

Published in the Wichita Eagle 4/27/18

OCA 150004

ORDINANCE NO. 50-696

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. ZON2018-00001

City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential on property generally on the north side of West Murdock Avenue between N. Dougherty Avenue and N. Nevada Street, northwest of the intersection of West Central Avenue and North West Street (4400 W. Murdock Ave.), described as:

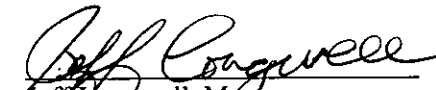
City zone change from SF-5 Single-Family Residential to TF-3 zoning with Protective Overlay #326 as follows:

The property located at 4400 W. Murdock Avenue (Lot 8 and Lot 32, Replat of Lots 3, 4, 5, 6, 7, 8 and 9, Central Place Addition, Sedgwick County, Kansas) shall be zoned TF-3 except that no new duplex or two-family dwelling units shall be constructed on the property. The two-family zoning is limited to the existing structures on the property as of February 15, 2018. The protective overlay does not limit the remodeling of any existing structure currently on the property.

Lot 8 and Lot 23, Replat of Lots 3, 4, 5, 6, 7, 8 and 9, Central Place Addition, 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.

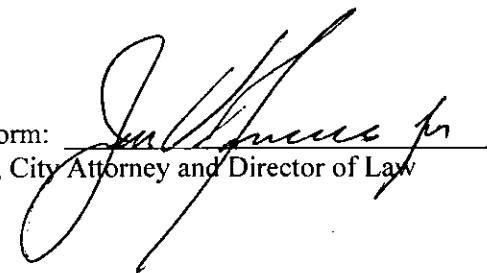
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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

MAPC February 15, 2018
DAB VI March 5, 2018

BACKGROUND: The applicant/owner is requesting the rezoning of the two lots (0.94 acre) at this location from SF-5 Single Family Residential (SF-5) to TF-3 Two Family Residential (TF-3). The property is currently developed with a single-family dwelling unit and an accessory structure (pool house) that has its own bathroom and one large, open room. Each lot is less than one-half acre each. There may be opportunity to build a new residential structure on each of the lots in the future if the change in zoning were approved. SF-5 zoning does not allow the further development of the property.

The property is platted as the Central Place Addition to the City of Wichita, Kansas, recorded with the Register of Deed's on August 17, 1948.

The surrounding neighborhood is primarily residential uses. Everything in the adjacent area is zoned SF-5 and is occupied by single-family homes. There is TF-3 zoning one block to the southeast of the subject property and two blocks west of the subject property.

CASE HISTORY: As noted earlier, other than the platting of the property in 1948, there is no other previous zoning activity on this parcel.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	residential
SOUTH:	SF-5	residential
EAST:	SF-5	residential
WEST:	SF-5	residential

PUBLIC SERVICES: West Murdock Avenue is a fully improved two-lane residential street with on-street parking allowed. All municipal services are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for Residential uses. The site is a part of the Established Central Area (ECA), where infill development and higher density is encouraged. The uses envisioned for redevelopment in this area include duplexes.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends APPROVAL of the request, as submitted. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding neighborhood is predominantly residential uses. The neighborhood has been relatively stable for residential uses. There are already duplexes within the neighborhood, so the introduction of a couple of new duplexes is not felt to be out of character with the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned SF-5 Single Family Residential and the property is unlikely to be developed for new single family homes.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed TF-3 zoning is present in the neighborhood within a two block radius.
4. Length of time the property has been vacant as currently zoned: The single-family dwelling unit was built in 1970 and the construction date of the accessory structure is unknown. Other than these two units, the two lots have had no other structures built on them.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for Residential uses within the Established Central Area of the City. This includes development of duplexes.
7. Impact of the proposed development on community facilities: Development of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property.

Staff Report Attachments:

1. Agent's letter and zoning map