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ORDINANCE NO. 50598

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. ZON2015-00036

Zone change request from Single-Family Residential (SF-5) to Multi-Family Residential (B) on property described as:

Lots 1, 2, 3 and 4, Block A, AMR Addition in Wichita, Sedgwick County, Kansas except that part of Lot 1, Block A, AMR Addition in Wichita, Sedgwick County, Kansas, described as follows: BEGINNING at the Southeast corner thereof; THENCE S88°55'32"W along the South line of said Lot 1, a distance of 490.59 feet to the Southwest corner of said Lot 1; THENCE N01°02'42"W along the Westerly line of said Lot 1, a distance of 61.30 feet to a corner of said Lot 1; THENCE N88°47'49"E, a distance of 93.58 feet to a corner of said Lot 1; THENCE N88°55'32"E, a distance of 397.12 feet to the East line of said Lot 1; THENCE S00°56'27"E along the East line of said Lot 1, a distance of 61.51 feet to the point of BEGINNING.

Generally located North of West 47th Street South, on the East Side of South Meridian Avenue.

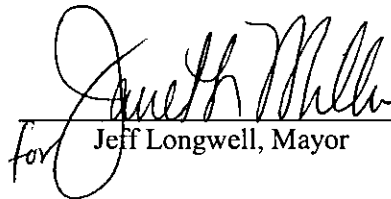
SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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 this 3rd day of October, 2017.

ATTEST:


Karen Sublett, City Clerk


For Jeff Longwell, Mayor



APPROVED AS TO FORM:


Jennifer Magaña, City Attorney and Director of Law

BACKGROUND: The applicant is requesting to rezone from the SF-5 Single-Family Residential (SF-5) district to the B Multi-Family Residential (B) approximately seven unplatted acres located at the southeast corner of South Meridian Avenue and West 45th Street South. The property is currently undeveloped. The applicant proposes to develop 42 townhome units with a mix of two, three and four-bedrooms.

North of the application area, across West 45th Street South, the land is zoned SF-5 and Manufactured Housing (MH) district, and is developed with single-family residences and a manufactured home park or subdivision. East of the manufactured home park/subdivision, north of West 45th Street, there is land zoned B, developed with baseball fields, and undeveloped land zoned MF-29 Multi-Family Residential (MF-29). East of the application area is the SF-5 zoned City of Wichita Southview Park. South of the application area is SF-5 zoned farmland and LC Limited Commercial (LC) zoning that contains a single-family residence and farmland. Not included in the application area, located on the east side of South Meridian Avenue, approximately mid-way between West 45th Street South and West 47th Street South, are two single-family residences zoned SF-5. There also is a vacant platted lot owned by the City of Wichita that has a conditional use to permit a sanitary sewer utility facility. West of South Meridian Avenue are single-family residences zoned SF-5 and SF-20 Single-Family Residential (SF-20).

The B zoning district permits a wide range of uses, such as: single-family, two-family and multi-family (three or more dwelling units in one structure), assisted living, group home, church, community assembly, nursing facility or school. The minimum lot area for multi-family dwelling units is 580 square feet per unit with a maximum density of 75.1 dwelling units per acre. The applicant's proposal equals approximately 7,260 gross square feet per dwelling unit. The B zoning district has a minimum front setback of 20 feet; rear setback of 15 feet; interior side setback of five feet and a minimum street side setback of five feet. A maximum height of 55 is permitted with an additional one foot of additional height for each additional foot of setback.

Trash receptacles, mechanical equipment and outdoor work and storage areas in multi-family uses are required to be screened from ground level view from any residential zoning district and cannot be located within 20 feet of property zoned TF-3 or more restrictive. Compatibility building setbacks of 15 feet up to 25 feet, depending on the size of the use, located along rear and side property lines of multi-family developments abutting TF-3 or more restrictive zoning are required. Building height for multi-family use is limited to 35 feet when it is located within 50 feet of a TF-3 or more restrictive zoned lot. Multi-family uses are required to screen with a six-foot high fence, berm, solid landscaping or some combination of the three along its side and rear property line where it abuts TF-3 or more restrictive zoning. A landscape buffer is required between multi-family zoning districts and one and two-family zoning districts. At a minimum the landscape buffer with a screening fence must have one tree every 40 feet.

CASE HISTORY: The site was annexed by the City in the 1960s and the site's SF-5 zoning would have been established at that time.

ADJACENT ZONING AND LAND USE:

North: SF-5, MH; single-family residences, manufactured home park/subdivision
South: SF-5, LC, single-family residence/farmstead
East: SF-5; Southview Park
West: SF-5; single-family residences

PUBLIC SERVICES: South Meridian Avenue at this location is paved, has a right-of-way width that varies from 80 to 90 feet and has four-through lanes with a center-turn lane. West 45th Street South has 60 feet of full right-of-way and is a paved two-lane street. The closest sanitary sewer manhole is located

on the north side of West 45 Street South. Water lines and stormwater improvements are located on both South Meridian Avenue and West 45 Street South.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The “urban residential” category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large municipality. The range of housing types found include: single-family detached homes, duplexes, townhouses, apartments or multi-family units and special residential accommodations for the elderly. Medium and high density residential uses should be located within walking distance of neighborhood commercial centers, parks schools and public transportation routes. These uses should also be in close proximity to concentrations of employment, major thoroughfares and utility trunk lines. Medium and high-density residential uses should be directly accessible to arterial or collector streets. Medium and high-density residential uses should be sited where they will not overload or create congestion in existing and planned facilities/utilities. Multi-family uses generate approximately 6.6 average daily vehicle trips per dwelling unit or an estimated 277 average daily trips.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved subject to platting within one year of final approval.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** North of the application area, across West 45th Street South, the land is zoned SF-5 and Manufactured Housing (MH) district and is developed with single-family residences and a manufactured home park or subdivision. East of the application area is the SF-5 zoned City of Wichita Southview Park. South of the application area is LC Limited Commercial (LC) zoning used that contains a single-family residence or farmstead. Not included in the application area, located on the east side of South Meridian Avenue, approximately mid-way between West 45th Street South and West 47th Street South, are two single-family residences zoned SF-5. West of South Meridian Avenue are single-family residences zoned SF-5 and SF-20 Single-Family Residential (SF-20).
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned SF-5 which primarily permits single-family residential and a few civic and institutional uses, such as a school, park or church by right. There are other single-family residences located in the general area, presumably the application area would have economic value as currently zoned. However, due to the presence of LC zoning located south of the site, it would be consistent with typical development patterns for office or multi-family zoning to be used as transition zoning between the LC zoning and SF-5 zoning. The requested zoning would provide such a transition.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Code requirements, such buffering, height, screening and landscape standards, minimize known detrimental impacts. A manufactured home park is located on the north side of West 45th Street South, east of South Meridian Avenue.
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 zoning request would potentially add to the inventory of multi-family units available in south-central Wichita. Denial would presumably represent a loss of economic opportunity to the property owner and/or the developer.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The “urban residential” category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large municipality. The range of housing types found include: single-family detached homes, duplexes, townhouses, apartments or multi-family units and special residential accommodations for the elderly. Medium and high density residential uses should be located within walking distance of neighborhood commercial centers, parks schools and public transportation routes. These uses should also be in close proximity to concentrations of employment, major thoroughfares and utility trunk lines. Medium and high-density residential uses should be directly accessible to arterial or collector streets. Medium and high-density residential uses should be sited where they will not overload or create congestion in existing and planned facilities/utilities. Multi-family uses generate approximately 6.6 average daily vehicle trips per dwelling unit or an estimated 277 average daily trips.

6. Impact of the proposed development on community facilities: At the time of platting any improvements needed to serve the site can be obtained.