



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

Eleno and Martha Loya
Attn: Erik Loya
1602 West 51st Street North
Wichita, KS 67204

February 25, 2025

RE: ZON2024-00061 – Zone Change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential, generally located on the north side of West 51st Street North and one-quarter mile west of North Seneca Street (1608 W 51st St N).

Dear Applicant;

At its regular meeting on **January 23, 2025**, the Wichita City Council heard the above captioned request. The action of the WCC was to **APPROVE** the request, subject to Protective Overlay #449, which reads:

1. The site is limited to a maximum of six dwelling units.

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

Sincerely,

A handwritten signature in black ink that reads 'Christina Rieth'.

Christina Rieth
Current Plans
Associate Planner

Cc: MABCD
Maggie Ballard, Council Member District VI
Ana Lopez, CSR District VI



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

Eleno and Martha Loya
Attn: Erik Loya
1602 West 51st Street North
Wichita, KS 67204

January 23, 2025

RE: ZON2024-00061 – Zone Change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential, generally located on the north side of West 51st Street North and one-quarter mile west of North Seneca Street (1608 W 51st St N).

Dear Applicant;

At its regular meeting on **January 23, 2025**, 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 6, 2025. 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 6, 2025, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) VI on **Monday, February 10, 2025**, beginning at 6:30 p.m., at the Evergreen Community Center (2601 North Arkansas Avenue, Wichita, KS 67204). For more information, please contact Ana Lopez, Community Services Representative for District VI, at 316-303-8043 or ALopez@wichita.gov. Lastly, this application will be heard by the Wichita City Council on **Tuesday, February 25, 2025**, beginning at 9:00 a.m., at 455 North Main Street, Wichita, KS 67202, for final action.

Zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Current Plans
Associate Planner

March 7, 2025

ORDINANCE NO. 52-631

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. ZON2024-00061

Zone change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District, subject to Protective Overlay #449, on property legally described as:

A tract beginning at a point 221.5 feet East and 10 feet North of the Southwest corner of Lot 27, Ormiston Second Addition to Wichita, Sedgwick County, Kansas; thence North parallel with the West line of said Lot 27, a distance of 301.6 feet to a point in the North line of said Lot 27; thence East along the North line of said Lot 27, a distance of 95.7 feet; thence South 301.6 feet to a point 10 feet North of the South line of said Lot 27; thence West 98.3 feet to the point of beginning.

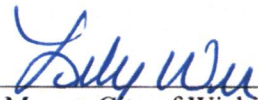
Protective Overlay #449 shall read:

1. The site is limited to a total of six dwelling units.

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 4th day of March, 2025.


Lily Wu, Mayor, City of Wichita

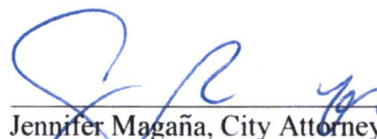
ATTEST:


Paul Leeker, City Clerk



(SEAL)

Approved as to form:


Jennifer Magaña, City Attorney and Director of Law



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
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Merced Sun-Star
Miami Herald
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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	Cols	Depth
32522	642598	Print Legal Ad-IPL02211260 - IPL0221126	ORDINANCE NO. 52-631	2	40 L

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

srice@wichita.gov

150004

(Published at Wichita.gov/LegalNotices on March 7, 2025)
ORDINANCE NO. 52-631

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. ZONE2024- 00061

Zone change request in the City from SF- 5 Single -Family Residential District to MF- 18 Multi -Family Residential District, subject to Protective Overlay #449, on property legally described as:

A tract beginning at a point 221. 5 feet East and 10 feet North of the Southwest corner of Lot 27, Ormiston Second Addition to Wichita, Sedgwick County, Kansas; thence North parallel with the West line of said Lot 27, a distance of 301. 6 feet to a point in the North line of said Lot 27; thence East along the North line of said Lot 27, a distance of 95. 7 feet; thence South 301. 6 feet to a point 10 feet North of the South line of said Lot 27; thence West 98. 3 feet to the point of beginning. Protective Overlay #449 shall read:

1. The site is limited to a total of six dwelling units.

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 on 4th day of March 2025.

ATTEST:

Lily Wu, Mayor, City of Wichita

Paul Leeker, City Clerk

Approved as to form:

Jennifer Magan a, City Attorney and Director of Law

IPL0221126

Mar 7 2025

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

03/07/25

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 03/07/2025 to 03/07/2025.

Mary Castro

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

DATED: 03/10/2025

Amy Robbins

Notary Public in and for the state of South Carolina,
residing in Beaufort County



AMY L. ROBBINS
NOTARY PUBLIC
SOUTH CAROLINA

MY COMMISSION EXPIRES 11-03-32

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



AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Shinita Rice, Deputy City Clerk

Being first duly sworn, deposes and says:

That Mandy Hebert, Administrative Aide I, from the Planning Department of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, www.wichita.gov/LegalNotices, which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of Public Hearing / Ordinance No. _____ / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 2nd day of January 2025.

Signature

SUBSCRIBED AND SWORN to before me this 30 day of December, 2024



Notary Public

(seal)

City Clerk's Office

Shinita Rice, Deputy City Clerk

City Hall • 13th Floor • 455 N. Main • Wichita, Kansas 67202

316.268.4529 ext. 2805

www.wichita.gov



STAFF REPORT
MAPC: January 23, 2025
DAB VI: February 10, 2025

AGENDA ITEM NO. _____

CASE NUMBER: ZON2024-00061 (City)

APPLICANT/AGENT: Eleno and Martha Loya (Applicants)/Erik Loya (Agent)

REQUEST: MF-18 Multi-Family Residential District

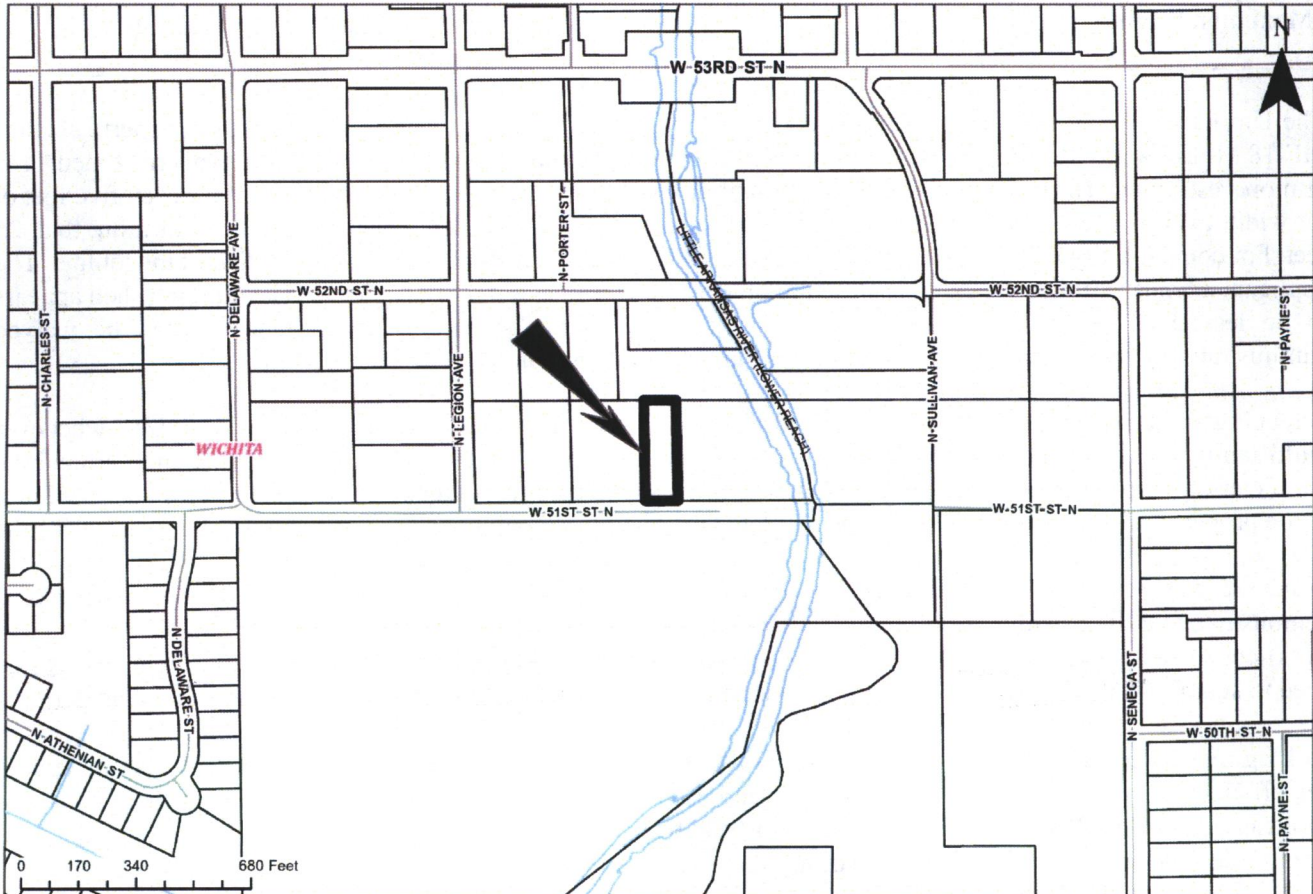
CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 0.66 acres

LOCATION: Generally located on the north side of West 51st Street North, within one-quarter mile west of North Seneca Street (1608 West 51st Street North).

PROPOSED USE: Two triplexes.

RECOMMENDATION: Approve subject to Protective Overlay #449.



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential District (SF-5) to MF-18 Multi-Family Residential District (MF-18). The 0.66-acre property is located on the north side of West 51st Street North, within one-quarter mile west of North Seneca Street (1608 West 51st Street North). The property is currently developed with 4,000 square foot building shell that was previously a single-family dwelling unit and garage space. The applicant is requesting the zone change in order to convert the building into a triplex (three dwelling units). Eventually, the applicant hopes to construct another triplex on site, for a total of six dwelling units.

MF-18 is the most restrictive zoning that allows the number of units requested by the applicant. If approved, the requested zone change would permit more uses on site than its current zoning, namely two-family dwellings or multi-family development at 17.4 dwelling units per acre. The size of the property could permit up to 11 dwelling units. However, the applicant is only proposing six. Additionally, it would allow changes to the minimum lot area, minimum lot width, setback requirements, and maximum height, as demonstrated in the table below.

Development Standard	SF-5 Single-Family Residential	MF-18 Multi-Family Residential
Minimum lot area	5,000 square feet	3,500 square feet for single-family per dwelling; 3,000 square feet per dwelling unit for duplex; 2,500 square feet per dwelling unit for multi-family (maximum 17.4 dwelling units per acre); 5,000 square feet for nonresidential uses
Minimum lot width	50 feet	35 feet for single-family; 50 feet for all other uses
Front setback	25 feet	25 feet
Rear setback	20 feet	20 feet
Interior side setback	Six feet, except five feet if lot is below 6,000 square feet	Six feet, except five feet if lot is below 6,000 square feet
Street side setback	15 feet	20 feet
Maximum height	35 feet	45 feet, subject to compatibility standards.

The Unified Zoning Code (UZC) requires compatibility standards for side and rear lot lines of properties zoned MF-18 Multi-Family Residential District or less restrictive when they are within 500 feet of a property zoned TF-3 or more restrictive. The minimum building compatibility setback shall be 15 feet plus one foot for each five feet of lot width over 50 feet. However, the compatibility setback standards shall not require a setback of more than 25 feet. For compatibility height standards, no structure shall exceed 35 feet in height within 50 feet of the lot line. The applicant intends to utilize the existing structure on site to create one of the two triplexes. The building shell appears to be less than 15 feet from the east interior property line. The compatibility standards can be waived administratively through an application with the Planning Department.

Screening and landscaping are required in accordance with the provisions of Section IV-B of the UZC, whenever multi-family or non-residential development occurs on site. A six- to eight-foot solid fence is required around the perimeter of the property where abutting single-family residences. A solid fence exists on the north and east sides of the property. The applicant will need to complete the existing screening around the property along the west side.

In accordance with the Wichita Landscape Code for multi-family developments, the applicant would need to demonstrate that the existing or proposed landscaping meets the requirement of one shade tree (or two ornamental trees) per forty linear feet of street frontage. There are mature trees already on the property. The applicant would need to submit a landscape plan verifying the existing or new landscaping prior to the issuance of building permits.

Parking requirements are mandated by Section IV-A of the UZC. The applicant shall provide 1.25 parking spaces per efficiency and one bedroom dwelling unit and 1.75 spaces per two-bedroom or larger dwelling unit. The applicant has not disclosed how many bedrooms would be in each dwelling unit of the triplexes. The applicant will need to demonstrate the site meets the parking requirements or be approved for a parking reduction prior to the

issuance of building permits. The parking requirement may be reduced up to 25 percent with an Administrative Adjustment through the Planning Department.

The character of the neighborhood is low-density residential. Properties to the north, east, and west are zoned SF-5 and developed with single-family residences. Property to the south is zoned B Multi-Family Residential District and is developed with a recreational facility/camp/conference center. B zoning allows up to 75 dwelling units per acre by right.

CASE HISTORY: On May 16, 1934, the subject site was platted as part of Lot 27 of the Ormiston 2nd Addition. There are no zoning cases associated with this site.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family dwelling
SOUTH:	B	Recreational facility/camp/conference center
EAST:	SF-5	Single-family dwelling
WEST:	SF-5	Single-family dwelling

PUBLIC SERVICES: The subject site has access to West 51 Street North, which is a paved, two-way local street with no sidewalks. A municipal water line runs down West 51st Street North but does not yet serve this specific site. It currently does not have access to municipal sewer. Municipal sewer is nearby, but the feasibility of extending it to the site would need to be explored. If municipal sewer is unavailable, the permitted density of the site may need to be reduced based on sanitation code requirements. Wichita Transit does not serve this site.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in partial conformance with the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan), which includes the 2035 Future Growth Concept Map, recommends the subject site as appropriate for "Residential" uses, which includes single-family, two-family, and multi-family residences. The proposed zoning district does not introduce multi-family into the area. The property to the south is zoned B and could be redeveloped with multi-family at 75.1 dwelling units per acres.

The *Community Investment Plan*'s Locational Guidelines provide a framework for decision-making regarding land use changes to encourage patterns of development that efficiently and effectively use land, public infrastructure, and services; strive for compatibility among various land uses; and promote quality of place through design. One of the General Development Patterns outside the Established Central Area states that "Development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with the development. The site currently does not have access to municipal water or sewer, which may put a strain on the existing infrastructure. Furthermore, "Small, neighborhood-serving retail and office uses and high-density residential uses not located at arterial intersections should be limited to the intersection of an arterial and a collector street." The applicant proposes up to six dwelling units on a local street.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to Protective Overlay #449, which reads:

1. The site is limited to a maximum of six dwelling units.

This recommendation is based on the following findings:

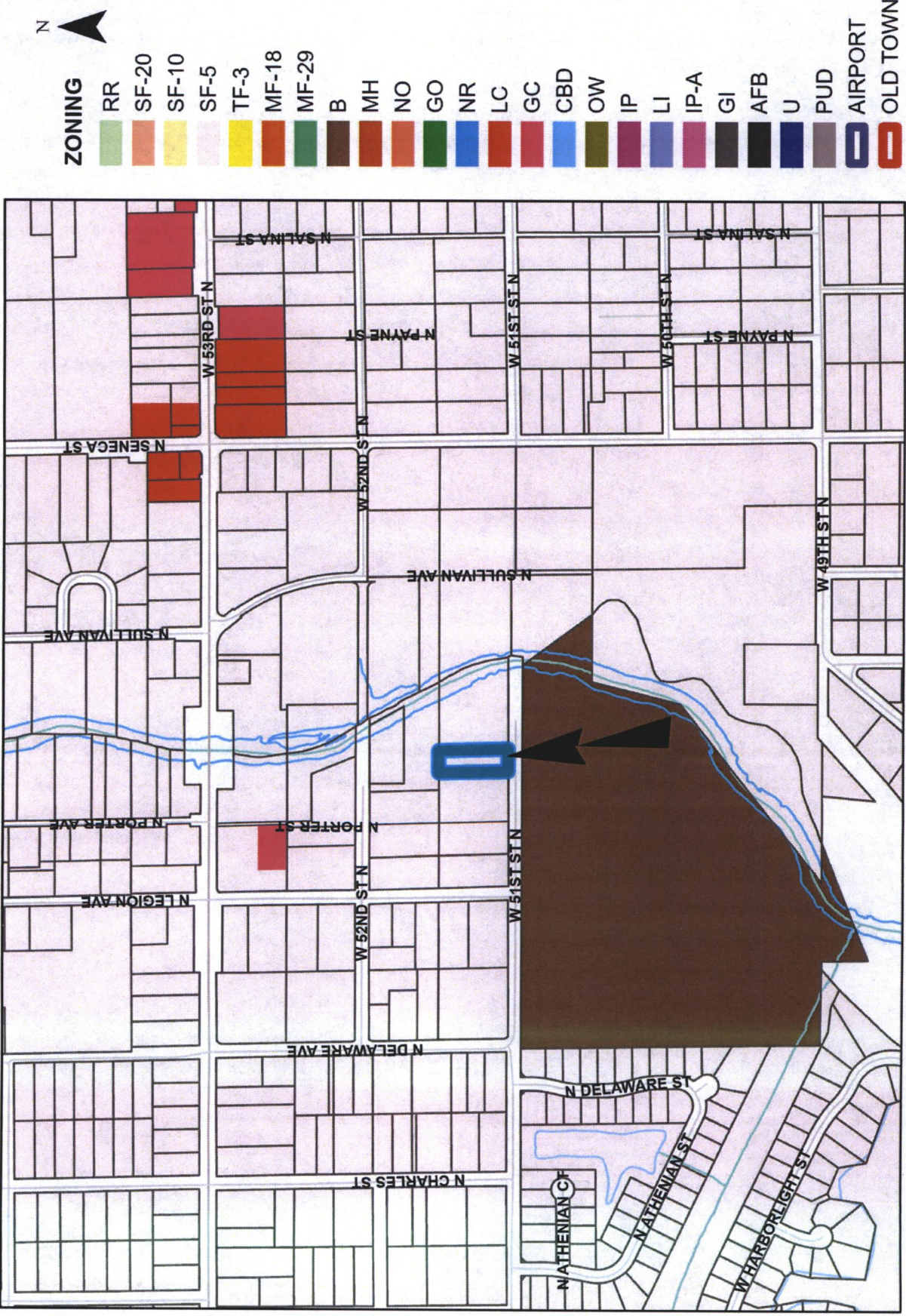
1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is low-density residential. Properties to the north, east, and west are zoned SF-5 and developed with single-family residences. Property to the south is zoned B Multi-Family Residential District and is developed with a recreational facility. B zoning allows up to 75 dwelling units per acre by right.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject site is presently zoned SF-5, which allows a single-family residence by-right.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Staff does not anticipate the removal of restrictions to have a significant detrimental impact on nearby property. Screening, landscaping, and compatibility standards should mitigate any potential detrimental impacts to the adjacent residential properties. Furthermore, the property south of the subject site is zoned B Multi-Family District and could be redeveloped with multi-family uses up to 75.1 dwelling units per acre.
4. **Length of time subject property has remained vacant as zoned:** The site is not vacant. It has been developed with a 4,000-square-foot single-family dwelling since 1954.
5. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would permit new development that does not introduce multi-family zoning to the area. Denial may represent 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 zoning is in partial conformance with the *Community Investments Plan*, as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** Staff anticipates the requested zone change to require altering the infrastructure of municipal services, such as water and sewer. A water main runs down West 51st Street North and can be extended. Municipal sewer is nearby, but the feasibility of extending it to the site would need to be explored. If municipal sewer is unavailable, the permitted density of the site may need to be reduced based on sanitation code requirements.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff did not receive any comments from the public on the requested zone change.

Staff Report Attachments:

1. Aerial Map
2. Zoning Map
3. *Community Investments Plan* Future Growth Concept Map
4. Site Photos



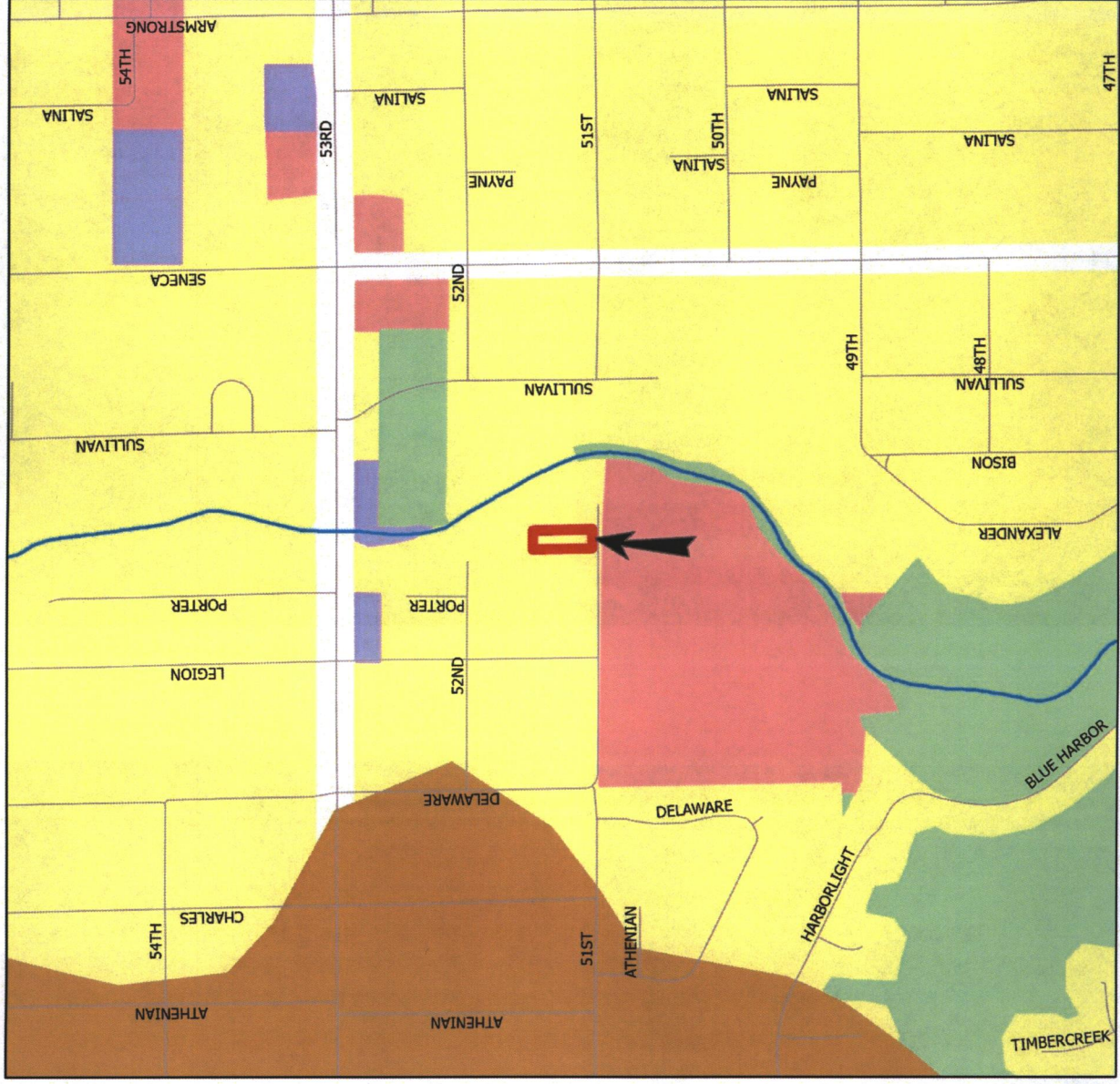


2035 Wichita Future Growth Concept Map

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



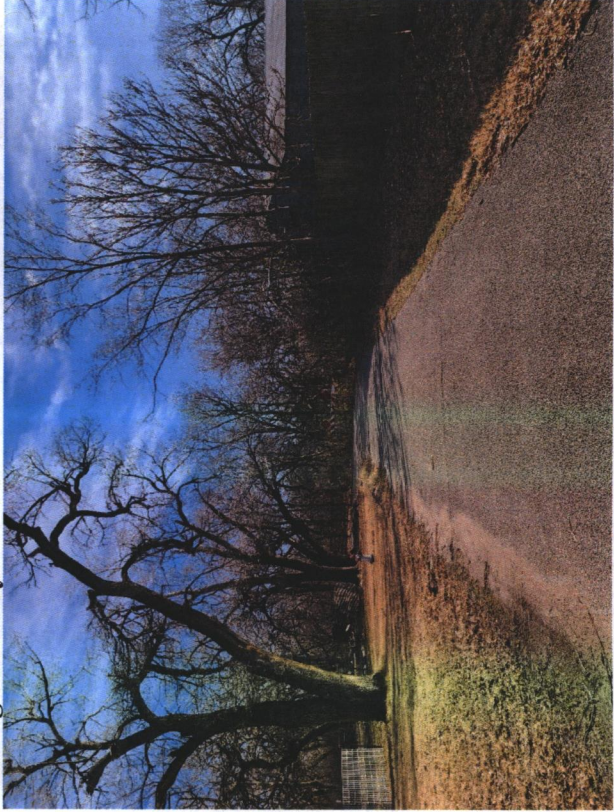
Map prepared by the City of Wichita, Kansas, Planning Department, using data provided by the City of Wichita, Kansas, Planning Department, and other sources. The map is for informational purposes only and does not constitute a guarantee or warranty of any kind. The City of Wichita, Kansas, Planning Department, is not responsible for any errors or omissions on this map.



Looking north towards site



Looking east away from site



Looking west away from site



Looking south away from site

