

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON  
ORDINANCE NO. 50-850

9/21/18

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. ZON2018-00022**

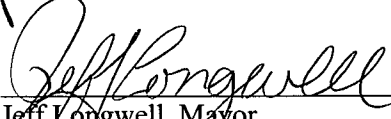
City zone change from SF-20 Single Family Residential to TF-3 Two Family Residential District and described as follows:

That part of the SE1/4 of Sec. 33, T27S, R2E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, described as commencing at the southwest corner of said SE1/4; thence N00°51'53"W along the west line of said SE1/4, 60.00 feet to the place of beginning; thence continuing N00°51'53"W along said west line, 665.57 feet; thence N79°31'44"E, 258.42 feet; thence N50°32'29"E, 548.67 feet; thence N89°08'07"E, 402.20 feet; thence S23°32'27"E, 114.39 feet; thence S00°51'53"E, 266.90 feet; thence S88°52'03"W, 412.00 feet; thence S50°32'29"W, 411.24 feet; thence S00°51'53"E, 91.60 feet; thence N88°44'23"E, 168.96 feet; thence S00°56'34"E, 199.60 feet; S11°57'49"W, 71.63 feet; thence S00°56'34"E, 59.43 feet; thence S89°03'26"W, 549.92 feet to the place of beginning.

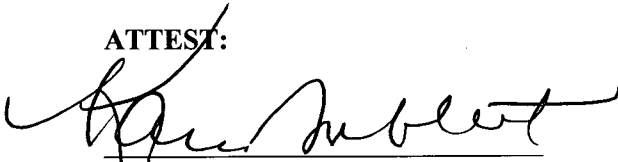
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

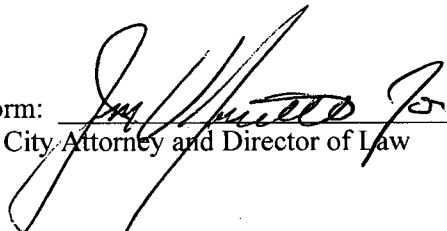
ADOPTED this 18<sup>th</sup> day of Sept, 2018.

  
Jeff Longwell, Mayor

ATTEST:

  
Karen Sublett, City Clerk

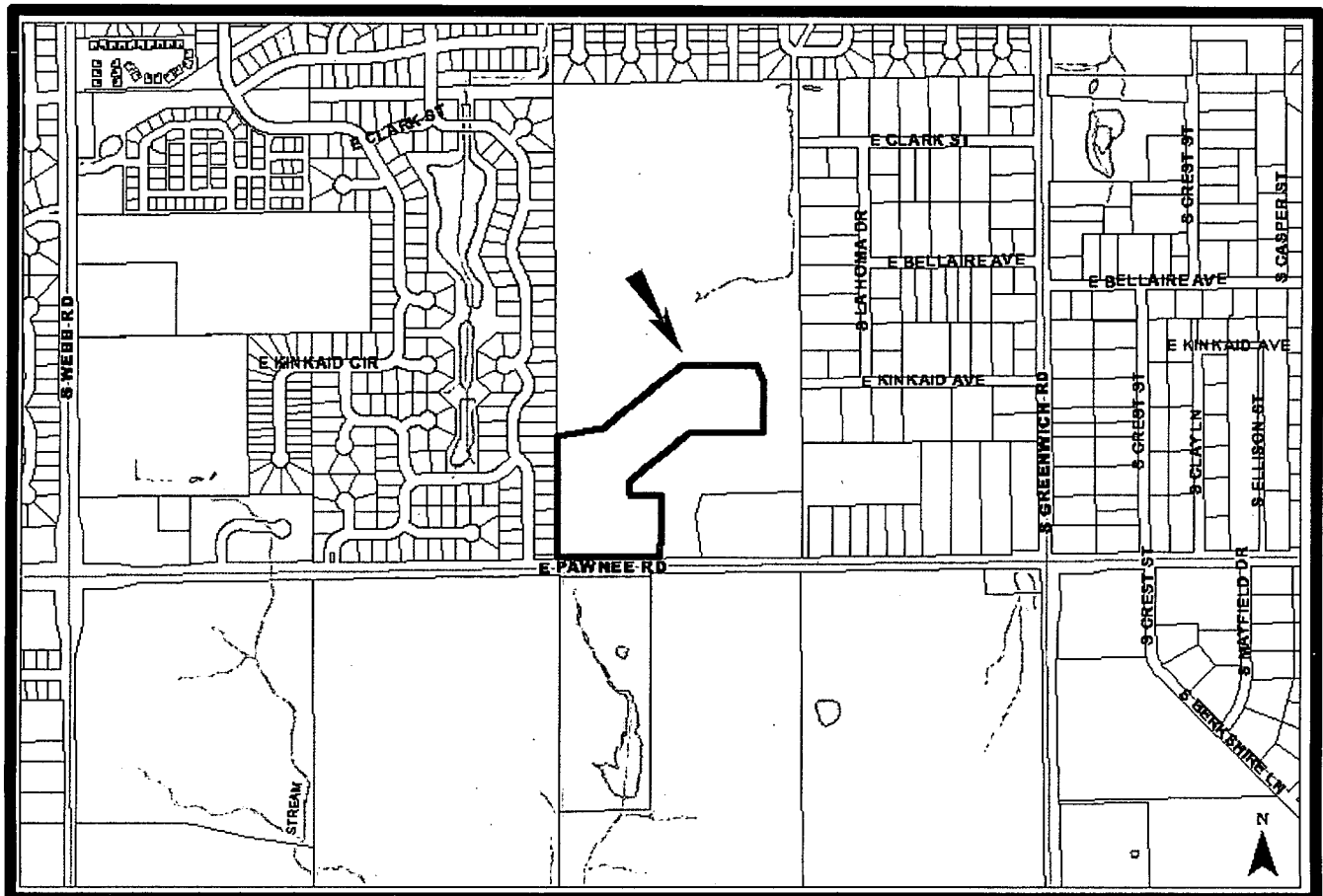


Approved as to form:   
Jennifer Magaña, City Attorney and Director of Law



**STAFF REPORT**  
MAPC August 9, 2018  
DAB II August 13, 2018

- CASE NUMBER:** ZON2018-00022
- APPLICANT/AGENT:** John and Helen Grant (Owners); Southeast Developers, LLC – Gene Vitarelli (Agent); Garver USA – Will Clevenger (Agent)
- REQUEST:** TF-3 Two Family Residential
- CURRENT ZONING:** SF-20 Single Family Residential
- SITE SIZE:** 14.18 acres
- LOCATION:** Located on the north side of Pawnee Road, 1/2- mile west of Greenwich Road
- PROPOSED USE:** Two-family residential development



ZON2018-00022

**BACKGROUND:** The applicant is requesting the rezoning of the 36 lots within the proposed Cedar Creek Addition to TF-3, Two-Family Residential in order to allow construction of duplexes on these lots. The plat of Cedar Creek Addition, which is being now reviewed by the Subdivision Committee, covers a total of 75.21 acres of land on the north side of Pawnee Road roughly ½-mile west of Greenwich Road and proposes a total of 194 lots within the subdivision. As shown on the attached map supporting this application, these 36 lots are within the southwestern portion of the subdivision and will front on the proposed Conifer Street within the development. The lots proposed will adjoin Pawnee Road along the southwestern portion of the project, and there will be some lots that adjoin the properties in the Brentwood South Addition to the west. There is a mature tree line on the western property line which will remain within a 40-foot easement along the western line of the plat.

The Subdivision Committee will hear the platting question on August 2, 2018, and the MAPC will be dealing with the platting in the near future. This rezoning is recognized within the platting consideration discussion. The proposed lots being created within the plat are of sufficient size to allow the duplexes. All issues related to the creation of the lots relative to the rezoning are addressed through the platting process and will control any items of concern that might arise.

As noted within the platting case, this property is presently zoned SF-20 Single Family Residential and is within the unincorporated portion of Sedgwick County. The owner has requested annexation and the ordinance annexing the land will include designation of the property to SF-5 Single Family Residential except for the portion included within this rezoning request to TF-3, if approved.

The surrounding neighborhood is mostly residential or agricultural. To the west is the Brentwood South Addition, which was approved and recorded in 2002. This property is developed with single family homes. To the east of the parent property is a single family residential development in an area zoned SF-20 Single Family Residential and still in the unincorporated portion of Sedgwick County, mostly within either the Spurrier Addition or the Spurrier Gardens Addition. These plats were approved in recorded in 1948 and 1951 respectively. North of the parent property is single family property developed in the SF-5 Single Family Residential within the City of Wichita in either the Smithmoor 7<sup>th</sup> Addition or the Smithmoor 9<sup>th</sup> Addition. Property to the south of Pawnee Road is zoned SF-20 Single Family Residential and is used agriculturally with some residential uses.

**CASE HISTORY:** There are no other previous zoning actions on these parcels. As noted above, the property is presently being considered for the creation of Cedar Creek Addition.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-20	agricultural, vacant
SOUTH:	SF-20	residential and agricultural
EAST:	SF-20	residential and agricultural
WEST:	SF-5	single-family residential

**PUBLIC SERVICES:** Pawnee Road is a paved, two-lane road with open ditches. Improvements will be addressed through the platting process. All municipal services will be extended to the site as requirement of the platting process.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for New Residential uses. This designation is described within the Plan as: “**New Residential:** Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed.”

The site is outside of the Established Central Area (ECA), however, the uses envisioned for development in this area include duplexes. The established land uses in the neighborhood are predominately residential and, consistent with the Comprehensive Plan, this type of residential use is considered acceptable for this neighborhood.

ZON2018-00022

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends APPROVAL of the request, as submitted. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: As noted earlier, the neighborhood is residential and agricultural in nature. The property to the west and north have been developed to an urban standard within the City of Wichita. The lands to the east and south are still within the unincorporated portion of Sedgwick County and are used residentially and agriculturally.
2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned SF-20 Single Family Residential. The annexation will result in conversion to SF-5 Single Family Residential within the City of Wichita and the subject land is being rezoned to TF-3 for duplex development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed TF-3 zoning is acceptable to the neighborhood and is not considered to be detrimental to anyone.
4. Length of time the property has been vacant as currently zoned: The property has remained vacant for some time and the development as proposed is considered appropriate for the neighborhood.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for New Residential uses. This designation is described within the Plan as: “**New Residential:** Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed.”

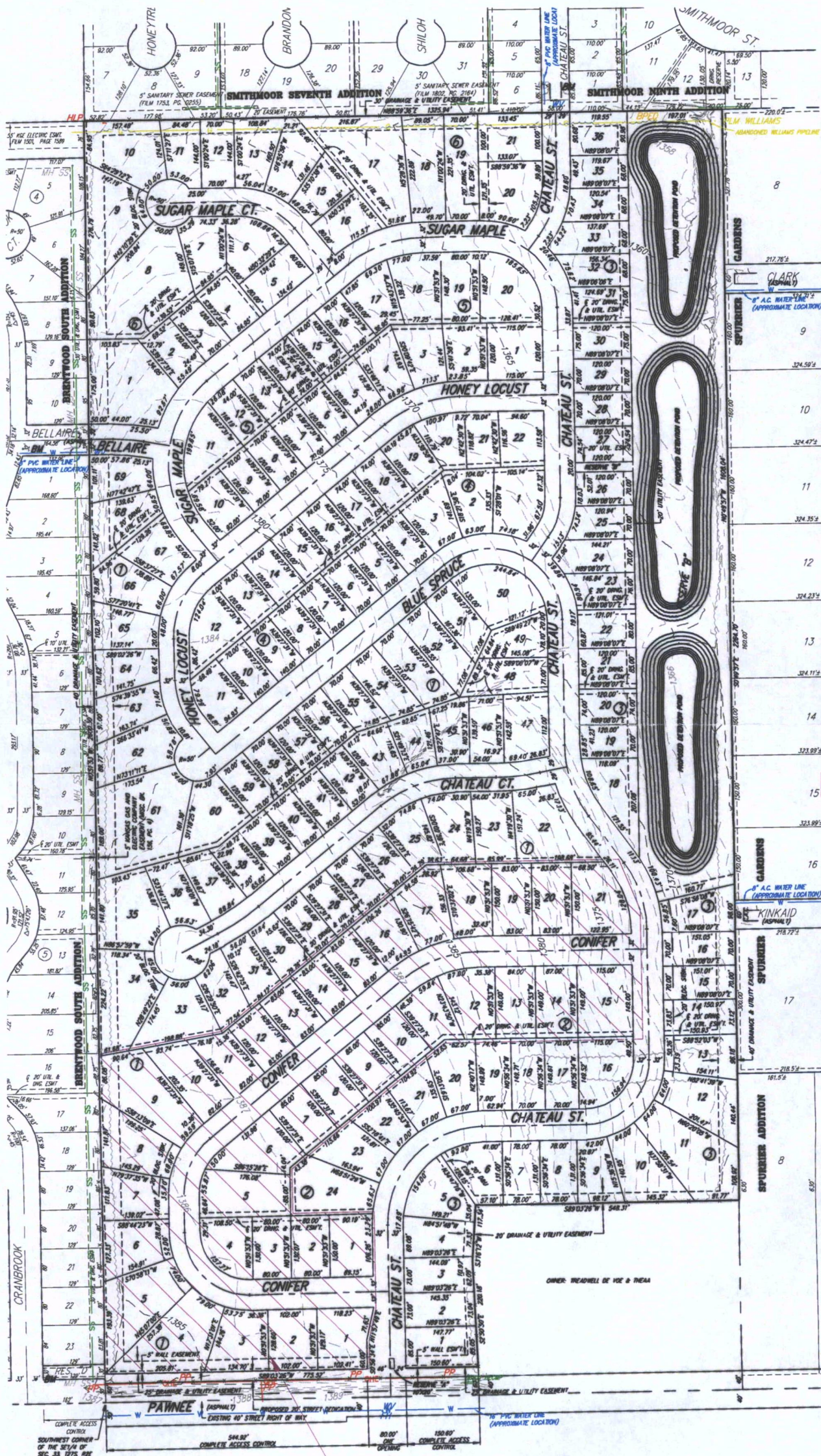
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7. Impact of the proposed development on community facilities: Development of the property would not have any impact on community facilities or resources. All public improvements to serve the property will be addressed through the platting process.

Staff Report Attachments:

1. Supporting documents

Preliminary Plat  
**CEDAR CREEK**  
 an Addition to Wichita, Sedgwick County, Kansas



**LEGAL DESCRIPTION:**  
 The West Half of the Southeast Quarter of Section 33, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, LESS AND EXCEPT the South 397.08 feet of the East Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter; LESS AND EXCEPT the South 397.08 feet of the East 217.14 feet of the West Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter; LESS AND EXCEPT that part of the West Half of the Southeast Quarter described as commencing at the Southeast corner thereof; thence 389°32'09"W, along the South line of said West Half, 548.29 feet; thence N00°00'22"E, parallel with the East line of said West Half 43.0 feet for a point of beginning; thence N02°01'35"W, 240.19 feet to the northwest corner of a fence; thence N04°10'41"E, 117.42 feet; thence S00°00'22"W, 357.15 feet to the point of beginning; LESS AND EXCEPT the South 40 feet thereof for road, of Section 33, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

**PARCEL IDENTIFICATION:**  
 276946  
**OWNER:**  
 Southeast Developers, L.L.C.  
 Attn: Eugene Mirak, Man. Member  
 P.O. Box 781974  
 Wichita, KS 67278  
 Ph. (316) 688-5717

**SURVEYOR & ENGINEER:**  
 Garver, LLC

**EXISTING ZONING:**  
 Properties to the west and north are zoned SF-5. Subject property and the rest of the surrounding properties is zoned SF-20. Existing use is agricultural.

**PROPOSED ZONING:**  
 TF-3 and SF-5

**FLOOD ZONE:**  
 According to the FEMA/FIRM Map No. 2017300389G, effective December 22, 2016, the property shown hereon is located in Zone and X.

**GROSS AREA:**  
 1,276,122.1 Sq. Ft.  
 75.21 Acres

**DATE OF TOPOGRAPHY:**  
 JANUARY 2, 2017

**EASEMENTS:**  
 KANSAS GAS AND ELECTRIC COMPANY EASEMENT FOR GUY AND ANCHOR WIRES, EASEMENT LIMITS NOT DESCRIBED, FILM 555, PAGE 49.

**BUTLER RURAL ELECTRIC COOPERATIVE ASSOCIATION EASEMENT, EASEMENT LIMITS NOT DESCRIBED, FILM 1621, PAGE 0001.**

**BUTLER RURAL ELECTRIC COOPERATIVE ASSOCIATION EASEMENT, EASEMENT LIMITS NOT DESCRIBED, FILM 1751, PAGE 0500.**

**Legend:**  
 [Red outline symbol] = Proposed TF-3 Zone Change (20Z018-22)

**BENCHMARK #1:** CHISELED SQUARE ON THE TOP OF CURB ON THE EAST SIDE OF CHATEAU ST. 54 FEET NORTH OF THE CENTERLINE OF PAWNEE. ELEVATION = 1387.60 (NAD83 GDA)

**BENCHMARK #2:** CHISELED SQUARE ON THE TOP OF CURB AT THE SOUTHWEST CORNER OF CHATEAU AND BELLAIRE. ELEVATION = 1374.73 (NAD83 GDA)

**BENCHMARK #3:** CHISELED SQUARE ON THE TOP OF CURB ON THE EAST SIDE OF CHATEAU. NORTH CURB RETURN OF THE HANMER HEAD TURNAROUND. ELEVATION = 1381.58 (NAD83 GDA)

- LEGEND**
- CAC..... COMPLETE ACCESS CONTROL
  - DAU EMT..... DRAINAGE & UTILITY EASEMENT
  - SS..... SANITARY SEWER (CITY OF WICHITA)
  - OHE..... OVERHEAD ELECTRIC (WESTAR)
  - W..... WATER MAIN (CITY OF WICHITA)
  - PLM..... PIPELINE MARKER
  - FH..... FIRE HYDRANT
  - WB..... WATER VALVE BOX
  - WM..... WATER METER
  - J..... JOINT
  - PEP..... TELEPHONE PEDESTAL
  - PP..... POWER POLE (WESTAR)
  - HLP..... HIGH LINE POWER POLE
  - AP..... GUY ANCHOR
  - MB..... MANHOLE
  - SS MH..... SANITARY SEWER MANHOLE (CITY OF WICHITA)
  - BM..... BENCHMARK

PROPOSED ZONE CHANGE TO TF-3



DATE PLOTTED: SURVEY DATE  
 PROJECT NO. 10884012  
 JULY 11, 2018