OCA150006 BID 37529-009 CID#76383)

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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. ZON 2007-05

Request for Zone change from SF-5" Single-Family Residential District to "TF-3" Two-Family Residential District, for property described as:

Lots 1-7, Block A, Willow Place 2nd Addition, Wichita, Sedgwick County, Kansas.

Generally located on the south side of 45th Street North and west of Webb Road.

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.

ADOPTED this 2 day of October, 2007.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, CMC

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. _____

City of Wichita
City Council Meeting
May 8, 2007

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2007-00005 – Zone change from "SF-5" Single-family Residential to "TF-3" Two-Family Residential. Generally located midway between North Rock Road and North Webb Road, on the south side of E. 45th Street North. (8801 and 8823 E. 45th St. N.) (District II)

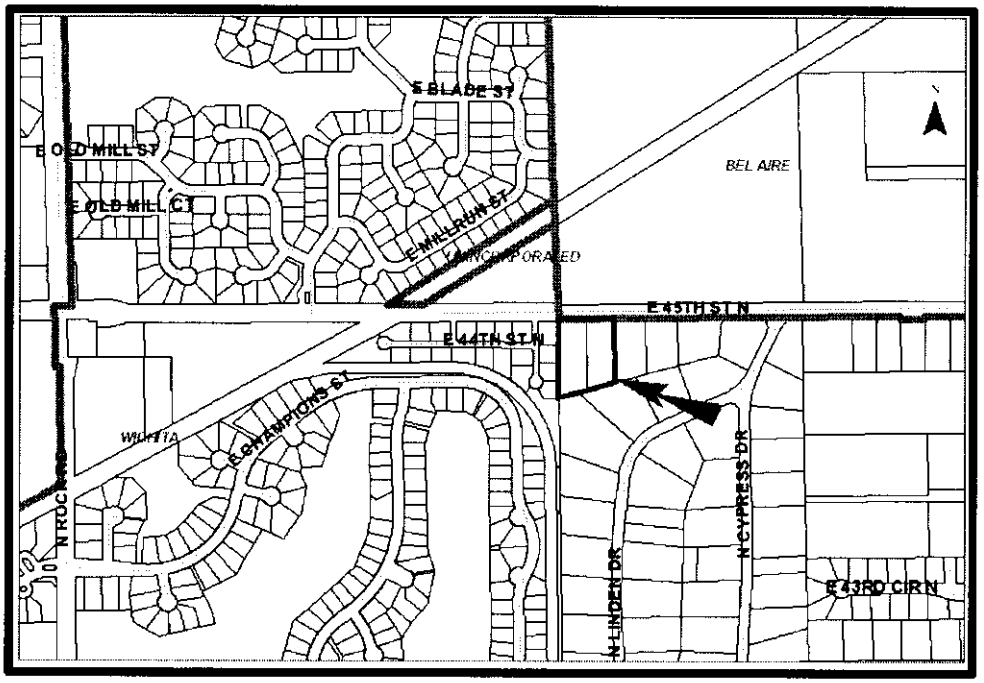
INITIATED BY: Metropolitan Area Planning Department DM for JLS

AGENDA: Planning (Non-consent)

MAPC Recommendations: Approve, subject to staff recommendations (12-0) and additional conditions:
1) Installation of temporary fence on south and east property line during construction
2) Include immediate installation of fence on west property line.
3) Permanent fence needs to be installed before a Certificate of Occupancy is issued.

MAPD Staff Recommendations: Approve, subject to platting within one year and limited to seven lots.

DAB Recommendations: Defer until fence was constructed on the west property line.



Background: The application area consists of two developed, platted lots located midway between North Rock Road and North Webb Road, on the south side of E. 45th Street North. The 2.5-acre site is zoned "SF-5" Single-family Residential and the applicant requests "TF-3" zoning to allow for duplex development. The applicant proposes to develop the site with duplexes along a planned cul-de-sac.

The property north of the site is within the Bel Aire city limits and is currently undeveloped. South and east of the site are "SF-5" zoned single-family residences. West of the site, are "TF-3" zoned duplex units. The site has easy access to East 45th Street North.

Analysis: At the MAPC meeting held March 15, 2007, MAPC voted (12-0) to approve subject to platting within one year and with the following additional conditions:
1) Installation of temporary fence on south and east property line during construction
2) Include immediate installation of fence on west property line.
3) Permanent fence needs to be installed before a Certificate of Occupancy is issued.

Two citizens were present to speak and no protests have been received.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality.

Legal Considerations: The resolution has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change subject to platting within one year; withhold the publication of the ordinance until the plat is recorded; or

2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)