



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 24, 2005

Dennis Niedens
Applicant
1143 N. Denene
Wichita, KS 67212

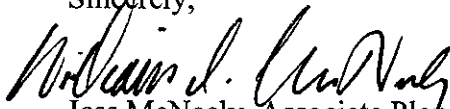
RE: ZON2005-09 and CON2005-09 – Zone change to “TF-3” Two-family Residential and Conditional Use request for two duplexes. Generally located south of Elm and west of Sheridan. (District VI)

Dear Ladies and Gentlemen:

At its regular meeting on **May 17, 2005**, the Wichita City Council considered the above-captioned request. The action of the City Council was to DENY the request.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,


Jess McNeely, Associate Planner
Current Plans Division

JMC/rms

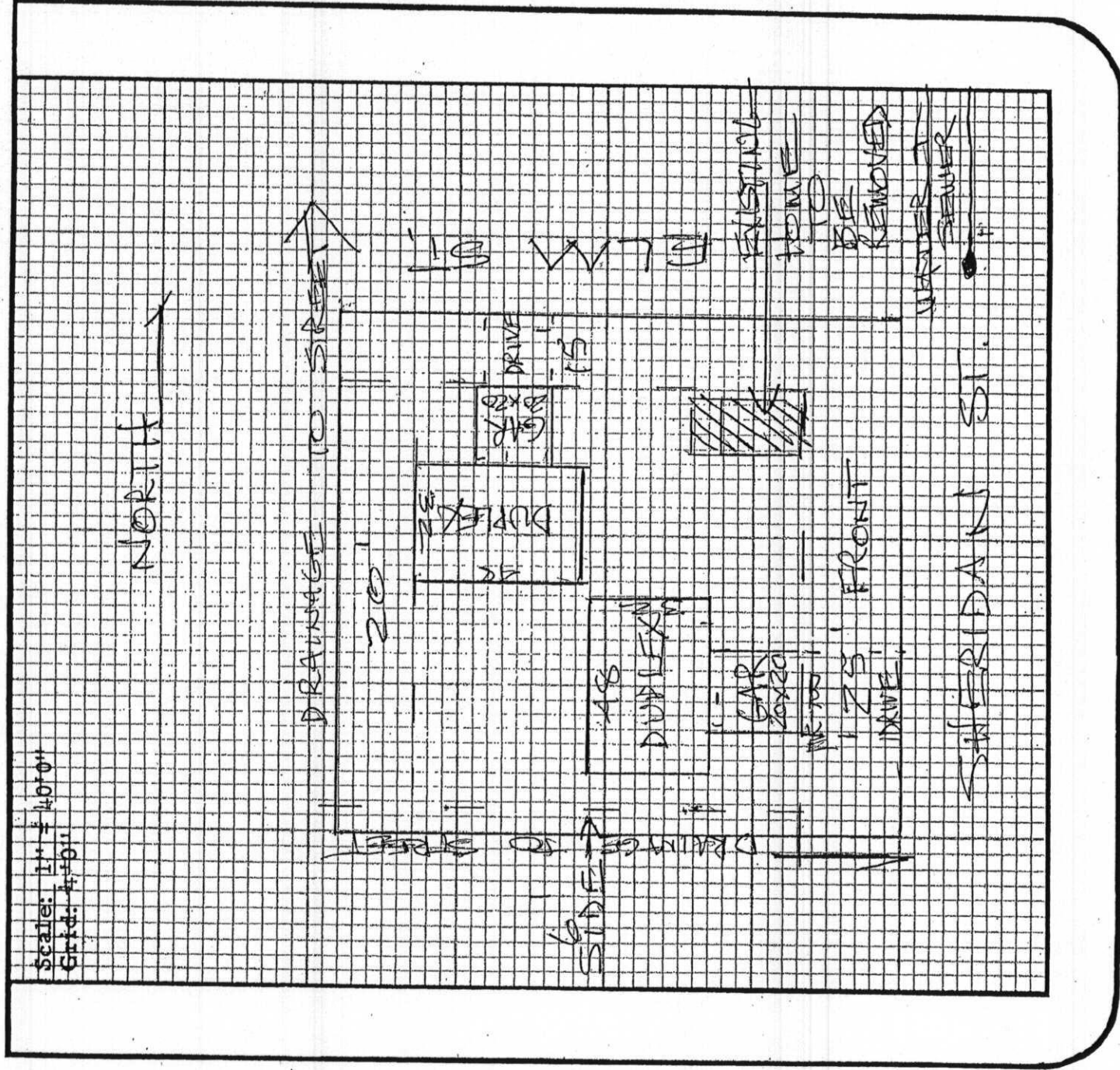
Cc: Property Owners
Sharon Fearey, WCC VI, Mail Stop, 1-13

9. (10 points)

PEKAT NO.

OF DAVIS GARDENS ADDITION ZONING

SIDE 6 SIDE 12 DEAD



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed:

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City of Wichita
City Council Meeting
May 17, 2005

Agenda Report No.

TO: Mayor and City Council

SUBJECT: ZON2005-09 and CON2005-09 – Zone change to “TF-3” Two-family Residential and Conditional use request for two duplexes on one lot. Generally located south of Elm and west of Sheridan. (District VI)

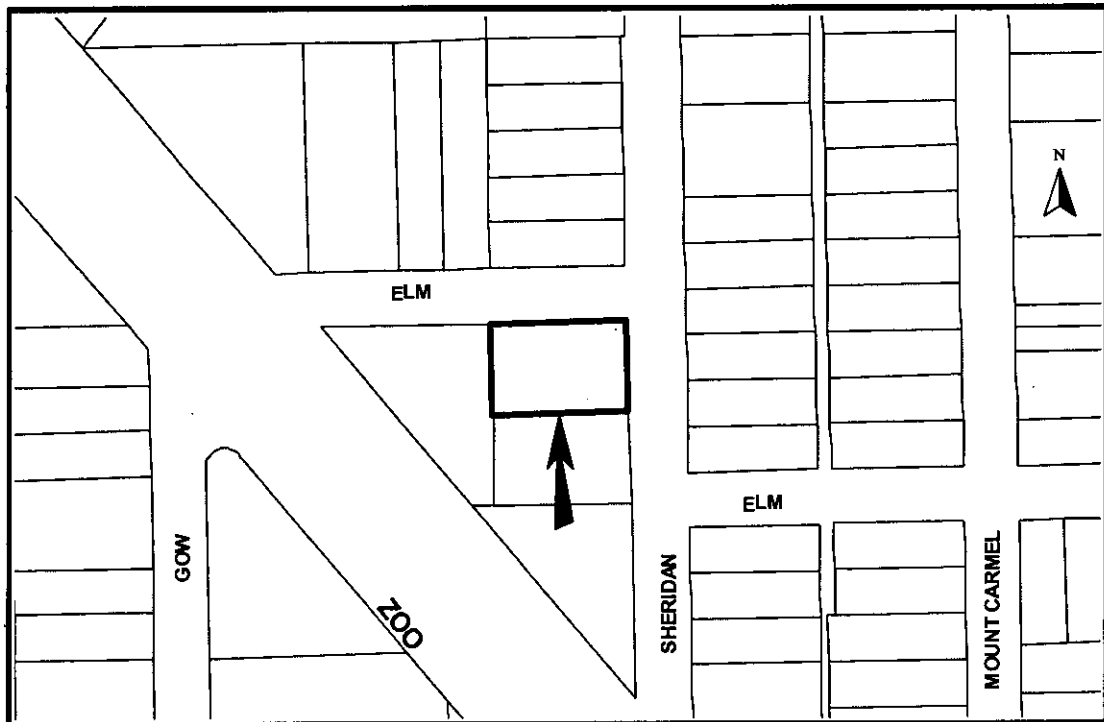
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Non-consent)

MAPC Recommendation: Approve, subject to conditions. (5-4)

D.A.B. Recommendation: Deny. (9-0)

Staff Recommendation: Approve zone change and conditional use subject to conditions.



BACKGROUND: The applicant requests TF-3 Two-family zoning on a .34-acre site, currently zoned SF-5 Single-family. The site was developed with a single-family dwelling, which burned recently. The applicant also requests a Conditional Use for two duplexes on the one existing lot. The applicant proposes one duplex with access from Elm Street, and the other with access from Sheridan. North of the application area, across Elm are SF-5 zoned single-family residences, further north is a B Multi-family zoned apartment complex. South of the site are MF-29 Multi-family zoned multi-family units. East of the application area are SF-5 zoned single-family residences, and to the west is a vacant SF-5 zoned lot and railroad tracks.

Analysis: DAB VI heard this request on April 4th, 2005. Several neighbors spoke against the request, the DAB voted 9-0 to recommend denial. MAPC heard this request on April 14th, 2005, where several neighbors spoke against the request. The MAPC voted 5-4 to approve both the zone change and the conditional use request, subject to the following conditions:

1. The applicant shall resubmit the site plan, to be approved by the Planning Director, and increase the front setback to 25 feet.
2. The site shall be developed in general conformance with the approved site plan.
3. The site shall be developed in general conformance with the building elevation submitted to the MAPC by the applicant.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Twelve protest petitions have been submitted opposing this request, two of which do not have complete signatures and therefore are not valid. The legal protest percentage is 42%, exceeding the 20% necessary to require a super-majority (3/4-majority) override vote of the Governing Body.

Financial Considerations: None

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 Zone Change to "TF-3" Two-family Residential and the Conditional Use to permit two duplexes on one lot, subject to the recommended conditions; approve the first reading of the ordinance establishing the Zone Change and the first reading of the resolution establishing the Conditional Use; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3 -majority vote of the membership of the governing body on the first consideration.)