

1215 W. Dayton Avenue

PLANNED UNIT DEVELOPMENT

PUD#131

APPROVED PUD

7/11/2024

Chitra Kotha CMR

1 OF 4

LEGAL DESCRIPTION:

Parcel 1

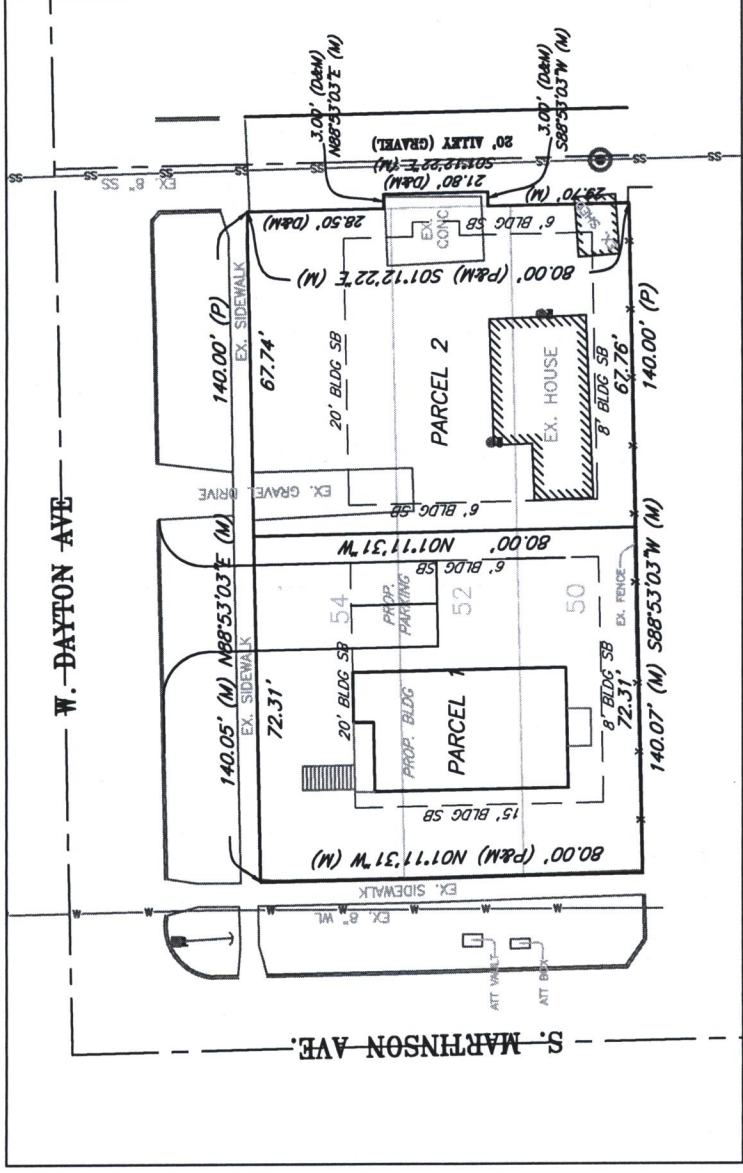
The West 72.31 feet of Lots 50, 52, & 54, Martinson Ave, Lawrence's 7th Addition, Wichita, Sedgwick County, Kansas.

Parcel 2

Lots 50, 52, & 54, Martinson Ave, Lawrence's 7th Addition, Wichita, Sedgwick County, Kansas, Plus a portion of the Alley adjacent to Lots 52 and 54, on Martinson Avenue, described as: Beginning at a point 28.5 feet South of the Northeast corner of said Lot 54; thence South along the east line of said Lots 54 and 52, 21.8 feet; thence East 3 feet; thence North 21.8 feet; thence West 3 feet to the beginning, EXCEPT the West 72.31 feet thereof.

GENERAL PROVISIONS:

1. Total Land Area 11,270.27 sq ft.
or 0.26 acres
2. Unless specified or shown on the drawing, the PUD will have an underlying zoning of MF-29.
3. Utilities shall be installed underground on all parcels.
4. Uses in Parcel 1 and Parcel 2 shall be a house for Single Family or Multi Family Residential.
5. Entry stairs for the proposed building on Parcel 1 will be allowed to encroach into the front building setback.
6. There shall be a minimum of one parking space per dwelling unit, with no parking in the setbacks.
7. The existing shed on Parcel 2 may remain; any future construction shall comply with the setback requirements for Parcel 2.
8. Development of the site will not be permitted without connection to public water and sewer.
9. Relocation of any existing utilities and sidewalks will be the responsibility of the developer.
10. Amendments, adjustments, or interpretations to this PUD shall be done in accordance with Unified Zoning Code.
11. The Transfer of title of all or any portion of land included within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
12. The planning of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, after a joint determination by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
13. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.



PARCEL 1:

- A. Net Area: 5,784.64 sq. ft. ±
0.13 acres ±
- B. Maximum Height: 45 feet
- C. Setbacks: See Drawing
- D. Access Points: 1 on W. Dayton Ave.

PARCEL 2:

- A. Net Area: 5,485.63 sq. ft. ±
0.13 acres ±
- B. Maximum Height: 45 feet
- C. Setbacks: See Drawing
- D. Access Points: 1 on W. Dayton Ave.



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

Hornet Investments LLC
Attn: Stan Miller
6505 East Central Avenue
#303
Wichita, KS 67206

August 13, 2024

RE: PUD2024-00012– Zone change request in the City from MF-29 Multi-Family Residential District to PUD Planned Unit Development to allow two single-family or multi-family dwellings on two separate lots, generally located on the southeast corner of West Dayton Avenue and South Martinson Street (1215 West Dayton).

Dear applicant,

At its regular meeting on **August 13, 2024**, the Wichita City Council considered the above captioned request. The action of the WCC was to recommend **APPROVE** the request, subject to the following conditions:

1. The text of the PUD shall be revised in accordance with the recommended text as approved by the Planning Commission.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #131 1215 W. Dayton Planned Unit Development) has special conditions for development on the property.
3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.
4. All other federal, state, and local laws and ordinances must be observed.

If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Christina Rieth
Current Plans
Associate Planner

CC: Dalton Glasscock, Council Member District IV
Brooke Kauchak, CSR, District IV
MABCD
K.E. Miller Engineering, attn: Kirk Miller, 117 East Lewis Street, Wichita, KS 67202

WCC-Approved Language for the 1215 W. Dayton Avenue PUD #131

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

Hornet Investments LLC
Attn: Stan Miller
6505 East Central Avenue
#303
Wichita, KS 67206

July 11, 2024

RE: PUD2024-00012– Zone change request in the City from MF-29 Multi-Family Residential District to PUD Planned Unit Development to allow two single-family or multi-family dwellings on two separate lots, generally located on the southeast corner of West Dayton Avenue and South Martinson Street (1215 West Dayton).

Dear applicant,

At its regular meeting on **July 11, 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, subject to the following conditions:

1. The text of the PUD shall be revised in accordance with the recommended text as approved by the Planning Commission.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #131 1215 W. Dayton Planned Unit Development) has special conditions for development on the property.
3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.
4. All other federal, state, and local laws and ordinances must be observed.

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 **July 25, 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 **July 25, 2024**, at 5:00 p.m.

This application will be considered by the Wichita City Council on **Tuesday, August 13, 2024**, beginning at 9:00 a.m. Meetings 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,

A handwritten signature in black ink, reading "Christina Rieth". The signature is fluid and cursive, with the first name "Christina" written in a larger, more prominent script than the last name "Rieth".

Christina Rieth
Current Plans
Associate Planner

CC: Dalton Glasscock, Council Member District IV
Brooke Kauchak, CSR, District IV
MABCD
K.E. Miller Engineering, attn: Kirk Miller, 117 East Lewis Street, Wichita, KS 67202

MAPC-Approved Language for the 1215 W. Dayton Avenue PUD #131**LEGAL DESCRIPTION:****Parcel 1**

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PARCEL 2

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0.13 acres |
| B. Maximum Height | 45 feet |
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Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30333471

Receipt #: 2443253
Pages Recorded: 3

Recording Fee: \$55.00

Cashier: jlwheale

Authorized By: *Tonya Buckingham*

Date Recorded: 09/12/2024 09:08:28 AM



Please do not remove this cover page, it has become part of this document

Grantor	HORNET INVESTMENTS LLC
Grantee	LAWRENCES 7TH ADDITION
Type of Document	PLAT.NOT
Recording Fees	\$55.00
Mtg Reg Tax	\$0.00
Total Amount	\$55.00
Return Address	KE MILLER ENGINEERING OTC

NOTICE OF PLANNED UNIT DEVELOPMENT

1215 W. Dayton Avenue, PUD#131

THIS NOTICE made this 11th day of September, 2024, by Stan Miller, Owner, Hornet Investments, LLC, hereinafter called "Declarant,"

WITNESSETH

WHEREAS, the Declarant is the owner of the following-described property:

The West 72.31 feet of Lots 50, 52, & 54, Martinson Ave, Lawrence's 7th Addition, Wichita, Sedgwick County, Kansas.

AND

Lots 50, 52, & 54, Martinson Ave, Lawrence's 7th Addition, Wichita, Sedgwick County, Kansas, Plus a portion of the Alley adjacent to Lots 52 and 54, on Martinson Avenue, described as: Beginning at a point 28.5 feet South of the Northeast corner of said Lot 54; thence South along the east line of said Lots 54 and 52, 21.8 feet; thence East 3 feet; thence North 21.8 feet; thence West 3 feet to the beginning, EXCEPT the West 72.31 feet thereof.

and

WHEREAS, the Declarant is desirous to file notice that a planned unit development approved by the City of Wichita is on file with the Wichita-Sedgwick County Metropolitan Area Planning Department.

NOW, THEREFORE, the Declarant give notice that the approved planned unit development for 1215 W. Dayton Avenue, PUD#131 has placed restrictions on the use and requirements on the development of the above-described real property. The planned unit development shall be binding on the owners, their heirs, or successors or assigns and is a document running with the land and is binding on all successors in title;

The West 72.31 feet of Lots 50, 52, & 54, Martinson Ave, Lawrence's 7th Addition, Wichita, Sedgwick County, Kansas.

AND

Lots 50, 52, & 54, Martinson Ave, Lawrence's 7th Addition, Wichita, Sedgwick County, Kansas, Plus a portion of the Alley adjacent to Lots 52 and 54, on Martinson Avenue, described as: Beginning at a point 28.5 feet South of the Northeast corner of said Lot 54; thence South along the east line of said Lots 54 and 52, 21.8 feet; thence East 3 feet; thence North 21.8 feet; thence West 3 feet to the beginning, EXCEPT the West 72.31 feet thereof.

EXECUTED the day and year first written above.

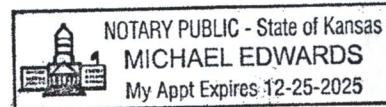
By: Stan Miller
Stan Miller, Owner
Hornet Investments, LLC.

9/11/24
Date

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

This instrument was acknowledged before me on this 11th day of September,
2024, by Stan Miller, Owner Hornet Investments, LLC.

[Signature]
Notary Public

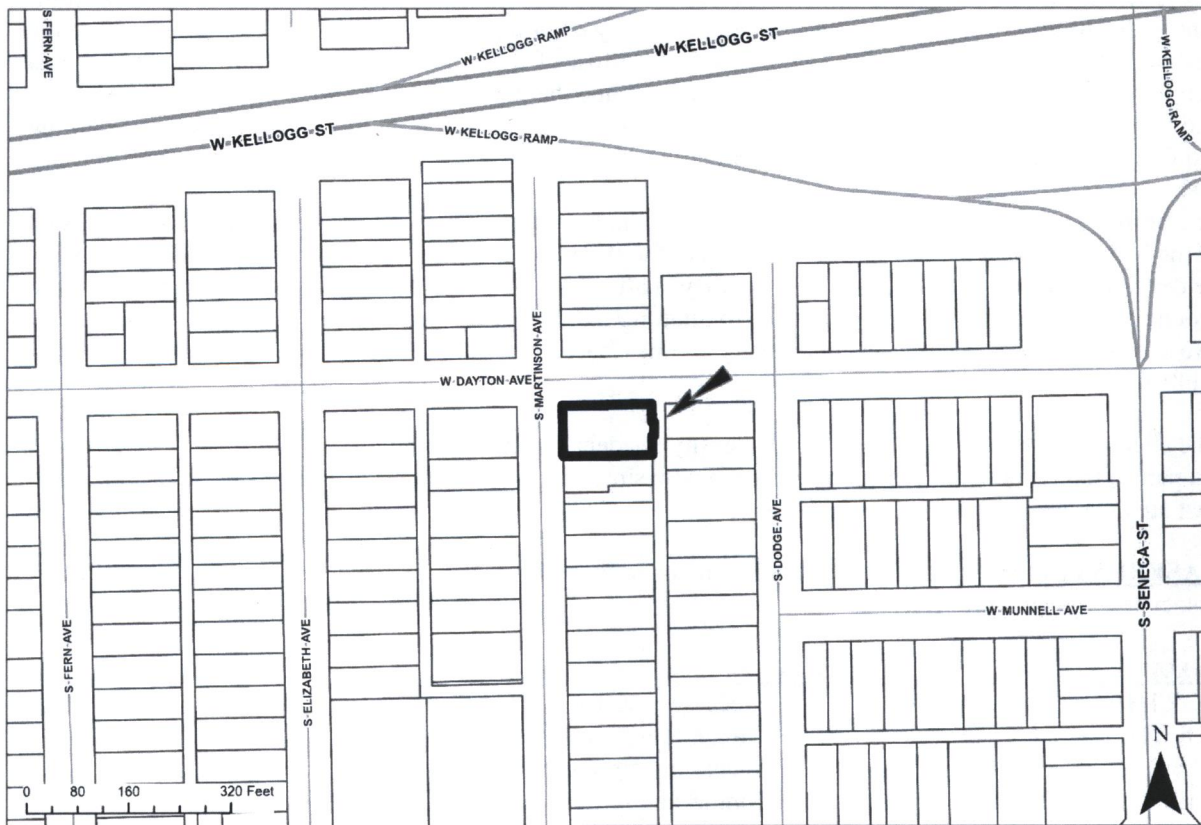


My Commission Expires: 12-25-2025



STAFF REPORT
MAPC: July 11, 2024
DAB IV: July 1, 2024

<u>CASE NUMBER:</u>	PUD2024-00012 (City)
<u>APPLICANT/AGENT:</u>	Hornet Investments LLC (Applicant)/K.E. Miller Engineering (Agent)
<u>REQUEST:</u>	Create the 1215 W. Dayton Avenue Planned Unit Development #131
<u>CURRENT ZONING:</u>	MF-29 Multi-Family Residential District
<u>SITE SIZE:</u>	0.26 acres
<u>LOCATION:</u>	Generally located on the southeast corner of West Dayton Avenue and South Martinson Avenue (1215 West Dayton Avenue).
<u>PROPOSED USE:</u>	Provide separate lots for single-family or multi-family structures.
<u>RECOMMENDATION:</u>	Approval with conditions.



BACKGROUND: The applicant is requesting a zone change from MF-29 Multi-Family Residential District (MF-29) to PUD Planned Unit Development (PUD) to create the 1215 W. Dayton Avenue Planned Unit Development PUD #131. The 0.26-acre property is generally located on the southeast corner of West Dayton Avenue and South Martinson Avenue (1215 West Dayton Avenue). The subject site is currently developed with a single-family dwelling and nonconforming shed, which were constructed in 1935. The applicant intends to split the lot into two separate parcels which currently cannot be approved because the lots created would not conform to some development standards within MF-29 zoning as listed below.

Upon approval, the PUD would permit the site to be split into two parcels under separate ownership while keeping the existing structures in compliance with the Unified Zoning Code (UZO). The existing non-conforming single-family dwelling and accessory shed do not conform to the setback requirements of the current zoning code. The applicant would like to keep the existing structures on site in conformance and allow development on the other half of the site with uses that are already permitted in MF-29 zoning.

Should the zone change request be approved, there will be no changes to maximum height and interior side setback (with the exception of the existing shed on Parcel 2). Development standards not specified in the PUD drawing shall default to those in MF-29 zoning. Other requested changes are shown in the table below.

Development Standards	MF-29 Multi-Family	1215 W. Dayton Parcel 1	Parcel 2
Front Setback	25 feet	20 feet	20 feet
Rear Setback	20 feet	8 feet	8 feet
Street Side Setback	20 feet	15 feet	N/A

The requested zone change defaults to MF-29 zoning standards for parking, which are 1.25 parking spaces per efficiency and one-bedroom dwelling unit or 1.75 per two bedroom or larger dwelling unit for multi-family dwellings or one parking space for single-family dwellings. The applicant is requesting to have the parking on Parcel 1 be located within the setback. Most of the existing houses in the surrounding area feature detached garages within the setback. To continue the harmonious development of the community, staff recommends against dedicated parking in the setback and a reduction in minimum parking requirements to one parking space per dwelling unit.

The property shall remain subject to the screening and landscaping requirements set forth in Section IV-B of the Unified Zoning Code and Chapter 28.06 of the Wichita City Code, respectively. Should either Parcel be developed with a multi-family building, they shall be required to install a six- to eight-foot solid fence around the perimeter of the property, where abutting residential zoning. Additionally, one shade tree (or two ornamental trees) shall be installed every 40 linear feet around the perimeter of the Parcel that develops multi-family housing.

The character of the neighborhood is low-density residential. All surrounding properties are zoned MF-29. Properties to the south and west are developed with single-family dwellings, and properties to the north and east are developed with accessory structures.

CASE HISTORY: On April 24, 1887, Lawrence's 7th Addition was created. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	MF-29	Accessory structure
SOUTH:	MF-29	Single-family residential dwelling
EAST:	MF-29	Accessory structure
WEST:	MF-29	Single-family residential dwelling

PUBLIC SERVICES: The parcel is situated on the corner of West Dayton Avenue and South Martinson Avenue, which are both paved, local, two-way streets with sidewalks on each side. Municipal services, such as sewer, stormwater, and water, already serve this site. Wichita Transit stops within one-half mile southeast of the subject site, on the southwest corner of West McCormick Street and South Seneca Street.

CONFORMANCE TO PLANS/POLICIES: The following plans govern the subject site of the requested zone change. Conformance to these plans is discussed below:

The Community Investments Plan: The site of the requested zone change is in conformance with the 2035 Future Growth Concept Map of the *Community Investments Plan*. The Map identifies the area as “Residential”, which the *Plan* describes as “areas that reflect the full diversity of residential development densities and types typically found in large urban municipality. The range of housing densities and types includes, but is not limited to, single-family 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).” The applicant is proposing single-family or multi-family residential development on the lot, which is appropriate within this category.

Wichita: Places for People Plan: The requested zoning aligns with the goals of the *Wichita: Places for People Plan*. The *Plan* provides recommendations for urban infill development in the Established Central Area (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 applicant intends to keep the existing single-family dwelling on site and provide additional housing on the same lot.

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends **APPROVAL** of the application subject to adherence to the recommended PUD text (attached) and the following conditions listed below.

Recommended Conditions of Approval

1. The text of the PUD shall be revised in accordance with the recommended text as approved by the Planning Commission.
2. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #131 1215 W. Dayton Planned Unit Development) has special conditions for development on the property.
3. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.
4. All other federal, state, and local laws and ordinances must be observed.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is residential. All surrounding properties are zoned MF-29. Properties to the south and west are developed with single-family dwellings, and properties to the north and east are developed with accessory structures.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned MF-29 and can be developed with single-family residences, duplexes, or multi-family dwellings. The site is developed with two non-conforming structures and could not be extensively modified in the current zoning's development standards.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Staff does not anticipate the requested zone change to have a significant detrimental impact on nearby property. The screening and landscaping requirements still in effect continue the harmonious development of the surrounding community.
4. **Length of time subject property has remained vacant as zoned:** The subject site has been developed with a single-family dwelling since 1935.
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 would allow incremental development on a small lot, which is considered a gain to the public. Denial of this request may hinder future development and would be an economic loss to 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 Investment Plan* and the *Wichita: Places for People Plan*, as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** The requested zone change should have minimal impacts on community facilities.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has not received any public comment on the requested zone change.

Attachments:

1. Recommended PUD Language
2. PUD #131 Drawing
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Pictures

Applicant Proposed Language for the 1215 W. Dayton Avenue PUD #131

Staff recommended language is in red.

LEGAL DESCRIPTION:

Parcel 1

The West 72.31 feet of Lots 50, 52, & 54, Martinson Ave., Lawrence's 7th Addition, Wichita, Sedgwick County, Kansas.

Parcel 2

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PARCEL 1

- A. Net Area: 5,784.64 sq. ft.
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- C. Setbacks See drawing
- D. Access Points 1 on W. Dayton Ave.

PARCEL 2

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1215 W. Dayton Avenue

PLANNED UNIT DEVELOPMENT

PUD#XXX

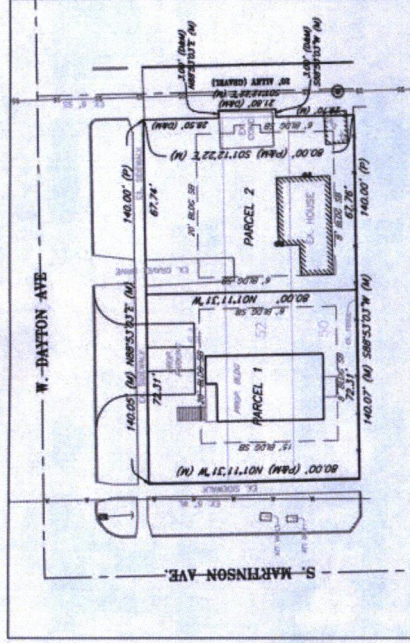
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11. The Transfer of title of all or any portion of land included within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
12. The planning of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, after a joint determination by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
13. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.



PARCEL 1:
A. Net Area: 5,784.64 sq. ft. ±
0.13 acres ±
B. Maximum Height: 45 feet
C. Setbacks: See Drawing
D. Access Points: 1 on W. Dayton Ave.

PARCEL 2:
A. Net Area: 5,485.63 sq. ft. ±
0.13 acres ±
B. Maximum Height: 45 feet
C. Setbacks: See Drawing
D. Access Points: 1 on W. Dayton Ave.





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

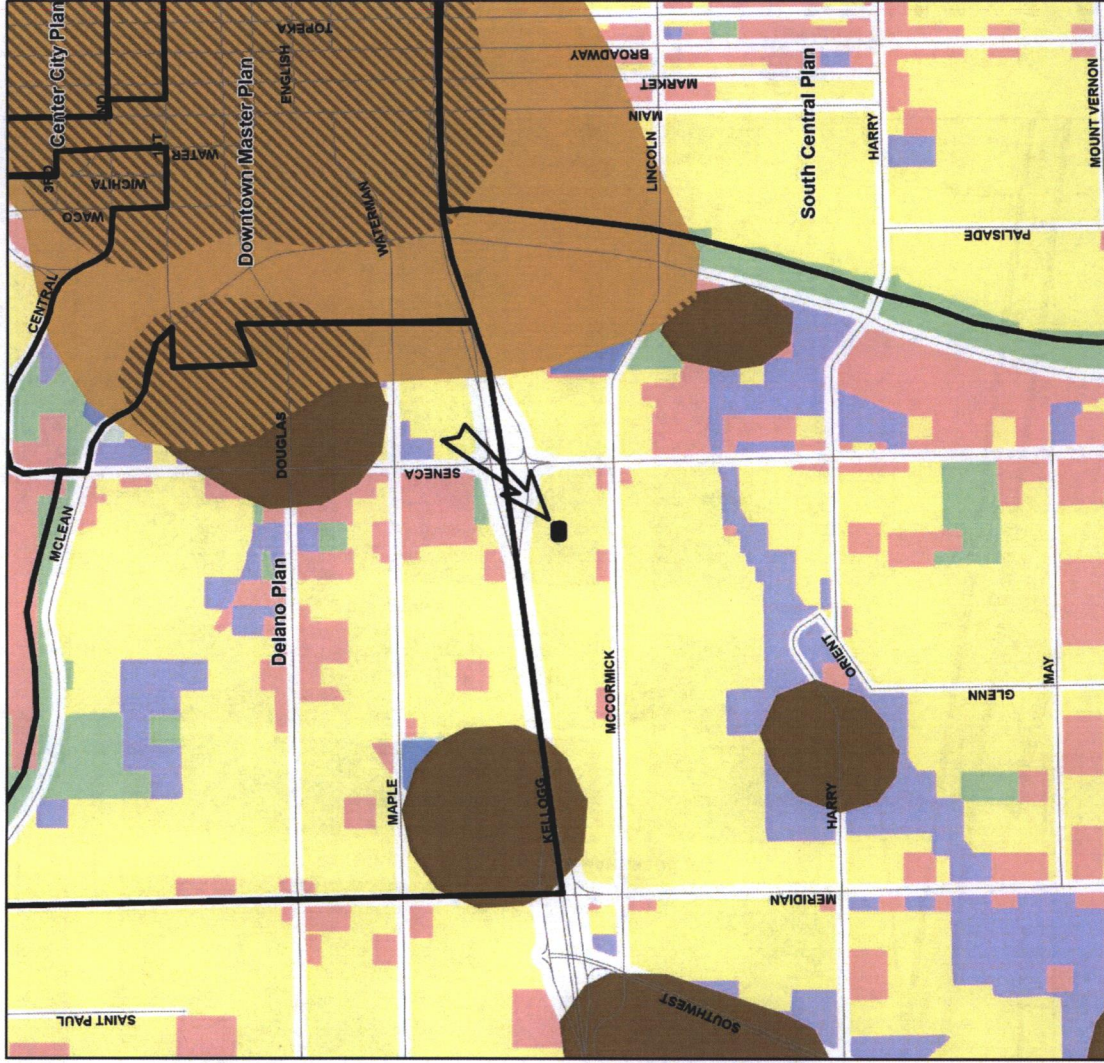
- Other Urban Growth Areas 2014
- Other Urban Growth Areas 2014
- Rural Growth Areas 2014

LAND USE

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



Map prepared by the Metropolitan Area Planning Commission (MPC) for the City of Wichita, Kansas. The map is for informational purposes only and does not constitute a legal document. The MPC is not responsible for any errors or omissions on this map. The map is subject to change without notice.



Looking south towards site



Looking east towards site



Looking north away from site



Looking west away from site



Looking east away from site



Looking west towards site

