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OCA 150004

ORDINANCE NO. 51-041

AN ORDINANCE ADOPTING THE NORTHEAST HEIGHTS NEIGHBORHOOD PLAN AS AN AMENDMENT TO THE COMMUNITY INVESTMENTS PLAN, ALSO KNOWN AS THE WICHITA-SEDGWICK COUNTY COMPREHENSIVE PLAN.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

WHEREAS, pursuant to the authority granted by the statutes of the State of Kansas, in K.S.A. 12-747 et seq., the Wichita-Sedgwick County Metropolitan Area Planning Commission developed a Comprehensive Plan, titled the Community Investments Plan adopted by the City of Wichita in 2015, and Sedgwick County in 2016; and,

WHEREAS, the Comprehensive Plan may be amended, as needed to ensure it reflects timely and relevant information and the needs of the community; and,

WHEREAS, the City of Wichita, in collaboration with neighborhood stakeholders, did initiate the development of the Northeast Heights Neighborhood Plan to promote stabilization and revitalization of the area; and,

WHEREAS, before the adoption of any Comprehensive Plan or amendment thereto, the Wichita-Sedgwick County Metropolitan Area Planning Commission is required by K.S.A. 12-747 to hold a public hearing; and,

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission did give notice by publication in the official City newspaper on March 14, 2019 of a public hearing on said plan; and,

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 4, 2019, did hold a public hearing at which a quorum was present, and did hear all comments and testimony relating to said plan, and approved an resolution adopting the Northeast Heights Neighborhood Plan dated April 4, 2019 as an amendment to the Wichita-Sedgwick County Comprehensive Plan;

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

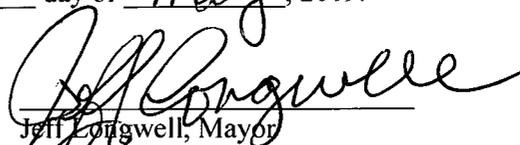
SECTION 1. The City of Wichita hereby adopts the Northeast Heights Neighborhood Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan; and,

SECTION 2. Notice of this action shall be transmitted to the Sedgwick County Board of County Commissioners for its consideration, and to all other taxing subdivisions in the planning area, which request a copy of the plan: and,

SECTION 3. This ordinance shall become effective and be in force from and after its adoption and publication in the official City newspaper.

ADOPTED at Wichita, Kansas, this May 14, 2019

ADOPTED this 14th day of May, 2019.


Jeff Longwell, Mayor
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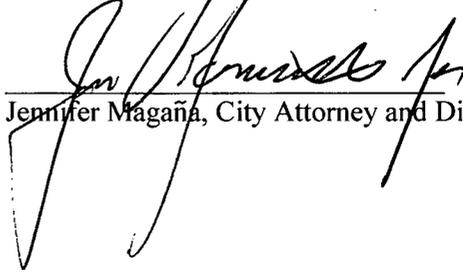
ATTEST:



Karen Sublett, City Clerk



Approved as to form:



Jennifer Magaña, City Attorney and Director of Law

Published on:

RESOLUTION NO. 100-2019

A RESOLUTION ADOPTING THE NORTHEAST HEIGHTS NEIGHBORHOOD PLAN AS AN AMENDMENT TO THE COMMUNITY INVESTMENTS PLAN, ALSO KNOWN AS THE WICHITA-SEDGWICK COUNTY COMPREHENSIVE PLAN.

WHEREAS, pursuant to the authority granted by the statutes of the State of Kansas, in K.S.A. 12-747 et seq., the Wichita-Sedgwick County Metropolitan Area Planning Commission developed a Comprehensive Plan, titled the Community Investments Plan, adopted by the City of Wichita in 2015, and Sedgwick County in 2016; and,

WHEREAS, the Comprehensive Plan may be amended, as needed to ensure it reflects timely and relevant information and the needs of the community; and,

WHEREAS, the City of Wichita and Sedgwick County, in collaboration with neighborhood stakeholders, did initiate the development of the Northeast Heights Neighborhood Plan to promote stabilization and revitalization of the area; and,

WHEREAS, before the adoption of any Comprehensive Plan or amendment thereto, the Wichita-Sedgwick County Metropolitan Area Planning Commission is required by K.S.A. 12-747 to hold a public hearing; and,

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission did give notice by publication in the official County newspaper on March 13, 2019 of a public hearing on said plan; and,

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 4, 2019, did hold a public hearing at which a quorum was present, and did hear all comments and testimony relating to said plan, and approved a resolution adopting the Northeast Heights Neighborhood Plan dated April 4, 2019 as an amendment to the Wichita-Sedgwick County Comprehensive Plan;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1. The Sedgwick County Board of County Commissioners hereby adopts the Northeast Heights Neighborhood Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan; and,

SECTION 2. That upon taking effect, a notation of this amendment to the Comprehensive Plan shall be entered in the official Comprehensive Plan records in the offices of the Metropolitan Area Planning Department.

SECTION 3. Notice of this action shall be transmitted to the Wichita City Council, and to all other taxing subdivisions in the planning area that request a copy of the plan.

SECTION 4. This resolution shall become effective upon its passage and publication once in the official County newspaper.

Commissioners present and voting were:

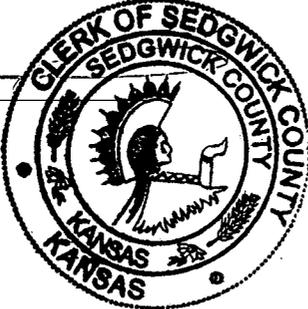
Peter F. Meitzner	<u>Aye</u>
Michael B. O'Donnell, II	<u>Aye</u>
David T. Dennis	<u>Aye</u>
Lacey D. Cruse	<u>Aye</u>
James M. Howell	<u>Aye</u>

Dated this 15 day of May, 2019.

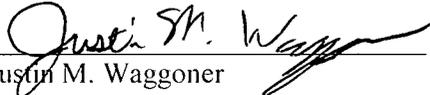
ATTEST:



Kelly B. Arnold
County Clerk

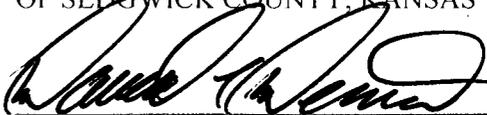


Approved as to form:

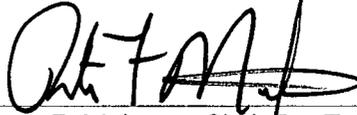


Justin M. Waggoner
Assistant County Counselor

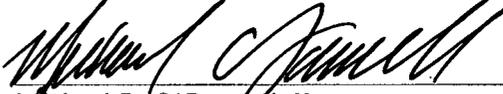
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



David T. Dennis, Chairman
Commissioner, Third District



Peter F. Meitzner, Chair Pro Tem
Commissioner, First District



Michael B. O'Donnell, II
Commissioner, Second District



Lacey D. Cruse
Commissioner, Fourth District



James M. Howell
Commissioner, Fifth District

**City of Wichita
City Council Meeting
May 7, 2019**

TO: Mayor and City Council

SUBJECT: DER2019-00003 – Northeast Heights Neighborhood Comprehensive Plan Amendment For a One Square Mile Area Generally Located Between North Hillside Ave and North Oliver Ave., and Between East 21st St. and East 29th St. (District I).

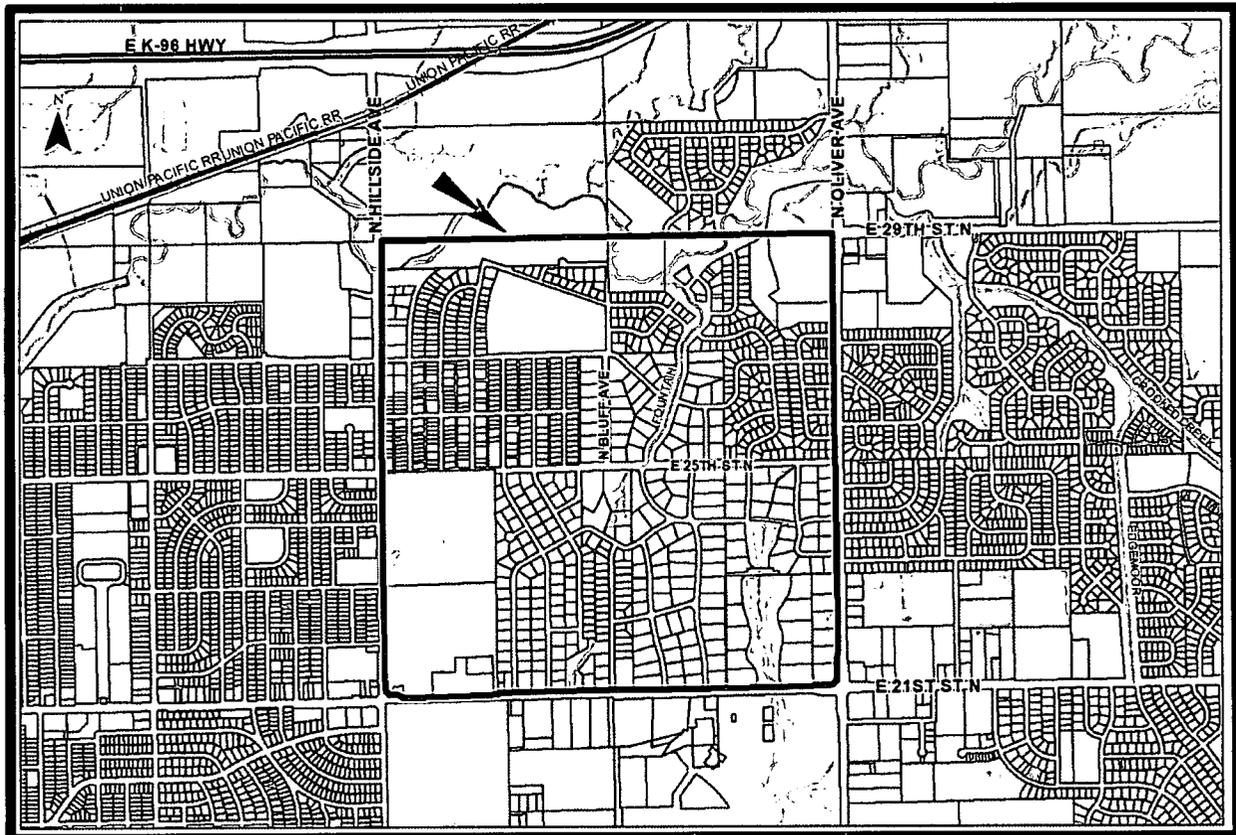
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendation: The MAPC recommended approval of the Plan Amendment, with noted changes (8-4).

DAB Recommendation: District Advisory Board I recommended approval of the Plan Amendment (7-0).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the Plan Amendment.



Background: In 2018, residents of the Northeast Heights Neighborhood Association, in concert with their 1st District Council Representative expressed concerns about the possible negative impacts of commercial land uses adjacent to residential property in their neighborhood. The area in question is a one-square mile area bordered by Hillside Ave. on the west; Oliver Ave. on the east; 21st St. on the south; and 29th St. on the north. After a series of neighborhood association meetings during the fall of 2018, MAPD staff developed a series of policies that are consistent with the current Comprehensive Plan (*Community Investments Plan 2015/2016*) and the concerns of area residents regarding the impacts of commercial uses intruding on an otherwise stable and intact, mostly single family neighborhood. The Neighborhood Association concurred with the policy recommendations.

The neighborhood includes an apartment complex, a small group of fraternity and sorority houses, a research center and offices in the northern part of the neighborhood, and a cemetery at the corner of Hillside Ave. and E. 21st St.

A zoning application was submitted in 2018 for one lot at the northwest corner of E. 21st St. and Oliver Ave. The applicant requested rezoning the property from Single-Family (SF-5) to General Commercial (GC) with the intent to accommodate commercial development. An attempt to rezone property to Limited Commercial (LC) in 2013, including a second lot to the north was unsuccessful; as such, staff took this as a policy direction of the Council's desire to protect the residential character of the area. Since the time of the first zoning request, several changes have occurred to surrounding properties. Given these changes, staff supported rezoning the property in 2018 to Limited Commercial (LC) with a Protective Overlay. The MAPC voted to recommend the staff recommendation to the City Council. The City Council subsequently denied the rezoning request on August 14, 2018.

In response to the concerns of the Neighborhood Association membership, three policy recommendations were drafted that reflect the values of the residents as well as the intention of the Community Investments Plan. They include:

Policy 1: It is recommended that the Planning Commission find that more intensive development is appropriate within the neighborhood; the area located within approximately 660 feet north of 21st Street and 300 feet west of North Oliver is the area considered most appropriate for more intense zoning and land use. It is further recommended that the area be redeveloped as on unified project, if possible;

Policy 2: Sufficient buffering should be provided between any non-single family residential development and adjacent residential uses, such that noise, odor and/or light pollution will not be noticeable or apparent. Where adjacent to single-family residential uses, a six to eight foot masonry wall with 1.5 times the code required landscape materials and a fifteen-foot wide landscape buffer is recommended. A landscaped earthen berm equivalent to the masonry wall may be substituted for the masonry wall.

Policy 3: All new construction projects would submit drainage plans that meet current and future storm water management practices, ordinances and policies of the City of Wichita.

Analysis: The Metropolitan Area Planning Commission (MAPC) conducted a public hearing on Thursday, April 4, 2019, and heard testimony. After two motions, the Commission voted 8 to 4 to approve the Plan Amendment with the exception of Policies 1 and 2 being removed from their recommendation to the City Council. An earlier motion failed due to a tie vote (6 to 6) to exclude the three lots mentioned in Policy number 3 that would alter the boundary of the one square mile area depicted in the accompanying map.

The case was presented to District Advisory Board I on April 1, 2019. DAB I members voted unanimously (7 to 0) to approve the Plan amendment.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council 1) adopt the recommended action of the MAPC (majority vote, 4 of 7 votes); or, 2) Override and modify the Plan as recommended by the District Advisory Board (two-thirds majority- 5 of 7 votes); or, 3) return to the MAPC for reconsideration (majority vote, 4 of 7 votes); or, 4) Deny the Plan amendment (two-thirds majority – 5 of 7 votes).

Attachments: MAPC Recommendation, DAB I Report, Staff Report, Ordinance, MAPC minutes of April 4, 2019.



STAFF REPORT
MAPC April 4, 2019
DAB I April 1, 2019

TO: Board of County Commissioners

FROM: Metropolitan Area Planning Commission (MAPC)

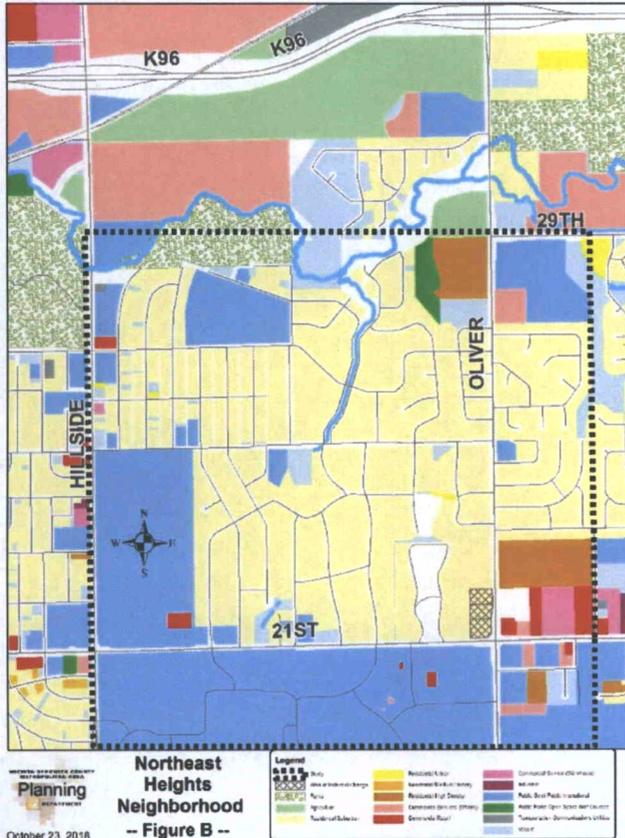
SUBJECT: DER2019-00003: Northeast Heights Neighborhood Comprehensive Plan Amendment

Background: In 2018, residents of the Northeast Heights Neighborhood Association contacted their Council representative regarding concerns about the possible negative impacts of commercial land uses adjacent to residential property located at the northwest intersection of E. 21th Street and Oliver Avenue as it abuts stable and intact residential properties. After attending several neighborhood association meetings in late 2018, and early 2019, the Planning Department Staff drafted a Comprehensive Plan Amendment for a one square mile area with boundaries of Hillside Avenue on the west; Oliver Avenue on the east; E. 21st Street on the south; and approximately E. 29th Street on the north. This area was designated as the Study Area and all policies created apply to the entire one square mile area. The policies provide an emphasis that reiterates the intention of protecting the integrity of neighborhoods as articulated in the City’s Comprehensive Plan, known as the *Community Investment Plan (2015/2016)*. The Planning Commission voted 8 to 4 on April 4, 2019 to approve three of the five original policy recommendations and forward the case to the City Council for adoption.

A zoning application was submitted in 2018 for one, 1.56 acre lot at the northwest corner of E. 21st Street and Oliver Avenue. The applicant requested rezoning the property from Single-Family (SF-5) to General Commercial (GC) with intent to accommodate commercial development. An attempt to rezone the property to Limited Commercial (LC) in 2013, including a second lot to the north was unsuccessful; as such, staff took this as a policy direction of the City Council’s desire to protect the residential character of the area. While the study area does not include the entire Northeast Neighborhood, it does include the majority of the residential property within the area. Since the time of the first rezoning request, several changes have occurred to surrounding properties. Given the subsequent changes, staff supported rezoning the property in 2018 to Limited Commercial (LC) with a Protective Overlay. The MAPC voted to recommend the staff recommendation. The City Council subsequently denied the rezoning request on August 14, 2018.

The Northeast Heights neighborhood is directly north of the Wichita State University (WSU) Innovation Campus. The neighborhood is a stable and intact neighborhood with primarily single-family homes. There is a relatively new multi-family apartment complex at the intersection of E.

29th Street and Oliver Avenue. A grouping of sorority and fraternity houses are located midway between Hillside Avenue and Oliver Avenue along E. 21st Street, across from the WSU campus. This area has a zoning designation of SF-5 (Single Family) plus a “University” overlay district. The purpose of the overlay district is to accommodate university related type land uses, including student housing. Other land uses include a cemetery, the Braeburn commercial district on the



WSU campus, a research facility near the intersection of N. Hillside Avenue, Rainbow United and offices of the Boy Scouts of America.

The Northeast Heights neighborhood is comprised of primarily single-family ranch style homes built in the post WWII era. The current vacancy rate for homes is in the teens, due in part to the relatively new multi-family apartment complex located at the intersection of E. 29th Street and Oliver. The neighborhood has a variety of home types ranging from large and medium lot single-family homes to high density multi-family. High density multi-family accounts for approximately 20% of households in the neighborhood. The renter occupancy level ranges from 40 percent to 60 percent, also due in part to the presence of the multi-family apartments. The median home value ranges between \$123,000 and \$160,000 and is consistent with the median home values in Wichita. Median income ranges from \$20,000 to \$40,000 per year. Households

have a relatively low number of children, under 18 years of age (zero to 16%), and a higher level of residents older than 65 years (13.5% to 20%), compared to the Wichita average of 12%. The median age of residents range from 36 to 45 years of age and is slightly older than the regional median. The neighborhood has a very low unemployment rate ranging from zero to 5% and is lower than the surrounding area.

In response to the Northeast Heights Neighborhood Association membership, three policy recommendations are presented that reflect the values of the neighborhood residents as well as the intention of the *Community Investment Plan*. The overwhelming response from the residents at the meetings was positive and supportive of the policy recommendations. They include:

Policy 1: It is recommended that the Planning Commission find that more intensive development is appropriate within the neighborhood; the area located within approximately 660 feet north of 21st Street and 300 feet west of North Oliver is the area considered most appropriate for more intense zoning and land use. It is further recommended that the area be redeveloped as one unified project, if possible.

Due to lot size limitations located along Oliver Avenue, approximately 300 feet deep, land use should be limited to uses permitted in the GO General Office zoning district or more restrictive are recommended. Non-single-family residential building height should be limited to 35 feet with no west-facing or north-facing window openings above 12 feet. Non-residential buildings located in the specified area should be residential in character with hip or gabled roof, and use exterior building materials similar to that used in area residences. Building signs should not face north or west if the abutting lot is developed with a single-family or two-family residence. Ground signage should be monument style, and be no more than eight feet in height. All exterior lighting should be shielded and aimed to prevent light trespass off the property and not exceed 15 feet in height;

Policy 2: Sufficient buffering should be provided between any non-single-family residential development and adjacent residential uses, such that noise, odor and/or light pollution will not be noticeable or apparent.

Where adjacent to single-family residential uses, a six to eight-foot masonry wall with 1.5 times the code-required landscape materials and a fifteen-foot wide landscape buffer is recommended. A landscaped earthen berm equivalent to the masonry wall may be substituted for the masonry wall;

Policy 3: All new construction projects would submit drainage plans that meet current and future storm water management practices, ordinances and policies of the City of Wichita.

The Planning Commission recommends that the Wichita City Council amend the *Community Investments Plan* to address the concerns of the residents of the Northeast Heights Neighborhood and to more fully articulate the intention of the Plan. The following is the process for the Plan amendment:

<u>Date</u>	<u>Action</u>
May 7, 2019	Wichita City Council considers Community Investment Plan amendment
May 15, 2019	Sedgwick County Board of County Commissioners considers Community Investments Plan amendment

Recommended Action: Recommend that the Sedgwick County Board of County Commissioner’s adopt the Northeast Heights Neighborhood Comprehensive Plan amendment.