OCA 150004

ORDINANCE NO. 49-C 84

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. ZON2011-00021

Zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two-Family Residential ("TF-3") on a 1.52-acre property described as:

Lots 1, 2, 3, 4, 5 and 6, Block 1, Armstrong Estates Addition to Wichita, Sedgwick County, Kansas, generally located on the west die of Hoover Street, southwest of the terminus of 9th Street North.

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.

Laurie Wells - Vice Mayor
for Carl Brewer - Mayor

ATTEST:

Karen Sublett, MMC
Karen Sublett, City Clerk

(SEAL)

Agenda Item No. _____

City of Wichita
City Council Meeting
September 13, 2011

TO: Mayor and City Council

SUBJECT: ZON2011-00021 – City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential; generally located on the west side of Hoover Street, Southwest of the terminus of 9th Street North. (District VI)

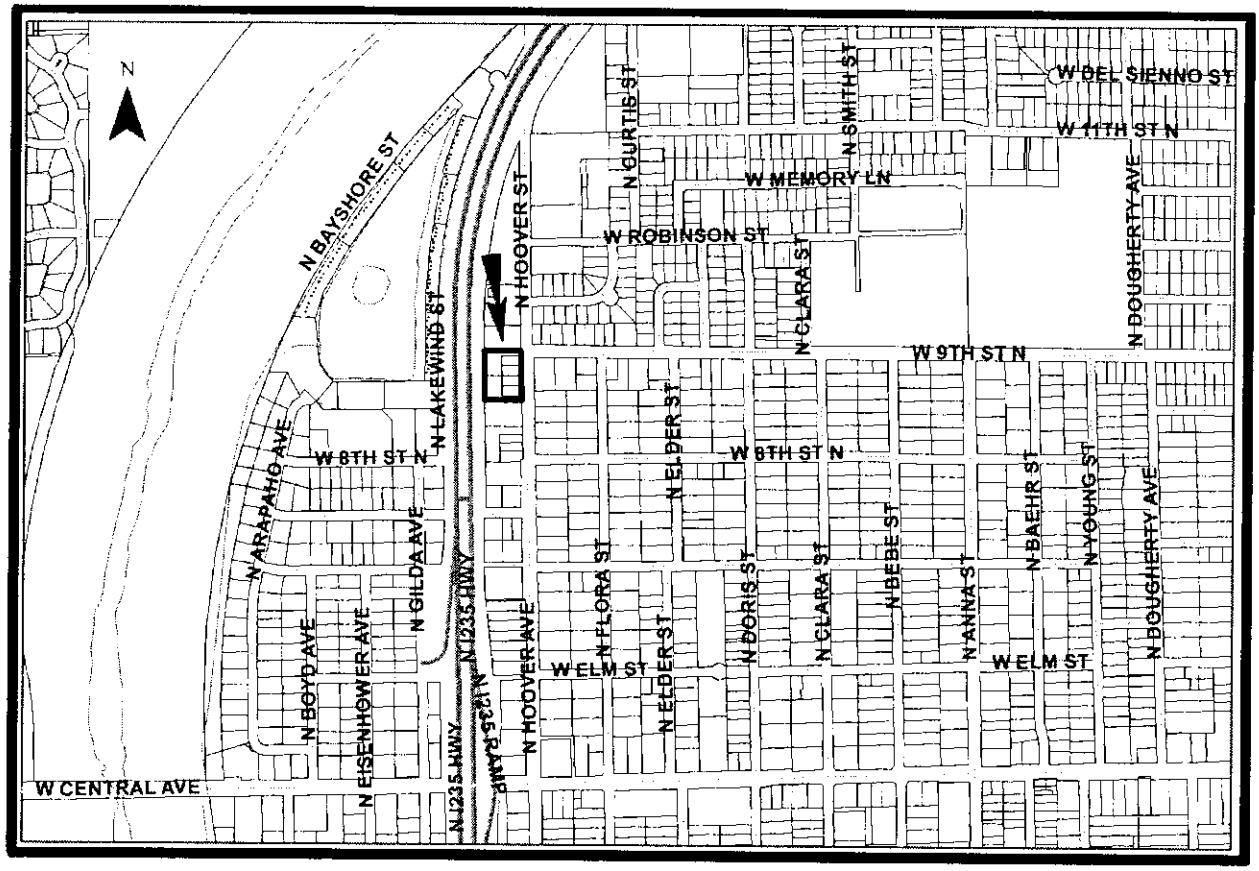
INITIATED BY: Metropolitan Area Planning Department TLS

AGENDA: Planning (Non-Consent)

MAPC Recommendation: The MAPC recommendation was to approve the request (8-1).

MAPD Staff Recommendation: The MAPD staff recommendation was to approve the request.

DAB Recommendation: The District VI Advisory Board recommendation was to approve the request (4-2).



BACKGROUND: The applicant is requesting a zone change to TF-3 Two-Family Residential ("TF-3") for about 1.52 acres of land currently zoned SF-5 Single-Family Residential ("SF-5"). The property is located on the west side of a paved section of Hoover Street, to the southwest of the terminus of 9th Street North at Hoover. The rear of the property abuts the I-235 right-of-way.

Two zoning cases in the vicinity have requested TF-3 zoning. The one closest to this site was located one tract to the south. It was denied and subsequently developed with single-family units. The other request was located at 9th Street North and Robinson, which is one block north and almost one block east on Robinson Street. This request was approved in 2010. With TF-3 zoning, no additional requirements for compatibility setbacks, screening and landscaping are triggered unless the site is to be developed with institutional uses (such as a church) instead of duplex dwellings.

Development along Hoover Street in the four blocks north of Central to 9th Street North consists almost exclusively of single-family residences, except for some duplexes a block north of Central and the two duplexes on the northeast corner of Hoover Street and 9th Street North, situated diagonally across Hoover from this request and located on property zoned MF-29 Multi-Family Residential ("MF-29"). The application area is flanked by two unplatted tracts zoned SF-5 and developed with single-family residences. The next tract to the north is a millwork shop on property zoned LI Limited Industrial ("LI"). I-235 separates the site from DP-70 Sandpiper Bay (a/k/a Miles Lakewood Village) Community Unit Plan. Sandpiper Bay is developed with a row of townhouses (condominiums) ringing Sandpiper Bay, on property zoned MF-18 Multi-Family Residential ("MF-18"), and a nursing facility on property zoned B Multi-Family Residential ("B").

Analysis: At the MAPC meeting held July 21, 2011, the MAPC voted (8-1) to approve the request for the zone change from SF-5 to TF-3. A neighbor spoke in opposition at the meeting, citing the negative effect on her property. A protest petition was presented from property owners in the vicinity. At the District VI Advisory Board held July 20, 2011, the DAB voted (4-2) to recommend approval of the requested change. Neighbors expressed opposition at the DAB meeting based on the increased traffic and the difficulty of enforcing community standards related to maintenance and upkeep of property. Correspondence was received from the Orchard Park Neighborhood Association stating the Orchard Park Association voted (unanimously) to recommend the request be denied due to the presence of many rental properties in the area and the lack of upkeep on the rental properties. A total of 55.49 percent of the property within 200 feet of the zone change protested the requested change. This will require a three-fourth majority vote of the Wichita City Council to approve the request.

Financial Considerations: There are no financial considerations in regards to the zoning request.

Goal Impact: The impact of the zone change would be to promote economic vitality.

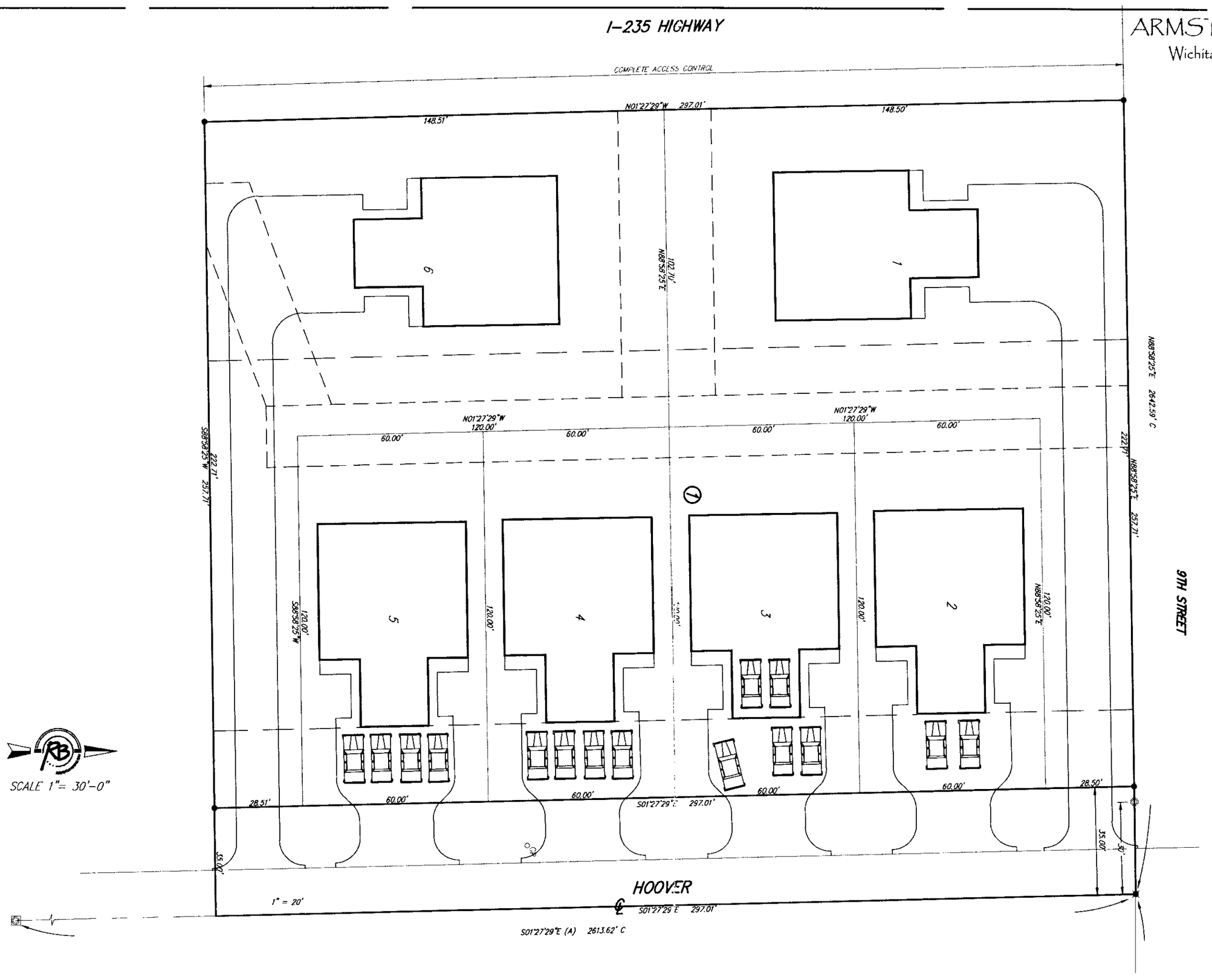
Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:
1) Adopt the findings of the MAPC and approve the zone change and authorize the Mayor to sign the ordinance (three-fourth majority vote required to override the protest petition); 2) deny the case (an override of the Planning Commission's recommendation requires two-third majority vote of the City Council on the first hearing) or 3) return the case to MAPC for reconsideration (requires simple majority vote).

Attachments:
- Ordinance
- Protest Map
- DAB VI Memo

ARMSTRONG ESTATES

Wichita, Sedgwick County, Kansas



SCALE 1"= 30'-0"

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