

ORDINANCE NO. 50-430

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:

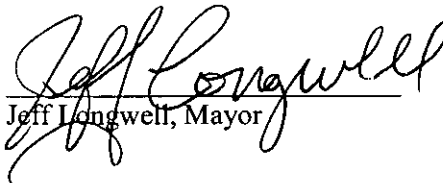
Case No. ZON2016-00068

City zone change from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District described as:

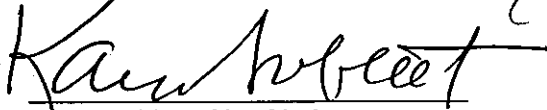
LOTS 2 and 3 in Block 5 of Kells Hawkins Addition, Wichita, Sedgwick County, Kansas

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.


Jeff Longwell, Mayor

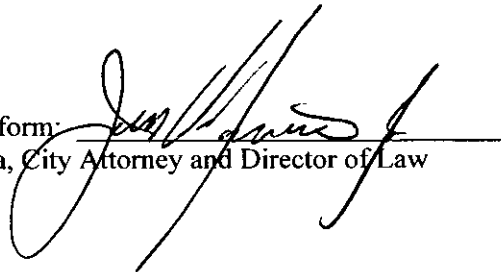
ATTEST:



Karen Sublett, City Clerk



Approved as to form:
Jennifer Magaña, City Attorney and Director of Law



BACKGROUND: The applicant is seeking to rezone two platted (.66 acre) SF-5 Single-Family Residential (SF-5) zoned lots to TF-3 Two-family Residential (TF-3). The subject property is located at 546 North Doris Street. In conjunction with the rezoning request, the applicant would like to process a lot split to replat the two existing single family lots to three duplex parcels.

The Wichita-Sedgwick County Unified Zoning Code (UZO) defines a duplex as two principal dwelling units within a single building (Article II, Section II.B.4.i). The TF-3 district requires a minimum lot area of 3,000 square feet per dwelling unit for a duplex. The proposed lot split associated with this rezoning application would provide three duplex parcels of 9,475 square feet. The proposed parcel size would exceed the minimum lot size requirement for duplexes in the TF-3 district. Additionally, the proposed duplex units would be required to meet the following provisions of the UZO:

- A. *Required front building setback-twenty five feet*
- B. *Required rear setback- twenty feet.*
- C. *Required interior setback-six feet.*
- D. *Maximum building height-thirty five feet.*
- E. *One parking space per dwelling unit*

Properties surrounding the subject site area are primarily zoned SF-5 and improved with single-family homes. Typical lot sizes in this neighborhood range from 11,340 to 14,212 square feet. There is a property one block east of the site on North Clara Street that has similar TF-3 zoning, and another lot one block west on North Elder Street that is zoned TF-3. Farther north of the subject property, on the north side of Newell Avenue is a large contiguous group of properties zoned TF-3.

CASE HISTORY: The Kell Hawkins Addition was recorded in 1939.

ADJACENT ZONING AND LAND USE:

North: SF-5; single-family residences
South: SF-5; single-family residences
East: SF-5; single-family residences
West: SF-5; single-family residences

PUBLIC SERVICES: Doris Street is an unimproved 60-foot street right-of-way. All other normally supplied municipal services are available or can be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The *Community Investment Plan* depicts the subject site as appropriate for “residential uses.” The residential use category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. The range of housing types found include single detached homes, semi-detached homes, zero lot line units, patio homes, *duplexes*, townhouses, apartments and multi-family units

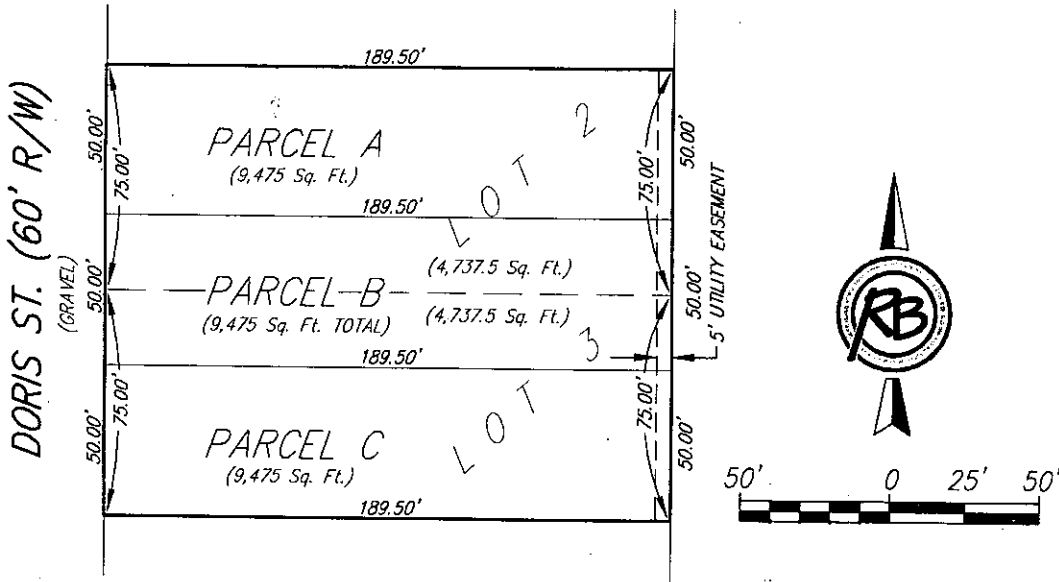
RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be approved.

This recommendation is based on the following findings:

ZON2016-00068

1. The zoning, uses and character of the neighborhood Properties surrounding the subject site area are primarily zoned SF-5 and improved with single-family homes. Typical lot sizes in this neighborhood range from 11,340 to 14,212 square feet. There is a lot one block east of the site on North Clara Street that has similar TF-3 zoning, and another lot one block west on North Elder Street that is zoned a TF-3 district. Farther north of the subject property, on the north side of Newell Avenue is a large contiguous group of properties zoned TF-3.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned SF-5, which primarily allows single-family residences. The two lots being considered for rezoning could be improved with new single family homes with the existing zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of TF-3 zoning would allow duplex units to be constructed on the property. Similar rezoning requests have been approved in this neighborhood in 2005, 2009 and 2013, indicating a reasonable trend of development to allow duplex units. Approval of the request should not detrimentally impact nearby property owners.
4. Length of time the property has remained vacant as currently zoned: The property is not vacant, and is currently improved with a single family home.
5. 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 allow the applicant to move ahead with plans to construct three duplex buildings on the two platted lots. If approved, the community would have additional housing choices in this neighborhood.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Community Investment Plan* depicts the subject site as appropriate for “residential uses”. The residential use category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. The range of housing types found include single detached homes, semi-detached homes, zero lot line units, patio homes, *duplexes*, townhouses, apartments and multi-family units.
7. Impact of the proposed development on community facilities: Existing community facilities are in place or can be extended to serve the application area.

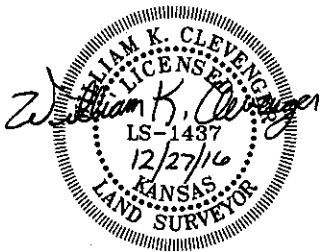
LOT SPLIT



PARCEL A
The North 50.00 feet of Lot 2, Block 5, Kell Hawkins Addition, Sedgwick County, Kansas.

PARCEL B
Lot 2, EXCEPT the North 50.00 feet, TOGETHER WITH the North 25.00 feet of Lot 3, Block 5, Kell Hawkins Addition, Sedgwick County, Kansas.

PARCEL C
Lot 3, EXCEPT the North 25.00, Block 5, Kell Hawkins Addition, Sedgwick County, Kansas.



City of Wichita)
Sedgwick County) ss Lot Split No. _____
State of Kansas) Copy ___ of 2.

I, W. Dale Miller, Director of Planning, Wichita-Sedgwick County Metropolitan Area Planning Department, do hereby certify under the authority granted in the Subdivision Rules and Regulations that the lot split to which this stamp affixed has been approved.

Given under my hand and seal this ___ day of _____, 20__.

WICHITA-SEDMICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT

Dale Miller, Director of Planning