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ORDINANCE NO.

49-639

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. ZON2013-00029

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

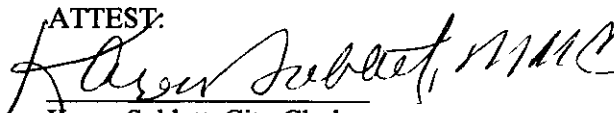
Lots 13, 14, 15, 16 & the north 10.5 fee of Lot 17, Block 3, Junction Town Company Addition to
Wichita, Sedgwick County, Kansas

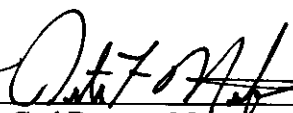
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 17 day of Dec, 2013.

ATTEST:


Karen Sublett, City Clerk

 on BEHALF OF
Carl Brewer, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
December 10, 2013

TO: Mayor and City Council

SUBJECT: ZON2013-00029 – Zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential on property generally located west of North Millwood Avenue, 160 feet north of West 1st Street North, six blocks west of North Seneca Street and south West Central Avenue (215 North Millwood Avenue). (District VI)

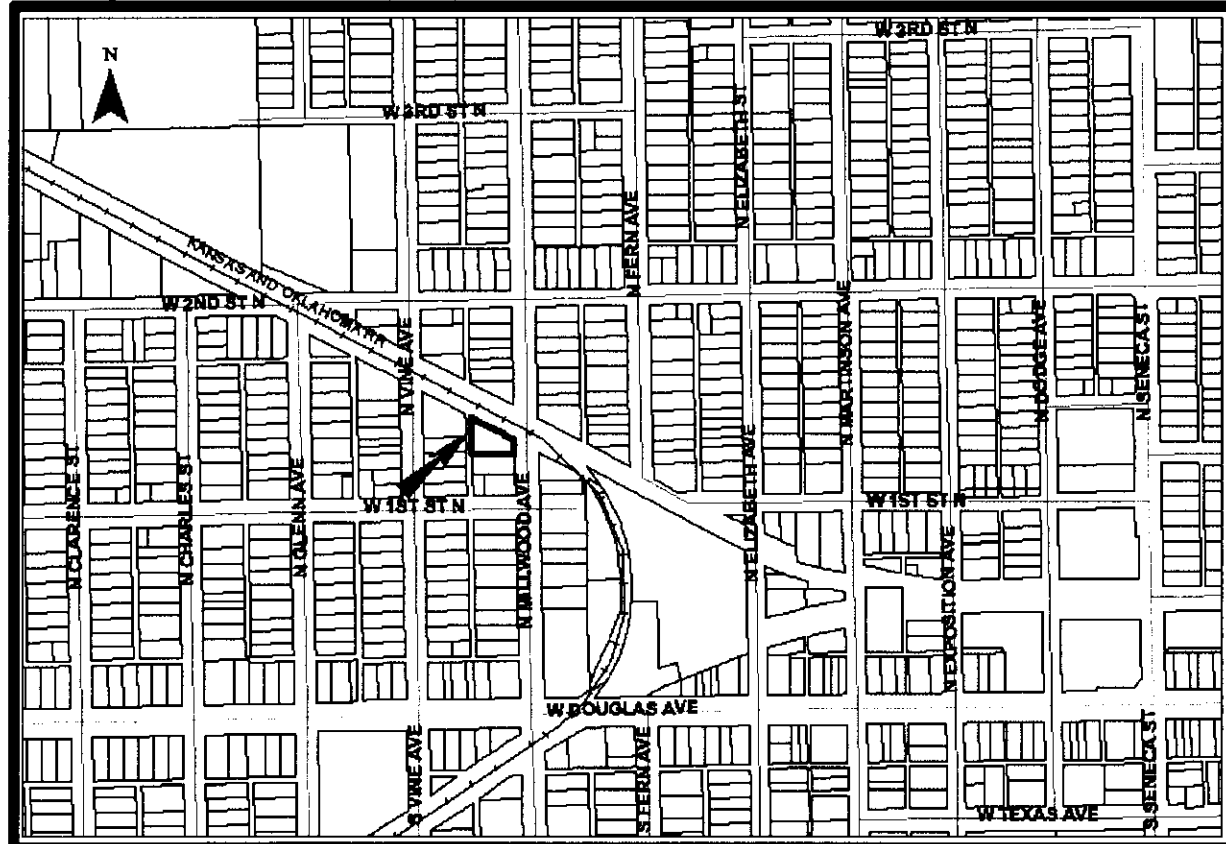
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The Metropolitan Area Planning Commission recommended approval of the request (13-0).

DAB Recommendation: District Advisory Board VI unanimously recommended approval of the request (7-0).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request.



Background: The application area is approximately 15,680 square feet of SF-5 Single-family Residential (SF-5) zoned land located west of North Millwood Avenue and 160 feet north of West 1st Street North (one and one-quarter blocks north of West Douglas Avenue, six blocks west of North Seneca Street; 215 North Millwood Avenue). The property is platted and contains an older house, built in 1915 that the applicant would like to demolish and replace with a duplex structure. Therefore, the applicant is requesting TF-3 Two-family Residential (TF-3) zoning.

The Wichita-Sedgwick County Unified Zoning Code (UZO) defines a duplex as two principal dwelling units located within a single building (Article II, Section II.B.4.i). The TF-3 zoning district requires a minimum lot area of 3,500 square feet for a single-family residences and 3,000 square feet per dwelling unit for a duplex. The application area contains approximately 15,680 square feet, which could potentially permit up to four single-family units or two duplex structures; however, by the time the site complies with building setback, parking and access requirements, and deals with the site's atypical shape, it is unlikely the site could be developed to the potential maximum number of units. In the TF-3 zoning district the: minimum lot width is 35 feet; minimum required building setbacks are 25 feet (front), 20 feet (rear), six feet (interior side) and 15 feet (street side); maximum building height is 35 feet and one parking space per dwelling unit is required. Each lot containing a dwelling would have to have street frontage.

The properties surrounding the application area are a mix of uses and zoning. Located immediately to the north is active railroad property that is zoned SF-5. Farther north are single-family residences on SF-5 zoned lots. East of the application area, across North Millwood Avenue, is MF-18 Multi-family Residential (MF-18) zoned railroad land; a MF-18 zoned single-family residence and a LI Limited Industrial zoned machine shop. South of the site is a SF-5 zoned garage (owned by the applicant) and a nonconforming LI zoned residence built in 1900. West of the site, across a 20-foot alley is a LI zoned warehouse and three SF-5 zoned single-family residences, one of which is owned by the applicant.

Analysis: District Advisory Board VI reviewed the application on November 4, 2013, and unanimously (7-0) recommended approval. There were not any members of the public present to speak regarding the application.

At its meeting of November 7, 2013, the Metropolitan Area Planning Commission (MAPC) approved (13-0) the request on its consent agenda. There were not any members of the public present to speak regarding the application.

There have not been any protests filed. Approval of the request as recommended by the MAPC requires a simple majority.

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

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

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC, and approve the zone change to TF-3 Two-family Residential; authorize the Mayor to sign the zone change ordinance and place the ordinance on first reading (simple majority vote required).

Attachments: MAPC minutes, DAB memo and ordinance.