



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

April 30, 2003

Steve M. Beranek
Applicant
P O Box 75064
Wichita KS 67275

RE: ZON2003-00013 – Zone change from “SF-5” Single-family Residential to “TF-3” Two-family Residential. Generally located southwest of the McLean – 9th Street intersection. (District VI)

Dear Ladies and Gentlemen:

At its regular meeting on April 24, 2003, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to APPROVE subject to a lot split, the owner/developer agreeing not to protest any future paving of Murdock and dedication of an additional four (4) feet to the platted utility easement.

This application will be forwarded to the City Council for consideration at their regular meeting on Tuesday, May 20, 2003. This meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas, beginning at 9:00 a.m.

NOTICE: The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning-related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement with the City Clerk by 5:00 p.m. on the Wednesday preceding this meeting, providing new facts on the issue or alleging an unfair hearing. The Council will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

Property owners may also file written protest petitions on zoning-related items heard by the MAPC. In order to be considered a “valid” petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing. Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 200 feet of the perimeter of the application area, unless the Council overrides such a protest and approves the application by a vote of 6 of its members.

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www.wichitagov.org

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Bill Longnecker
Senior Planner

WL/rms

Cc: Sharon Fearey, WCC VI, Mail Stop, 1-13
Terri Dozal, N.A. VI, Mail Stop 1-135
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

STAFF REPORT

DAB VI 04-16-03

MAPC 04-24-03

CASE NUMBER: ZON2003-00013

APPLICANT/OWNER: Steve M Beranek

REQUEST: Zone change to "TF-3" Two-family Residential

CURRENT ZONING: "SF-5" Single-family Residential

SITE SIZE: 9,750-square feet

LOCATION: Southwest of the McLean – 9th Street intersection, 802 North Saint Paul

PROPOSED USE: Duplex



BACKGROUND: The applicant requests "TF-3" Two-family Residential zoning on the 9,750-square foot site for duplex development. The site is the undeveloped east half of Lot 53, Sim Park Gardens Addition. The western half of the lot has a single-family residence on it. The site is located on the north side of the Murdock Street – Saint Paul intersection, approximately 130 feet west of the intersection. The site has access onto Murdock.

Properties to the north, west and south of the site are zoned "SF-5" and developed with single-family residences, the exception being a church with its parking immediately south of the site and across Murdock, on "SF-5" zoned property. Properties to the east are zoned "GO" General Office. There are two (2) vacant lots abutting the east and northeast side of the site.

The applicant's site is similar to another site a block south, where there is "TF-3" zoning and duplex development located on the southeast and northeast sides of the Murdock – Elm Street intersection. This area (a block south of the site) abuts "GO" zoning that contains the southern portion of a medical – assisted living – retirement living complex that is adjacent to the east side of the applicant's site. In fact this medical – assisted living – retirement living complex runs north to south from 9th Street North to Central, east to west along Edwards and McLean and forms a continuous development with "GO" zoning abutting the predominately single-family residential development west of it, which is where the applicant's site is located.

The proposed zone change, from "SF-5" to "TF-3", and the proposed development, would require conformance to all property development standards in the Wichita-Sedgwick County *Unified Zoning Code* (UZC), including a lot split, the applicant agreeing to not protest any future paving of Murdock, and dedication of an additional four (4) feet to the platted utility easement.

CASE HISTORY: The application area is part of the Sim Park Garden Addition, which was recorded with the Register of Deeds 04-15-1924. DAB VI recommended approval of the requested zoning change as recommended by Staff at their 04-16-04 meeting. No one spoke in opposition to the requested zoning change at the DAB VI meeting.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	single-family homes
SOUTH:	"SF-5"	single-family homes, church
EAST:	"GO"	vacant, assisted living duplexes
WEST:	"SF-5"	single-family homes

PUBLIC SERVICES: Murdock is an unpaved local residential street and St Paul is a paved two (2) lane local residential street. No traffic counts or projections exist for this

intersection nor do any CIP plans. City sewer is available to the application area. City water will be extended from St Paul.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan*, as amended 01/02, identifies the application area as "Low Density Residential". The Land Use Guide does state that "Low Density Residential" may include pockets of higher density residential. The UZC states that the "TF-3" district is generally compatible with the "Medium Density Residential" designation of the *Comprehensive Plan*.

The *Comprehensive Plan* "Wichita Residential Area Enhancement Strategy" classifies the application area as being within the "Conservation Area". Enhancement strategies for that area include zero tolerance code enforcement; and technical/design assistance for homeowners, setback flexibility for building enhancements, and limited financial incentive programs to encourage renovation, remodeling and modernization of older housing stock.

Other *Comprehensive Plan* goals affecting the application area include encouraging residential infill at higher densities (II.A.), and encouraging mixed income residential developments (XI.B3.).

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the zone change request be APPROVED subject to a lot split, the owner/developer agreeing not to protest any future paving of Murdock and dedication of an additional four (4) feet to the platted utility easement.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Most property surrounding the application area is zoned "SF-5" and developed with single-family residences. Some "TF-3" zoning pockets exist in the general area, as do a few two-family units. The requested zone change and proposed duplex development would not be out of character with the surrounding neighborhood and serve as a transitional zoning district from the "GO" zoning on the east to the "SF-5" zoning to the west.
2. The suitability of the subject property for the uses to which it has been restricted: The application area is zoned "SF-5" and could be developed as a single-family residence with a lot split of the approximately 19,500 square foot lot.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed zone change, from "SF-5" to "TF-3", and the proposed duplex development, would require conformance to all property development standards in the UZC. This zone change, and proposed development, should not have a detrimental effect on nearby property.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Comprehensive Plan* "Wichita Land Use Guide" designates the application area as "Low Density Residential", which may include pockets of medium density residential development. Other policies of the *Comprehensive Plan* encourage infill residential development at higher densities.
5. Impact of the proposed development on community facilities: The requested re-zoning would have a minimal effect on community facilities.