

OCA 150004

ORDINANCE NO. 49-643

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. ZON2013-00025

Zone change from SF-5 Single-family Residential (SF-5) to TF-3 Two-family Residential ("TF-3"), subject to the conditions contained in Protective Overlay #281 on property containing approximately .33 acre, located at the northeast corner of North Clara Street and West St. Louis Avenue, and described as:


Lots 7-8, Block 4, Kell Hawkins Addition to Wichita, Sedgwick County, Kansas.

The site is restricted to a maximum of two two-family residential dwelling structures or two single-family residential dwelling units and each lot containing a dwelling unit is to have frontage along North Clara Street.

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.


Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form: 
Gary E. Rebenstorff, City Attorney

**City of Wichita
City Council Meeting
December 10, 2013**

TO: Mayor and City Council

SUBJECT: ZON2013-00025 – Zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential on property generally located northeast of the intersection of North Clara Street and West St. Louis Avenue, 500 north Clara (southeast of West Central Avenue and North Hoover Avenue. (District VI)

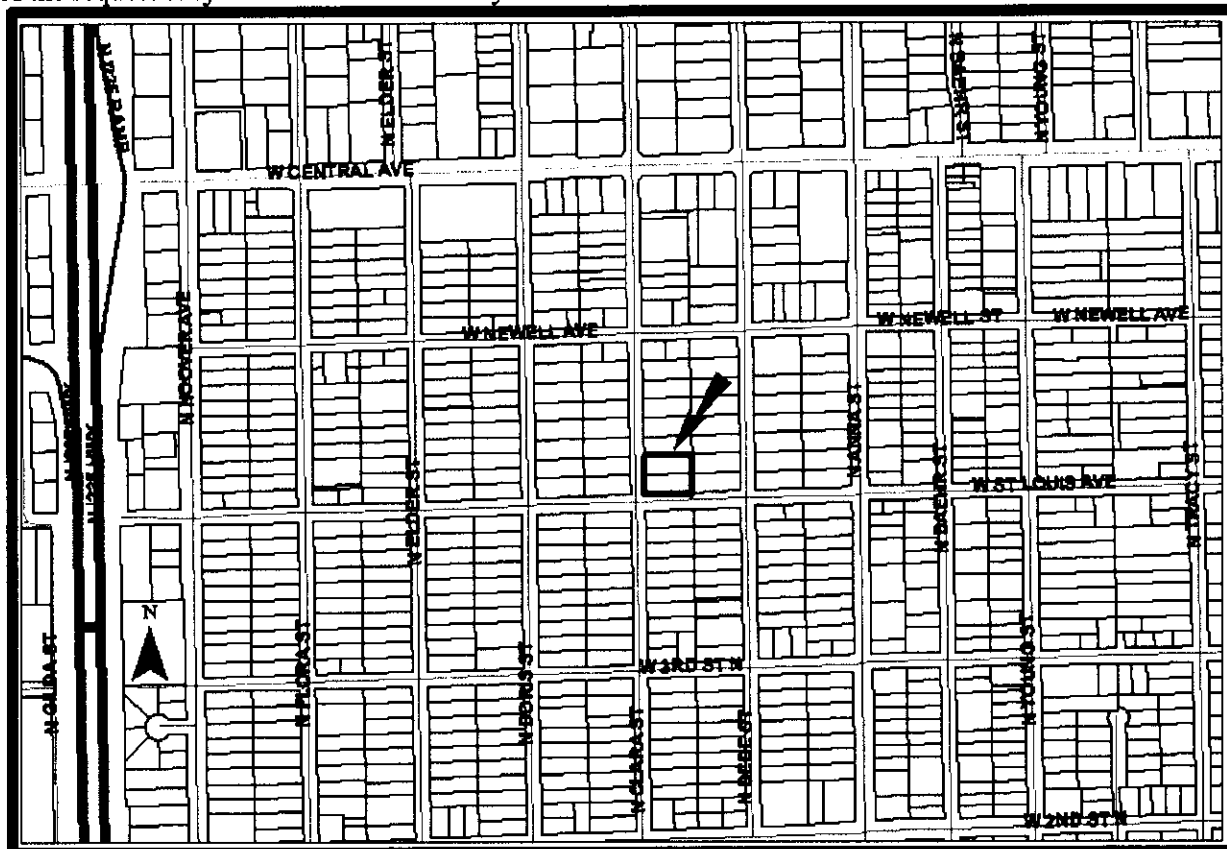
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The Metropolitan Area Planning Commission recommended approval of the request (13-0), subject to Protective Overlay #281.

DAB Recommendation: District Advisory Board VI unanimously recommended approval of the request (7-0) without the requirement for Protective Overlay #281.

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request subject to Protective Overlay #281.



Background: The applicants are seeking to rezone two platted (.33 acre) SF-5 Single-family Residential (SF-5) zoned lots to TF-3 Two-family Residential (TF-3). The subject property is vacant, and is located at the northeast corner of North Clara Street and West St. Louis Avenue (500 North Clara Street, four blocks east of North Hoover Road and two blocks south of West Central Avenue). One of the applicants indicated the reason for the application is to permit the construction of one duplex residential unit per lot. In 2007, a demolition permit for a single-family residence was issued for 500 North Clara Street.

The Wichita-Sedgwick County Unified Zoning Code (UZC) defines a duplex as two principal dwelling units within a single building (Article II, Section II.B.4.i). The TF-3 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 28,614 square feet, which could potentially permit up to nine single-family units or four duplex structures; however, by the time the site complies with building setback, parking and access requirements 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 which would require multiple lot splits or replatting in have more than one structure per lot.

Property surrounding the application area is overwhelmingly zoned SF-5 and developed with single-family residences with typical lot sizes of 11,340 to 14,212 square feet. A property located immediately south, across West St. Louis Avenue, is zoned TF-3. A second property located on the west side of North Anna Street and south of West St. Louis Avenue is zoned TF-3. A third TF-3 zoned lot is located two blocks west on North Elder Street, four lots north of West St. Louis Avenue.

Analysis: The staff recommendation for approval included a “protective overlay” provision that restricts the site to a maximum of two two-family residential dwelling structures or two single-family residential dwelling units and each lot containing a dwelling unit is to have frontage along North Clara Street. District Advisory Board VI reviewed the application on November 4, 2013, and unanimously (7-0) recommended approval but deleted the staff recommended “protective overlay” #281. 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, subject to the staff recommended “protective overlay” #281. 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 TF-3 zoning subject to Protective Overlay #281 authorize, the Mayor to sign and place the Ordinance on first reading (simple majority vote required).

Attachments: MAPC minutes, DAB memo and ordinance.