

ORDINANCE NO. 50-344

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. ZON2016-00034

City zone change from LI Limited Industrial to Single-Family Residential (SF-5) and MF-18 Multi-Family; described as:

MF-18 Zoning for Firefly Way Legal Description:

All of Lots 3 and 4, Block 2, TOGETHER with all of Lots 1, 11, 12, 13, 14, and 15, Block 3, TOGETHER with that part of Lots 2, 3, 4, 9, and 10, in said Block 3, TOGETHER with that part of Lots 1, 2, and 3, Block 4, TOGETHER with all of Reserve "F", TOGETHER with that part of Reserve "B", TOGETHER with all of Founders Ct., and TOGETHER with that part of 28th St., Founders, and Collective Ln., all as platted and dedicated in Greenwich Business Center Addition, an addition to Wichita, Sedgwick County, Kansas, and all of the above lying within and being coincident with the following described tract of land: Beginning at the northwest corner of Lot 4 in said Block 2; thence N88°52'42"E along the north line of Lot 4 in said Block 2, the north line of said Reserve "F", the north line of said Founders, and the north line of said Reserve "B", 881.98 feet to a point 168.59 feet east of the north west corner of said Reserve "B"; thence S01°07'17"E into said Reserve "B", 154.59 feet to the intersection with the most northerly lot line common to said Reserve "B" and Lot 2 in said Block 3; thence continuing S01°07'17"E into Lot 2 in said Block 3, 134.42 feet to the point of curvature of a tangent curve to the right; thence southerly and southeasterly along said curve, through a central angle of 49°50'55" and having a radius of 200.00 feet, an arc distance of 174.00 feet; (having a chord length of 168.57 feet bearing S23°48'10"W); thence S41°16'22"E, 33.05 feet to the point of curvature of a tangent curve to the left; thence southeasterly and easterly along said curve, having a central angle of 49°17'05" and a radius of 100.00 feet, an arc distance of 86.02 feet, (having a chord length of 83.39 feet bearing S65°54'55"E), to the point of tangency of said curve; thence N89°26'33"E, 89.24 feet; thence S00°33'27"E, 75.60 feet to the intersection with the lot line common to Lots 2 and 3 in said Block 3; thence continuing S00°33'27"E into Lot 3 in said Block 3, 172.31 feet to the intersection with the lot line common to Lots 3 and 4 in said Block 3; thence continuing S00°33'27"E, 435.41 feet to the intersection with the southwest line of Lot 4 in said Block 3, said southwest line, also being the east right-of-way line of said Founders; thence continuing S00°33'27"E into said Founders right-of-way, 47.57 feet; thence S89°07'06"W, 56.66 feet to the intersection with the west right-of-way line of said Founders, said west right-of-way line also being the east line of Lot 1 in said Block 4; thence continuing S89°07'06"W into Lot 1 in said Block 4, 304.08 feet; thence S00°52'54"E, 222.49 feet to the intersection with the lot line common to Lots 1 and 2 in said Block 4; thence continuing S00°52'54"E into Lot 2 in said Block 4, 37.20 feet to the point of curvature of a tangent curve to the right, thence southerly and southeasterly along said curve, having a central angle of 30°52'57" and a radius of 200.00 feet, and arc distance of 107.80 feet, (having a chord length of 106.50 feet bearing S14°33'35"W), to the point of reverse curvature of a tangent curve to the left; thence southeasterly and southerly along said curve, having a central angle of 30°52'57" and a radius of 200.00 feet, and

arc distance of 107.80 feet, (having a chord length of 106.50 feet bearing S14°33'35"W), to the point of tangency of said curve; thence S00°52'54"E, 57.20 feet to the intersection with the lot line common to Lots 2 and 3 in said Block 4; thence continuing S00°52'54"E into Lot 3 in said Block 4, 219.80 feet to the point of curvature of a tangent curve to the left; thence southerly and southeasterly along said curve, through a central angle of 73°20'02" and having a radius of 100.00 feet, an arc distance of 127.99 feet, (having a chord length of 119.43 feet bearing S37°32'55"E); thence S15°47'04"W, 4.96 feet to the intersection with the south line of Lot 3 in said Block 4, said south line also being the north right-of-way line of said Collective Ln.; thence continuing S15°47'04"W into said Collective Ln., 27.04 feet; thence S00°52'54"E, 44.06 feet to the intersection with the south right-of-way line of said Collective Ln., said south right-of-way line also being the north line of Lot 9 in said Block 3; thence continuing S00°52'54"E into Lot 9 in said Block 3, 91.49 feet; thence S89°07'06"W, 21.34 feet to the intersection with the lot line common to Lots 9 and 10 in said Block 3; thence continuing S89°07'06"W into Lot 10 in said Block 3, 629.42 feet to the intersection with the west line of Lot 10 in said Block 3; thence N00°35'43"W along the west line of Lot 10 in said Block 3, 107.79 feet to the most westerly corner common to Lots 10 and 11 in said Block 3; thence continuing N00°35'43"W along the west line of Lots 11, 12, 13, 14, and 15 in said Block 3, 1497.51 feet to the northwest corner of Lot 15 in said Block 3, said northwest corner also being a point on the south right-of-way line of said 28th St.; thence continuing N00°35'43"W into said 28th St. right-of-way, 70.61 feet to the intersection with the north right-of-way of said 28th St., said intersection also being the southwest corner of Lot 3 in said Block 2; thence continuing N00°35'43"W along the west line of Lots 3 and 4 in said Block 2, 558.35 feet to the point of beginning. Containing 1790541.5 Sq. Ft., or 41.105 Acres, more or less.

SF-5 Zoning for Firefly Way Legal Description

That part of Greenwich Business Center Addition, an addition to Wichita, Sedgwick County, Kansas lying in Government Lot 2 and in the West Half of the South Half of the Northeast Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT that part of 29th St. N. lying in said Government Lot 2 as dedicated in said Greenwich Business Center Addition, and EXCEPT the following: All of Lots 3 and 4, Block 2, together with all of Lots 1, 11, 12, 13, 14, and 15, Block 3, together with that part of Lots 2, 3, 4, 9, and 10, in said Block 3, together with that part of Lots 1, 2, and 3, Block 4, together with all of Reserve "F", together with that part of Reserve "B", together with all of Founders Ct., and together with that part of 28th St., Founders, and Collective Ln., all as platted and dedicated in said Greenwich Business Center Addition, and all of the above lying within and being coincident with the following described tract of land: Beginning at the northwest corner of Lot 4 in said Block 2; thence N88°52'42"E along the north line of Lot 4 in said Block 2, the north line of said Reserve "F", the north line of said Founders, and the north line of said Reserve "B", 881.98 feet to a point 168.59 feet east of the north west corner of said Reserve "B"; thence S01°07'17"E into said Reserve "B", 154.59 feet to the intersection with the most northerly lot line common to said Reserve "B" and Lot 2 in said Block 3; thence continuing S01°07'17"E into Lot 2 in said Block 3, 134.42 feet to the point of curvature of a tangent curve to the right; thence southerly and southeasterly along said curve, through a central angle of 49°50'55" and having a radius of 200.00 feet, an arc distance of 174.00 feet; (having a chord length of 168.57 feet bearing S23°48'10"W); thence S41°16'22"E, 33.05 feet to the point of curvature of a tangent curve to the left; thence southeasterly and easterly along said curve, having a central angle of 49°17'05" and a radius of 100.00 feet, an arc distance of 86.02 feet, (having a chord length of 83.39 feet bearing S65°54'55"E), to the point of tangency of said curve; thence N89°26'33"E, 89.24 feet; thence S00°33'27"E, 75.60 feet to the intersection with the lot line common to Lots 2 and 3 in said Block 3; thence continuing S00°33'27"E into Lot 3 in said Block 3, 172.31 feet to the intersection with the lot line common to Lots 3 and 4 in said Block 3; thence continuing S00°33'27"E, 435.41 feet to the intersection with the southwest line of Lot 4 in said Block 3, said southwest line also being the east right-of-way line of said Founders; thence continuing S00°33'27"E into said Founders right-of-way, 47.57 feet; thence S89°07'06"W, 56.66 feet to the intersection with the west right-of-way line of said Founders, said west right-of-way line also being the east line of Lot 1 in said Block 4; thence continuing S89°07'06"W into Lot 1 in said Block 4, 304.08 feet; thence S00°52'54"E, 222.49 feet to the intersection with the lot line common to Lots 1 and 2 in said Block 4; thence continuing S00°52'54"E into Lot 2 in said Block 4, 37.20

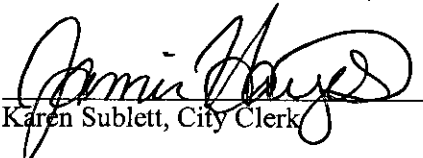
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SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita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

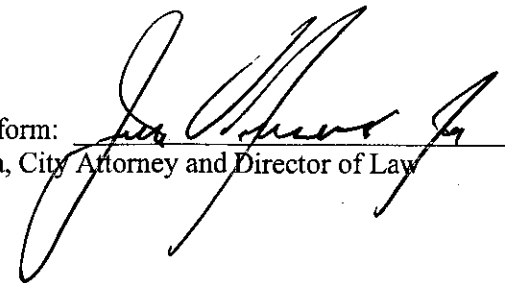
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


 Jeff Longwell, Mayor

ATTEST:

For 
 Karen Sublett, City Clerk



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



STAFF REPORT
MAPC August 18, 2016
DAB II September 12, 2016

CASE NUMBER: ZON2016-00034

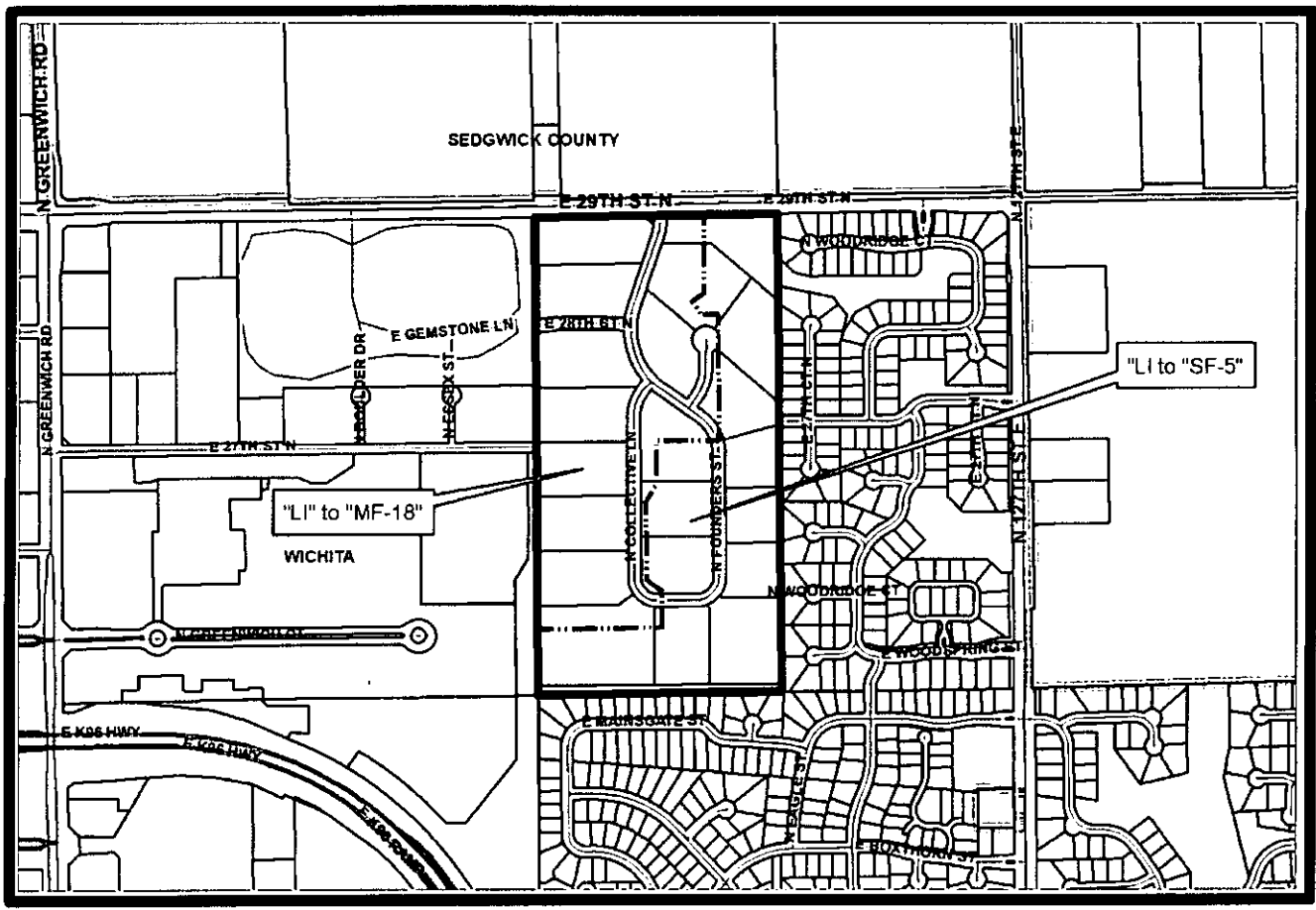
APPLICANT/AGENT: Ritchie Development Corp (Owner) Baughman, Phil Meyer (Agent)

REQUEST: SF-5 Single-Family Residential and MF-18 Multi-Family Residential

CURRENT ZONING: LI Limited Industrial

SITE SIZE: Approximately 79.6 acres

LOCATION: Generally located one-third mile west of 127th Street on the south side of East 29th Street North



BACKGROUND: The applicant is requesting a zone change from LI Limited Industrial to SF-5 Single-Family Residential (approximately 38.5 acres) and MF-18 Multi-Family Residential (approximately 41.1 acres) zoning on approximately 79.6 acres of the newly platted Firefly Way Addition (it is currently platted as the Greenwich Business Center Addition, see attached exhibit.) The applicant proposes to build single-family residences, duplexes and multi-family residences on the newly platted lots.

West of the subject property is MF-18, LC Limited Commercial and LI Limited Industrial (CUP DP-333) zoned property that is developing with apartments and destination retail. Property east and south of the subject property is SF-5 zoned Woods North Addition, 2nd Addition and 3rd Addition developed with single-family residences. Immediately south of the subject property is SF-5 zoned Fairmount Addition that is developed with single-family residences. North of the subject property, across 21st Street, is RR Rural Residential large lot agricultural land.

CASE HISTORY: The property was platted as the Greenwich Business Center Addition with LI zoning in 2005. The Subdivision Committee approved the preliminary plat of the Firefly Way Addition for the subject property on July 14, 2016.

ADJACENT ZONING AND LAND USE:

NORTH: RR	Single-family residential and agricultural land
SOUTH: SF-5	Single-family residential
WEST: MF-18; LC; LI	Partially developed with apartments and destination retail
EAST: SF-5	Single-family residential

PUBLIC SERVICES: The site has access to 29th Street North, an unpaved arterial street with 100-foot right-of-way. The conditions of the Firefly Way Addition require paving of 29th Street North to a rural, asphalt mat standard from the end of the pavement to the west to the entrance of the subdivision. All utilities are available to be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as New Residential Growth. The Plan encourages the full diversity of residential housing types and densities typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to single-family, duplexes, patio homes, townhouses, apartments and residential accommodations for the elderly. Elementary and middle schools, churches, playgrounds, small parks and other similar residential-serving uses are located in these areas.

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 site is located in a mixed use development area with apartments and destination retail in MF-18, LC, and LI zoning and SF-5 zoned single-family residential neighborhoods. Single-family residences are located to the east and south of the proposed Firefly Way Addition. The proposed MF-18 zoning abuts existing MF-18, LC and LI zoning to the west.
- (2) The suitability of the subject property for the uses to which it has been restricted:** SF-5 and MF-18 zoning would allow single-family residences, duplexes and multi-family units to be built, which is an appropriate use for urban residential development. The proposed development is separate and distinct from adjacent single-family neighborhoods and the proposed MF-18 zoning is buffered from existing single-family residences by proposed SF-5 zoning on the subject property.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested SF-5 zoning allows single-family residences by right and MF-18 zoning allows single-family, duplexes and multi-family by right. This zoning is a good buffer between the LC and LI zoning to the west of the subject property and the SF-5 zoning to the east and south of the subject property.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would limit development by right to single-family residential, duplex, multi-family and some (but not limited to) institutional uses such as a parks, schools and churches. The proposed rezoning further restricts uses on the property, as it is currently zoned LI.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as New Residential Growth. The Plan encourages the full diversity of residential housing types and densities typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to single-family, duplexes, patio homes, townhouses, apartments and residential accommodations for the elderly. Elementary and idle schools, churches, playgrounds, small parks and other similar residential-serving uses are located in these areas. As such, the SF-5 and Mf-19 zoning of the Fire Fly Way Addition conforms to the future growth concept prescribed by the Community Investment Plan.
- (6) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities will be addressed through the platting process, including the pavement of 29th Street North and the extension of water and sanitary sewer services.