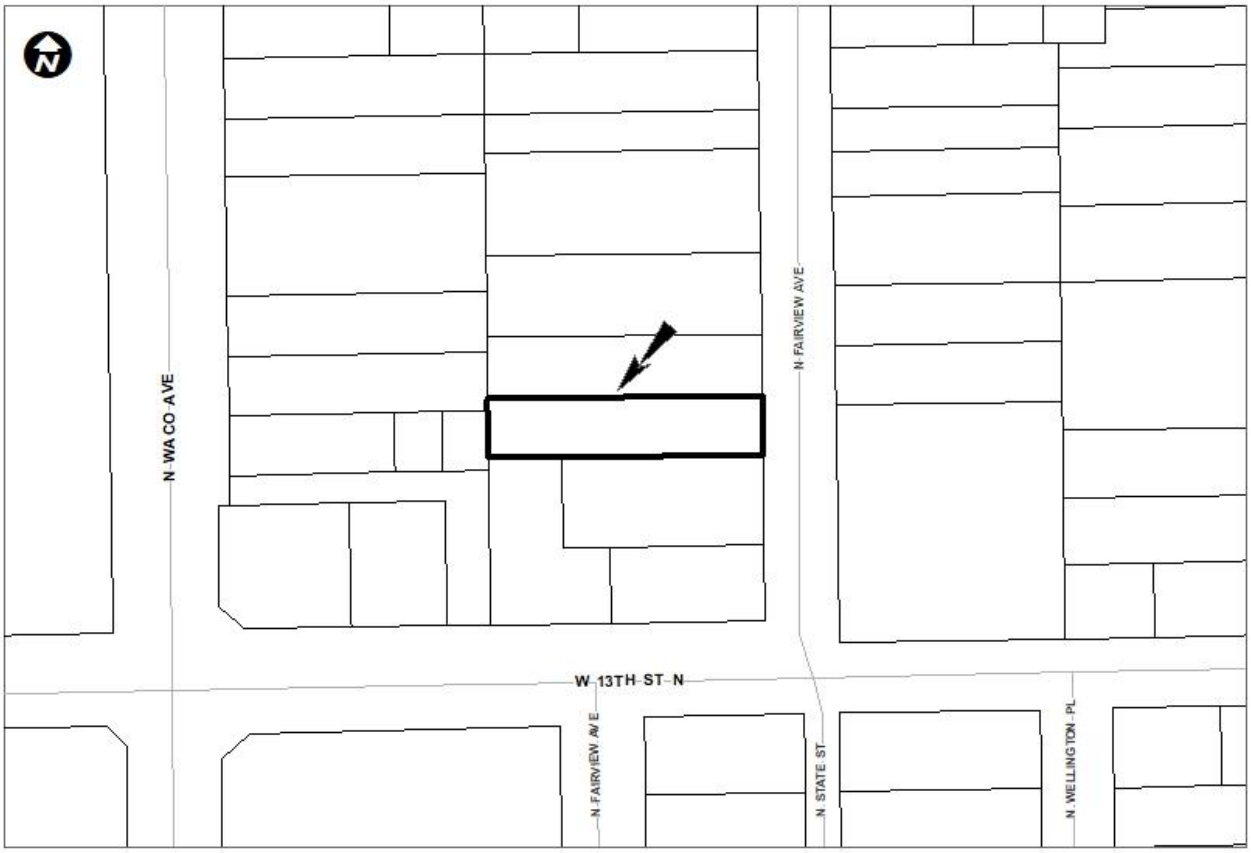
AGENDA ITEM NO. 8

STAFF REPORT
MAPC: October 20, 2022
DAB VI: November 7, 2022

CASE NUMBER:	CON2022-00037 (City)
APPLICANT/AGENT:	Miguel Chavez (Applicant)
REQUEST:	Conditional Use to allow Multi-Family Residential
CURRENT ZONING:	TF-3 Two-Family Residential District
SITE SIZE:	0.26 acres
LOCATION:	Generally located on the west side of North Fairview Avenue, within one block north of West 13th Street North (1419 North Fairview Avenue)
PROPOSED USE:	Three dwelling units
RECOMMENDATION:	Approve with conditions



BACKGROUND: The applicant is requesting a Conditional Use to allow Multi-Family Residential in TF-3 Two-Family Residential District. The property is generally located on the west side of North Fairview Avenue, within one block north of West 13th Street North (1419 North Fairview Avenue). On site there is a single-family residential dwelling and a two-story accessory structure which would have two efficiency units, for a total of three units. The accessory structure measures 38 feet by 24 feet. If approved, there would be one efficiency unit on each floor.

According to Section III-6.c of the Unified Zoning Code, Multi-Family is allowed in TF-3 Two-Family Residential District at a maximum density of 14.5 Dwelling Units per acre. The applicant is requesting a total of three units on 0.26 acres, which is less than the maximum density permitted.

According to the Unified Zoning Code, Multi-Family requires 1.25 parking spaces per efficiency and one-bedroom Dwelling Unit and 1.75 parking spaces per two bedroom or larger Dwelling Unit, so the site will require 4 parking spaces. The two-car garage within the accessory structure and adjacent concrete parking pad will not satisfy the parking requirement, but the Multi-Family parking ratio can be reduced with an Administrative Adjustment.

Because the property abuts TF-3 Two-Family Residential District zoning to the north, it must adhere to the Wichita Landscape Ordinance. There is currently a wooden fence around the north, west, and south boundaries of the property that satisfies the screening requirement. However, in addition to this screening, buffer trees must be planted along the north side. Any existing trees can be used toward the landscape buffer. If approved, the applicant would be required to submit a landscape plan prior for review and approval by the Planning Department prior to the issuance of permits.

Property to the north is zoned TF-3 Two-Family Residential District and is developed with a single-family residential dwelling. The subject site abuts two properties to the south; one is zoned B Multi-Family District and MF-29 Multi-Family District and is developed with a single-family residential dwelling, and the other is zoned LC Limited Commercial District and is developed with a tire shop. Properties to the east are zoned TF-3 Two-Family Residential District and MF-29 Multi-Family Residential District and are developed with a single-family residential dwelling and church, respectively. Property to the west is zoned B Multi-Family District and is developed with a senior living facility.

The subject property is a Contributing building within the Park Place-Fairview Historic District, which is listed on the National Register of Historic Places. The design for the garage was previously approved by the Historic Preservation Board (HPC2020-00032).

CASE HISTORY: On August 30, 1885, the Sherwoods Addition was created. In 2020, the Historic Preservation Board approved the design for the two-story garage that will create the third dwelling unit on site (HPC2020-00032).

ADJACENT ZONING AND LAND USE:

North:	TF-3	Single-family residential dwelling
South:	B, MF-29, LC	Single-family residential dwelling, tire shop
East:	TF-3, MF-29	Single-family residential dwelling, church
West:	B	Senior living facility

PUBLIC SERVICES: All municipal services and utilities are available to serve the site. The property has access to North Fairview Avenue, a paved, two-way local street with sidewalks on both sides. Wichita Transit serves this area within one-quarter mile of this property, on the northeast corner of West 13th Street North and North Waco Avenue.

CONFORMANCE TO PLANS/POLICIES: The proposed use is in conformance with the Community

Investments Plan. The Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as a "Residential" on the Future Growth Map Concept Map as: "*Encompasses areas that reflect the full diversity of residential development densities and types typically found in a 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 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 small-scale development would provide housing options that otherwise might not be immediately available 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 Conditional Use would allow for the infill of an additional dwelling unit.
- Current Condition: The subject property is located within an area identified as an "area of stability." The *Wichita: Places for People Plan* defines areas of stability as "those areas of the ECA that exhibit less stress, or fewer economic, connectivity, and walkability issues. Areas of Stability should require fewer interventions and potentially less investment to maintain a viable development environment and community. Improvements should be geared toward continuing the area's momentum and strengthening the established context."

The requested Conditional Use aligns with the goals of the *Midtown Neighborhood Plan*. One of the goals identified in the Plan is "Goal 4: Preserve and Enhance Historically-Designated Homes and Districts", specifically "4.3 Encourage infill construction that is similar to the historic or historically eligible structures in construction style, scale and design through the use of similar materials to maintain the existing neighborhood character." The design for the third dwelling unit in the rear of the property was previously approved by the Historic Preservation Board and will provide infill housing in the neighborhood.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **APPROVED**, subject to the following conditions:

1. The site is limited to a maximum of three dwelling units within two separate structures.

2. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.

3. Development and maintenance of the site shall be in conformance with the approved site plan. The applicant shall submit a revised site plan to the Planning Department for review and approval prior to the issuance of building permits. The site plan shall include any required screening, landscaping, and required parking spaces.

4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the north is zoned TF-3 Two-Family Residential District and is developed with a single-family residential dwelling. The subject site abuts two properties to the south; one is zoned B Multi-Family District and MF-29 Multi-Family District and is developed with a single-family residential dwelling, and the other is zoned LC Limited Commercial District and is developed with a tire shop. Properties to the east are zoned TF-3 Two-Family Residential District and MF-29 Multi-Family Residential District and are developed with a single-family residential dwelling and church, respectively. Property to the west is zoned B Multi-Family District and is developed with a senior living facility.

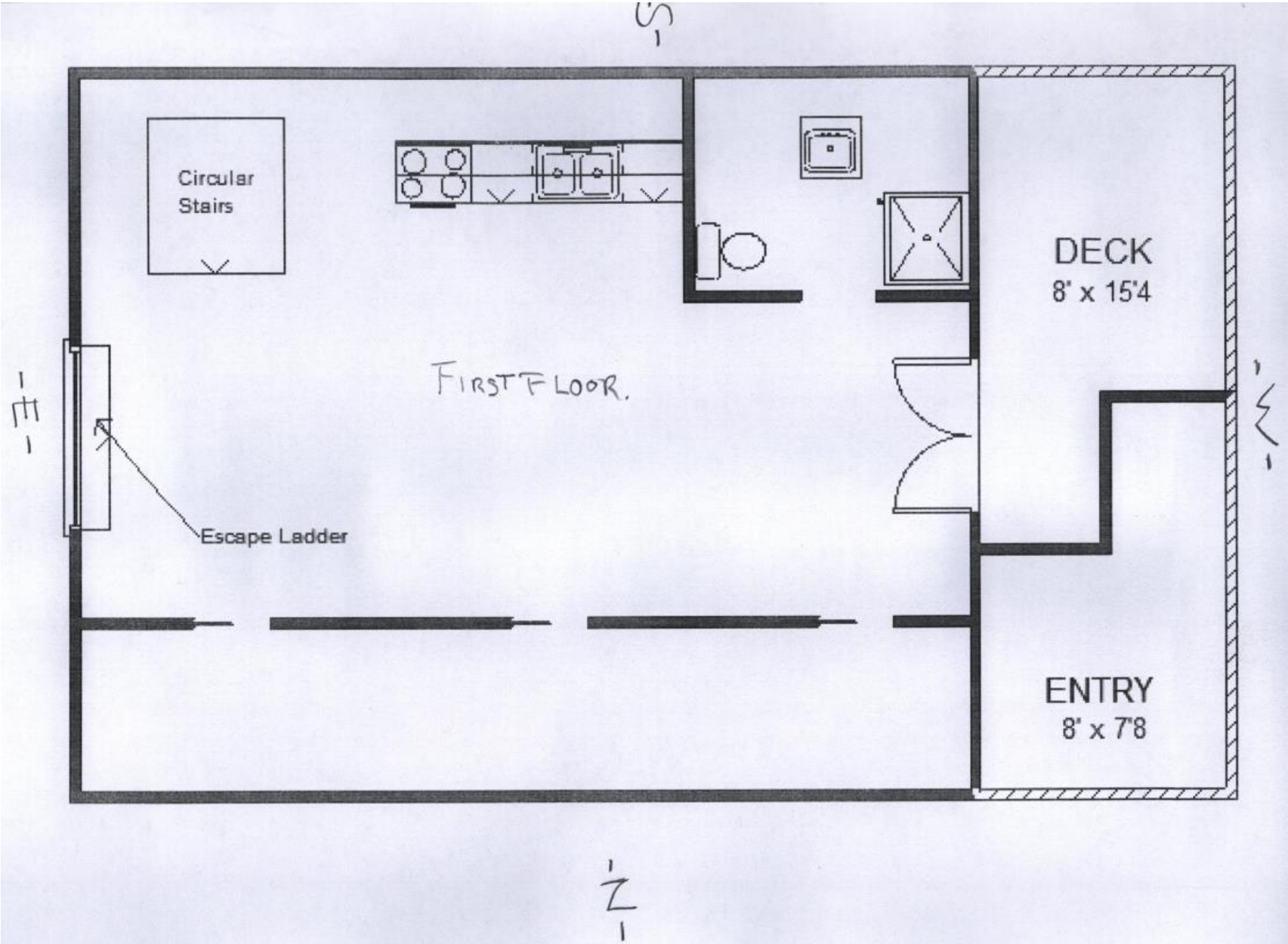
2. The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned TF-3 Two-Family Residential, which permits Multi-Family Residential by Conditional Use approval under Section III-B.6.c of the Unified Zoning Code.

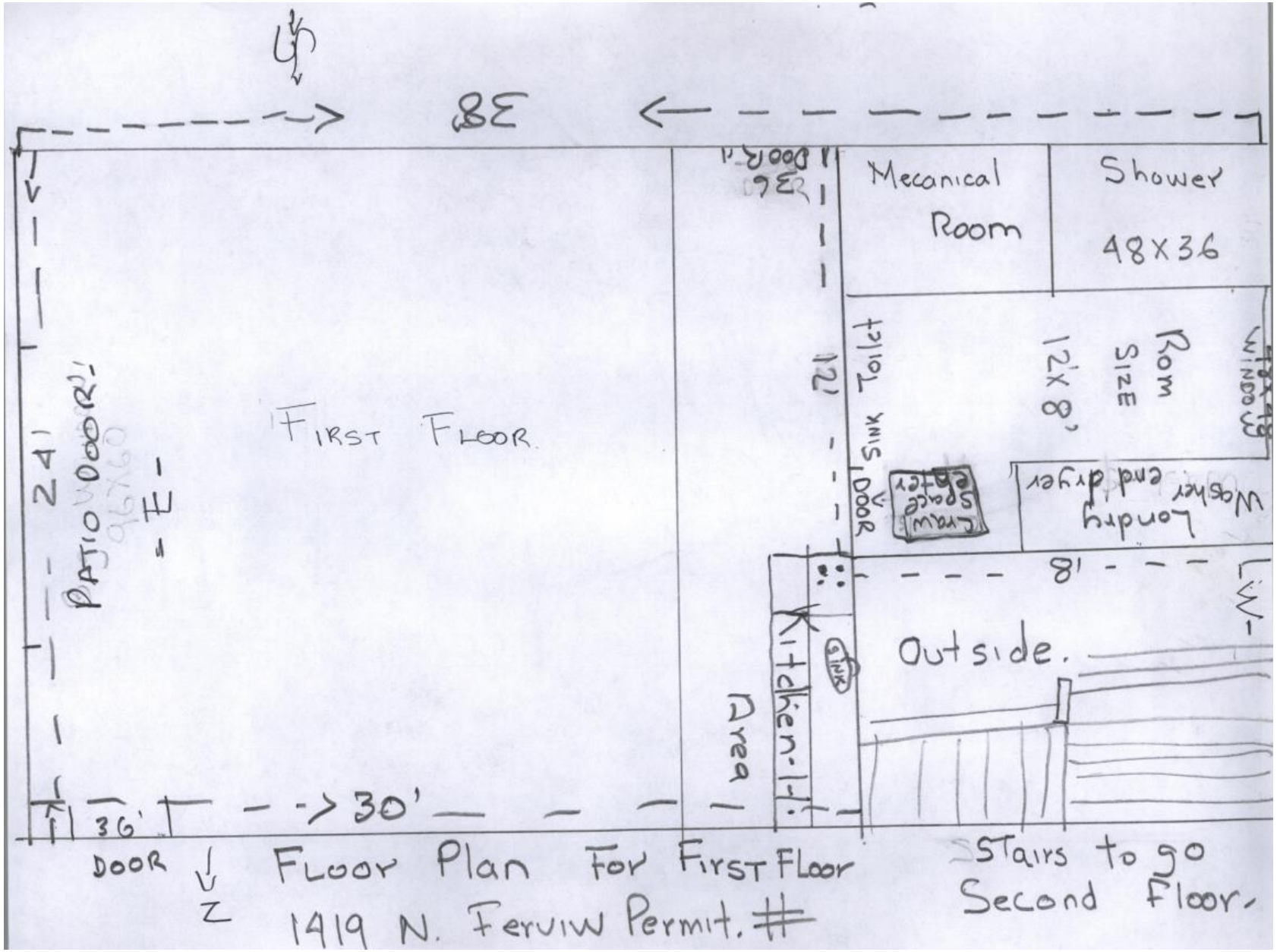
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not anticipate that approval of the request will generate significant amounts of additional traffic. While the site currently does not support the required amount of parking, it can be reduced by an Administrative Adjustment. The conditions of approval should minimize any anticipated detrimental impacts.

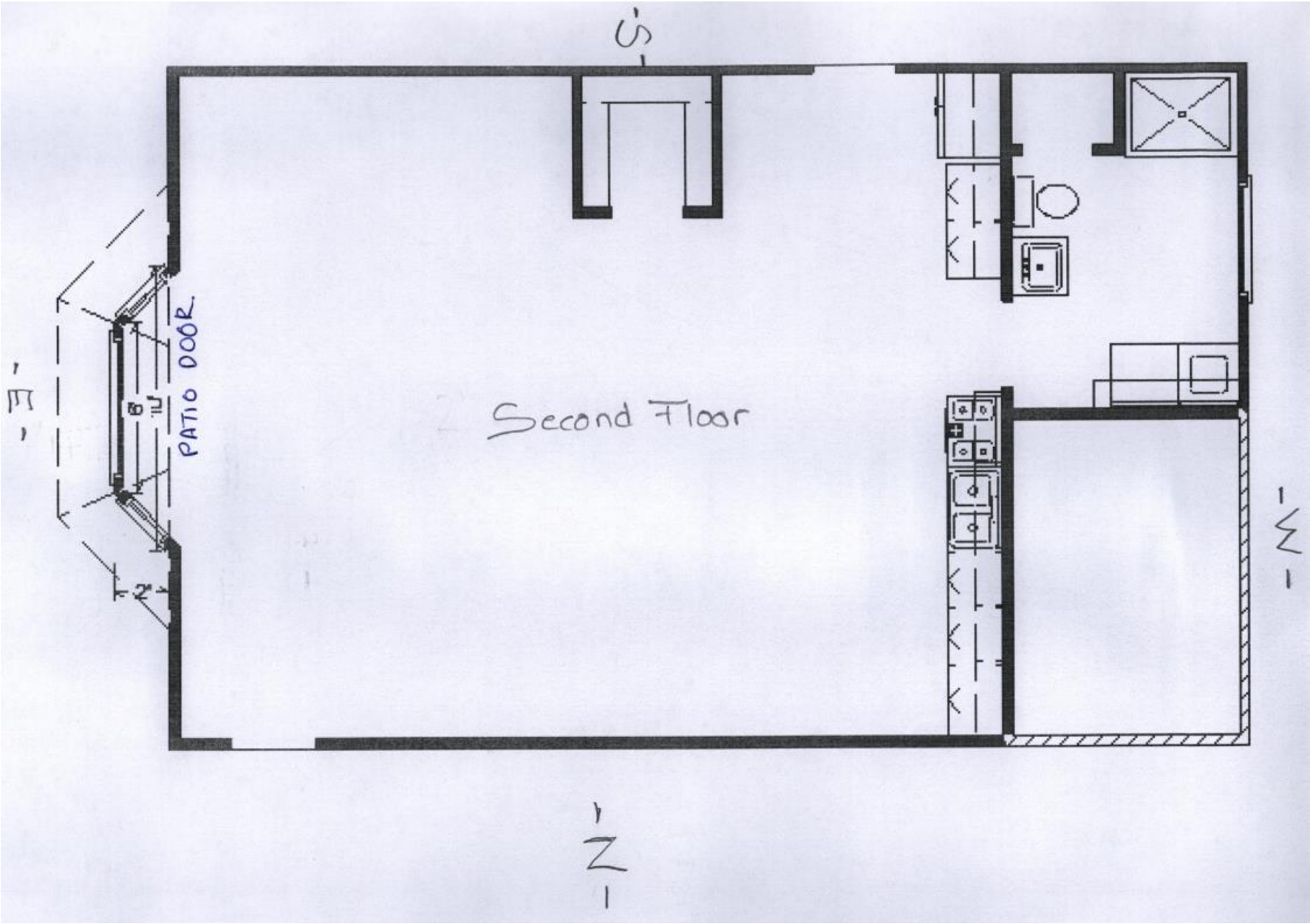
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed use is in conformance with the *Community Investments Plan*, the *Wichita: Places for People Plan*, and the *Midtown Neighborhood Plan*, as discussed in the report.

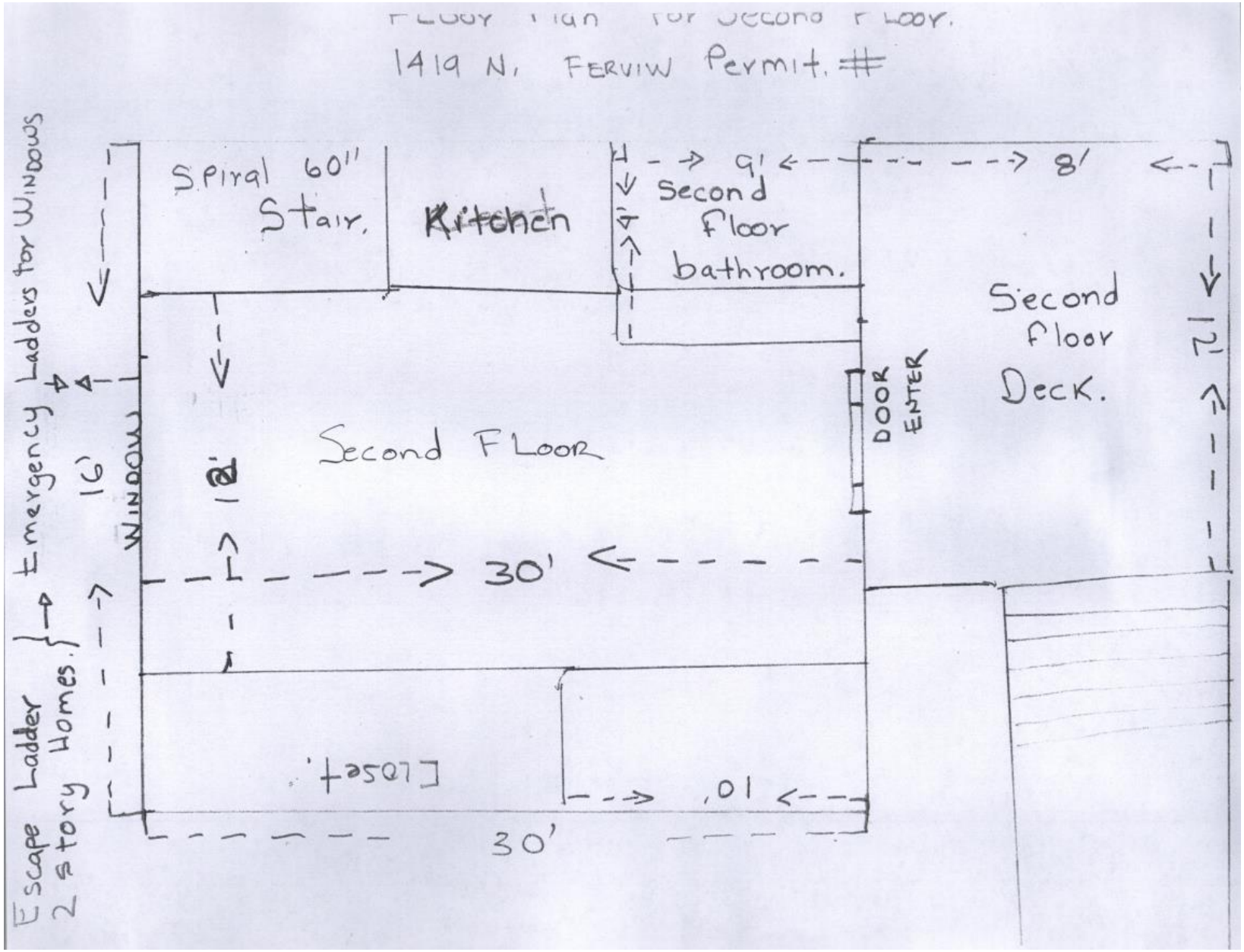
5. Impact of the proposed development on community facilities: Staff expect that there will be minimal significant impact on public roads, water, and sewer service.

Attachments:
1. Site Plans
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos


Circular
Stairs
DECK
8' x 15'4
FIRST FLOOR.
Escape Ladder
ENTRY
8' x 7'8


38
Meconical Room
Shower 48X36
Toilet
Sink
Door
12'
12'X 8'
Room Size
Window
Laundry
Washer and dryer
Crawl Space Entry
8'
Outside.
Kitchen-Lit.
Sink
Area
First Floor
Patio Door
24'
30'
36'
Door
Floor Plan For First Floor
1419 N. Fervin Permit. #
Stairs to go Second Floor.


S
Second Floor
PATIO DOOR
W
N
E


Floor Plan for Second Floor.
1419 N. Ferview Permit. #
Spiral 60" Stair.
Kitchen
9'
Second Floor bathroom.
8'
Second Floor Deck.
Second Floor
DOOR ENTER
WINDOWS
16'
30'
30'
10'
Escape Ladder 2 story Homes.
Emergency Ladders for Windows

N WACO AVE
N FAIRVIEW AVE
W. 13TH ST N
N FAIRVIEW AVE
N STATE ST
N WELLINGTON PL

ZONING
N
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
W AVE C
N ROCHESTER ST
W 14TH ST N
N ROCHESTER AVE
N WACO AVE
N FAIRVIEW AVE
N PARK PL
N MARKET PL
E 14TH ST N
N OTIS AVE
N MARKET ST
W 13TH ST N
E 13TH ST N
N MAIN ST
N LEWELLEN AVE
N JACKSON AVE
N FAIRVIEW AVE
N STATE ST
N WELLINGTON PL
W 12TH ST N

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

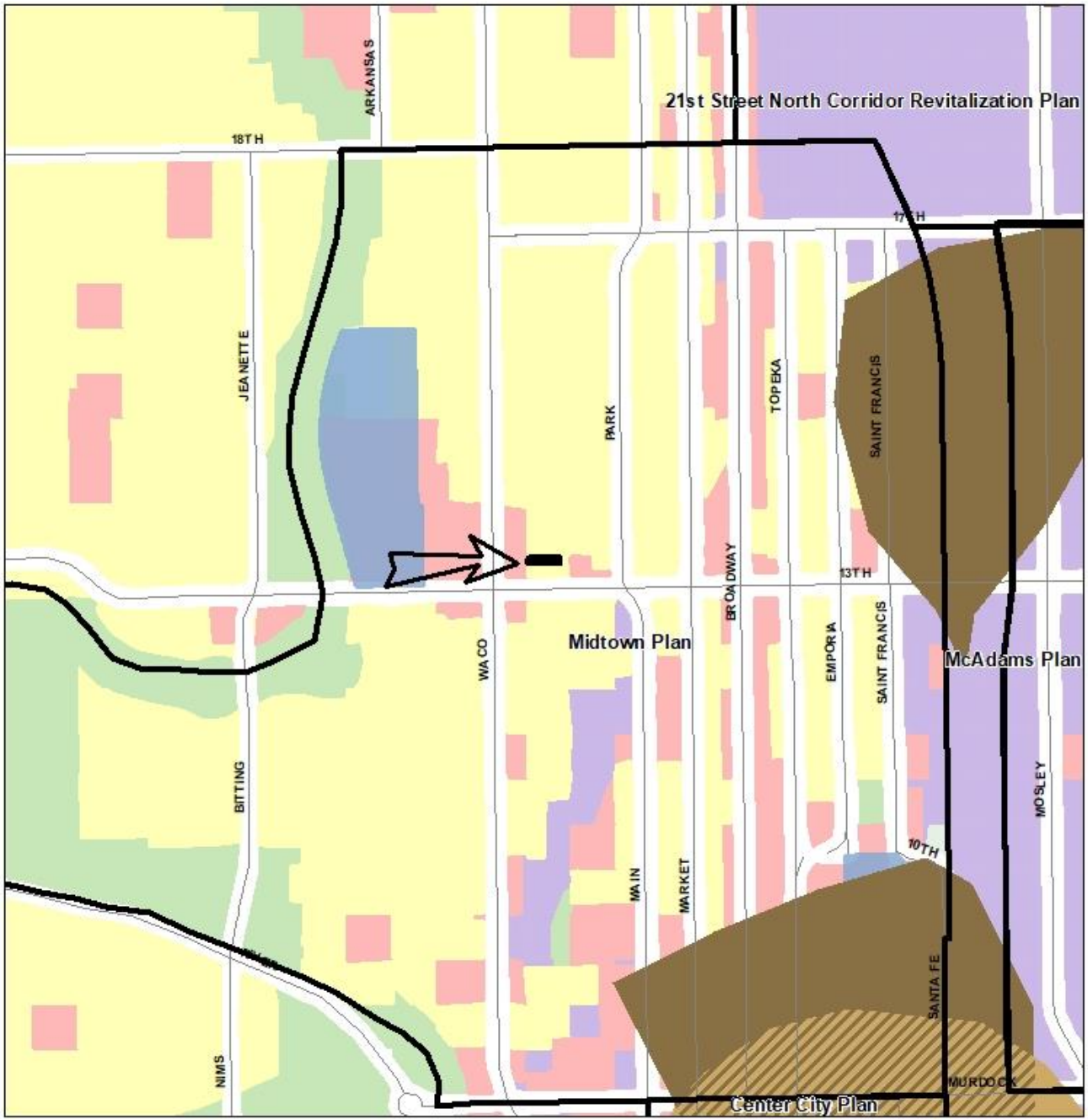
Statistical Development Areas

- 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

N



Looking west towards site

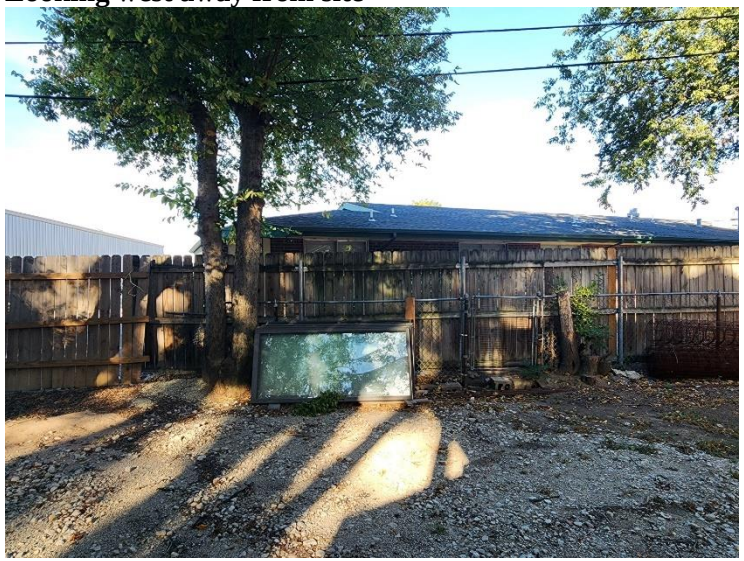
Looking west towards accessory structure

Looking east away from site

Looking south towards accessory structure

Looking east towards accessory structure

Looking west away from site



Looking east towards main structure

Looking north towards accessory structure