

ORDINANCE NO. 48-926

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. ZON2010-00041

Zone change request from SF-5 Single-family Residential ("SF-5") to TF-3 Two-family Residential ("TF-3") on properties described as:

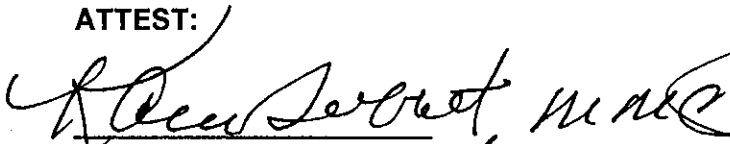
Lots 46, 48 and 50; Block 2; College Green Addition, Wichita, Sedgwick County, Kansas; generally located on the northeast corner of West University Avenue and All Hallows Avenue.

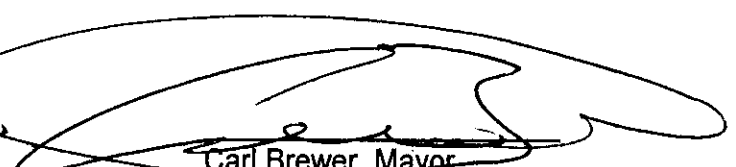
SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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 11 day of Jan, 2011.

ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor



Approved as to form:


Gary E. Rebenstorf, Director of Law
By SW

City of Wichita
City Council Meeting
January 4, 2011

TO: Mayor and City Council

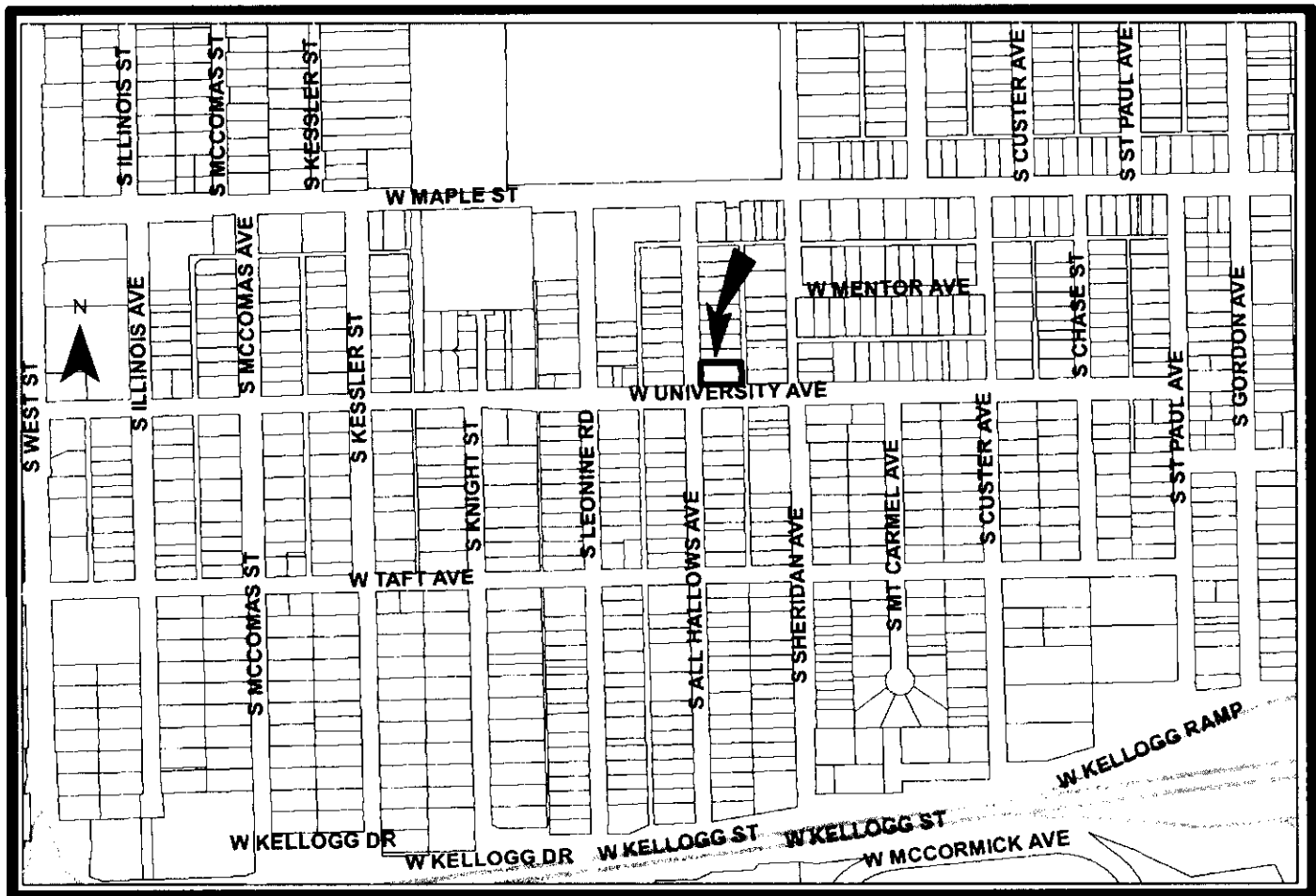
SUBJECT: ZON2010-00041 – Zone change from SF-5 Single-Family Residential (“SF-5”) to TF-3 Two-Family Residential (“TF-3”), generally located on the northeast corner of University Avenue and All Hallows Avenue. (District IV)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Non-Consent)

MAPC Recommendation: Approve, vote (14-0)

MAPD Staff Recommendation: Approve



Background: The applicant is seeking TF-3 Two-family Residential (“TF-3”) zoning for a 0.30-acre platted vacant lot, currently zoned SF-5 Single-family Residential (“SF-5”), located on the northeast corner of University Avenue and All Hallows Avenue. The applicant proposes to develop the site with a duplex. The *Unified Zoning Code* (UZC) defines a duplex as a lot used for “...two principal dwelling units within a single building.” The code permits building heights up to 35 feet in the TF-3 district, which is the same maximum height allowed in the SF-5 district. If the request were to be approved, the existing single lot would allow only one duplex structure with two living units or one single-family structure (permitted by right as TF-3 residential uses); however, it is possible to replat or lot split the existing 0.30-acre (or 13,068 square feet) lot into two 6,534-square foot lots that could allow two duplex structures (3,000 square feet minimum lot area per dwelling unit for duplex). Even as currently zoned, the lot could be lot split into more than one single-family lot (3,500-square foot minimum lot area for single-family).

Property immediately surrounding the site to the north, south, east and west is zoned SF-5, and developed with single-family residences. A SF-5 zoned property to the northeast of the subject site is actually developed with a duplex, while property located approximately 200 feet to the west of the subject site is zoned TF-3, and is developed with duplexes. Also, there is a concentration of TF-3 zoning, developed with duplexes located approximately 450 feet to the east and northeast of the subject site.

Analysis: At the MAPC meeting held November 18, 2010, the MAPC voted (14-0) to recommend approval of the request for TF-3 zoning. The case was approved through a consent vote since no one was present to voice concerns on the request.

During the subsequent two-week protest period following the MAPC meeting, Staff received protests within the 200-foot protest area. The protests equal 38.83 percent of the total land area, which is more than the 20 percent, requiring a $\frac{3}{4}$ majority vote by the City Council to override neighborhood protest.

The case was originally scheduled to be heard by the Wichita City Council on December 21, 2010. At the meeting, there were only four (4) council members present. Since the case has a greater than twenty-percent protest, at least five (5) members would be needed to vote on the case. The council decided to defer the case to the January 4, 2011 meeting.

Financial Considerations: There are no financial considerations in regards to the zoning request.

Goal Impact: The proposed rezoning would Promote Economic Vitality.

Legal Considerations: The ordinance 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, place the ordinance on first reading and authorize the Mayor to sign the ordinance (requires a three-fourths majority vote); or
2. Override the recommendation of the MAPC and deny the zone change (requires a two-thirds majority vote); or
3. Return the application to the MAPC for reconsideration.

Attachments:

- MAPC Minutes
- Protest Map
- Ordinance