a site design with a density level that is expected to result in limited traffic and noise. In addition, the Conditional Use would include screening that is consistent with the scale of the proposal.

Wichita: Places for People Plan: The requested zone change is in conformance 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 request aligns with Strategy 6: *Encourage infill and redevelopment that is contextual to the environment in which it is occurring*. A multi-family use that is much lower in density than what is allowed per the UZC on a large lot is an appropriate use for the subject site.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED** subject to the following conditions:

- 1) Any change to the Conditional Use, including but not limited to an increase in density greater than 28 dwelling units, must be approved by an amendment to the Conditional Use.
- 2) The site shall be developed in general conformance with the approved site plan, which shall indicate all required screening, landscaping, and parking.
- 3) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 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.

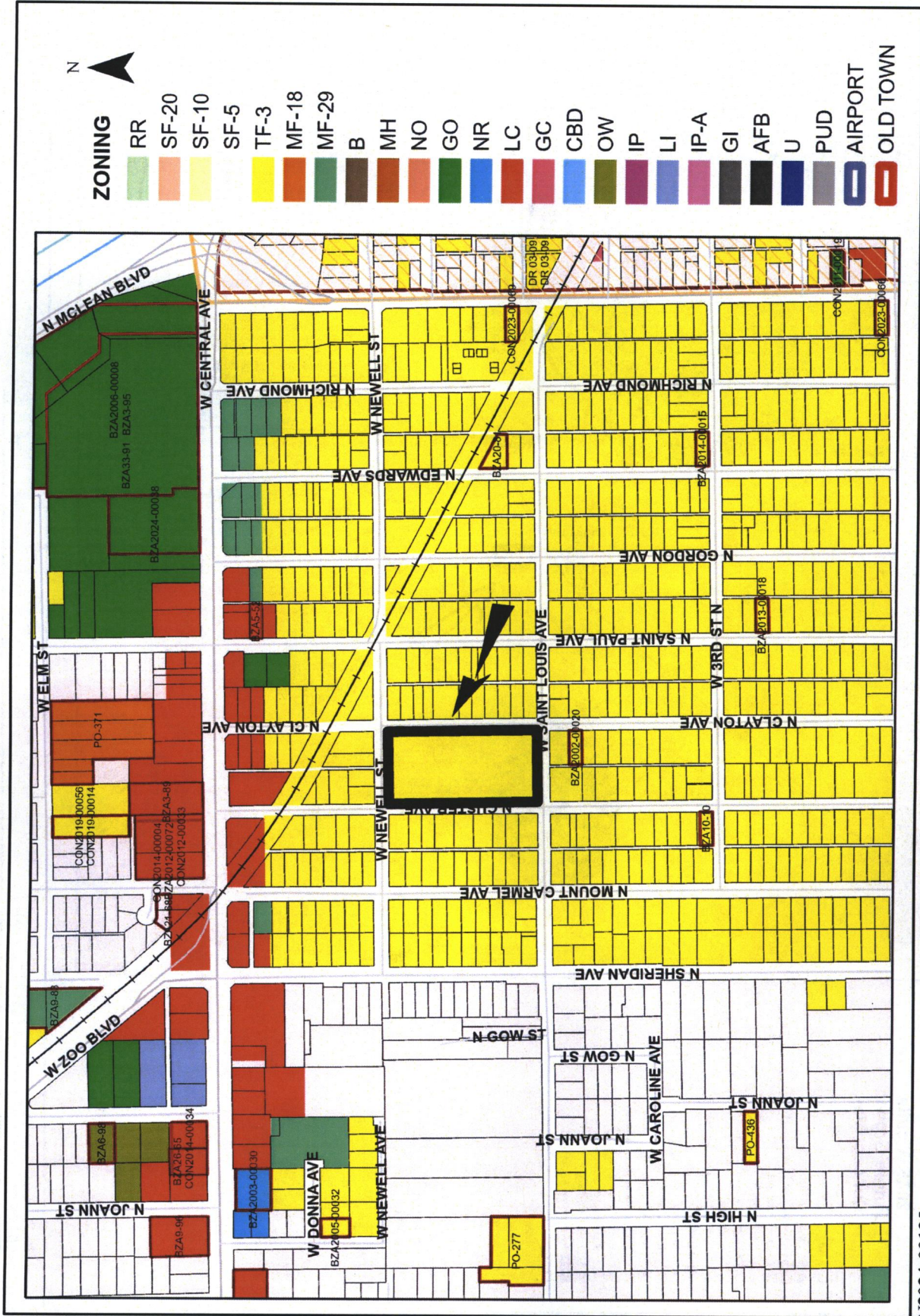
The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is residential in nature. The property is surrounded on all sides by TF-3 zoning. The majority of properties are developed with single-family dwellings, with one multi-family development and one duplex development to the north, across West Newell Street.

2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property is zoned TF-3 and is suitable to be redeveloped with single-family residences or a duplexes.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Multi-Family Residential is permitted as a Conditional Use within the TF-3 district. If the Conditional Use is approved, it is anticipated that the site will see higher volumes of automobile and pedestrian traffic. However, redevelopment of the site with duplexes or single-family dwellings on individual parcels, which is permitted under the existing zoning, could also increase automobile and pedestrian traffic. The conditions of approval are designed to mitigate any possible significant detrimental impacts.
4. **Length of time the property has been vacant as currently zoned:** The subject property is not vacant. The site was developed as an elementary school in 1938. However, the school has not been in use since 1996.
5. **Relative gain to the public health, safety, and welfare compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would allow for the adaptive re-use of a vacant school building to be converted into multi-family housing. Denial could represent economic loss or opportunity for the applicant.
6. **Impact of the proposed development on community facilities:** Staff does not anticipate significant negative impacts to community facilities.
7. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has received no public comment regarding the proposal.

Attachments:

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

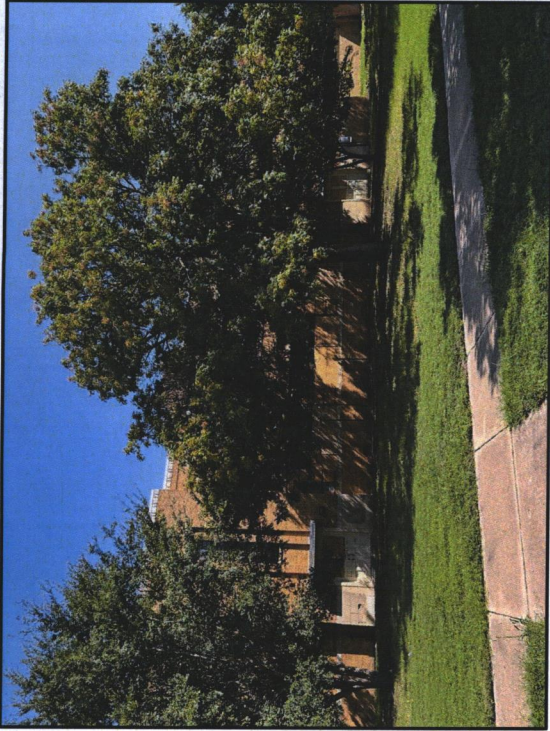


2035 Wichita Future Growth Concept Map

- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Neighborhood & Area Plans
- CITY**
- Andale
 - Bel Aire
 - Bentley
 - Cheney
 - Clearwater
 - Colwich
 - Derby
 - Garden Plain
 - Goddard
 - Haysville
 - Kechi
 - Maize
 - Mount Hope
 - Mulvane
 - Park City
 - Sedgwick
 - Valley Center
 - <all other values>
 - Railroads
 - sdvector.SDEDATA.K965SpecialUseCorridor



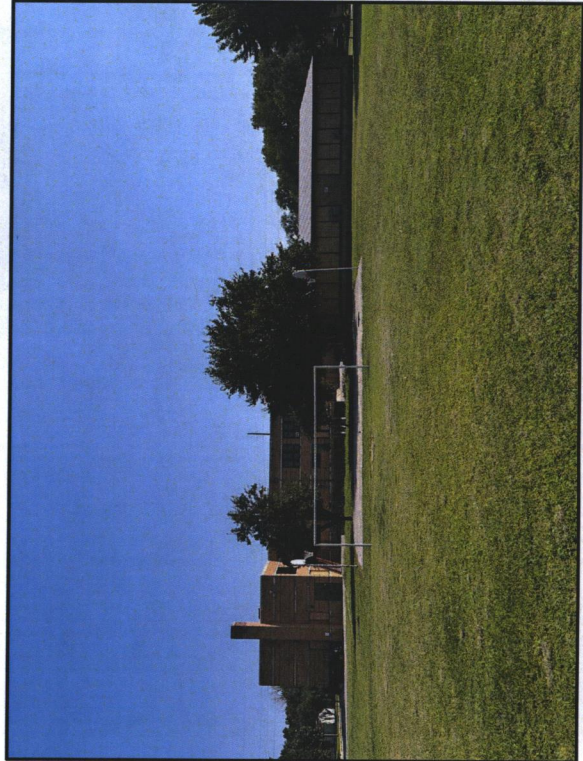
Looking north into site from south end of site



Looking north into site from middle of site



Looking south into site from middle of site



Looking southwest into site from middle of site



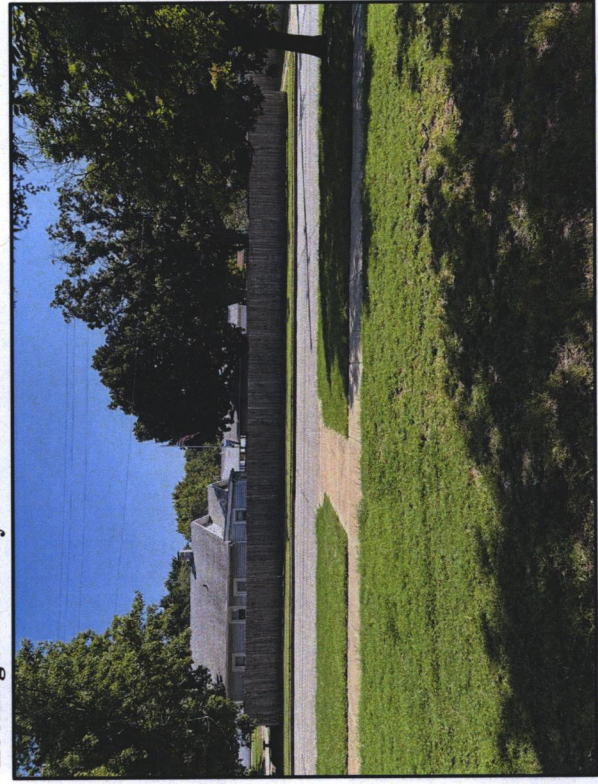
Looking west into site from south end of site



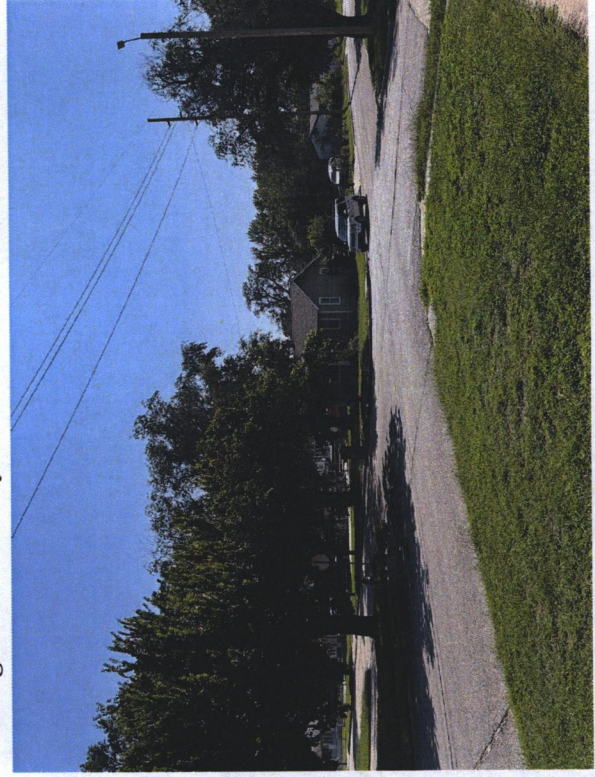
Looking east away from south end of site



Looking south away from south end of site



Looking southwest away from southwest corner of site



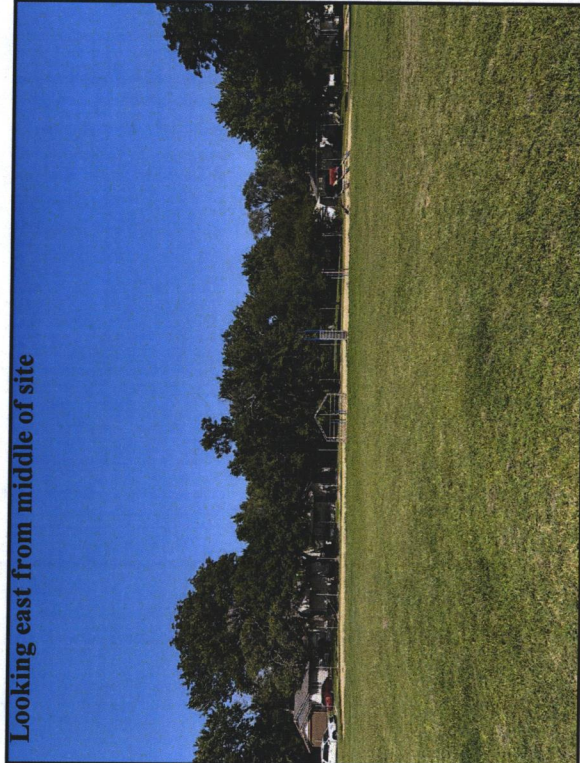
Looking west from middle of site



Looking south to back of building from middle of site



Looking east from middle of site



CON2024-00125

Metropolitan Area Planning Commission

Looking southwest at back of building from middle of site



Project Information

Conditional Use - Site Plan
30-06 LLC, A Kansas Limited Liability Company

Current Zoning

TF-3 - Two Family

Legal Description

ALL LOTS ODD & EVEN 1 TO 46 BLOCK 9 J O DAVIDSON'S 2ND. ADD. EXEMPT 6076-0

Existing Houses
(Current Zoning: TF-3 Two Family)

N. Custer St.
(Paved)

Property Line - 57'5"

97'-10"

143'-4"

Existing Playground

Existing Baseball Field

Existing Soccer Field

Existing Basketball Court

W. Newell St.
(Paved)

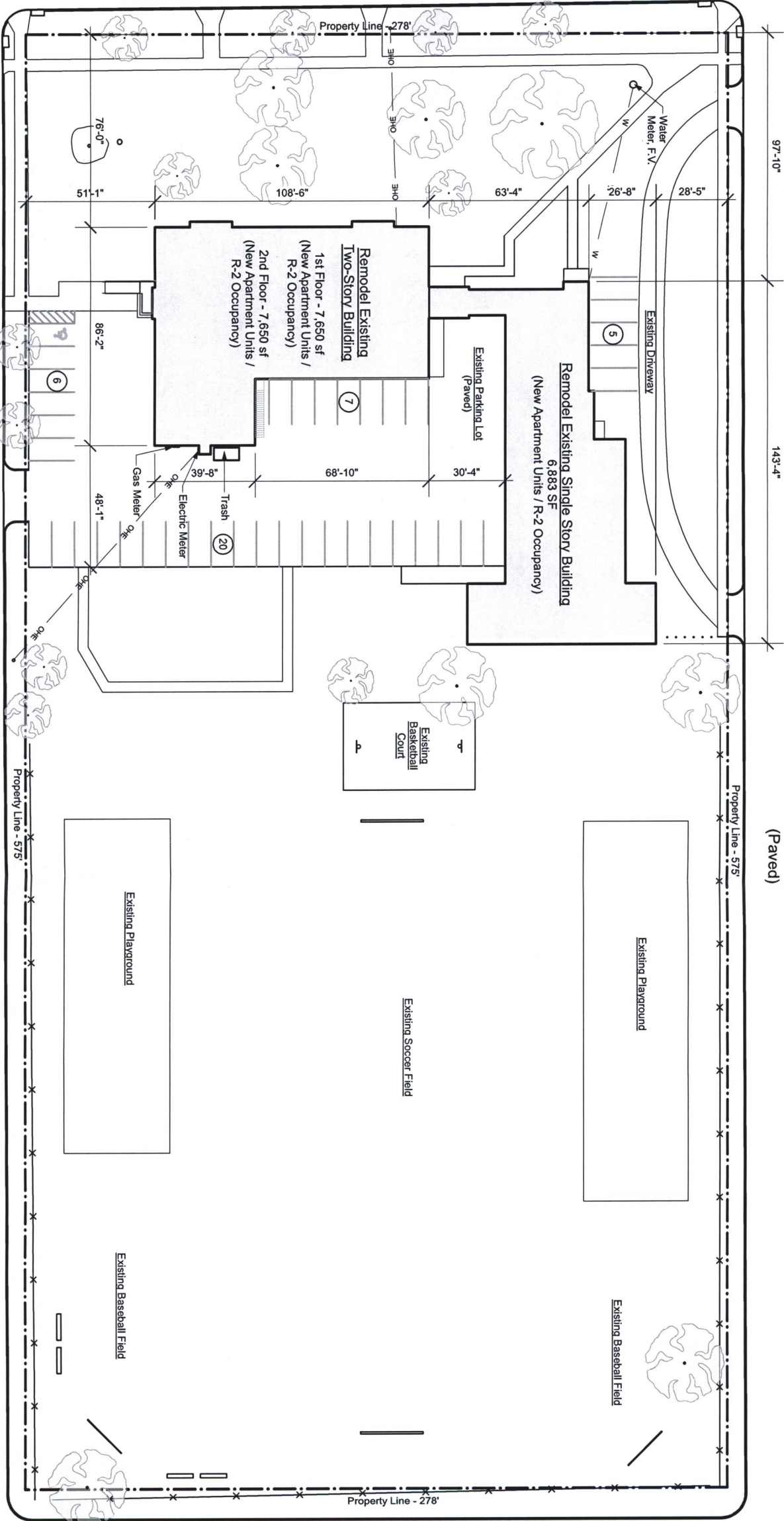
Existing Houses
(Current Zoning: TF-3 Two Family)

Property Line - 278'

W. St. Louis St.
(Paved)

Existing Houses
(Current Zoning: TF-3 Two Family)

Existing Houses
(Current Zoning: TF-3 Two Family)



Existing Houses
(Current Zoning: TF-3 Two Family)

N. Clayton Ave.
(Paved)

SITE PLAN



1

CUP Site Plan

Scale: 1" = 50'-0"



APPROVED 9/12/24 BY SBE



A Remodel for:

Larry Cook Construction

3006 W. St. Louis St.
Wichita, KS 67203

Project Title

Architect
Wes Morgan Architect
PO Box 780808
Wichita, KS 67278
(316) 883-3851

General Contractor
Larry Cook Construction
4123 S Broadway
Wichita, KS 67202
(316) 260-4456

MEP Engineer

Landscape CMA

REVISIONS
REV. DATE DESCRIPTION
Aug. 5, 2024
24023

CUP Site Plan

A-0.1