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ORDINANCE NO. 49270

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. ZON2012-00008

Zone change request from SF-5 Single-family Residential ("SF-5") to TF-3 Two-family Residential ("TF-3"), on property described as:

Lots 1, 2, 3 and 4, Block 2, Terradyne West 3rd Addition to Sedgwick County, Kansas. Generally located northwest of the intersection of East Central Avenue and North 159th Street East.

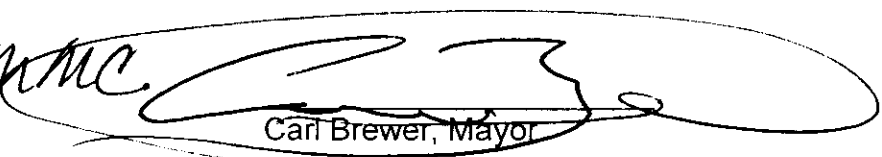
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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 15<sup>th</sup> day of May, 2012.

ATTEST:

  
Karen Sublett, City Clerk

  
Carl Brewer, Mayor

(SEAL)

Approved as to form:

  
for Gary E. Rebenstorf, Director of Law

City of Wichita  
City Council Meeting  
May 8, 2012

TO: Mayor and City Council

SUBJECT: ZON2012-00008 – City zone change request from SF-5 Single-family Residential (“SF-5”) to TF-3 Two-family Residential (“TF-3”) generally located northwest of the intersection of East Central Avenue and North 159th Street East. (District II)

INITIATED BY: Metropolitan Area Planning Department *TJS*

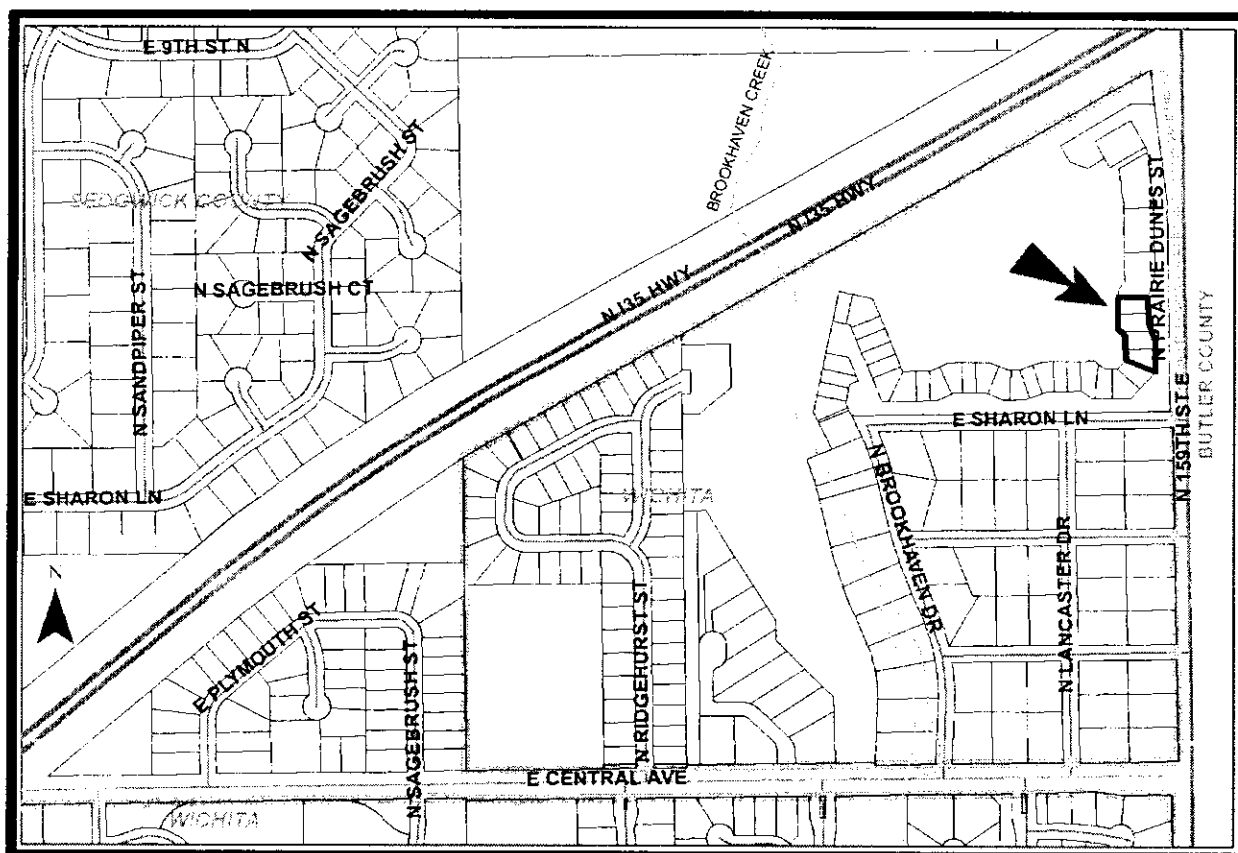
AGENDA: Planning (Consent)

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**MAPC Recommendation:** Approve, (13-0)

**DAB IV Recommendation:** Approve, (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 0.63 acres consisting of Lots 1, 2, 3 and 4, Block 2, Terradyne West 3rd Addition to Wichita, Sedgwick County, Kansas. The subject site is located west of 159th Street East and north of Sharon Lane, 1/3 mile north of Central Avenue. The applicant proposes to develop the property with single-family and / or duplexes. The property has been zoned SF-5 since 2006 but has remained vacant. The applicant is of the opinion that rezoning the property would increase the marketability of the lots without harming the owners of the few lots that have already sold.

Property north of the site is zoned MF-18 Multi-family Residential (“MF-18”), and is currently undeveloped. South of the site is property zoned SF-5, and is currently developed with a single-family residence. Property to the west of the site is also zoned SF-5, and is developed with a golf course/country club use. Property to the east of the site, across North 159<sup>th</sup> Street East, is in Butler County, and is developed as a golf course/country club.

**Analysis:** At the Metropolitan Area Planning Commission (MAPC) meeting held April 5, 2012, the MAPC voted (13-0) to recommend approval of the request. The case was approved by consent. There were not any commission members or citizens present to speak for or against the case.

On April 2, 2012, the District Advisory Board (DAB) II heard the rezone request. The DAB voted (7-0) to approve the request. There were not any critical comments from the DAB or the public.

Staff did not receive any protests during the subsequent two-week protest period following the MAPC meeting.

**Financial Considerations:** Approval of this request will not create any financial obligations for the City.

**Goal Impact:** The application will promote Economic Vitality.

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

**Recommendation/Actions:**

Adopt the findings of the MAPC and approve the zone change request, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

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

**Attachments:** Ordinance, MAPC minutes and DAB Memo