

- Actions:
1. Concur with the findings of the MAPC and approve the zone change; accept the grant of utility easement and avigational easement and instruct the City Clerk to record the easements and the restrictive noise covenant with the Register of Deeds, the recording cost of which shall be billed to the Planning Department; place the ordinance establishing the zone change on first reading; or
 2. Return the application to the MAPC for reconsideration stating reasons.

Attachments: Area Map
4/30/87 MAPC Minutes
CPO Memorandum

City of Wichita
City Council Meeting
May 26, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-2843 - REQUEST FOR ZONE CHANGE FROM "AA" ONE-FAMILY DWELLING DISTRICT TO "A" TWO-FAMILY DWELLING DISTRICT, GENERALLY LOCATED ON THE WEST SIDE OF SMITH STREET IN AN AREA NORTH OF 11TH STREET.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (6-0)

Staff Recommendation: Approve

Background: On April 30, 1987, the MAPC held a public hearing to consider a zone change from "AA" to "A" for a platted lot (60 feet by 135 feet) located on the west side of Smith in an area north of 11th Street. A single-family house was recently removed from the site following a fire. No one spoke in opposition to the application. The MAPC unanimously recommended approval subject to the granting of an additional utility easement and an avigational easement and restrictive noise covenant.

CPO Council "5B" voted 5-4 to recommend approval of the request.

Analysis: All land immediately adjacent to the application area is zoned and developed for single-family homes but there are several "A"-zoned lots further north on Smith, one block west on Clara, and also to the southeast on Eleventh Street and Memory Lane. The Planning Commission and City Council have generally looked with favor on duplex zoning for "infill" in older, developed areas of town. The lot, although only sixty feet in width, has adequate square footage to accommodate a duplex. Thirty feet of right-of-way exists for the west half of Smith Street which is sufficient. There is only eight feet for utility easement purposes on the west side of the lot whereas ten feet is the standard. As this property lies within the flight path of Mid-Continent Airport, an avigational easement and restrictive noise covenant is required.

The Planning Commission determined that the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff justified the approval of the zone change.

(724) Published in The Daily Record on June 5, 1987

ORDINANCE NO. 39-896

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

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 Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

CASE NO. Z-2843

Zone Change from the "AA" One-Family Dwelling District
to the "A" Two-Family Dwelling District

Lot 10, Block 2, REPLAT OF LOT 22 AND PART OF LOT 21,
R. A. MORRIS TRACTS to Wichita, Sedgwick County, Kansas.
Generally located on the west side of Smith Street in an area
north of 11th Street.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning changes shall be entered and shown on the the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Zoning Ordinance 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 AT WICHITA, KANSAS, _____

ATTEST:

Mayor

City Clerk

(SEAL)

Approved as to form City Attorney