

ORDINANCE NO. 50-550

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:

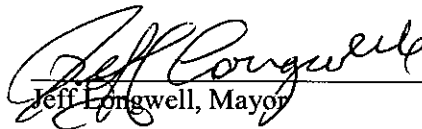
Case No. ZON2017-00014

City zone change from OW Office Warehouse to TF-3 Two-Family Residential with elimination of PO-163 described as:

Lot 2 in Block A in Peacock Second Addition, 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.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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

STAFF REPORT
MAPC-May 18, 2017
DAB VI-May 17, 2017

CASE NUMBER: ZON2017-00014

APPLICANT BATC, LLC

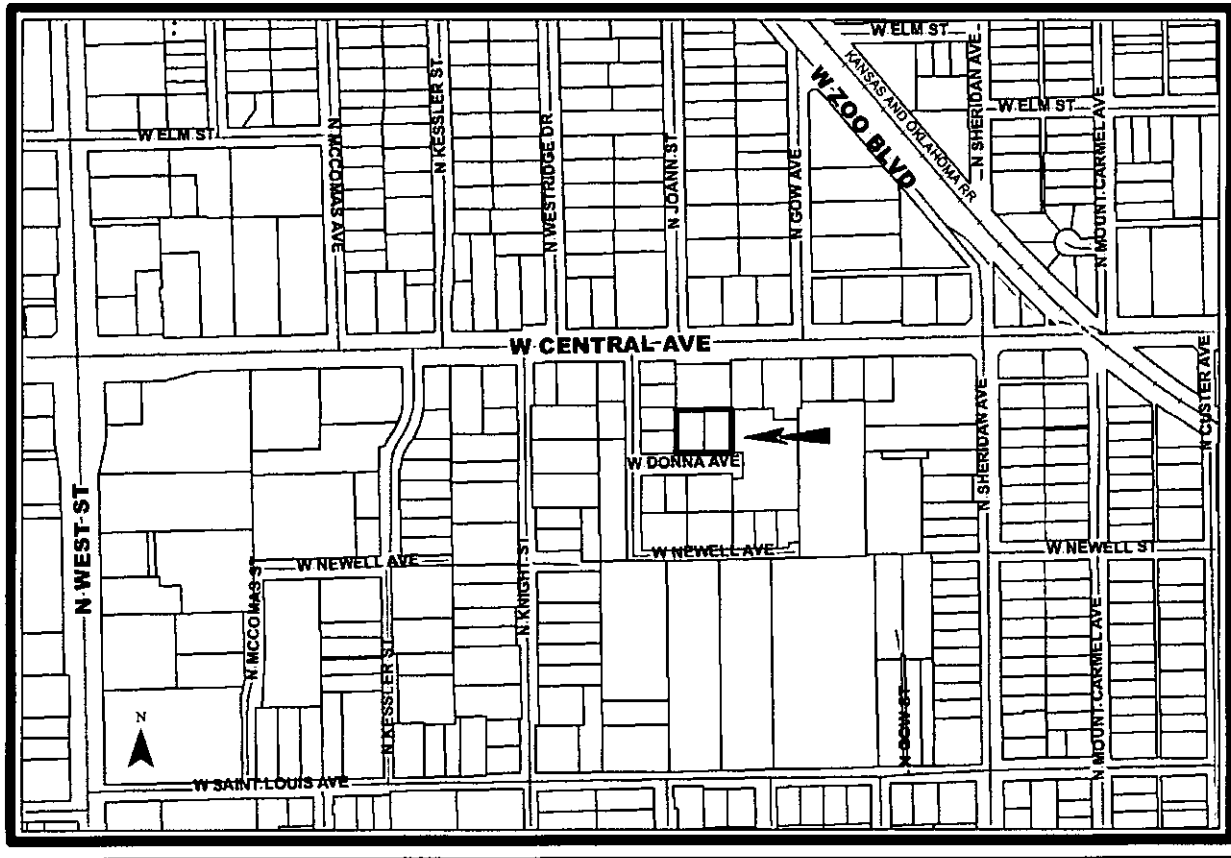
REQUEST: TF-3 Two-Family Residential

CURRENT ZONING: OW Office Warehouse

SITE SIZE: 0.47 acre

LOCATION: 106 feet east of the northeast corner of West Donna Avenue and North Westridge Drive

PROPOSED USE: Two, two-family homes



BACKGROUND: This application was filed to rezone the subject property from OW Office Warehouse (OW) to TF-3 Two-Family Residential (TF-3). The subject property is located 106 feet east of the northeast corner of West Donna Avenue and North Westridge Drive. With this request, the applicant would like to rezone the property to a TF-3 district and construct two new two family dwelling units.

The site was rezoned in 2005 from B Multi-Family Residential to OW Office Warehouse. The rezoning included a Protective Overlay (PO), PO-163. This Protective Overlay did not allow two-family homes as a permitted use. Provisions also include complete access control along the south side of the site, solid screening along the south, east, and west sides of the property, as well as other provisions. It would appear that the Protective Overlay was designed to limit the impact of the OW zoning and related development on the existing residential properties on West Donna Street. The proposed duplex development would not have the same impact on these nearby residential properties.

The Protective Overlay would need to be terminated or amended before the construction of two-family homes could begin.

The subject property contains two existing vacant lots that are each 10,180 square feet. The lot dimensions are 80 feet x 128 feet. The proposed TF-3 District has a minimum lot size of 3,000 square feet per dwelling unit, so the existing lots do meet the minimum lot size for two single family units in a TF-3 district. The proposed new duplex buildings would be subject to all applicable setback requirements of the TF-3 district.

There are many areas of TF-3 zoning in the general vicinity of the subject property. There are several lots across the street on the south side of West Donna Avenue that have TF-3 zoning, three of which contain two-family homes. There is also a large area of TF-3 zoning two blocks to the east.

Please see the attached area map showing other locations of TF-3 Two-Family zoning districts.

Properties surrounding the subject site area are zoned various ways. North of the site is a health care business zoned NR Neighborhood Retail. South of the site is a two-family home zoned TF-3. East of the property is a single-family home zoned MF-29. West of the site are two single-family homes zoned SF-5.

CASE HISTORY: Lot 2, Block A, Peacock 2nd Addition, 2003.

ADJACENT ZONING AND LAND USE:

North: NR; health care business
South: TF-3; two-family homes
East: MF-29; single-family residence
West: SF-5; single-family residences

PUBLIC SERVICES: West Donna Avenue and North Westridge Drive are both unpaved local streets. All municipal services are available or can be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The *Community Investment Plan* depicts the subject site as appropriate for "residential uses." The residential use category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared,

it is recommended the application be approved.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood Properties surrounding the subject site area are zoned various ways. North of the site is a health care business zoned NR Neighborhood Retail. South of the site is a two-family home zoned TF-3. East of the property is a single-family home zoned MF-29. West of the site are two single-family homes zoned SF-5.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned OW, which primarily allows offices and warehouses. The lots being considered for rezoning could be improved with a new office or warehouse with the existing zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of TF-3 zoning would allow duplex units to be constructed on the property. There are several areas of TF-3 zoning in the general area of the subject property. There are several lots across the street on the south side of West Donna Avenue which have TF-3 zoning, three of which contain two-family homes. There is also a large area of TF-3 zoning two blocks to the east. Approval of the request should not detrimentally impact nearby property owners.
4. Length of time the property has remained vacant as currently zoned: The property is currently vacant.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Community Investment Plan depicts the subject site as appropriate for "residential uses." The residential use category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality.
6. Impact of the proposed development on community facilities: A zone change at the application area to TF-3 from the existing OW with a protective overlay will generate more traffic along West Donna Avenue and North Westridge Drive. Existing municipal facilities are in place or can be extended to serve the application area.

Staff Report Attachments:

1. Area Map