

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. ZON2006-00017

Request for Zone change from "SF-5" Single-family Residential to "MF-18 Multi-family Residential, on property described as:

Lots 28 and 29, Linwood Acres Addition to Wichita, Sedgwick County, Kansas. Generally located north of Lewis Street and east of Greenwich.

Subject to the following Protective Overlay, **PO #177**:

1. The site shall be limited to development of single-family or duplex residential units only.
2. The site shall be limited to a total of 16 dwelling units.
3. The site shall meet all code-required setbacks, screening, landscaping, and parking requirements.
4. The City of Wichita Fire Marshall shall approve the site plan for a private access drive.

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 AT WICHITA, KANSAS,

September 19, 2006
Carlos Mayans
Carlos Mayans - Mayor

ATTEST:

Karen Sublett, City Clerk
Karen Sublett, City Clerk



(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

ROUTE 1
METROPOLITAN PLANNING
AREA 1

SEP 25 2006

RECEIVED

City of Wichita
City Council Meeting
September 12, 2006

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2006-17 – Zone change from “SF-5” Single-family Residential to “MF-18” Multi-family Residential. Generally located north of Lewis and east of Greenwich Rd. (District II)

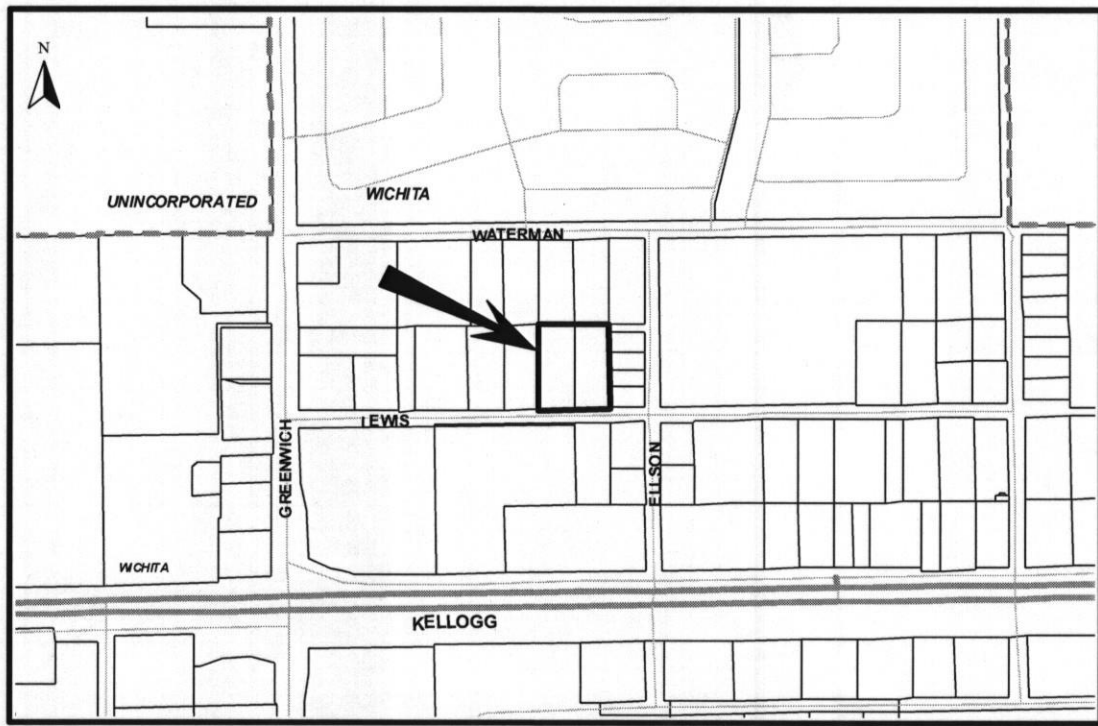
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approve, (12-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: DAB II recommended approval (7-0), subject to a Protective Overlay.



Background: The application consists of two undeveloped, platted lots located north of Lewis and east of Greenwich Rd. The 1.76-acre site is zoned "SF-5" Single-family Residential. The applicant requests "MF-18" Multi-family Residential zoning, the lowest level of multi-family zoning, to allow for multiple duplexes per lot. Based on the lot size requirements for MF-18 zoning, the site could in theory be developed with up to 16 single-family residences, up to 20 duplex dwelling units and up to 28 multi-family dwelling units.

Property north of the site is zoned SF-5 and is developed with single-family residences; further north is property zoned "MH" Manufactured Housing and is developed with a mobile-home park. South of the site is property zoned "GC" General Commercial and "LC" Limited Commercial and contains vacant commercial land and a single family-residence. East of the site is property zoned "TF-3" Two-family Residential and is developed with duplexes and single-family residences; further east is an MH zoned mobile-home development. West of the site is property zoned SF-5 and is developed with single-family residences.

Analysis: MAPC heard this request on June 1, 2006; one neighbor spoke in support of the request, and one spoke in opposition to the request because of drainage concerns. The action of the MAPC was to approve by a vote of 12-0. Several surrounding residential property owners filed protest petitions, amounting to 40 percent of the protest area, requiring a governing body $\frac{3}{4}$ majority override to approve the zone change request.

DAB II heard this request on July 10, 2006; several neighbors spoke against the request. The DAB instructed Planning Staff to draft a Protective Overlay to mitigate neighbors concerns, specifically to limit the number of dwelling units on the site and ensure code standards on the site. DAB II heard the request again on August 7, 2006; several neighbors again spoke against the request. DAB II unanimously recommended approval of the request subject to the following Protective Overlay:

1. The site shall be limited to development of single-family or duplex residential units only.
2. The site shall be limited to a total of 16 dwelling units.
3. The site shall meet all code-required setbacks, screening, landscaping and parking requirements.
4. The City of Wichita's Fire Marshall shall approve the site plan for a private access drive.

As the DAB recommendation differs from the MAPC recommendation, the governing body is required to have a $\frac{2}{3}$ majority to override the MAPC recommendation. As stated above, the protest percentage in this case requires a governing body $\frac{3}{4}$ majority override to approve the zone change request.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Affordable Living.

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

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change and place the ordinance on first reading; or
2. Adopt the recommendation of the DAB, approve the zone change subject to the recommended Protective Overlay and place the ordinance on first reading; or
3. Return the application to the MAPC for reconsideration.

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