

OCA 150004

ORDINANCE NO. _____

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. ZON2011-00034

Zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two-Family Residential ("TF-3") on an approximately 18,000-square foot property described as:

Lots 27 and 28, Block H, Washington Heights Addition; generally located north of 31st Street South, on the east side of Oliver Avenue, Wichita 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.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Gary E. Rebenstorf, City Attorney

**City of Wichita
City Council Meeting
January 10, 2012**

TO: Mayor and City Council

SUBJECT: ZON2011-00034 – City zone change from SF-5 Single-Family Residential (“SF-5”) to TF-3 Two-Family Residential (“TF-3”) generally located north of 31st Street South, on the east side of Oliver Avenue. (District III)

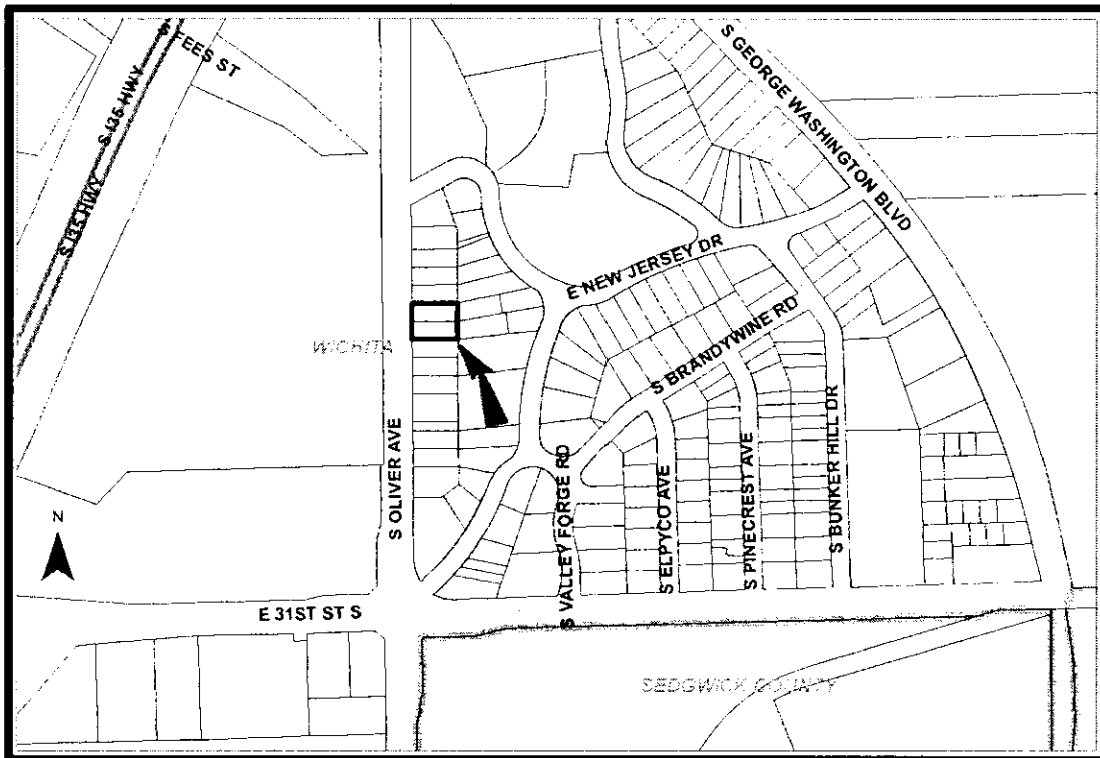
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The Metropolitan Area Planning Commission (MAPC) voted to approve the request (10-0).

DAB III Recommendation: District Advisory Board (DAB) III voted to approve the request (7-0).

MAPD Staff Recommendation: Approve



Background: The applicant requests a zone change from SF-5 Single-Family Residential (“SF-5”) to TF-3 Two-Family Residential (“TF-3”) on the undeveloped Lots 27 and 28, Block H, Washington Heights Addition. Aerials from 1997 to present show the subject site to be undeveloped. The applicant proposes to build a duplex on each lot.

The site is located northeast of the 31st Street South and Oliver Avenue intersection, with its front yard facing Oliver. The SF-5 zoned property abutting the south side of the site is a nonconforming duplex (built 1950). Other properties located south and southeast of the site are SF-5 zoned single-family residences. There is a TF-3 and SF-5 zoned single-family residence (1950) abutting the north side of the site. Other properties located north and northeast of the site are MF-29 Multi-Family Residential (“MF-29”) and B Multi-Family Residential (“B”) zoned apartment complexes. The SF-5 zoned Planeview Public Park, with its ball fields, bike path and model aircraft fly area, is located west of the site, across Oliver, as is (further south) the SF-5 and LC Limited Commercial (“LC”) zoned Wichita Regional Fire Training facility (CON2008-00068).

The area is dominated by the AFB Air Force Base District (“AFB”) zoned McConnell Air Force Base and the LI Limited Industrial (“LI”) zoned property developed with the Spirit and Boeing aircraft manufacturing companies. Combined, the two companies create the largest aircraft manufacturing complex in the state. The site is also located in Airport Hazard Zone A, and the McConnell AOI Adjacent Critical Area of Interest (“AOI”). An Airport Hazard Zone is defined as “...an area of land or water where man-made structures, trees or use of land can obstruct the airspace required for the flight of aircraft landing and taking off at any airport, as regulated by Appendix H of Sedgwick County Code and Chapter 28.08 of the Code of the City of Wichita.” Buildings located on land covered by an Airport Hazard Zone A designation are limited to 25 feet in height, unless a more detailed review is conducted and an increased height is approved. The AOI was entered on November 9, 2010, as a “Memorandum of Understanding” between McConnell, Sedgwick County, and the cities of Wichita and Derby. The Municipal Responsibility section of the Memorandum requires notification to the designated representative of McConnell of any amendment to the zoning regulations or to the comprehensive plan that impact the AOI. The notification was sent to McConnell and they approved the proposed TF-3 zoning.

Analysis: At the DAB III meeting held December 7, 2011, the DAB voted, 7-0, to recommend approval of the requested TF-3 zoning. No one was present at the DAB meeting to voice concerns on the requested zoning. At the MAPC meeting held December 8, 2011, the MAPC voted, 10-0, to approve the requested TF-3 zoning. The case was approved through a consent vote since no one was present to voice concerns on the requested zoning. No valid protests were received during the two week protest period.

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

Goal Impact: The application promotes 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, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

Attachments:

- Ordinance
- MAPC Minutes
- DAB Memo