

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. ZON2006-00001**

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

Lots 2 and 3, Mires Addition, Wichita, Sedgwick County, Kansas. Generally located south of west Central and east Boyd.

**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, March 28, 2006

Carlos Mayans  
Carlos Mayans - Mayor

ATTEST:

Karen Sublett, City Clerk  
Karen Sublett, City Clerk



Approved as to form:

Gary E. Rebenstorf  
Gary E. Rebenstorf, City Attorney

**Background:** The application area consists of two undeveloped, platted lots located south of West Central and east of Boyd, at the Boyd and Linder intersection. The .5-acre site is zoned "SF-5" Single-family Residential, and the applicant requested "TF-3" zoning to allow for duplex development.

Property north of the site is zoned "LC" Limited Commercial and developed with offices, a convenience store and a fast-food restaurant. South, east and west of the site are SF-5 zoned single-family residences. West of the site, at the dead-end portion of Linder, is an LC zoned self-storage facility. The site is on an unpaved road, but has easy access to both Central and southbound I-235.

**Analysis:** DAB V heard this request on February 6, 2006 and no citizens spoke in opposition to the zone change request. DAB V recommended approval of the request by a vote of 9-0. MAPC heard this request on February 16, 2006. Several residential neighbors spoke in opposition to the zone change request; the neighbors had concerns regarding rental residences. The action of the MAPC was to approve 10-0. Several surrounding residential property owners filed protest petitions, amounting to 28.38 percent of the protest area, requiring a governing body  $\frac{3}{4}$  majority override to approve the zone change request.

**Financial Considerations:** None.

**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. 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.)

City of Wichita  
City Council Meeting  
March 21, 2006

Agenda Report No. \_\_\_\_\_



**FILE COPY**

**TO:** Mayor and City Council

**SUBJECT:** ZON2006-00001 – Zone change from “SF-5” Single-family Residential to “TF-3” Two-family Residential. Generally located south of west Central and east of Boyd. (District V)

**INITIATED BY:** Metropolitan Area Planning Department *JCS*

**AGENDA:** Planning (Non-consent)

**MAPC Recommendations:** Approve, (10-0).

**MAPD Staff Recommendations:** Approve.

**DAB Recommendations:** Recommended approval by a vote of 9-0.

