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ORDINANCE NO. 49950

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. ZON2014-00018

Zone change request from SF-5 Single-Family Residential to TF-3 Two-Family Residential on property described as:

JBAR Addition to Wichita, Sedgwick County, Kansas.

Generally located east of Hoover Road, south of 13th Street North.

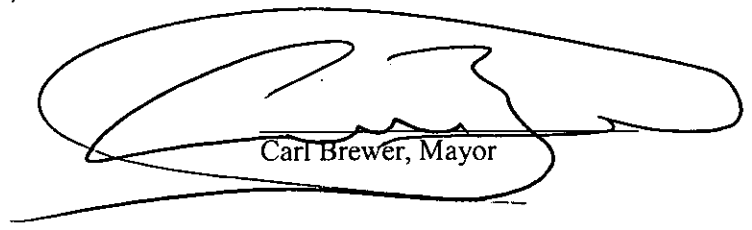
SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY #290:

- 1) There shall be a maximum of 15 duplexes on the approximately 4.7-acre subject site.
- 2) There shall be minimum 10-foot interior side yard setbacks on all lots.

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 17 day of March, 2015.


Carl Brewer, Mayor

ATTEST:

Karen Sublett, m m c
Karen Sublett, City Clerk



APPROVED AS TO FORM:

Sharon Dickgrafe / ADW
Sharon Dickgrafe, Interim
Director of Law & City Attorney

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Case No. ZON2014-00018

Zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two-Family Residential ("TF-3") on an approximately 4.7-acre property described as:

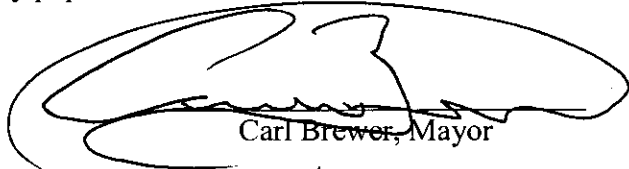
Lot 20 EXC the W 10' deeded for street, R.A. Morris Tracts, Wichita, Sedgwick County, Kansas; generally located east of Hoover Road, south of 13th Street North, between Curtis and Doris Streets.

SUBJECT TO REPLATTING WITHIN A YEAR AND THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #290:

- 1) There shall be a maximum of 15 duplexes on the approximately 4.7-acre subject site.
- 2) There shall be minimum 10-foot interior side yard setbacks on all lots.

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.

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Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk



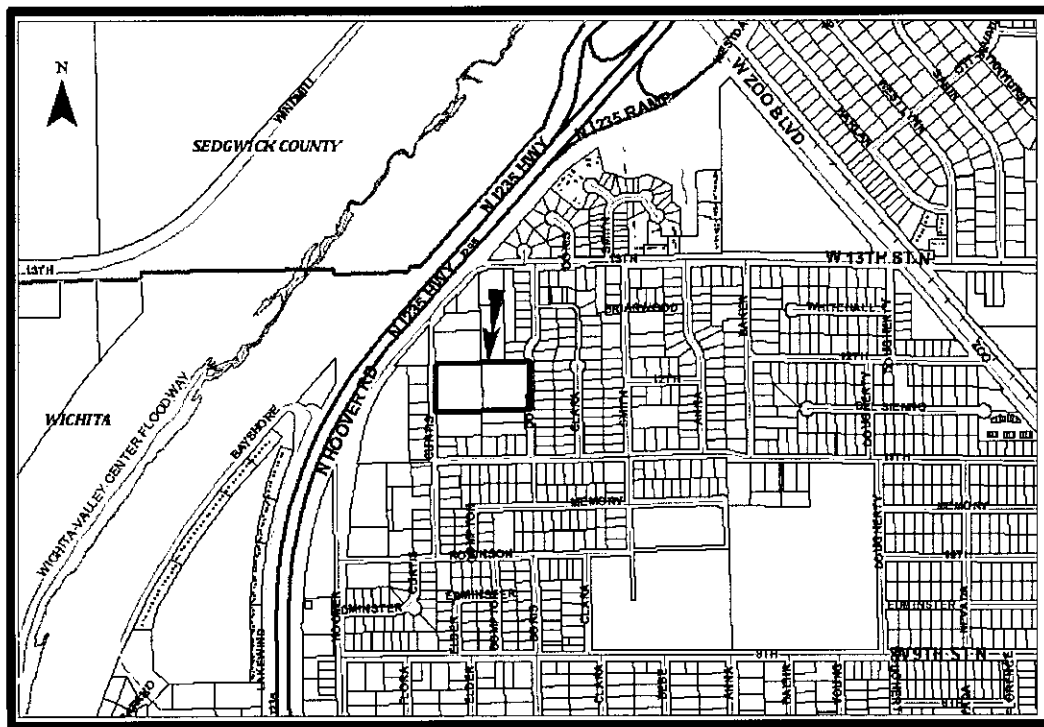
Approved as to form: 
Sharon Dickgrafe, Interim City Attorney



STAFF REPORT

MAPC August 7, 2014
DAB VI August 4, 2014

- CASE NUMBER:** ZON2014-00018
- APPLICANT/AGENT:** Alice R. Graham (owner) Baughman Company, PA, c/o Russ Ewy (agent)
- REQUEST:** TF-3 Two-Family Residential zoning
- CURRENT ZONING:** SF-5 Single-Family Residential
- SITE SIZE:** Approximately 4.7-acres
- LOCATION:** Generally located east of Hoover Road, south of 13th Street North, between Curtis and Doris Streets



BACKGROUND: The applicant is requesting TF-3 Two-Family Residential (TF-3) zoning on the unplatted approximately 4.7-acre SF-5 Single-Family Residential (SF-5) zoned subject site. The southwest corner of the subject site has an approximately 890-square foot single-family residence (built 1934) located on it. The applicant has provided a two concept plans, each showing, access onto the site off of the sand and gravel Curtis Street, with no access onto Doris. Based on the limited information provided to staff, the subject site could be developed with perhaps 25 duplexes (50 living units) or 30 single-family residences or some mix of the two residential developments. The subject site has to be platted for any development beyond the current single-family residence and any current accessory structures.

The site is located in a predominately SF-5 zoned single-family residential neighborhood, with scattered TF-3 zoned single-family residences and duplexes (Z-2843, Z-2607, Z-2600, Z-2584, Z-2312, and Z-2321) located as close as a block east of the subject site. These adjacent eastern TF-3 zoned developments are located on urban scale (approximately +/- 8,100-square foot) lots with the referenced single-family residences and duplexes appearing to have been built in the late 1970s-1980s. SF-5 zoned properties abutting the north side of the site include a large garden, an undeveloped tract, and urban scale single-family residences (built 2006-2008). An SF-5 zoned single-family residence (built 1936, 2.06-acres), an undeveloped 0.56-acre tract and urban scale single-family residences (built 1990s-2001) abut and are adjacent to the south side of the site. Urban scale SF-5 zoned single-family residences (built 1926, 1970s, 1980s, 2001) are located west of the site across the sand and gravel Curtis Street. The north portion Interstate Highway-235 (IH-235) is located approximately 240 feet west of the site. A 4.2-acre church site and the paved Hoover Road separate the proposed and current development along Curtis Street from IH-235. The undeveloped 30-foot/half-street Doris Street right-of-way abuts the east side of the site. The applicant's two concept plans show no access onto Doris Street. Both plans show a 40-foot wide reserve running parallel to Doris Street, rather than dedication of 30 feet of half-street right-of-way to make Doris a thru north-south street. The required platting of the site will determine its final shape, configuration, access, drainage, the placement of utilities and the number of duplexes on the site.

CASE HISTORY: Staff has received 38 protest petitions against the proposed TF-3 zoning.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Large garden, undeveloped land, single-family residences
SOUTH: SF-5	Single-family residences, undeveloped land
WEST: SF-5, LC	Single-family residences, church, IH-235
EAST: SF-5, TF-3	Single-family residences, duplexes

PUBLIC SERVICES: The site has access on its west side to the sand and gravel (not crushed limestone) Curtis Street. Curtis Street has 40 feet – 62 feet of right-of-way along this unpaved portion, from paved 13th Street North to the paved portion of Curtis Street at its intersection with 11th Street North. The east side of the site abuts the undeveloped portion of Doris Street. This portion of Doris has 30 feet of half-street right-of-way and has road blocks separating it from the paved north and south portions of Doris Street. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The TF-3 zoning district allows single-family residence, duplexes and some (but not limited to) institutional uses such as a parks, schools and churches by right. As such, the TF-3 zoning district conforms to the urban residential category.

RECOMMENDATION: The request does not introduce TF-3 zoning into the area. Zoning cases Z-2843, Z-2607, Z-2600, Z-2584, Z-2312, and Z-2321 established TF-3 zoning in the area on either single lots or multiple lots. This request (as well the previous requests) provides infill duplex/residential development opportunities that are not uncommon for the older neighborhoods in Wichita. What is unusual about the request is the size of the land involved, 4.7-acres, which is larger than the areas previous TF-3 zoning requests and appears to be larger than other TF-3 infill for this district. As proposed, vehicular access to and from the site would be onto the sand and gravel Curtis Street, which provides short (250 feet) and quick access onto the recently paved Hoover Road-13th Street North interchange. 13th Street North is the shortest and quickest access onto the site and serves as the collector street for the area (connecting Hoover Road to Zoo Boulevard), thus helping divert the site's traffic from the area's local residential streets, including 11th Street, which runs from Curtis Street to Zoo Boulevard. Based on the limited information provided to staff, the subject site could be developed with perhaps 25 duplexes (50 living units) or 30 single-family residences or some mix of the two residential developments. The required platting of the site will determine its final shape, configuration, access, drainage, the placement of utilities and the number of duplexes on the site. The requested TF-3 zoning is the sixth out of 20 zoning requests for this year. 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 site is located in a predominately SF-5 zoned single-family residential neighborhood, with scattered TF-3 zoned single-family residences and duplexes (Z-2843, Z-2607, Z-2600, Z-2584, Z-2312, and Z-2321) are located as close as a block east of the subject site. These adjacent eastern developments are located on urban scale (approximately 8,100-square foot) lots with the referenced single-family residences and duplexes appearing to have been built in the late 1970s-1980s. SF-5 zoned properties abutting the north side of the site include a large garden, an undeveloped tract, and urban scale single-family residences (built 2006-2008). An SF-5 zoned single-family residence (built 1936, 2.06-acres), an undeveloped 0.50-acre tract and urban scale single-family residences (built 1990s-2001) abut and are adjacent to the south side of the site. Urban scale SF-5 zoned single-family residences (built 1926, 1970s, 1980s, 2001) are located west of the site across the sand and gravel Curtis Street. Interstate Highway-235 (IH-235) is located approximately 240 feet west of the site and the Curtis Street single-family residences. A 4.2-acre church site and the paved Hoover Road separate the proposed and current development along Curtis Street.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The 4.7-acre SF-5 zoned site has a single-family residence with accessory structures located on it. The SF-5 zoning permits single-family residences, which, with a few exceptions, is the predominate zoning and development in the area. The site could be developed with perhaps approximately 30 single-family residences.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested TF-3 zoning allows duplexes as well as single-family residences by right. The request would not introduce TF-3 zoning into the area, as there are at least 19 other TF-3 zoned lots located within one-three blocks of the site; Z-2843, Z-2607, Z-2600, Z-2584, Z-2312, and Z-2321. Common concerns raised in the rezoning of land from SF-5 to TF-3, include a lack of maintenance on what will probably be rental properties and a perception of subsequent negative impact on neighboring property values. However, the ability and inclination of a property owner to maintain their property is not solely dependent on if the property in question is a rental property or property that the owner lives on.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would limit development by right to single-family residential, duplex, and some (but not limited to) institutional uses such as a parks, schools and churches. Denial of the request could impose a financial hardship on the owner. This type of

rezoning in the older portions of Wichita is not unusual in that it allows for infill residential redevelopment opportunities. What is unusual about the request is the size of the land involved, 4.7-acres, which is larger than the areas previous TF-3 zoning requests and appears to be larger than other TF-3 infill for this district.

- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The TF-3 zoning district allows single-family residence, duplexes and some (but not limited to) institutional uses such as a parks, schools and churches by right. As such, the TF-3 zoning district conforms to the urban residential category.
- (6) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities can be handled by current infrastructure. The required platting of the property could provide improvements in regards to drainage and at the least require the applicant to provide a no protest petition for any future paving of this portion of Curtis Street.