



Wichita-Sedgwick County Metropolitan Area Planning Department

April 19, 2022

Rush Valley Company, LLC
Jeff West
3946 S Woodline Drive
Holladay, UT 84124

RE: ZON2022-00010: City zone change from OW Office Warehouse to TF-3 Two-Family Residential to build duplexes on property located on the west side of South Hydraulic and within one-quarter mile north of East 55th Street South.

Dear Applicant;

At its regular meeting on April 19, 2022, the Wichita City Council considered the above captioned request. The action of the City Council was to APPROVE the request

If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP
Senior Planner

Copies to: MABCD
Mike Hoheisel, City Council District III
Rebecca Johnson, CSR District III
KE Miller Engineering, Kirk Miller, 117 E Lewis, Wichita, KS 67202



Wichita-Sedgwick County Metropolitan Area Planning Department

March 18, 2022

Rush Valley Company, LLC
Jeff West
3946 S Woodline Drive
Holladay, UT 84124

RE: ZON2022-00010: City zone change from OW Office Warehouse to TF-3 Two-Family Residential to build duplexes on property located on the west side of South Hydraulic and within one-quarter mile north of East 55th Street South.

Dear Applicant;

At its regular meeting on **March 17, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on March 31, 2022. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed and must be submitted to the City Clerk by **March 31, 2022 at 5:00 p.m.**

This application is scheduled for consideration by the Wichita City Council on **Tuesday, April 19, 2022, beginning at 9:00 a.m.** The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP
Senior Planner

Copies to: MABCD
Mike Hoheisel, City Council District III
Rebecca Johnson, CSR District III
KE Miller Engineering, Kirk Miller, 117 E Lewis, Wichita, KS 67202

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON

April 29, 2022

ORDINANCE NO. 51-747

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. ZON2022-00010

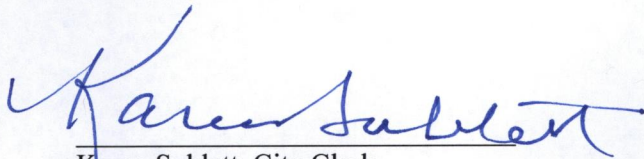
City zone change from OW Office Warehouse to TF-3 Two-Family Residential zoning on property described as:

Lot 1, Block A, Dan Schmidt Addition, Sedgwick County, Kansas.

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.

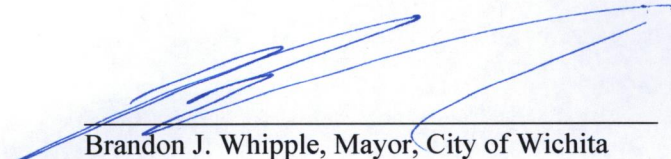
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ATTEST:



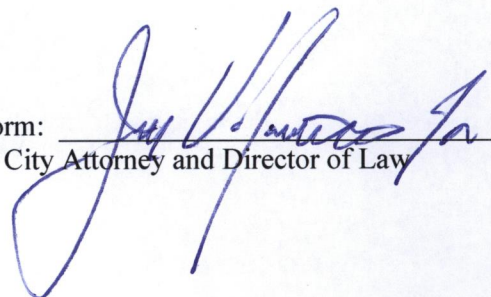
Karen Sublett, City Clerk




Brandon J. Whipple, Mayor, City of Wichita

Approved as to form:

Jennifer Magaña, City Attorney and Director of Law



LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE

ON April 29, 2022

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ATTEST:

Brandon J. Whipple, Mayor, City of Wichita

Karen Sublett, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0070675

Apr 29 2022



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	220209	WIC-2-24-2022	OCA 150004	\$100.80	1	12.00 in

Attention: Betsy Pagán
CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

Copy of ad content
is on the next page

In The STATE OF KANSAS In and for the County of Sedgwick

No. of Insertions: 1
Beginning Issue of: 02/24/2022
Ending Issue of: 02/24/2022

STATE OF KANSAS)

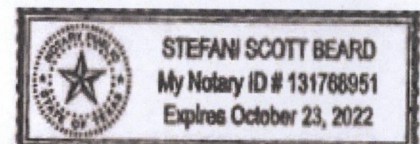
SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 02/24/2022 to 02/24/2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 02/24/2022

Notary Public in and for the state of Texas, residing in
Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON

FEBRUARY 24, 2022 (519598)

(ONE TIME ONLY)

MAPC/BZA MARCH 17, 2022

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, March 17, 2022, no earlier than 1:30 p.m.**, the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). **Masks are required at City Hall at this time.** If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

CUP2022-00004: Minor Amendment to DP-22 Eastgate Shopping Center Community Unit Plan to permit a truck dock located on the south side of East Kellogg, on the east side of South Rock Road (8013 East Kellogg).

ZON2022-00010: City zone change from OW Office Warehouse to TF-3 Two-Family Residential to build duplexes on property located on the west side of South Hydraulic and within one-quarter mile north of East 55th Street South.

ZON2022-00011: City zone change from TF-3 Two-Family Residential to B Multi-Family Residential for construction of two duplexes on property; generally located on the west side of North Grove Avenue and one-half mile north of East 13th Street (1701 North Grove).

ZON2022-00013: City Amendment to P.O. #230 provision #1 to allow vehicle sales and service; generally located 800 feet west of South Hillside on the north side of East 31st Street South (2826 E. 31st Street S).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	Planning@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: Scott Wadle 271 W. 3 rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 651 544 141

Or dial directly: 651544141@67.217.95.2 or

67.217.95.2#651544141

New to GoToMeeting? Get the app now and

be ready when your first meeting starts:

<https://global.gotomeeting.com/install/651544141>

Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. **Masks are required at City Hall at this time.** For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on February 24, 2022

Scott Wadle, Secretary

**Wichita-Sedgwick County
Metropolitan Area Planning Commission**



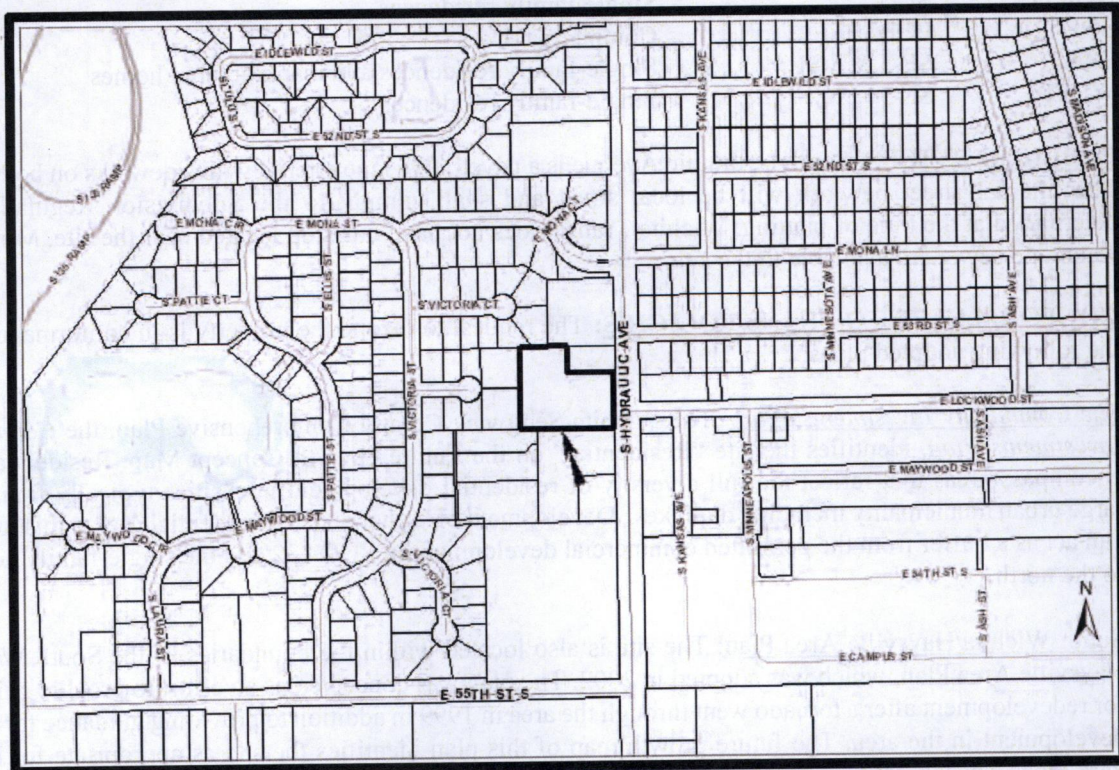
AGENDA ITEM NO. 4.4

STAFF REPORT

MAPC March 17, 2022

DAB III March 2, 2022

<u>CASE NUMBER:</u>	ZON2022-00010 (City)
<u>APPLICANT/AGENT:</u>	Rush Valley Company, LLC- Jeff West (applicant)/ KE Miller Engineering.
<u>REQUEST:</u>	TF-3 Two-Family Residential
<u>CURRENT ZONING:</u>	OW Office Warehouse
<u>SITE SIZE:</u>	2.225 acre
<u>LOCATION:</u>	Generally located on the west side of South Hydraulic Avenue and 1,000 feet north of East 55 th Street South.
<u>PROPOSED USE:</u>	Duplexes
<u>RECOMMENDATION:</u>	Approval



BACKGROUND: The applicant is requesting a zone change from OW Office Warehouse to TF-3 Two-Family Residential to permit duplex development. The property is generally located on the west side of South Hydraulic Avenue and approximately 1,000 feet north of East 55th Street South. The site was once part of a large plant nursery/garden center but has been vacant since at least the year 2000.

OW Office Warehouse zoning does not permit residential uses. As seen on the attached exhibit, the applicant intends to replat the property into eight lots and create two internal streets to provide access to each lot. This layout would permit a total of eight duplexes or 16 dwelling units.

Properties north and west are zoned SF-5 Single-Family Residential and are developed with single-family dwellings. Property to the south is zoned PUD Planned Unit Development #32 and is designated for commercial, office, personal care and improvement services, indoor recreation and entertainment, retail, restaurant, and outdoor greenhouse uses. Much of the site is vacant, and the only existing use is a laundromat. Properties to the east are zoned SF-5 and MH Manufactured Housing and are developed with single-family dwellings and manufactured homes. Development of higher density residential uses at this location can act as a buffer from the permitted commercial development in PUD #32 and the single-family housing to the north.

The Unified Zoning Code does not require screening of TF-3 zoning from any other zoning classification. The Wichita Landscape ordinance does not require any landscaping for developments zoned TF-3. The off-street parking requirement for duplexes is one parking space per dwelling unit.

CASE HISTORY: In 2012, the property was platted at Lot 1, Block A, Dan Schmidt Addition. As previously stated, a replat is required in order to develop the property in the way the applicant desires. In 1991, BZA27-91 was approved reducing the parking requirement for the former plant nursery/ garden center.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	PUD	Commercial Uses
EAST:	SF-5 & MH	Single-family residences and manufactured homes
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: South Hydraulic Avenue is a paved, five lane arterial with sidewalks on both sides. The internal street network will be local street and shall comply to the Subdivision Regulations as determined at the time of platting. Wichita Transit does not have a bus stop located near the site. Municipal water and sewer are available to the site.

CONFORMANCE TO PLANS/POLICIES: The request to rezone the property is in conformance with the following adopted plans:

The Community Investments Plan. The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site "Residential" on the Future Growth Concept Map. Residential uses encompass areas that reflect the full diversity of residential development intensities typically found in a large urban municipality including duplexes. Development of higher density residential uses at this location can act as a buffer from the permitted commercial development in PUD #32 and the single-family housing to the north.

South Wichita/Haysville Area Plan: The site is also located within the boundaries of the South Wichita/Haysville Area Plan, which was adopted in 2002. The plan was conceived as an effort to provide guidance for redevelopment after a tornado went through the area in 1999 in addition to providing guidance for future development in the area. The future growth map of this plan identifies the site as appropriate for Public Park/Open Space/Golf Course. However, the requested rezoning is in alignment with Goal #4 of the plan, which states, "Promote the development and revitalization of the housing and neighborhoods within the

planning Area” Objective A of this goal states, “Enhance and improve the area’s housing opportunities to support the growth and development of the area.” The development of duplexes supports providing more housing opportunities in the area.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the zone change request.

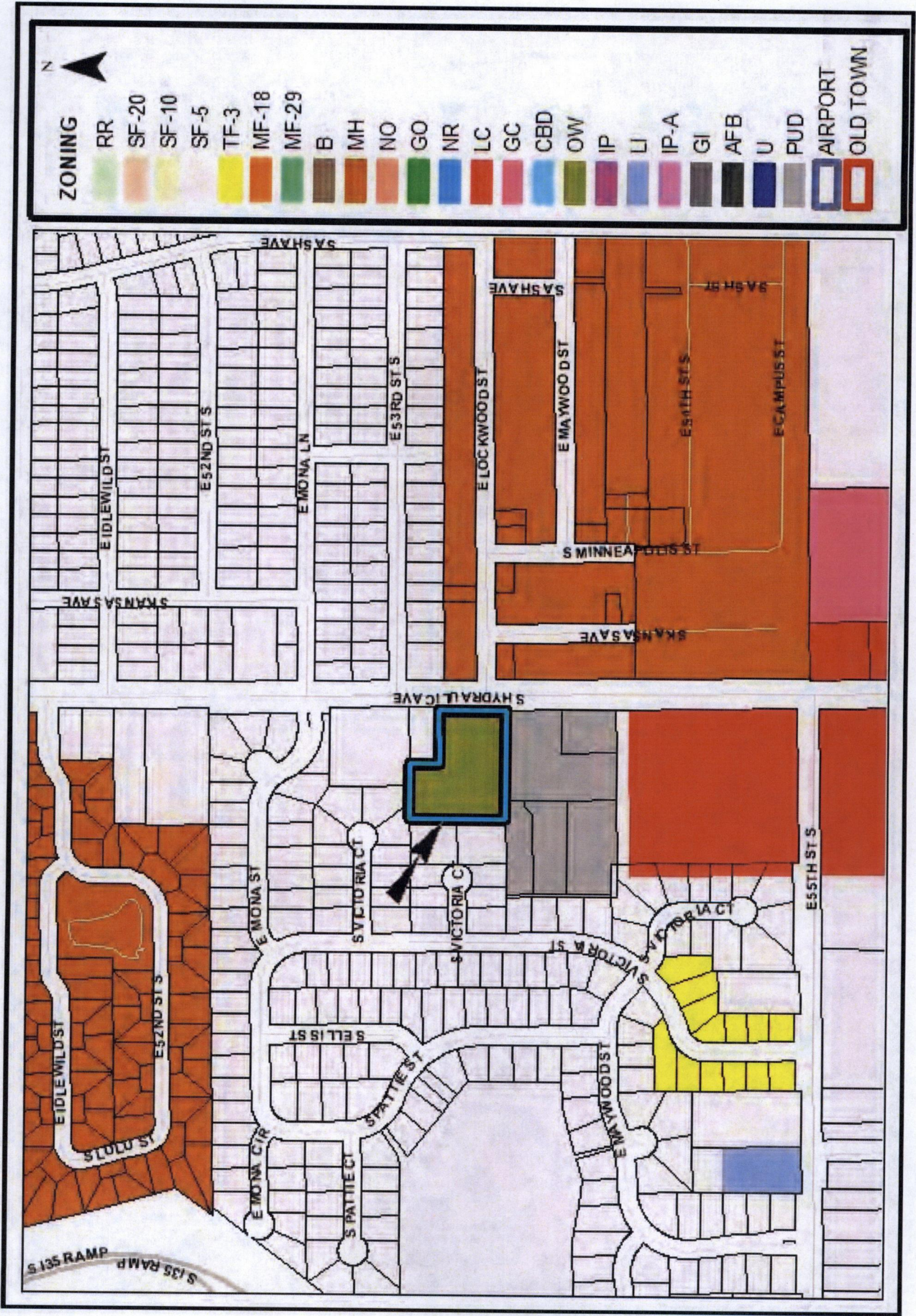
This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Properties north and west are zoned SF-5 Single-Family Residential and are developed with single-family dwellings. Property to the south is zoned PUD Planned Unit Development #32 and is designated for commercial, office, personal care and improvement services, indoor recreation and entertainment, retail, restaurant, and outdoor greenhouse uses. Properties to the east are zoned SF-5 and MH Manufactured Housing and are developed with single-family dwellings and manufactured homes. Development of higher density residential uses at this location can act as a buffer from the permitted commercial development in PUD #32 and the single-family housing to the north.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned OW Office Warehouse and is undeveloped. The site could be developed with a wide range of commercial intensities as permitted in OW zoning. However, certain uses in OW zoning could cause negative impacts on surrounding residential properties such as odor, noise, light pollution and negative visual aesthetics.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Down zoning the property to TF-3 Two-Family Residential for the development of duplexes is a more compatible use of the land given the surrounding SF-5 Single-Family Residential zoning. The higher density housing can act as a buffer between the permitted commercial uses in PUD #32 and the single-family housing to the north.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning is in conformance with the *Community Investments Plan* and the *South Wichita- Haysville Area Plan* as discussed in the staff report.
5. **Impact of the proposed development on community facilities:** The development of the site will likely cause an increase in traffic on South Hydraulic, but not so significant to have negative impacts on the existing facilities.

Attachments:

- Exhibit
- Aerial Map
- Zoning Map
- Land Use
- South Wichita- Haysville Area Plan Future Land Map
- Photos





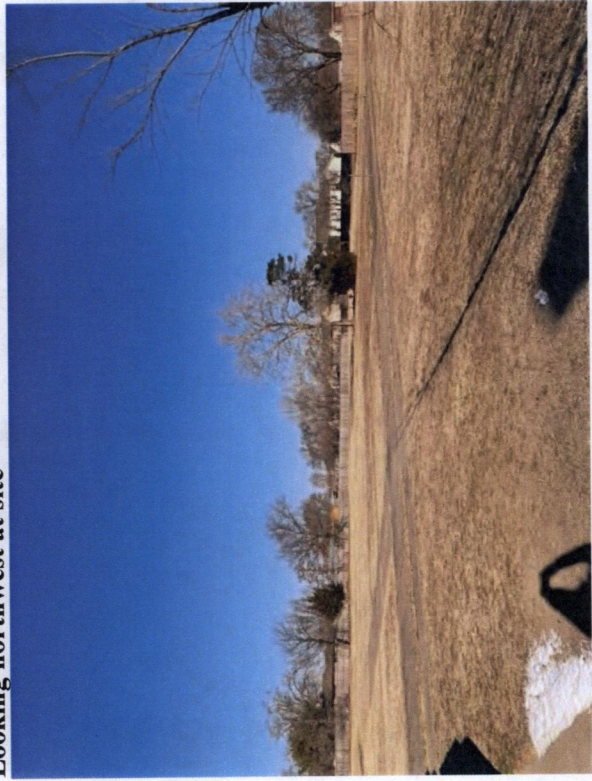




Looking north at and away from site



Looking northwest at site



Looking southwest away from site



Looking southeast away from site



Looking northeast away from site

