

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. ZON2007-00013

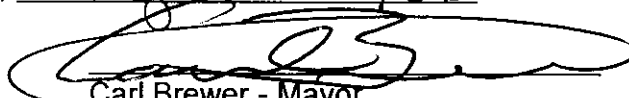
Request for Zone change from "SF-5" Single-family Residential to "TF-3" Two-family Residential, on property described as:

The North half of the East half of Lot 5, Block 18 of Parkwilde Addition, Sedgwick County, Kansas. Generally located west of Florence and south of 2nd Street N (223 N Florence).

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, August 28, 2007

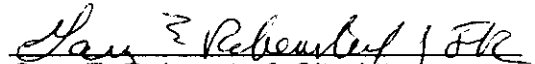

Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
August 21, 2007

FILE COPY

TO: Mayor and City Council

SUBJECT: ZON2007-13 – Zone change from “SF-5” Single-family Residential to “TF-3” Two-family Residential for duplex development; generally located west of Florence and south of 2nd Street. (District IV)

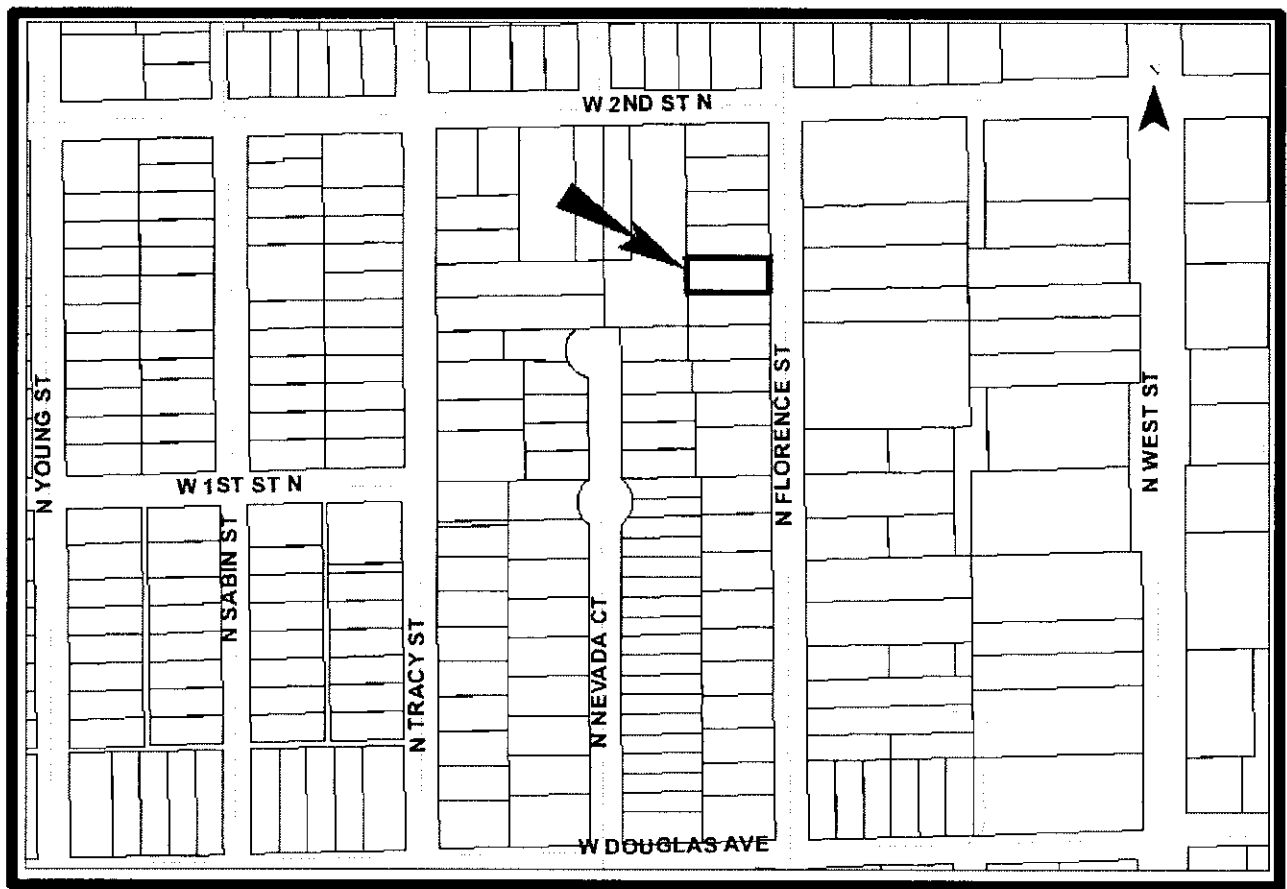
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Non-consent)

MAPC Recommendations: Approve, subject to staff recommendations (13-0).

MAPD Staff Recommendations: Approve the zone change.

DAB Recommendations: DAB IV approve, subject to staff recommendations (8-0-1).



Background: The application area is a vacant, platted lot located on the west side of Florence and south of 2nd Street. The 0.21 acre site is zoned “SF-5,” and the applicant requests “TF-3” zoning to develop a duplex.

All property immediately surrounding the site is zoned “SF-5” and developed with single-family residences. Southeast of the site is an “SF-5” zoned church; “TF-3” and “MF-18” Multi-family Residential zoning exists within the same block as the application area. One duplex exists within this same block, and several duplexes exist within a one block radius.

Analysis: MAPC heard this request on May 17, 2007 and approved (9-0) based on staff recommendations. One residential neighbor contacted MAPD opposed to the request; see the attached letter. Staff received 20 protest petitions; 11 are valid protests within the legal protest area, accounting for 61.22% of the protest area. This exceeds 20% of the protest area, requiring City Council to have a three-quarters majority to override the protest and approve the zone change.

City Council heard this request on June 19, 2007. City Council referred the item back to MAPC and DAB IV for further review and recommendation. DAB IV heard the request on July 11, 2007, and recommended approval of the request by a vote of 8-0-1. No members of the public spoke against the request at the DAB hearing. MAPC re-heard the case on July 19, 2007 and recommended approval by a vote of 13-0. No members of the public spoke against the request at the MAPC hearing.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality.

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

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change; or
2. Return the application to the MAPC for reconsideration.

(An override of the 61.22% protest requires a three-fourths majority vote of the City Council.)