OCA 150004

ORDINANCE NO. 49-244

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. ZON2011-00044

Zone change from TF-3 Two-Family Residential ("TF-3") to B Multi-Family Residential ("B") on an approximately 3,250-square foot (65' x 50') property described as:

Lots 18 and 19, except the East 100 feet thereof, Block 1, Martinson's 9th Addition; generally located east of Meridian Avenue and southeast of the intersection of Douglas Avenue and St. Clair Avenue, Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #266:

(1) Permitted uses are only those permitted as a use by right in the SF-5 district.
(2) Dedication of a joint access easement to provide primary access to St. Claire for both the subject, west, single-family residence and the east single-family residence.

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, MMC

Karen Sublett, City Clerk

(SEAL)

Agenda Item No. _____

City of Wichita
City Council Meeting
March 6, 2012

TO: Mayor and City Council

SUBJECT: ZON2011-00044 – City zone change from TF-3 Two-Family Residential ("TF-3") to B Multi-Family Residential ("B") with Protective Overlay ("PO") #266, generally located east of Meridian Avenue and southeast of the intersection of Douglas Avenue and St. Clair Avenue (District IV)

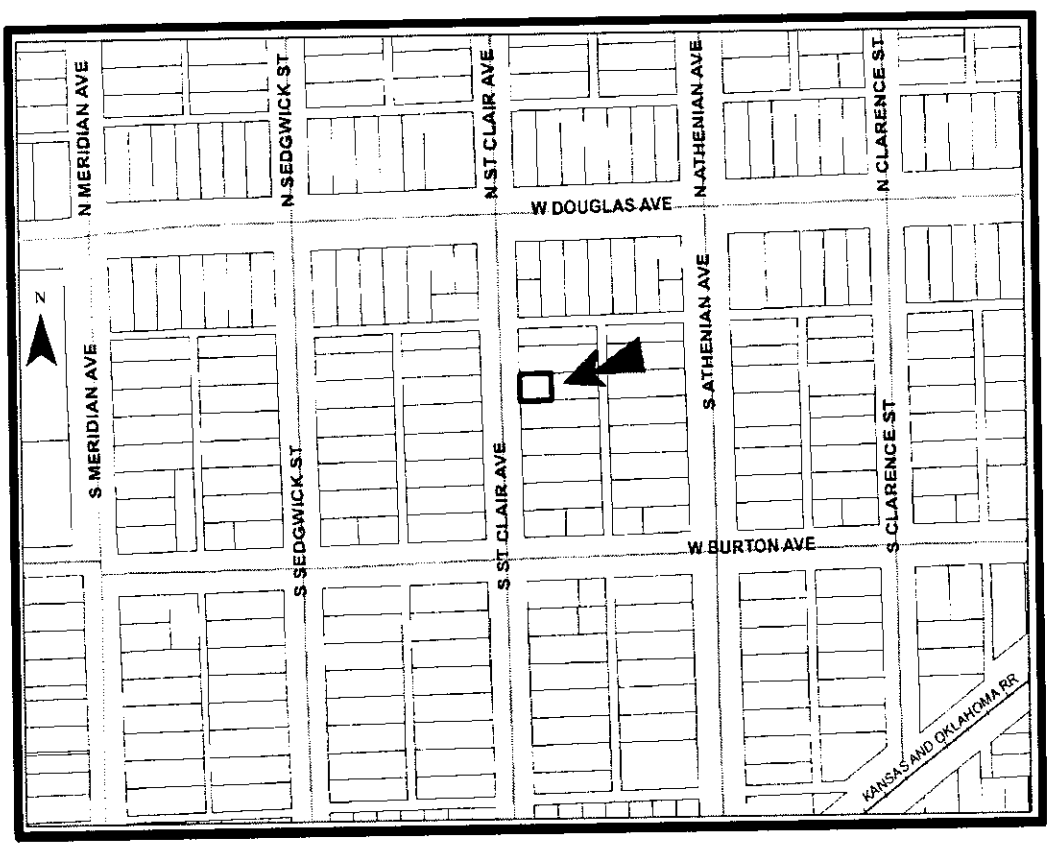
INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Consent)

MAPC Recommendation: The Metropolitan Area Planning Commission voted (11-0) to approve the request.

DAB V Recommendation: District Advisory Board IV voted unanimously to approve the request.

MAPD Staff Recommendation: Planning staff recommends the request be approved.



Background: The applicant requests a zone change from SF-5 Single-Family Residential ("SF-5") to B Multi-Family Residential ("B") on the west 65 feet of Lots 18 and 19, Martinson's 9th Addition. Lots 18 and 19 have two single-family residences, built in 1920 and 1940. The applicant bought both residences in 2006, and had lived in the back residence until mid-2011, when the applicant sold it with the eastern 5,000-square feet of the two lots, leaving the front residence with a lot area of 3,250 square feet. Subsequently, the applicant moved to Garden Plain and attempted to sell the front, smaller residence. At that time, the applicant found that the lending institutions would not finance the sale because the 3,250-square foot subject site did not, and does not meet the SF-5's zoning district's 5,000-square foot minimum lot size. An Administrative Adjustment only allows a 10 percent reduction of a zoning district's minimum lot area, which (no matter how Lots 18 and 19 were divided) does not bring the subject site into compliance. The B Multi-Family ("B") zoning district requires a minimum 2,500-square foot lot area for a single-family residence, thus the application. The applicant's other course of action would be to request a variance. The east 5,000-square foot portion (site of the second residence) of the lots does not have frontage, therefore access, onto St. Claire, but does have access from the abutting north – south unpaved alley. Subdivision standards require primary access to a street, while an alley is considered secondary access. There is a drive from St. Claire to a detached double garage located between the two residences, but it is clearly shown to be part of the back/east residence's property; dedicating the drive as an access easement for the back/east residence would provide primary access. Because the two single-family residences sharing Lots 18 and 19 have separate ownership, a Conditional Use for an Accessory Apartment is not possible.

The site is located south of Douglas Avenue, on the east side of St. Claire Avenue, in an older (1920s-1930s), single-family residential neighborhood. Properties located north of the site is zoned mostly SF-5, with some TF-3 Two-Family Residential ("TF-3") and a patch of LC Limited Commercial ("LC") zoning located along or in close proximity to Douglas Avenue. The SF-5 and TF-3 zoned properties are overwhelmingly developed as single-family residences, with a few duplexes. The LC zoned properties are developed as single-family and a small retail strip, which includes a vacant bar site. Properties located south, east and west of the site are zoned mostly SF-5, with scattered TF-3 and B zoned lots inserted randomly. Development is almost entirely single-family residential, although there is a triplex (nonconforming as the zoning is TF-3) and a duplex located east of the subject site, across an alley. The area within 250 feet of the site has at least 11 other sites, where lots have been subdivided by sale (not by lot split or replat) resulting in similar substandard lot areas for those single-family residences. However, it appears that all or most of these other lots subdivided by sale have primary access to a public street.

Analysis: At the Metropolitan Area Planning Commission (MAPC) meeting held February 2, 2012, the MAPC voted (11-0) to recommend approval, as a consent item, of the requested B zoning with the following provisions of PO #266:

(1) Permitted uses are only those permitted as a use by right in the SF-5 district.
(2) Dedication of a joint access easement to provide primary access to St. Claire for both the subject, west, single-family residence and the east single-family residence.

At the MAPC meeting no one spoke against the requested rezoning. At the District Advisory Board IV (DAB IV) meeting held on February 6, 2012, the DAB voted unanimously to approve the rezoning request with the above provisions of PO #266. No one spoke against the requested rezoning at the DAB meeting. 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