CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 3, 2024

Nathan O'Quinn, Jr.
5969 South Hydraulic
Wichita, KS 67216

RE: ZON2023-00078 – Zone change request in the City from TF-3 Two-Family Residential District to MF-29 Multi-Family Residential District to construct a duplex and single-family residence, generally located on the southwest corner of East 1st Street North and North Poplar Avenue (155 North Poplar Avenue, 2411 East 1st Street North)

Dear applicants,

On March 19, 2024, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request.

If you have any questions concerning this matter, please contact our office.

Sincerely,

Christina Rieth

Christina Rieth
Associate Planner

Cc: Brandon Johnson, Councilmember District I
Cameron Jackson, CSR District I
MABCD

Wichita-Sedgwick County Metropolitan Area Planning Department

February 8, 2024

Nathan L. O'Quinn, Jr.
5969 South Hydraulic Avenue
Wichita, KS 67216

RE: ZON2023-00078 – Zone change request in the City from TF-3 Two-Family Residential District to MF-29 Multi-Family Residential District to construct a duplex and single-family residence, generally located on the southwest corner of East 1st Street North and North Poplar Avenue (155 N Poplar Ave., 2411 E 1st St. N).

Dear applicant,

At its regular meeting on **February 8, 2024**, 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 **February 22, 2024**. 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 **February 22, 2024, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, March 19, 2024**, beginning at 9:00 a.m. The meeting will take place at 455 North Main Street, Wichita, KS 67202.

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 316-268-4421.

Sincerely,

Christina Rieth

Christina Rieth
Current Plans
Associate Planner

CC: Brandon Johnson, Wichita City Council District I
MABCD

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON March 29, 2024

ORDINANCE NO. 52-361

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. ZON2023-00078

Zone change request in the City from TF-3 Two-Family Residential District to MF-29 Multi-Family Residential District on property legally described as:

The West 70 feet of Lots 2 and 4 on Poplar Avenue, Oliver's Subdivision of Lots 1, 2, 7, and 8, in Block 5, of Chautauqua Addition to Wichita, Sedgwick County, Kansas;
AND
The East 70 feet of Lots 2 and 4 on Poplar Avenue, Oliver's Subdivision of Lots 1, 2, 7, and 8, in Block 5, of Chautauqua 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 26th day of March, 2024.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL)

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

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	535933	Print Legal Ad-IPL01662390 - IPL0166239		$53.01	1	63 L

Attention: LaTosha Alvarez

CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

JMBuster@wichita.gov

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Adopted this 26th day of March 2024.

Lily Wu, Mayor, City of Wichita

ATTEST: Jamie Buster, City Clerk

(SEAL)

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

IPL0166239
Mar 29 2024

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

1 insertion(s) published on:

03/29/24

STATE OF KANSAS)
SS
County of Sedgwick)

Mary Castro, 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 03/29/2024 to 03/29/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 03/29/2024

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

AGENDA ITEM NO. 4.5

STAFF REPORT
MAPC: February 8, 2024
DAB I: February 5, 2024

CASE NUMBER:	ZON2023-00078 (City)
APPLICANT/AGENT:	Nathan O'Quinn, Jr. (Applicant)
REQUEST:	MF-29 Multi-Family Residential District
CURRENT ZONING:	TF-3 Two-Family Residential District
SITE SIZE:	0.16 acres
LOCATION:	Located on the southwest corner of East 1st Street North and North Poplar Avenue (2411 East 1st Street North and 155 North Poplar Ave.)
PROPOSED USE:	Duplex and one single-family dwelling
RECOMMENDATION:	Approve

BACKGROUND: The applicant is requesting a zone change from TF-3 Two-Family Residential District (TF-3) to MF-29 Multi-Family Residential District (MF-29) in order to build a single-family dwelling and a duplex across two tax parcels. The subject site is 0.16 acres in size and is generally located at the southwest corner of East 1st Street North and North Poplar Avenue (2411 East 1st Street North and 155 North Poplar Avenue). The western parcel is developed with a single-family home, and the eastern parcel is undeveloped. A single-family house previously stood on the eastern parcel was demolished last year.

MF-29 zoning accommodates moderate-density residential development, including single-family, two-family, and multi-family residences at a maximum density of 29 dwelling units per acre. At 0.16 acres, the site is allowed up to four dwelling units. The applicant is requesting to build a total of three units across two tax parcels. While the current zoning allows for a duplex, the subject sites do not have the minimum lot size for the requested density. MF-29 is the most restrictive zoning that allows the number of requested dwelling units between both parcels.

The off-street parking schedule in Article IV-A of the Unified Zoning Code (UZC) requires 1.25 parking stalls per efficiency and one bedroom dwelling unit and 1.75 parking stalls per two bedroom or larger unit. The number of dwelling units will be limited by the number of parking spaces they can provide on-site. The parking requirement may be reduced by Administrative Adjustment.

Since the applicant is proposing a single-family dwelling and a duplex across two parcels, the property would be exempt from implementing landscaping and screening in accordance with the Wichita Landscape Ordinance and the Unified Zoning Code, respectively. However, should the current or future property owners build multi-family housing or non-residential uses on the subject site, it shall be subject to screening and landscaping. While MF-29 zoning allows a maximum height of 45 feet, since it is adjacent to TF-3 zoning, the compatibility height standards limit the proposed development to 35 feet.

Compatibility setback standards shall apply to this property's side and rear lot lines, since it is adjacent to TF-3 zoning. The minimum building compatibility setback is 15 feet plus one foot for each five feet of lot width over 50 feet. However, the rear and street side setbacks in MF-29 zoning are 20 feet, and the width of the combined parcels is 51 feet, so the applicant will adhere to MF-29 zoning standards.

The character of the neighborhood is residential. Properties to the north, across East 1st Street North, are zoned TF-3 and are developed with single-family dwellings. Property to the south is zoned TF-3 and is developed with a duplex. Properties to the east, across North Poplar Avenue, are zoned TF-3 and are vacant and developed with a single-family dwelling. Property to the west, across North Grove Street, is zoned B Multi-Family Residential District (B) and is developed with an outbuilding for a single-family dwelling.

CASE HISTORY: On June 9, 1886, the subject site was platted as Lots 2 and 4 of the Olivers Sub, Blk 5 Chautauqua Addition. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Single-family dwellings
SOUTH:	TF-3	Duplex
EAST:	TF-3	Vacant, single-family dwelling
WEST:	B	Outbuilding for single-family dwelling

PUBLIC SERVICES: The properties have access to East 1st Street North and North Poplar Avenue. East 1st Street North is a one-way, one-lane arterial street with sidewalks on each side. North Poplar Avenue is a two-way local street with sidewalks on each side. Municipal services, such as water, stormwater, and sewer already serve the subject properties. Wichita Transit provides service at the southeast corner of East Douglas Avenue and South Green Street, which is one-quarter mile southeast of the subject site.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the following plans and policies:

Community Investments Plan: The requested zone change is in conformance with the *Community Investments Plan.* The *Plan*'s 2035 Wichita Future Growth Concept Map, which outlines the preferred development pattern and land uses within the *Plan* area, identifies the subject site as appropriate for "Residential" development and use. "Residential" areas should "reflect the full diversity of residential development densities and types typically found in a large urban municipality." Adding multi-family development would increase the diversity of residential types and densities in the area, adhering to this component of the *Plan.*

The subject site and surrounding area are located within the Established Central Area (ECA) of the City. Locational Guidelines for the ECA state that "accessory dwelling units, duplexes, and small-scale multi-family developments can be appropriate in existing residential areas if appropriate site design limits adverse impacts on surrounding residential uses, the design of the buildings is compatible with existing residences, and the scale of the development is compatible with the intensity of the surrounding area." The applicant is proposing a single-family dwelling and a duplex to be built on site; there are multiple duplexes in the area. Should the current or future property owner construct multi-family housing on the subject sites, they will be subject to screening and landscaping, which limits the adverse impacts on surrounding residential uses.

Central Northeast Area Plan: The requested zone change is in conformance with the *Central Northeast Area Plan*. One of the *Plan*'s goals is "to protect the neighborhood fabric by ensuring that the rate of new home construction exceeds the housing demolition rate in the Central Northeast Area." While a single-family home was demolished on the eastern parcel, the applicant intends to build a duplex on that site, which increases the housing supply.

Wichita: Places for People Plan: The subject area is identified as an "Area of Opportunity" by the *Wichita: Places for People Plan.* Areas of Opportunity are defined as "areas that generally exhibit economic challenges, a disconnected development pattern and a lack of walkable places and facilities. These areas need strategic investment, both public and private, to assist in redefining and reinvigorating the area." Small-scale infill development, like the requested duplex development, can be supported by the current market of the area, and build market support for larger development projects in the future.

The zone change request also aligns with Strategy 6 of the *Wichita: Places for People Plan*: "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The subject site is proposing a duplex and single-family dwelling. There are five duplexes within 250 feet of the subject site.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**. This recommendation is based on the following findings:

1. The zoning, uses, and character of the neighborhood: The character of the neighborhood is residential. Properties to the north, across East 1st Street North, are zoned TF-3 and are developed with single-family dwellings. Property to the south is zoned TF-3 and is developed with a duplex. Properties to the east, across North Poplar Avenue, are zoned TF-3 and are vacant and developed with a single-family dwelling. Property to the west, across North Grove Street, is zoned B Multi-Family Residential District and is developed with an outbuilding for a single-family dwelling.

2. The suitability of the subject property for the uses to which it has been restricted: The subject properties are zoned TF-3 Two-Family Residential District. The current zoning allows for a single-

family dwelling or duplex, but neither property has sufficient minimum lot size to build any residential structure.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would allow all uses permitted in the MF-29 Multi-Family Residential District on the site. Staff does not anticipate the removal of restrictions to detrimentally affect nearby property. The applicant is requesting the zone change to allow a single-family dwelling and duplex on site, both of which are abundant in the surrounding neighborhood.

4. Length of time subject property has remained vacant as zoned: The eastern parcel has been vacant since last year, when a single-family dwelling was demolished. The western parcel has been developed with a single-family dwelling since 1916.

5. Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of this request could provide an economic gain to the applicant, which is generally considered a gain to the public welfare. However, any gain must be considered in light of the possible negative impacts to the public welfare, including the effects of future development on neighboring properties. Denial could be regarded as a loss of economic opportunity for the applicant.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zone change is in conformance with the *Community Investments Plan*, the *Central Northeast Area Plan*, and the *Wichita: Places for People Plan*, as discussed in the staff report.

7. Impact of the proposed development on community facilities: The Planning Department does not anticipate the requested zone change will have a significant impact on community facilities. Existing public infrastructure at the site should accommodate uses under the proposed MF-29 District zoning.

8. Opposition or support of neighborhood residents: At the time of publication of the staff report, staff has not received any public comments regarding this case.

Attachments:

1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Proposed Site Plan
5. Site Photos

N POPLAR AVE
E 1ST ST N
N GROVE ST
N GROVE DR
N GROVE DR
N

ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
HISTORICAL
DELANO
N
E 2ND ST N
E 1ST ST N
E DOUGLAS AVE
N MADISON AVE
N SPRUCE ST
N GROVE DR
N POPLAR AVE
N GREEN ST
N ESTELLE AVE
N VOLUTSIA AVE
N GROVE ST
S GROVE ST
S POPLAR ST
S GREEN ST
BZA2016-00022
BZA2018-00024
BZA18-88
BZA2017-00001
BZA2017-00001
CON2016-00064
CON2016-00064
BZA20-87
BZA2023-00017
BZA19-87
CON2012-00037
BZA10-63
PUD-63
BZA12-52
BZA2-61
BZA49-77
CON2009-00028
BZA41-65
BZA21-77

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

- Small City Urban Growth Areas
- Small City Urban Growth Areas
- Rural Areas

LAND USE

- Residential
- Commercial
- Industrial
- Major Air Transportation & Military
- Parks and Open Space
- Agricultural or Vacant
- Major Institutional
- Neighborhood/Area Plans

N

Looking south towards site

Looking west towards site

Looking east away from site

Looking north away from site