

City of Wichita
City Council Meeting
July 23, 2013

TO: Mayor and City Council

SUBJECT: ZON2013-00012 – Zone change from SF-5 Single-Family Residential (SF-5) to Two-Family Residential (TF-3); generally located north of 21st Street North and east of Amidon Avenue and the Little Arkansas River, on the south side of 23rd Street North, east of Somerset Avenue. (District VI)

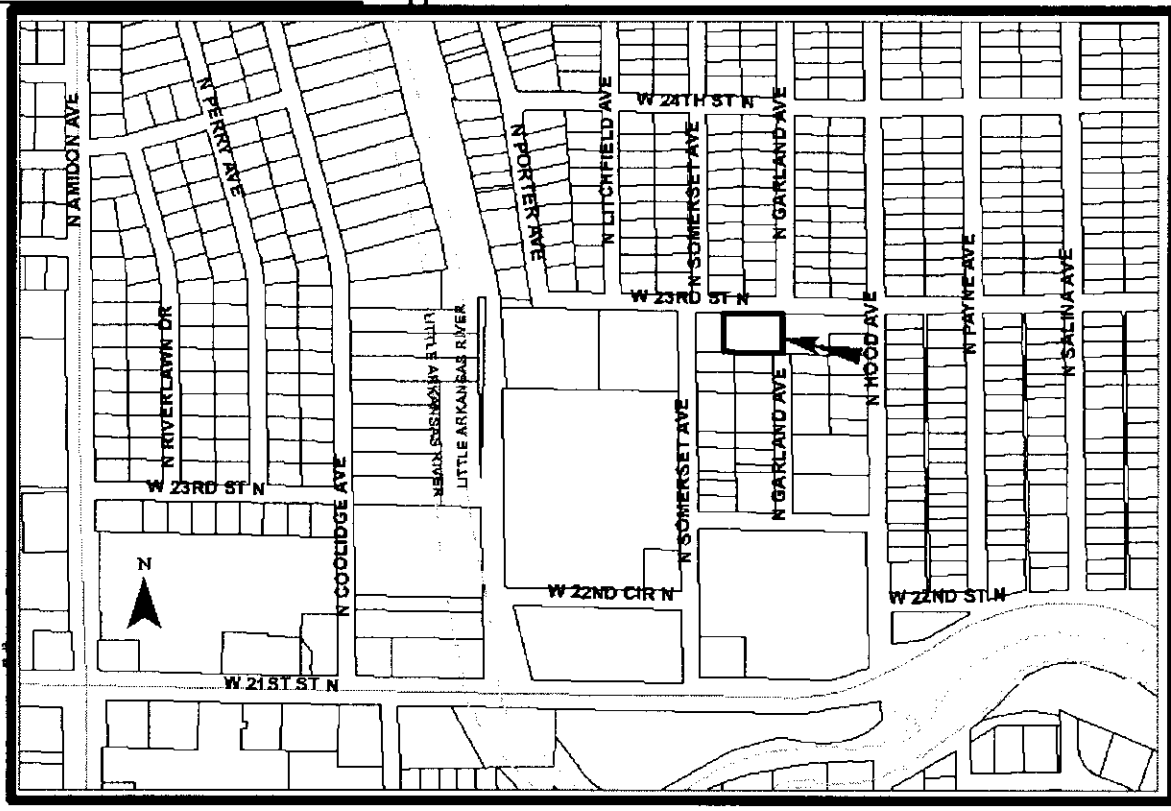
INITIATED BY: Metropolitan Area Planning Department *TL5*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve (11-0-1).

DAB IV Recommendation: Approve (unanimously)

MAPD Staff Recommendation: Approve.



Background: The applicant is requesting TF-3 Two-Family Residential (TF-3) zoning on the undeveloped portion of the SF-5 Single-Family Residential (SF-5) zoned Lot 20, Guthries Subdivision. The site is located on the south side of 23rd Street North and approximately 95 feet east of Somerset Avenue. The applicant has recorded a lot split, that will allow two duplexes if the TF-3 zoning is approved; LS2013-00008. The two new lots/parcels exceed the TF-3 zoning district's minimum lot size of 6,000-square feet with a minimum width of 35 feet for a duplex:

- Parcel A = 12,066-square feet/90.94 feet {x} 132.88 feet.
- Parcel B = 9,165-square feet/69.03 feet {x} 132.88 feet.

Both parcels also exceed the SF-5 zoning district's minimum lot size of 5,000-square feet with a minimum width of 50 feet for a single-family residence.

The site is located in a mostly SF-5 zoned single-family residential neighborhood, with most of the immediate houses being built in the 1950s. Exceptions to this neighborhood pattern include eight TF-3 zoned lots located immediately southwest, south and southeast of the subject site. Four of the TF-3 zoned lots are not developed and their access is off of the sand/gravel/dirt dead end Garland Avenue. The subject site and these four TF-3 zoned lots appear to be the only vacant lots in the neighborhood. Garland is a short street, extending north from 22nd Street North to dead end at the subject site, some 133 feet short of 23rd Street North. Garland appears to be the only unimproved road in a neighborhood of paved roads with full curbs. The two TF-3 zoned lots abutting the southwest side of the subject site have access onto Somerset Avenue and were built in 1988 as two brick duplexes with attached garages. The two lots adjacent to the southeast side of the subject site have access onto Hood Avenue are developed as one single-family residence. The applicant currently owns four of the vacant TF-3 zoned lots and the two lots developed as duplexes. Other exceptions include a B Multi-Family Residential (B) zoned apartment complex, located west of the site, across Somerset; a poorly maintained, non-conforming SF-5 (CUP DP-18) zoned parking lot, located southeast of the site; a GO General Office (GO) zoned small office (associated with the B zoned apartments) and a GO zoned church, located southwest of the site and; a group of LC Limited Commercial (LC and CUP DP-18) zoned neighborhood retail buildings, located south of the site. In the recent past the LC zoned neighborhood retail has been the site of an application for a hotly debated night club; CUP2008-00052.

Analysis: At the DAB VI meeting held June 19, 2013, the DAB voted, unanimously (6-0), to approve the requested zoning, with a no protest petition for the paving of Garland Avenue. At the MAPC meeting held June 20, 2013, the MAPC voted (11-0-1) to approve the request with a no protest petition for the paving of Garland Avenue. There were no citizens who spoke against the request at the MAPC or DAB meetings. Planning has received no phone calls protesting the request. There have been no valid protest petitions filed with the City Clerk.

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

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

Recommendation/Actions: 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

OCA 150004

ORDINANCE NO. 49-549

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. ZON2013-00012

Zone change from Single-Family Residential ("SF-5") to Two-Family Residential ("TF-3") on an approximately 0.48-acre property described as:

Parcels A: Lot 20, except the west 94.00 feet and except the east 99.00 feet, Guthries Subdivision, Wichita, Sedgwick County, Kansas

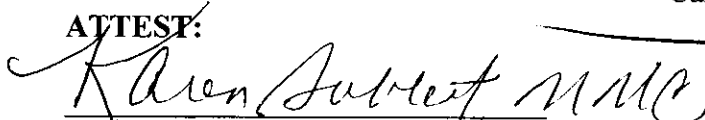
Parcel B: The west 69.00 feet of the east 99.00 feet of Lot 20, Guthries Subdivision, Wichita, Sedgwick County, Kansas; all generally located north of 21st Street North and east of Amidon Avenue and the Little Arkansas River, on the south side of 23rd Street North, east of Somerset Avenue.

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.

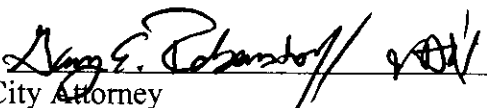

Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney