OCA 150004

ORDINANCE NO. 49-977

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. ZON2015-00007

Zone change from SF-5 Single-Family Residential ("SF-5") to Two-Family Residential ("TF-3") zoning on an approximately 13.2-acre property described as:

Lots 7 through 30, inclusive, Block A, Lots 2 through 16, inclusive, Block B, and Lots 1 through 4, inclusive, Block C, all in Clifton Cove Addition, Wichita, Sedgwick County, Kansas; generally located west of Clifton Avenue on the south side of 63rd Street South.

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: Sharon Dickgrafe / PAV
Sharon Dickgrafe, Interim City Attorney

Agenda Report No._____

City of Wichita
City Council Meeting
April 7, 2015

TO: Mayor and City Council

SUBJECT: ZON2015-00007 – City Zone Change from SF-5 Single-Family Residential to TF-3 Two-Family Residential on Property Generally Located West of Clifton Avenue, on the South Side of 63rd Street South (District III)

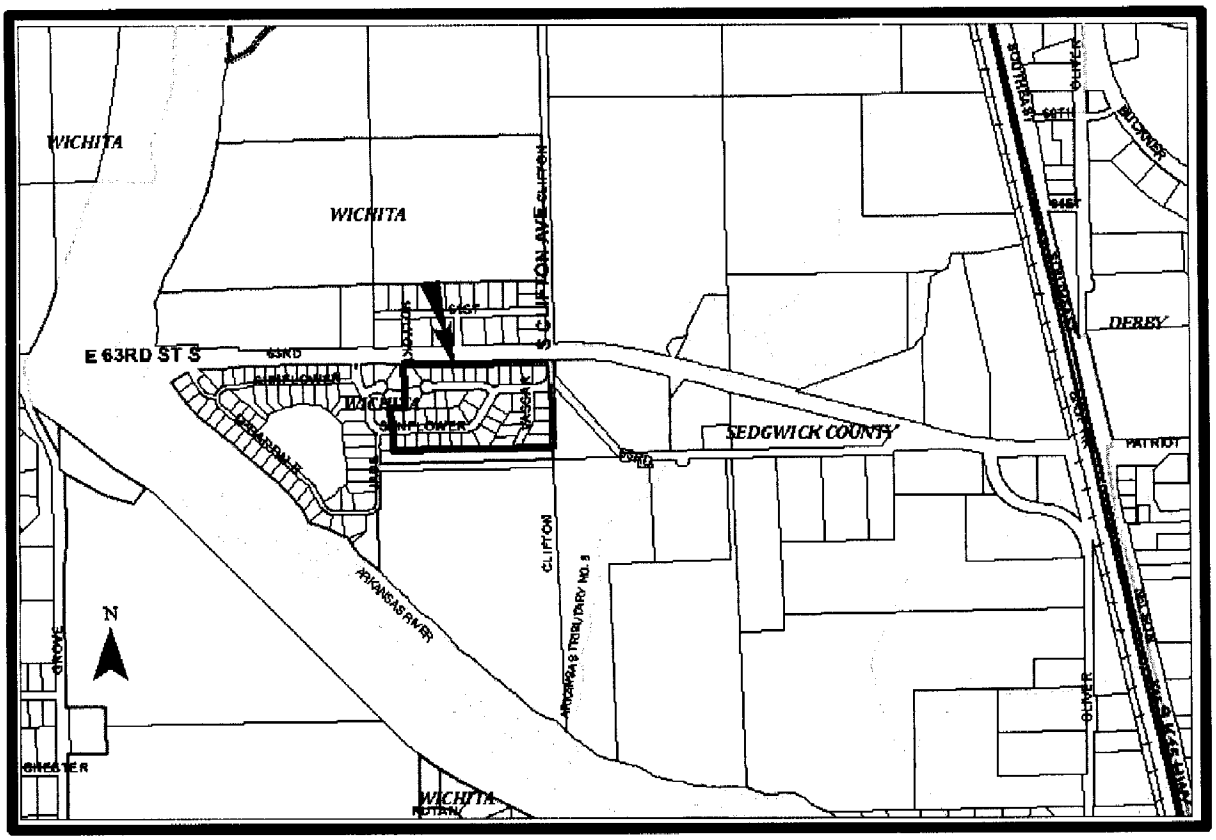
INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Non-Consent)

MAPC Recommendation: The MAPC recommended approval of the request (12-0).

DAB Recommendation: District Advisory Board III recommended approval of the request (7-2).

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



Background: The applicant is requesting TF-3 Two-Family Residential (TF-3) zoning on the platted approximately 13.2-acre SF-5 Single-Family Residential (SF-5) zoned site. The site consists of 43 lots located east of Jade Avenue in the east portion of the Clifton Cove Addition. The Clifton Cove Addition is located on the south side of 63rd Street South between Clifton Avenue and the Arkansas River. The remaining partially developed 65 lots of the Clifton Cove Addition are zoned SF-5. The site is located at the south edge of the central portion of the City of Wichita. The Clifton Cove Addition was recorded with the Sedgwick County Register of Deeds December 7, 2005.

Undeveloped SF-5 zoned lots of the Clifton Cove Addition abut the west side of the site. SF-5 zoned single-family residences (built 2007-2011) built around a sand pit lake and vacant SF-5 zoned lots, all in the Clifton Cove Addition, finish out development to the west, ending at the Arkansas River. The Arkansas River also marks the south end of the west side of the Clifton Cove Addition. A RR Rural residential (RR) zoned sand pit lake with a single-family residence (built 1920) is adjacent to the south side of the site. RR zoned single-family residences (built 1920, 1946, 1988 and 2008) abut and are adjacent to the south and southeast sides of the site, as is RR zoned agricultural land. North of the site, across 63rd Street South, there are SF-20 Single-Family Residential (SF-20), RR and SF-5 zoned farm land. Also located directly north of the site, across 63rd Street South, are two single-family residence (built 1954 and 1955) that are the only development on the SF-20 zoned 20 lots of the Woodvale Addition (recorded August 15, 1953). The subject site is located approximately ½-mile west of the McConnell Air Force Overlay District.

Analysis: On February 19, 2015, the Metropolitan Area Planning Commission (MAPC) considered the request. There were protesters at the MAPC meeting. The protesters' concerns were about public safety in regards to traffic generated by the subject site coming onto 63rd Street South. As currently platted the east entrance from the subject site intersects 63rd Street South at a point where 63rd Street South curves towards the subject site. A reduction of speed on 63rd Street South or traffic lights were suggested by the protesters' to lessen potential traffic conflicts. The protestors also expressed concerns about the proposed duplexes having a negative impact on the property values of the adjacent single-family residences. The MAPC voted 12-0 to approve the request for TF-3 zoning.

On March 4, 2015, District Advisory Board (DAB) III considered the request. Protests at the DAB meeting expressed the same concerns about traffic and property values that were expressed at the MAPC meeting. The DAB approved the request for TF-3 zoning 7-2.

Planning staff has received valid protests representing 25.29 percent of the net land area located within the protest area. Since the protests represent more than 20 percent of the net land area located within the protest area, a three-quarter majority vote is required to overturn the protests.

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: 1) Concur with the findings of the MAPC and approve the zoning, and place the ordinance on first reading (requires a three-quarters majority vote to override the protests); 2) Deny the zoning request by making alternative findings, and override the MAPC's recommendation (requires a two-thirds majority vote to override the MAPC's recommendation), or; 3) Return the case to the MAPC for further consideration with a statement specifying the basis for the Council's failure to approve or deny the application (requires a simple majority vote).

Attachments:

- Protest map
- MAPC minutes
- DAB memo
- Ordinance