



Wichita-Sedgwick County Metropolitan Area Planning Department

December 21, 2022

JD Consulting, LLC
1816 North Holland Lane
Wichita, KS 67212

KE Miller Engineering
Attn: Kirk Miller
117 East Lewis St.
Wichita, KS 67202

RE: ZON2022-00058: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential; generally located within one-half mile west of North Arkansas Avenue, within one-block north of West 21st Street North (2331 North Burns).

Dear Applicants;

At its regular meeting on **December 20, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request.

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,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: Maggie Ballard, Council Member District VI
Maddie Campbell, CSR, District VI
MABCD
Rodney Johnson, 2349 North Burns Ave., Wichita, KS 67204
Louvenia Mitchell, 2363 North Burns Ave, Wichita, KS 67204
Cheryl McGee, 2350 North Burns Ave., Wichita, KS 67204
Elizabeth Fowler, 2353 North Burns Ave., Wichita, KS 67204
Maria Avila, 2369 North Burns Ave., Wichita, KS 67204
William Smith, 2385 North Burns Ave., Wichita, KS 67204
Flavia Valles, 2324 North Burns Ave., Wichita, KS 67204
Angelo Murphy, 2351 North Burns Ave., Wichita, KS 67204



Wichita-Sedgwick County Metropolitan Area Planning Department

November 18, 2022

JD Consulting, LLC
1816 North Holland Lane
Wichita, KS 67212

KE Miller Engineering
Attn: Kirk Miller
117 East Lewis St.
Wichita, KS 67202

RE: ZON2022-00058: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential; generally located within one-half mile west of North Arkansas Avenue, within one-block north of West 21st Street North (2331 North Burns).

Dear Applicants;

At its regular meeting on **November 17, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of 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 December 1, 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 **December 1, 2022, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, December 20, 2022**, beginning at 9:00 a.m.

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,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: Maggie Ballard, Council Member District VI
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Flavia Valles, 2324 North Burns Ave., Wichita, KS 67204
Angelo Murphy, 2351 North Burns Ave., Wichita, KS 67204

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Dec. 30, 2022

ORDINANCE NO. 52-016

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. ZON2022-00058

City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential zoning, described as:

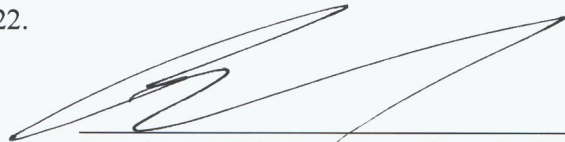
Lots 44, 46, 48, 50, 52, and 54, Block 1, Kansas City Addition to Wichita, Sedgwick County, Kansas.

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.

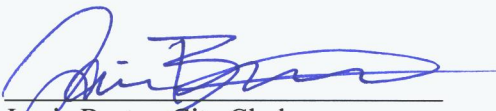
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 27th day of Dec, 2022.

ATTEST:



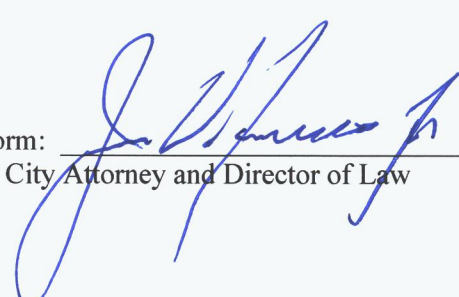
Brandon J. Whipple, Mayor, City of Wichita



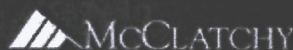
Jamie Buster, City Clerk

(SEAL)



Approved as to form: 

Jennifer Magaña, City Attorney and Director of Law



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
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Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	364324	Print Legal Ad-IPL01035320 - IPL0103532		\$51.97	1	62 L

Attention: Jamie Buster
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE

ON December 30, 2022

ORDINANCE NO. 52-016

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. ZON2022-00058

City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential zoning, described as:

Lots 44, 46, 48, 50, 52, and 54, Block 1, Kansas City Addition to Wichita, 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.

Adopted this 27th day of December, 2022.

ATTEST:

Brandon J. Whipple, Mayor, City of Wichita

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0103532

Dec 30 2022

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

1 insertion(s) published on:

12/30/22

STATE OF KANSAS)

SS

County of Sedgwick)

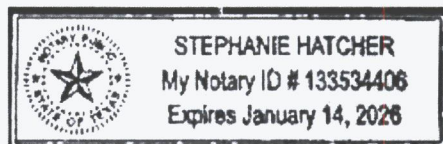
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 from 12/30/2022 to 12/30/2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 12/30/2022

Stephanie Hatcher

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!



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	337863	Print Legal Ad-IPL00953900 - IPL0095390	OCA 150004	\$211.36	3	84 L

Attention: MANDY HEBERT

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

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on October 27, 2022
(One Time Only)

MAPC/BZA November 17, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, November 17, 2022, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CUP2022-00049: Request in the City for a minor amendment to Parcels 29 & 30 of the Ridge Plaza CUP DP-37 (with ZON2022-00059 for OW Office Warehouse) on property zoned LC Limited Commercial; generally located north of W. Kellogg, one-quarter mile west of S. Eisenhower Pkwy, between S. Woodchuck and S. Holland.

DER2022-00008: Community Investments Plan Update of population forecast, Wichita Future Growth Concept Map, and financial forecast.

DER2022-00009: Amendment to the Wichita-Sedgwick County Unified Zoning Code regarding the definitions of a "Day Care, General" and "Day Care, Limited", and number of pupils, employees and loading spaces to conform to state regulations.

PUD2022-00021: Zone change request in the City from LC Limited Commercial, GO General Office, and TF-3 Two-Family Residential to create the Hunter Health Planned Unit Development to expand the existing medical use; generally located on the northwest corner of East Central Avenue and North Grove Street.

VAC2022-00032: Reprocessing a request in the City to vacate an alley right-of-way abutting property zoned LC Limited Commercial District, generally located northeast of North Meridian Avenue and Kellogg.

VAC2022-00033: Request in the City to vacate a platted alley right-of-way abutting property zoned GO General Office District and TF-3 Two-Family Residential District; generally located on the northeast corner of East Central Avenue and North Grove Street.

ZON2022-00057: Zone change request in the City to amend Protective Overlay PO #257 to permit duplexes on property zoned B Multi-Family Residential; generally located North of West Maple Street and South of West Douglas Avenue, on the east side of South Anna Street (230 South Anna Street).

ZON2022-00058: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District; generally located within one-half mile west of North Arkansas Ave, within one block north of West 21st Street North (2331 North Burns).

ZON2022-00059: Zone change request in the City from LC Limited Commercial to OW Office Warehouse (with CUP2022-00049 to amend CUP DP-37) on property generally located north of West Kellogg, within one-half mile west of South Eisenhower Pkwy, between South Woodchuck Lane and South Holland Lane.

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 WichitaSedgwick 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.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

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 Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. 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 (316-2684464) by 5pm, 3 days prior to the meeting.

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. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7764

WITNESS MY HAND on October 27, 2022

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0095390

Oct 27 2022

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

No. of Insertions: 1

Beginning Issue of: 10/27/2022

Ending Issue of: 10/27/2022

STATE OF KANSAS)

SS

County of Sedgwick)

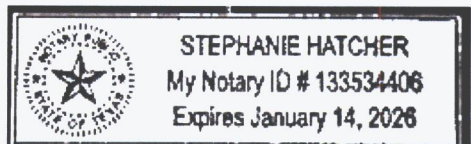
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 from 10/27/2022 to 10/27/2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 10/27/2022

Stephanie Hatcher

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!

BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for two parcels. One parcel is the property addressed as 2331 North Burns Avenue, which comprises four platted lots. The other parcel is the property abutting to the south, which comprises two platted lots. The subject site is generally located within one-block north of West 21st Street North and within one-half mile west of North Arkansas Avenue. The subject site is 0.45 acres in size and is currently undeveloped. Historical aerial images show a single-family dwelling, and an accessory structure occupied the parcel addressed as 2331 North Burns at least until 2017. The structures were removed sometime between 2017 and the present. The applicant intends to build three duplexes.

The site is 19,500 square feet in area. The TF-3 zoning district requires a minimum of 3,000 square feet per dwelling unit for duplex development. This means that the site can support up to three duplexes. The zone change does not permit multiple duplexes to be developed on one large lot. Each duplex will have to be on its own parcel with separate access to North Burns Avenue and meet all required setbacks and parking requirements. The parking requirement for a duplex is one parking space per dwelling. Parking is not permitted within the front, 25-foot setback. The off-parking space for each dwelling can be counted within a garage.

Properties to the north, east, south, and west are zoned SF-5 Single-Family Residential District and developed with single-family dwellings and accessory structures. Property to the northeast of the site is zoned SF-5 District and developed with a church. In 1996, two variances were approved for the church property: 1) to reduce the side yard setback from 20 feet to seven feet, and 2) reduce the parking requirement from 30 spaces to 16 spaces. There is TF-3 Two-Family Residential zoning and duplex development within one-quarter mile west of the subject site on North Hood, North Garland, and North Somerset Avenues.

CASE HISTORY: in 1887, the property was platted as even lots 44 through 54, Block 1, Kansas City Addition. No other zoning actions have taken place on the site.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residence
SOUTH:	SF-5	Single-family residence
EAST:	SF-5	Single-family residence and church
WEST:	SF-5	Single-family residence

PUBLIC SERVICES: North Burns Avenue is a paved, two-way local street without sidewalks. There is a platted, 17.37-foot gravel alley on the rear of the property. Wichita Transit provides regular bus service within one-block to the south along West 21st Street North. Municipal water and sewer are available to the site.

CONFORMANCE TO PLANS/POLICIES: The requested zoning would continue to allow the property to be in conformance with the following plans.

The Community Investments Plan: The requested zoning aligns with the goals of the Community Investment Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be primarily appropriate for residential uses and defines residential uses as a variety of housing types including duplexes.

Wichita: Places for People Plan: The requested zoning aligns with the goals of the Wichita: Places for People Plan. The Wichita: Places for People Plan provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

- **Strategies:** The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested zoning aligns with Strategy 5, “Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA.” The proposed duplex would provide a housing option that otherwise is limited in the area. The requested zoning also aligns with Strategy 6, “Encourage infill and redevelopment that is contextual to the environment in which it is occurring.” The

proposed rezoning would allow infill within the undeveloped zoning lot that is residential in nature.

- **Current Condition:** The subject property is located within an area identified as an “area of opportunity.” The Places for People Plan defines Areas of Opportunity as those “areas that generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area.” The proposed rezoning would permit the development of other housing options in the area and is an example of private investment.

21st Street North Corridor Revitalization Plan: The requested Conditional Use is in conformance with the goals and future land use of the *21st Street North Corridor Revitalization Plan*. In December 2004, this Plan was adopted with the purpose to provide goals and objectives to revitalize the 21st Street North corridor from North Amidon Avenue to North Hillside Avenue. It primarily focuses on the commercial development along 21st Street in addition to a transportation plan for the corridor as well. However, it does provide guidance for land use for properties within one to two blocks north and south of 21st Street.

- **Goals:** the requested zone change is in conformance to Goal 1, “Increase the long-term economic renewal, vitality, and sustainability of the 21st Street North Corridor Revitalization Plan area.” Infill development with providing additional housing on vacant lots promotes economic renewal and vitality.
- **Future Land Use:** The Plan provides guidance for future land use for properties within two blocks north and south of 21st Street. The Preferred 20 + Year Land Use Plan identifies the subject property as appropriate for single-family residential. The only residential land use categories identified on this Land Use Plan are “single-family residential” and “residential high density.” The Unified Zoning Code identifies TF-3 Two-Family Residential zoning as a compatible zoning classification with SF-5 Single-Family Residential by not requiring mitigation factors such as additional setbacks, screening, or landscaping.

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:

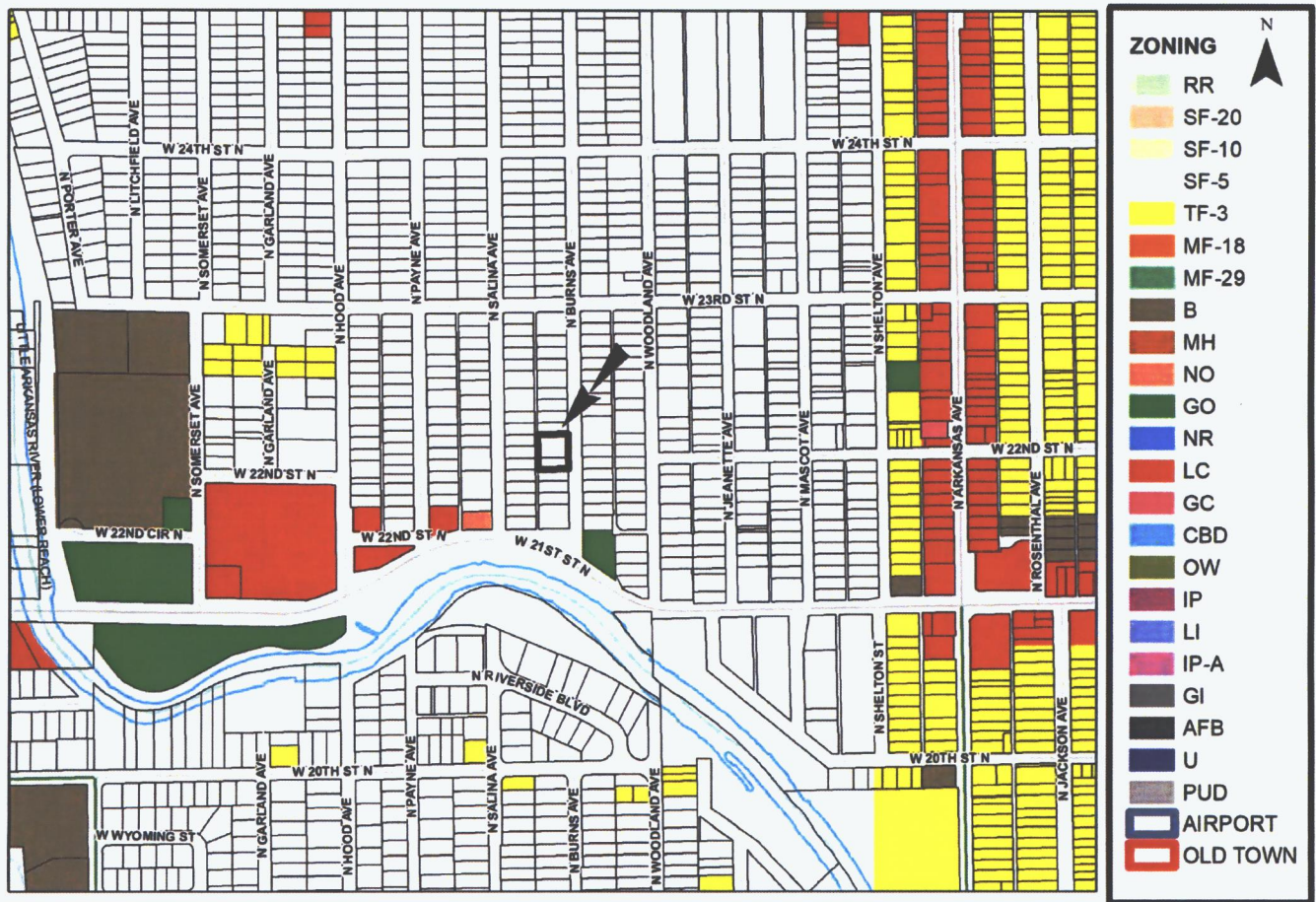
1. **The zoning, uses and character of the neighborhood:** Properties to the north, east, south, and west are zoned SF-5 Single-Family Residential District and developed with single-family dwellings and accessory structures. Property to the northeast of the site is zoned SF-5 District and developed with a church. In 1996, two variances were approved for the church property: 1) to reduce the side yard setback from 20 feet to seven feet, and 2) reduce the parking requirement from 30 spaces to 16 spaces. There is TF-3 Two-Family Residential zoning and duplex development within one-quarter mile west of the subject site on North Hood, North Garland, and North Somerset Avenues.
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 could be redeveloped with single-family homes.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Most subdivisions platted and developed prior to the 1960s are in use as single-family residences. Because of the similarity of residential use, the UZC does not require screening between SF-5 and TF-3 zoning districts.
4. **Length of time the subject property has remained vacant as zoned:** The single-family dwelling on the site was removed within the last five years.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning would continue to allow the property to be in conformance with the *Community Investments Plan*, the *Wichita: Places for People Plan*, and the *21st Street North Corridor Revitalization Plan* as discussed in the staff report.

6. **Impact of the proposed development on community facilities:** Development of the property with the requested zoning is not anticipated to have significant adverse impacts on community facilities or resources. All public improvements are available to serve the property.

Attachments:

- Aerial Map
- Zoning Map
- Land Use
- 21st Street North Plan Future Land Use Map
- Photos





2035 Wichita Future Growth Concept Map

Legend

-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

Statistical Development Areas

-  Other Urban Growth Areas 2014
-  Other Urban Growth Areas 2014
-  Rural Growth Areas 2014

LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Nghbd_Plan_Areas





Looking west at property south of site



Looking west at north parcel



Looking west at south parcel



Looking west at property north of site



Looking east at church property



Looking east away from site

