



Wichita-Sedgwick County Metropolitan Area Planning Department

November 17, 2011

Charles and Karen James
234 S. Anna
Wichita, KS 67209

RE: ZON2011-00026 - City zone change from SF-5 Single-Family Residential ("SF-5") to B Multi-family Residential ("B") on property located northeast of the intersection of west Maple Street and south Anna Street (230 and 234 S. Anna St.)

Dear Ladies and Gentlemen:

At its regular meeting on **November 15 2011**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request contingent on the provisions of a Protective Overlay.

1. Permitted uses are those permitted by right in the SF-5 Single-family Residential ("SF-5") zone district plus "assisted living," "group home," "nursing facility" and "medical service" that is an accessory use to the uses permitted above, as allowed in the B Multi-family Residential ("B") zone district. Medical services not accessory to the permitted uses are prohibited.

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

Sincerely,

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS:mc

Copies to: Benchmark Land Survey, c/o Chad Abbott, 416 S. Market, Wichita, KS 67202
Sunflower, c/o Judy Morris, 526 Leonine, Wichita, KS 67213
Orchard Breeze, c/o Brad Hinkle, 5214 W. First St, Wichita, KS 67212
WCC IV, Michael O'Donnell, Mail Stop 1-13
N.A. IV, Kelli Geier, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71
City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov



Wichita-Sedgwick County Metropolitan Area Planning Department

October 6, 2011

Charles and Karen James
234 S. Anna
Wichita, KS 67209

RE: ZON2011-00026 - City zone change from SF-5 Single-Family Residential ("SF-5") to B Multi-family Residential ("B") on property located northeast of the intersection of west Maple Street and south Anna Street (230 and 234 S. Anna St.)

Dear Ladies and Gentlemen:

At its regular meeting on **October 6, 2011**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request contingent on the provisions of a Protective Overlay.

1. Permitted uses are those permitted by right in the SF-5 Single-family Residential ("SF-5") zone district plus "assisted living," "group home," "nursing facility" and "medical service" that is an accessory use to the uses permitted above, as allowed in the B Multi-family Residential ("B") zone district. Medical services not accessory to the permitted uses are prohibited.

This application will be forwarded to the City Council for consideration at its regular meeting on **Tuesday, November 15, 2011**. This meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

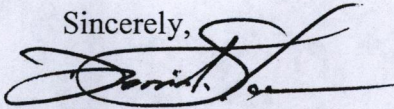
NOTICE: The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement with the City Clerk by 5:00 p.m. on the Wednesday preceding this meeting, providing new facts on the issue or alleging an unfair hearing. The Council will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

Property owners may also file written protest petitions on zoning related items heard by the MAPC. 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 within 200 feet of the

property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing, by **October 20, 2011, at 5 p.m.** Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 200 feet of the perimeter of the application area, unless the Council overrides such a protest and approves the application by a vote of 6 of its members.

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,



Derrick K. Slocum
Associate Planner
Current Plans Division

DKS:mc

Copies to: Benchmark Land Survey, c/o Chad Abbott, 416 S. Market, Wichita, KS 67202
Sunflower, c/o Judy Morris, 526 Leonine, Wichita, KS 67213
Orchard Breeze, c/o Brad Hinkle, 5214 W. First St, Wichita, KS 67212
WCC IV, Michael O'Donnell, Mail Stop 1-13
N.A. IV, Kelli Geier, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71

OCA 150004

ATTEST:

ORDINANCE NO. 49-153

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:

Gary E. Rebanstorf, Director of Law

Case No. ZON2011-00026

Zone change request from SF-5 Single-family Residential ("SF-5") to B Multi-family Residential ("B"), with a PO Protective Overlay on properties described as:

Lot 1, Block 1, James Addition, Wichita, Sedgwick County, Kansas.

AND

Lot 16, McComas Acres, Wichita, Sedgwick County, Kansas; generally located northeast of the intersection of west Maple Street and south Anna Street

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #257:

- 1) Permitted uses are those permitted by right in the SF-5 Single-family Residential ("SF-5") zone district plus "assisted living," "group home," "nursing facility" and "medical service" that is an accessory use to the uses permitted above, as allowed in the B Multi-family Residential ("B") zone district. Medical services not accessory to the permitted uses are prohibited.

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 22 day of Nov, 2011.

ATTEST:

Karen Sublett, MMC
Karen Sublett, City Clerk

for James H. Miller 11/15/11
Carl Brewer, Mayor



Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, Director of Law

RECEIVED
WICHITA, KANSAS
NOV 15 2011

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Mark Fletchall, 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 for 1 issues, that the first publication of said notice was

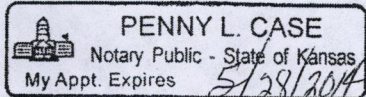
made as aforesaid on the 25th of November A.D. 2011, with subsequent publications being made on the following dates:

And affiant further says that he has personal knowledge of the statements above set forth and that they are true.

Mark Fletchall

Subscribed and sworn to before me this

25th day of November, 2011

 PENNY L. CASE
Notary Public - State of Kansas
My Appt. Expires 5/28/2014

Penny L. Case
Notary Public Sedgwick County, Kansas

Printer's Fee : \$39.60

LEGAL PUBLICATION

PUBLISHED IN THE WICHITA EAGLE
NOVEMBER 25, 2011 (3155753)
ORDINANCE NO. 49-153 150004
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. ZON2011-00026
Zone change request from SF-5 Single-family Residential ("SF-5") to B Multi-family Residential ("B"), with a PO Protective Overlay on properties described as:
Lot 1, Block 1, James Addition, Wichita, Sedgwick County, Kansas.

AND
Lot 16, McComas Acres, Wichita, Sedgwick County, Kansas; generally located northeast of the intersection of west Maple Street and south Anna Street

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #257:

1) Permitted uses are those permitted by right in the SF-5 Single-family Residential ("SF-5") zone district plus "assisted living," "group home," "nursing facility" and "medical service" that is an accessory use to the uses permitted above, as allowed in the B Multi-family Residential ("B") zone district. Medical services not accessory to the permitted uses are prohibited.

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 22nd day of November, 2011.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)
Approved as to form:

Gary E. Rebenstorf, Director of Law

RECEIVED

DEC 02 2011

METROPOLITAN PLANNING
ROUTE _____

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Mark Fletchall, of lawful age, being first duly sworn, depose 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 for 1 issues, that the first publication of said notice was

made as aforesaid on the 15th of

September A.D. 2011, with

subsequent publications being made on the following dates:

And affiant further says that he has personal knowledge of the statements above set forth and that they are true.

Mark Fletchall

Subscribed and sworn to before me this

15th day of September, 2011

PENNY L. CASE
Notary Public - State of Kansas
My Appt. Expires 5/28/2014

Penny L Case
Notary Public Sedgwick County, Kansas

Printer's Fee : \$39.00

3140901

LEGAL PUBLICATION

PUBLISHED IN THE WICHITA EAGLE
ON SEPTEMBER 15, 2011 (3140901)

MAPC October 6, 2011

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 6, 2011, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following applications in the Planning Department Conference Room, 10th Floor, Wichita City Hall, 455 N. Main St., Wichita, Kansas. If you have any question regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268.4421.

VAC2011 00023 City request to vacate a portion of a platted waterline easement, generally located south of Harry Street, west of Hoover Road and south of the Eisenhower - May Avenues intersection.

VAC2011 00024 City request to vacate portions of a platted easement, setback, and floodway, generally located south of 13th Street North, west 127th Street East, east of Whitetail on the west side of Bradford Circle.

ZON2011 00026 City zone change from SF 5 Single-Family Residential to B Multi Family; generally located northeast of the intersection of west Maple Street and south Anna Street (230 and 234 S. Anna St.)

ZON2011 00027 City zone change from SF 5 Single-Family Residential to LC Limited Commercial; generally located east of Rite Road northwest of Taft Avenue and Summit Lawn Drive.

CON2011 00028 City Conditional Use request for a Group Residence, Limited, on property zoned SF 5 Single-Family Residential; generally located one-third mile south of Maple Street between Maize Road and 119th Street East, and more particularly at the junction of S. Circle Lake Road, S. West Shore Street and W. Valley Hi Road (550 S. Circle Lake Road).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, Wichita City Hall 10th Floor. 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.

WITNESS MY HAND this 12th day of September, 2011

John L. Schlegel, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

RECEIVED

SEP 20 2011

METROPOLITAN PLANNING
ROUTE [] []



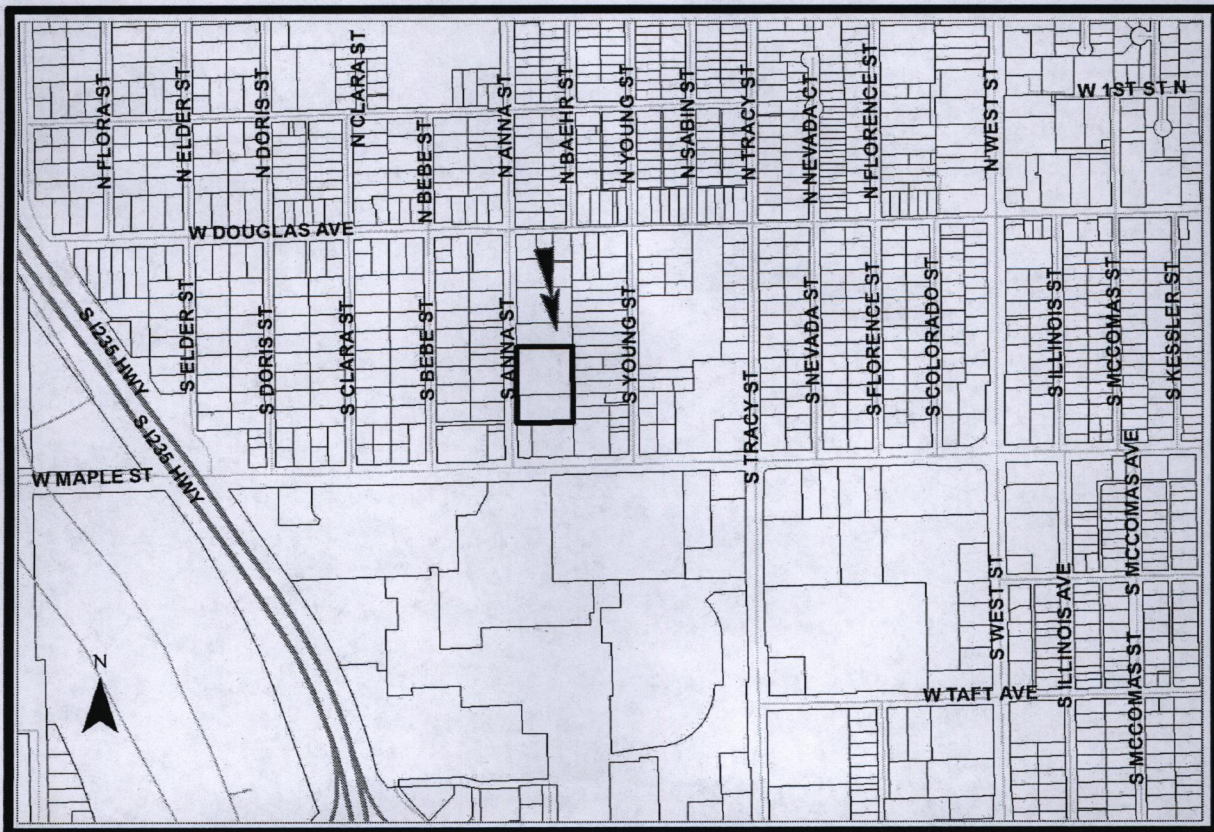
STAFF REPORT

MAPC: October 6, 2011

DAB IV: October 3, 2011

Tentative City Council Date: November 15, 2011

- CASE NUMBER:** ZON2011-00026
- APPLICANT/AGENT:** Charles and Karen James (Owner/Applicant)
Benchmark Land Survey, Chad Abbott (Agent)
- REQUEST:** B Multi-family Residential ("B")
- CURRENT ZONING:** SF-5 Single-family Residential ("SF-5")
- SITE SIZE:** Total Area 2.00 acres
- LOCATION:** Generally located northeast of the intersection of west Maple Street and south Anna Street (230 and 234 S. Anna St.)
- PROPOSED USE:** Home Plus residences



BACKGROUND: The applicant is seeking B Multi-family Residential (“B”) zoning for a 2.0-acre platted property. The site is currently zoned SF-5 Single-family Residential (“SF-5”), and is located northeast of the intersection of South Anna Street and West Maple Street. The applicant has been operating a Home Plus facility at 234 North Anna Street since 1998. The applicant now has plans to expand their operation to the property north of the existing facility. The total area in the application which includes the property with the existing facility and the property north of the existing facility equals 2.0 acres. The increase of land area would allow for the total number of units to be increased to 17 units (5,000 square feet minimum lot area for non-residential uses). The zone change request to B (with a proposed Protective Overlay (“PO”)) would allow for the Home Plus facility, as well as assisted living, group home, nursing facility, medical services and all uses allowed in the SF-5 zone district.

Property immediately surrounding the site is predominately residential. Property to the north is zoned SF-5 Single-family Residential (“SF-5”), and is developed with a single-family residence. Property south of the site is zoned LC Limited Commercial (“LC”), and is developed with a parking lot and a car wash. Property east of the site is zoned SF-5 and MF-18 Multi-family Residential (“MF-18”), and is developed with single-family and multi-family residential uses. Property west of the subject site is zoned SF-5 and MF-29 Multi-family Residential (“MF-29”), and is developed with single-family residences.

CASE HISTORY: The property is platted as Lot 1; Block 1, James Addition and Lot 16, McComas Acres Addition, Wichita, Sedgwick County, Kansas. The James Addition was recorded on January 23, 1998 and the McComas Acres Addition was recorded on September 16, 1925.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|-------------|---|
| NORTH: | SF-5 | Single-family Residential |
| SOUTH: | LC | Parking Lot/Car Wash |
| EAST: | SF-5, MF-18 | Single-family and Multi-family Residences |
| WEST: | SF-5 | Single-family Residence |

PUBLIC SERVICES: The subject property has frontage along South Anna Street (west side of property), a two-lane, paved, collector without traffic counts. Two-hundred feet south of the subject is West Maple Street, a four-lane with a center turn lane, paved arterial, with no traffic counts at the intersection of Anna and Maple. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for “Urban Residential” use. Urban Residential is a category that encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes: single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following provisions of a Protective Overlay:

1. Permitted uses are those permitted by right in the SF-5 Single-family Residential (“SF-5”) zone district plus “assisted living,” “group home,” “nursing facility” and “medical service” that is an accessory use to the uses permitted above, as allowed in the B Multi-family Residential (“B”) zone district. Medical services not accessory to the permitted uses are prohibited.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property immediately surrounding the site is predominately residential. Property to the north is zoned SF-5 Single-family Residential (“SF-5”) and is developed with a single-family residence. Property south of the site is zoned LC Limited Commercial (“LC”), and is developed with a parking lot and a car wash. Property east of the site is zoned SF-5 and MF-18 Multi-family Residential (“MF-18”), and is developed with single-family and multi-family residential uses. Property west of the subject site is zoned SF-5 and MF-29 Multi-family Residential (“MF-29”), and is developed with single-family residences.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site could be developed with a single-family residential use under the current zoning.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request would increase the density at which the site could be developed. The impact on nearby residents in regards to the rezone to B could be increased traffic.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for “Urban Residential” use. Urban Residential is a category that encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes: single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.
5. **Impact of the proposed development on community facilities:** Approval of the request should not have a negative impact on community facilities.