

ORDINANCE NO. 48-856

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. ZON2010-00026

Zone change request from SF-5 Single-family Residential ("SF-5") to TF-3 Two-family Residential ("TF-3") on properties described as:

The East half of Lot 12, except the South 173 feet of the East 135 feet and except the North 132 feet, R.A. Morris Tracts, Wichita, Sedgwick County, Kansas; generally located north and east of the intersection of North Hoover Road and West Robinson Street.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #246:

1. No more than two duplexes (4 units) are allowed to be developed on the site.

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 26th day of October 2010.

ATTEST:

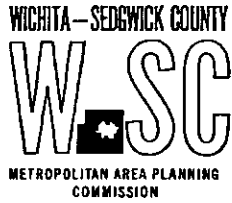
Karen Sublett, City Clerk

Jeff Longwell, Mayor

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney & Director of Law



STAFF REPORT

DAB VI: August 2, 2010

MAPC: August 5, 2010

Tentative City Council Date: September 14, 2010

CASE NUMBER: ZON2010-00026

APPLICANT/AGENT: Roger Frank (Owner)
Jeffery Niedens (Applicant)

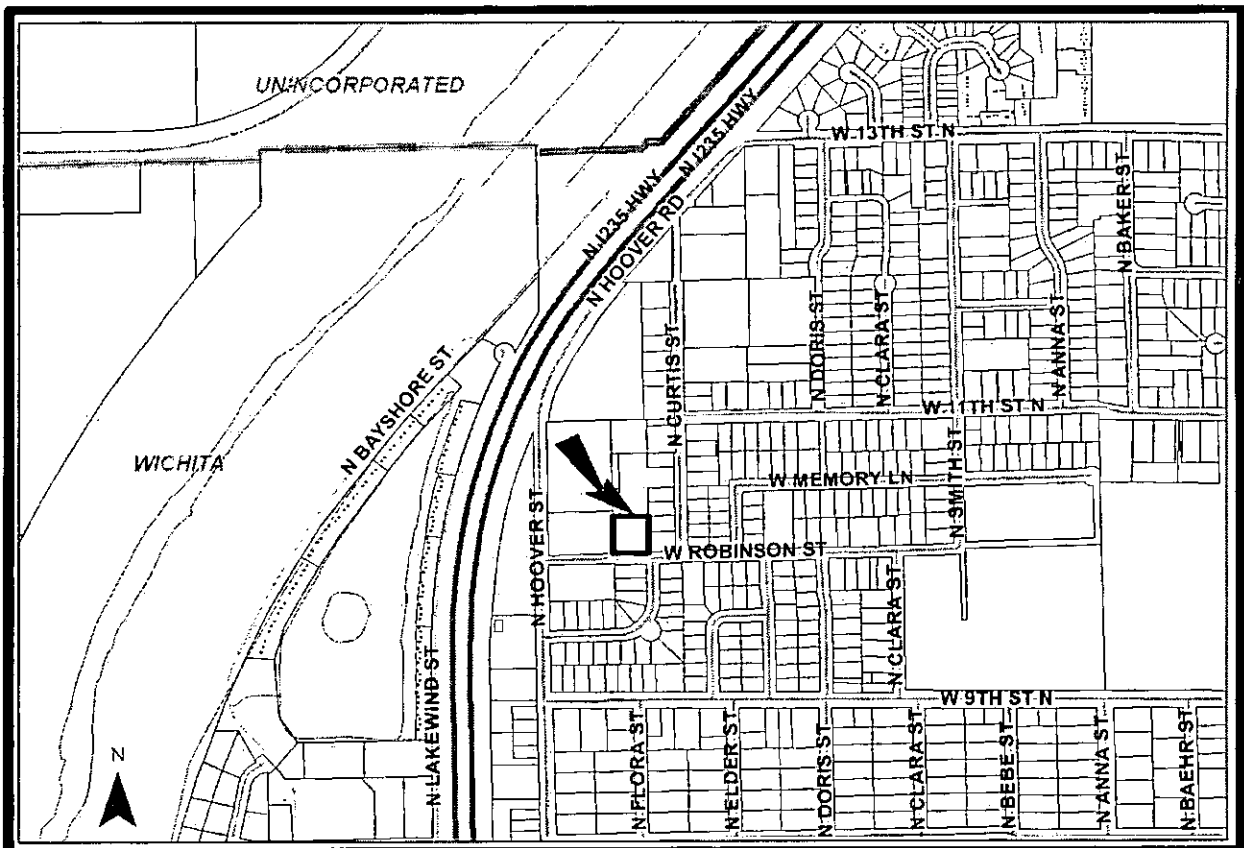
REQUEST: TF-3 Two-family Residential ("TF-3")

CURRENT ZONING: SF-5 Single-family Residential ("SF-5")

SITE SIZE: Total Area 0.70 acres

LOCATION: Generally located north and east of the intersection of N. Hoover Road and W. Robinson Street.

PROPOSED USE: Duplex



BACKGROUND: The applicant is seeking TF-3 Two-family Residential (“TF-3”) zoning for a 0.70-acre platted vacant lot, currently zoned SF-5 Single-family residential (“SF-5”), located northeast of the intersection of North Hoover Street and West Robinson Street. The applicant proposes to develop the site for duplex uses. The *Unified Zoning Code (UZC)* defines a duplex as a lot used for “...two principal dwelling units within a single building.” The code permits building heights up to 35 feet in TF-3, which is the same maximum height allowed in the SF-5 district. If the request were to be approved, the existing single lot would allow only one duplex structure with two living units or one single-family structure (permitted by right as TF-3 residential uses); however it is possible to replat or lot split the existing 0.70-acre lot into smaller lots that could allow more than one structure. Even as currently zoned the lot could be lot split into more than one single-family lot.

Property immediately surrounding the site to the north, south and east is zoned SF-5, and developed with single-family residences. The SF-5 zoned property to the west is currently undeveloped. Five-hundred feet north of the subject site is a church, zoned SF-5. Six-hundred feet to the south is property zoned MF-29 Multi-family Residential (“MF-29”), currently developed with duplexes. The nearest TF-3 zoned property to the subject site is located approximately 1,000-feet to the southeast. That property consists of two lots which are zoned TF-3 and both are developed with duplexes.

CASE HISTORY: The property is platted as the east half of Lot 12, except the south 173 feet of the east 135 feet and except the north 132 feet, R.A. Morris Tracts, which was recorded October 16, 1928.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family Residence
SOUTH:	SF-5	Single-family Residence
EAST:	SF-5	Single-family Residence
WEST:	SF-5	Vacant

PUBLIC SERVICES: The subject property has frontage along West Robinson Street, a two-lane, unpaved, local street without traffic counts. Just west of the subject site, Robinson intersects with North Hoover Street, which is a two-lane, unpaved, collector without traffic counts. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Major Institutional.” The Major Institutional category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities. The requested zoning, TF-3, does allow the uses listed above either by-right or by Conditional Use.

Currently, single-family residences exist in this area that is identified as Major Institutional, the most recent being built in 1996. Property directly south of the subject site, across Robinson Street, is classified as “Urban Residential.” Even though the subject site itself is classified as Major Institutional, the surrounding neighborhood is predominantly residential and the request for TF-3 zoning at this location is should not have a detrimental effect on the surrounding residential neighborhood.

RECOMMENDATION: Based upon the 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:** Property immediately surrounding the site to the north, south and east is zoned SF-5, and is developed with single-family residences. The SF-5 zoned property to the west is currently undeveloped. Five-hundred feet north of the subject site is a church, zoned SF-5, and 600-feet to the south is property zoned MF-29 Multi-family Residential (“MF-29”), currently developed with duplexes. The nearest TF-3 zoned property to the subject site is located approximately 1,000-feet to the southeast. That property consists of two lots which are zoned TF-3 and both are developed with duplexes.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site could be developed with a single-family residential use under the current zoning.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request would double the density at which the site could be developed. The affect on nearby residents could be increased traffic. However, single-family residences typically generate more traffic per unit than two-family residences. The minimum standards of the UZC should mitigate any other potential negative effects on the surrounding residential neighbors.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Major Institutional.” The Major Institutional category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities. The requested zoning, TF-3, does allow the uses listed above either by-right or by conditional use.
5. **Impact of the proposed development on community facilities:** Traffic on the existing residential street could increase as a result of the proposed development. This site has access to North Hoover Street, a classified collector.