

ORDINANCE NO. 47.960

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. ZON2008-00032

Zone change from SF-5 Single-family Residential ("SF-5") and B Multi-family Residential ("B") to U University ("U") on property described as:

The North 125 feet of the West 22 feet of Lot 139 and the North 125 feet of Lot 141, Shirley now University, University Place Addition;

AND

Lots 88-90-92, Glenn Street, University Place Addition;

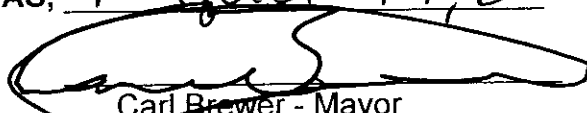
AND

Lots 98-100, Glenn Street, University Place Addition, Wichita, Sedgwick County, Kansas; generally located on the west side of Glenn Avenue, ½ block south of University Avenue (627 and 633 South Glenn Avenue) and the southeast corner of University Avenue and Bonn Street (2033 West University Avenue.)

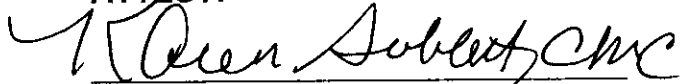
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 AT WICHITA, KANSAS, August 19, 2008.

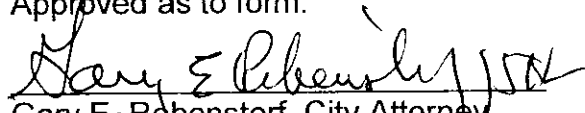

Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Gary E. Rebenstorf, City Attorney

STAFF REPORT

DAB Meeting July 2, 2008
MAPC Meeting July 10, 2008

CASE NUMBER: ZON2008-00032

APPLICANT/AGENT: Friends University

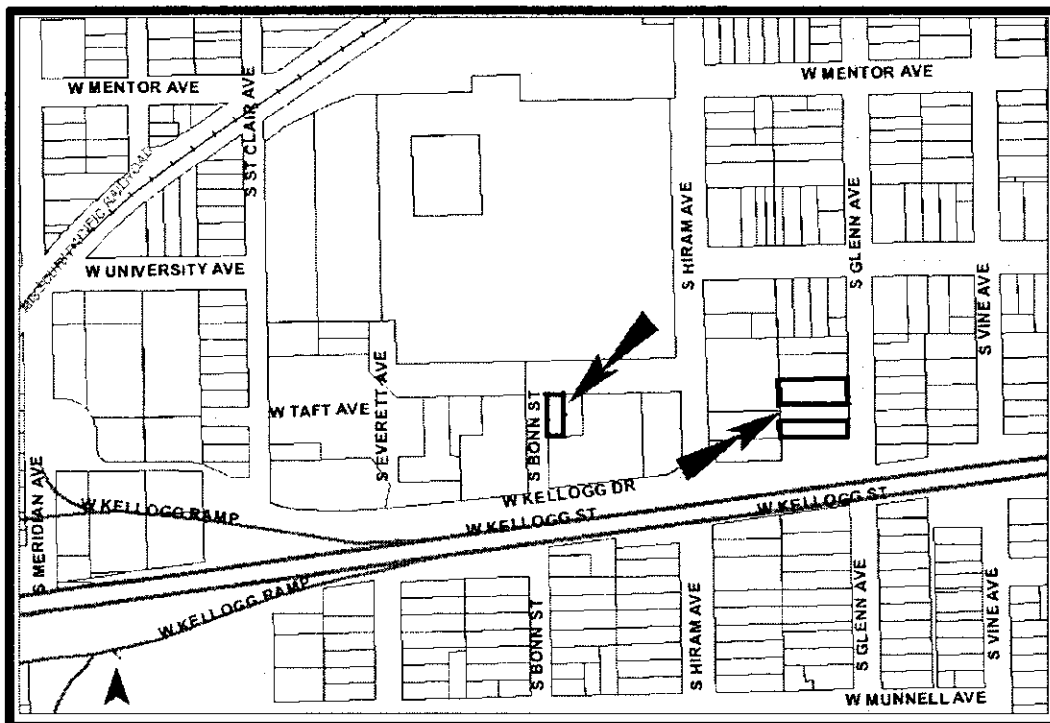
REQUEST: Rezone to U University ("U")

CURRENT ZONING: SF-5 Single-family Residential ("SF-5")
B Multi-family Residential ("B")

SITE SIZE: Total Area = 0.71 acre

LOCATION: Generally located on the west side of Glenn Avenue,
½ block south of University Avenue (627 and 633
South Glenn Avenue and the southeast corner of
University Avenue and Bonn Street (2033 West
University Avenue)

PROPOSED USE: To extend the U Zone District to Friends University
owned property and for a student housing project.



BACKGROUND: The applicant is requesting a rezone from SF-5 Single-family Residential ("SF-5") and B Multi-family Residential ("B") to U University ("U") zoning on three platted properties equaling 0.71 acre. The reason for the rezone is to bring zoning uniformity to Friends University owned properties. The application area is currently developed with single-family residences and residences.

One of the properties (2033 West University Avenue) is located approximately 750 feet west of the other two properties in this application (627 & 633 South Glenn Avenue.) The property at 2033 West University Avenue is bounded by U zoning on its north, south and west sides, with a B zoned property adjacent to the east of the subject site. The U zoned property is developed with Friends University facilities and a parking lot, while the B zoned property is developed as a single-family residence. The properties at 627 & 633 South Glenn Avenue have SF-5 and MF-29 zoning to the north, U zoning to the west, SF-5 and MF-29 zoning to the east and the Kellogg Road (US-54) right-of-way to the south. Property to the north is developed with single-family residences, property to the west is developed with an apartment and the property to the east is developed with single-family residences.

The property at 2033 West University Avenue is located within the 500-foot buffer of the Davis Administrative Building historical environs. The proposed zone change and any future development would require conformance to all property development standards in the Wichita-Sedgwick County *Unified Zoning Code* (UZC) and the design guidelines within the Delano Neighborhood Overlay District.

CASE HISTORY: The application area was platted as the University Place Addition in 1986.

ADJACENT ZONING AND LAND USE:

(2033 West University Avenue)

NORTH:	"U"	University Uses
SOUTH:	"U"	Parking Lot
EAST:	"B"	University Uses
WEST:	"U"	University Uses

(627 & 633 South Glenn Avenue)

NORTH:	"SF-5"	Single-family Residences
SOUTH:	Right-Of-Way	Kellogg (US-54)
EAST:	"SF-5" & "MF-29"	Single-family Residences
WEST:	"U"	Student Housing

PUBLIC SERVICES: 2033 West University Avenue currently has access off of South Bonn Street, an improved local road with no recorded trip counts. 627 & 633 South Glenn Avenue are located at the end of Glenn Avenue where it terminates into a cul-de-sac. There are also no recorded trip counts for this section of South Glenn Avenue. The nearest arterial to the properties is West Maple Avenue, a minor arterial with approximately 9,500 average daily trips, located approximately 1,400 feet north of the subject sites. City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: For the properties at 627 and 633 South Glenn

Avenue, the "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as "Urban Residential." This category encompasses areas that reflect the full diversity of residential development densities and type typically found in a large urban municipality. The range of housing types found includes: single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes.) Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.

The property at 2033 West University Avenue is identified as "Major Institutional" on the Wichita Land Use Guide. This category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities.

This particular request conforms to the Comprehensive Plan category of both Major Institutional and Urban Residential since these are properties owned by Friends University for student housing, thus retaining their residential character. The Unified Zoning Code ("UZC") states that the U district is intended to accommodate the development of universities, colleges, seminaries, or other institutions of higher learning. The UZC also states that the U district permits by right dormitories, group home (limited), group residences, day care (limited) and student and faculty housing. According to the UZC, the U district corresponds generally to the "Public/Institutional" land use designation of the Wichita-Sedgwick County Comprehensive Plan. According to the Locational Guidelines for Public/Institutional land uses, public and institutional facilities should have convenient access to arterial streets, public transportation and major utility trunk lines.

The subject sites are located in the Delano Overlay District. Any development of the area would have to conform to the design guideline as outlined in the Delano Neighborhood Revitalization Plan.

RECOMMENDATION: The majority of the property surrounding the application area is zoned U University ("U") and developed with university and residential uses; this request is in conformance with all plans and policies. As this property develops, the *Unified Zoning Code* property development standards will apply.

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 majority of the property surrounding the application areas is zoned U and developed with university and residential uses. The requested zone change is and existing residential use is in character with the surrounding neighborhood and university uses.

2. **The suitability of the subject property for the uses to which it has been restricted:**
The SF-5 and B zoned property has been developed with single-family residential uses. The application area could continue to be used under the current zoning for residential purposes; however, U zoning would be more consistent with the surrounding zoning.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed zone change, from SF-5 and B to U, and any proposed development, would require conformance to all property development standards in the *Unified Zoning Code*. This zone change, and proposed development, should not have any significant have detrimental effect on nearby property.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** For the properties at 627 and 633 South Glenn Avenue, the "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as "Urban Residential." This category encompasses areas that reflect the full diversity of residential development densities and type typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.

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5. **Impact of the proposed development on community facilities:** The requested rezoning should have little to no impact on community facilities.