OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Oct. 19, 2018

ORDINANCE NO. 50-871

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. ZON2018-00024

City zone change from SF-5 Single Family Residential to TF-3 Two Family Residential District and described as follows:

A Tract in the Southeast Quarter of Section 26, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described to-wit:

Beginning at a point on the East line of the Southeast Quarter of Section 26, which is 80 rods and 88 feet north of the Southeast corner of said Quarter Section (Which point is the southeast corner of the J.C. Crady Tract); Thence West 990 feet; thence South parallel with the East line of the said Quarter section to the North Right-of-Way line of U.S. Highway 54; thence East on the said right-of-Way line to the East line of the said Quarter section; thence North on the said Section line to the place of beginning, EXCEPT the South 9.66 acres, thereof, and EXEPT the north 10 Acres Thereof, and Except the West 100 feet thereof.

Subject to the following Protective Overlay (**PO-335**):

1. A Homeowner's Association shall be created for the property zoned SF-5 prior to the issuance of any Certificate of Occupancy.

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 16 day of Oct, 2018.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

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

AGENDA ITEM NO. _____

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC July 26, 2018
DAB IV August 6, 2018

CASE NUMBER: ZON2018-00024

APPLICANT/AGENT: Jimmy Edgington (Owner) / Certified Engineering Design, P.A. – Logan Mills, P.E. (Agent)

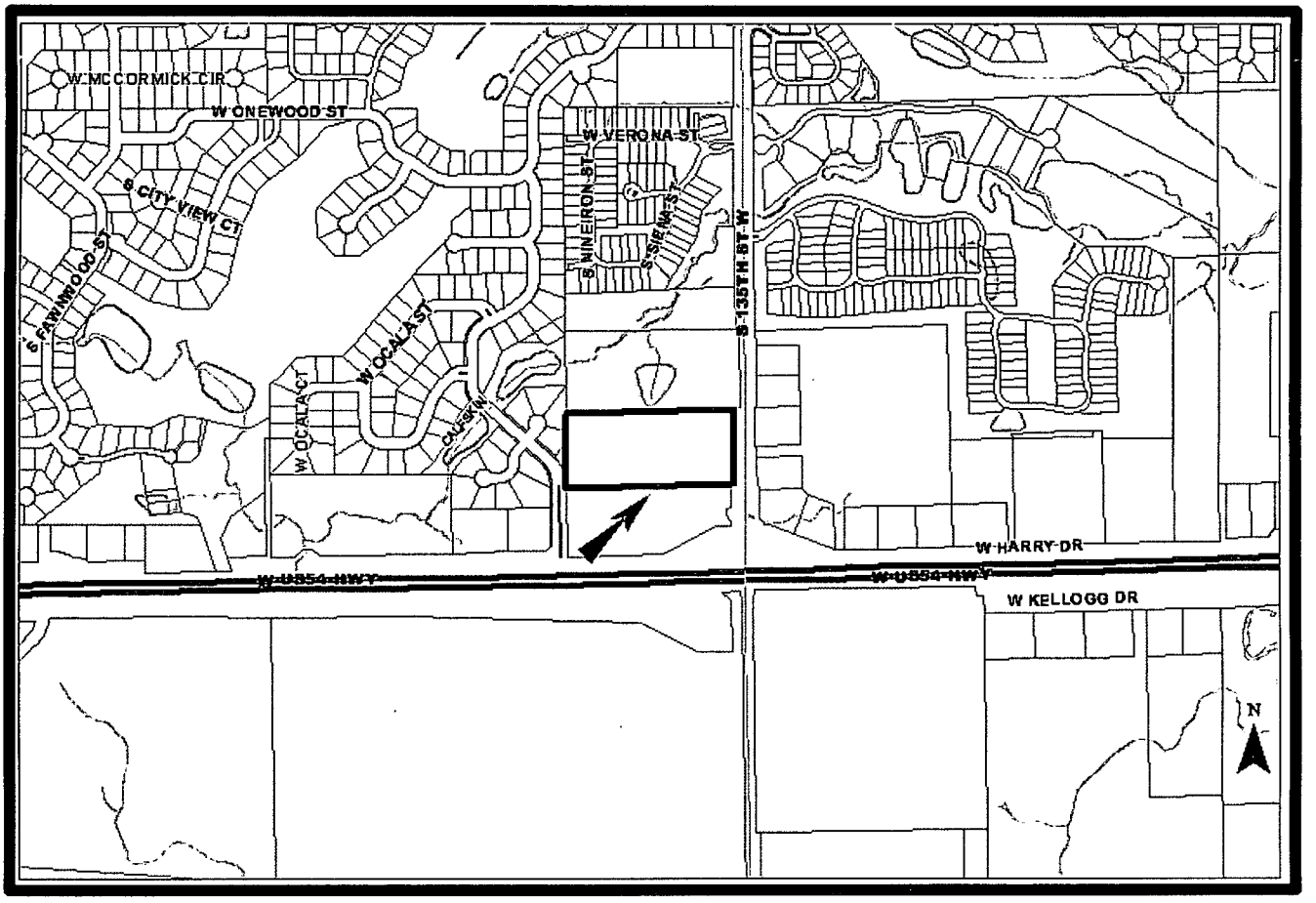
REQUEST: TF-3 Two Family Residential

CURRENT ZONING: SF-5 Single Family Residential

SITE SIZE: 8.937 acres

LOCATION: Located on the west side of South 135th Street West and north of US Highway 54

PROPOSED USE: Two-family residential development



BACKGROUND: The applicant is requesting the rezoning of the approximately 9-acre unplatted tract he owns at this location from SF-5 Single Family Residential (SF-5) to TF-3 Two Family Residential (TF-3) in order to develop the property with a subdivision with duplexes. A sketch of the general layout of the proposed development has been provided with the application indicating a looped street from 135th Street West into the interior of the property with the bulk of the building lots on the interior of the looped street. There are reserves shown on the sketch, but the specific use for the reserves will be addressed at the time of platting. Additionally, the sketch provided by the applicant shows the three western lots remaining SF-5 Single Family Residential. Given the nature of the development to the west, this is reasonable and is being recommended as noted herein.

The surrounding neighborhood is a mixture of uses. The property to the west is platted as Auburn Hills and mostly developed with single-family residential uses. The property to the north on the west side of 135th Street West is zoned SF-5 Single-Family Residential and, according to the Sedgwick County Appraiser, has two separate residences. That property received a Conditional Use for an accessory manufactured home on a temporary basis in 1997 (CU-452). The lot immediately to the east on the other side of 135th Street West has a warehouse use. The property to the south fronting onto Kellogg which is zoned GC General Commercial and is occupied by a church.

CASE HISTORY: There are no other previous zoning actions on this parcel.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	residential
SOUTH:	GC	church
EAST:	GC	commercial warehouse
WEST:	SF-5	residential

PUBLIC SERVICES: South 135th Street West is a paved arterial street with curb and gutters. All municipal services are available in the area and will be guaranteed at the time of platting.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for "residential employment mix". The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature.

The *Community Investments Plan* discusses **Location Guidelines** in section 3 of the Future Land Use Policies. In the subsection titled **Development Pattern**, guideline 1.a. states "development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with development. Guideline 3.c. states "small, neighborhood-serving retail and offices uses and high-density residential uses not located at arterial intersections should be limited to the intersection of an arterial and a collector street. Guideline 3.e. states "new development areas be separated from existing developed areas by major barriers (such as: highways, railroads, waterways, and airports) or by significant open space or undeveloped areas should be discouraged unless the scale of the development is sufficient to support the cost of extending infrastructure and services in a manner that supports additional development on surrounding sites."

The overall spirt and intent of this rezoning appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends APPROVAL of the request as submitted, which includes the western lots in the designated "Block A" in the sketch layout remaining SF-5 Single Family Residential and the balance of the property being rezoned to TF-3 Two-Family Residential. If approved in this manner, the applicant will be required to provide a legal description of the rezoning area or have the rezoning not approved until the plat is presented and the legal description of the zoning be the platted lots.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding neighborhood has a mixture of uses, with single-family residential development to the west and north, and GC General Commercial zoning to the east and south, with a church and commercial warehouse on those properties. Extensive GC zoning exists to the east as well. The introduction of duplexes at this location is considered a reasonable land use transition for development of lands in the future and will be adequately compatible with the single-family development to the west and north.

2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned SF-5 Single Family Residential and the property is unlikely to be developed for new single family homes given the nature of the GC zoning to the south and east.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed TF-3 zoning as recommended will be buffered from the existing single family neighborhood to the west and should not be detrimental to any nearby property.

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.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for "residential employment mix". The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature.

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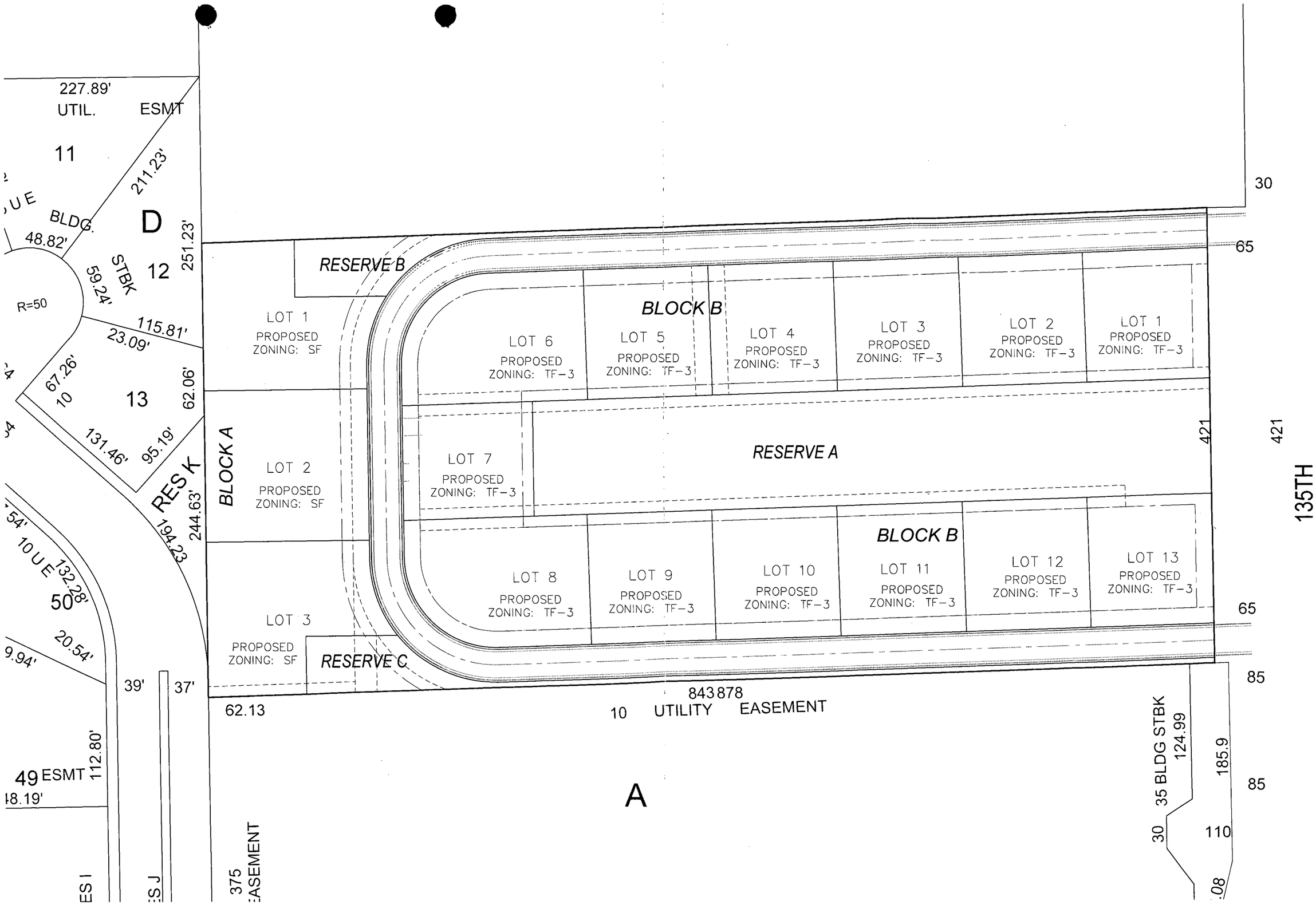
6. Impact of the proposed development on community facilities: Development of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property and will be guaranteed at the time of platting.

Staff Report Attachments:

1. Supporting documents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