

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. ZON2006-00029

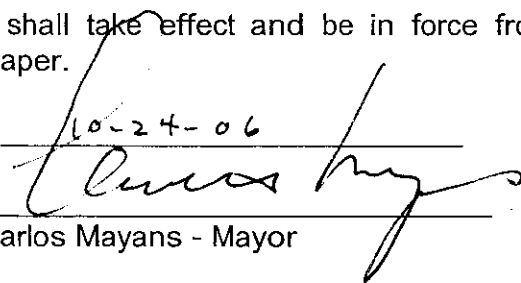
Request for Zone change from "SF-5" Single-family Residential to "TF-3" Two-family Residential, on property described as:

Lots 15 and 16, Block 2, Eureka Gardens Addition, Wichita, Sedgwick County, Kansas. Generally located 1/2 block south of west Taft and west of McComas.

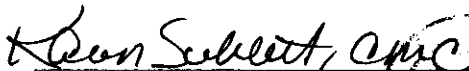
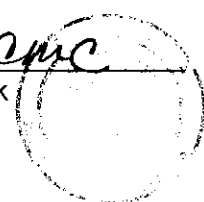
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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, 10-24-06



Carlos Mayans - Mayor

ATTEST:


Karen Sublett, City Clerk 

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney

STAFF REPORT

MAPC 9-7-06

DAB IV 9-6-06

CASE NUMBER: ZON2006-00029

APPLICANT/AGENT: Gregory Cooper (owner/agent)

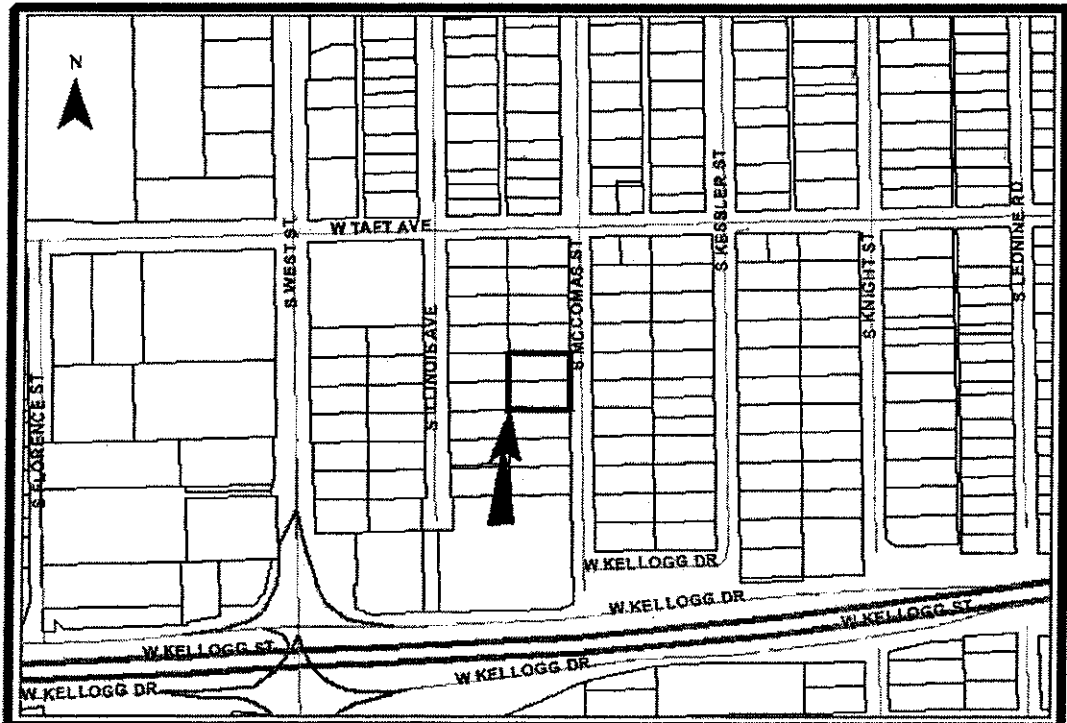
REQUEST: TF-3 Two-family Residential

CURRENT ZONING: SF-5 Single-family Residential

SITE SIZE: .06 acre

LOCATION: South of West Taft Avenue and west of South McComas Street (529 South McComas)

PROPOSED USE: Duplex residential.



BACKGROUND: The application area is Lots 15 and 16, Block 2, Eureka Gardens located south of West Taft Avenue and west of South McComas Street. The applicant states that there was a home on site up until about 15 years ago, until it was demolished. He has owned the two lots for the last seven years and wants to build a duplex on each lot. The application area is approximately ½ acre in size.

The land use along the two block faces along McComas between Taft and Kellogg is overwhelmingly single-family residential except for the southern end of the block where there is a hotel located on LC Limited Commercial zoning. The remainder of the two block faces are zoned SF-5 Single-family Residential. The western half of the block containing the application area is almost evenly split between a mix of SF-5 Single-family Residential and LC Limited Commercial zoning, and a mix of single-family and non-residential uses.

CASE HISTORY: Eureka Gardens Addition was platted in June 1941.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5 Single-family Residential & CU-516 Accessory Apartment; residential

SOUTH: SF-5 Single-family Residential; residential

EAST: SF-5 Single-family Residential; residential

WEST: SF-5 Single-family Residential and LC Limited Commercial; residential

PUBLIC SERVICES: Public services are available.

CONFORMANCE TO PLANS/POLICIES: The *2030 Wichita Functional Land Use Guide* depicts this site as appropriate for "urban residential."

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The predominate zoning in the area is SF-5 Single-family Residential and the predominate use is residential, however there are lots located further to the south and west that are zoned and used for office or commercial uses. There is a lot to the north of the site that is approved for an "accessory apartment." This particular block may be in a transition state given the LC zoning located to the south and west.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-5 Single-family Residential and could be used to develop two single-family residences, which would fit the character of the two

block faces fronting McComas. However, it may be easier to rent duplex units in this area than it would be to sell single-family homes.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval will allow the construction two duplex units which are not in character with existing residential uses in the immediate area.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: New construction would better utilize existing infrastructure. Denial of the request could presumably cause a loss in economic return to the applicant.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposal is in conformance with adopted plans since the *2030 Wichita Functional Land Use Guide* depicts this site as appropriate for "urban residential," which includes duplex units as being appropriate housing styles. Duplex units would also provide a mix of housing types, which the plan supports.
6. Length of time the property has remained vacant as currently zoned: According to the applicant the lots have been vacant for 15 years.
7. Impact of the proposed development on community facilities: Existing facilities are capable of meeting the project's anticipated needs.