

OCA 150004

ORDINANCE NO. 491-5009

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. ZON2013-00016

Zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two-family Residential (TF-3) on approximately .6 acre described as:

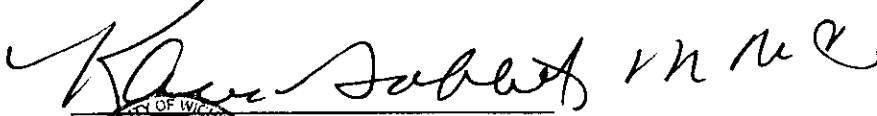
The north 60 feet of Lots 1, 3, 5, 7, 9 & 11, 14th Street, Orchard Beach Addition to Wichita, Sedgwick County, Kansas.

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.

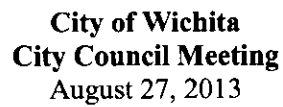
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Carl Brewer - Mayor

ATTEST:


Karen Schubert, City Clerk


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



Background: The applicant is seeking TF-3 Two-family Residential (TF-3) zoning for a 0.6 acre (9,000 square feet) site located at the southeast corner of West 14th Street North and North Garland Avenue. The SF-5 Single-family Residential (SF-5) zoned site is developed with a residential duplex (1430 North Garland Avenue and 1221 West 14th Street). City building permit records indicate a permit was issued for 1430-32 North Garland on January 7, 1939. *Polk's Wichita City Directory 1941* reports the current addresses of 1430 North Garland and 1221 West 14th Street. A zoning map for 1937 depicts the site as being zoned the A Residence District (A). The A District permitted both single-family residences and two-family residences by-right. In 1950 the City's Zoning Code still allowed both duplex and single-family residences in the A district as a use by-right. At some later point in time, probably during the 1950s or early 60s, the property was part of a mass rezoning that rezoned multiple properties to the AA One-family District (AA), which was the forerunner of today's SF-5 district, and does not permit duplex residences. As currently zoned, the duplex is a legal nonconforming use. The application indicates the applicant is seeking the zone change to satisfy a mortgage company's requirement that the zoning match the property's use.

Properties abutting the application area are zoned SF-5, and are developed with single-family residences. There are a significant number of TF-3 zoned lots located approximately 110 feet south of the subject site. Most of the TF-3 zoned lots located south of the application area have frontage on 13th Street; however, a few lots that front the west side of North Garland Avenue just north of 13th Street are also zoned TF-3. There are also a significant number of lots zoned TF-3 located 325 feet to the east of the application area.

Analysis: District Advisory Board (DAB) VI heard the rezone request on July 17, 2013, and recommended unanimous (5-0) approval. There were not any members of the public present to speak to the request.

At the Metropolitan Area Planning Commission (MAPC) meeting held on July 25, 2013, the MAPC voted (13-0) to recommend approval of the request. There were not any neighboring property owners present to speak to the request, and there have not been any protests filed.

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, approve the zone change request, place the ordinance on first reading and authorize the Mayor to sign the ordinance (simple majority vote required).

Attachments: Ordinance, MAPC minutes and DAB memo.