

First Published in the Wichita Eagle 10/13/17

OCA 150004

ORDINANCE NO. 50-601

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:

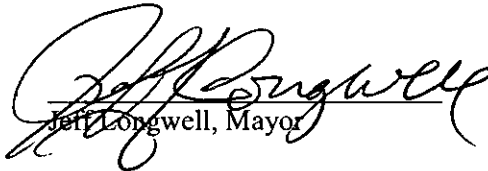
Case No. ZON2017-00026

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

Lot 2 and the North 30 feet of Lot 4, Block 17, Parkwilde 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.

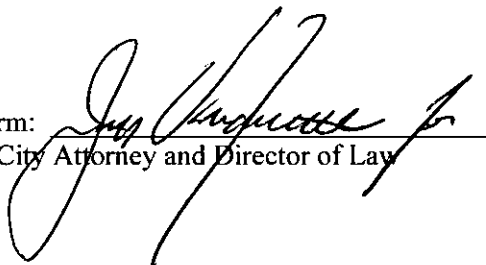
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:

Jennifer Magaña, City Attorney and Director of Law

BACKGROUND: This application was filed to rezone the subject property from SF-5 Single Family Residential (SF-5) to TF-3 Two-Family Residential (TF-3). The subject property is located at the southeast corner of West 2nd Street North and North Florence Street, approximately one block west of North West Road. With this request, the applicant would like to construct a five, two-family buildings on the existing lot. The Conditional Use application was filed to allow the multi-family site plan, related to the zone change.

The applicant explains that the property has been owned by their family since the mid 1960's, and that the site was previously occupied as a mobile home park until approximately 1995. The property has been vacant since that time. The applicant believes that improving the site at this time will enhance property values in the area, and increase the tax base.

A site plan was prepared for the proposed duplex buildings. The plan indicates two duplex buildings on North Florence Street, and three buildings on West 2nd Street North. Each duplex unit would be approximately 1,200 square feet, with three bedrooms and two baths with attached two-car garages. The buildings would have partial brick or stone front elevations. Please see the attached site plan and building line drawing.

It is recommended that the three buildings on West 2nd Street North be relocated to a 20-foot front setback to provide more room for parking in front of the garage. A sidewalk should also be constructed along West 2nd Street North to meet the sidewalk east of the site.

North of the subject property are single-family homes zoned SF-5. South of the site along North Florence Street is an area of single-family homes zoned SF-5. An area of commercial/retail is east of the property along North West Road, this area is zoned LC Limited Commercial (LC). West of the subject property are additional single-family homes. A new single-family home is being constructed at the northwest corner of West 2nd Street North and North Florence Street. There is a large area of approximately 27 duplex buildings southwest of the site along North Nevada Court. This area has access from West Douglas Avenue.

CASE HISTORY: The property is platted as Lot 2 and part of Lot 4, Parkwilde Subdivision, 1887.

ADJACENT ZONING AND LAND USE:

North: SF-5 single-family
South: SF-5 single-family
East: LC commercial/retail
West: SF-5 single-family

PUBLIC SERVICES: All public streets and utilities are available to serve the property.

CONFORMANCE TO PLANS/POLICIES: The *Community Investment Plan* depicts the subject site as appropriate for "New Residential." The residential use category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. This category would include the proposed two-family units. The property is also in the Established Central Area (ECA), where infill housing is encouraged with the Wichita Urban Infill Strategy.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be *approved*, subject to the following conditions:

ZON2017-00026 and CON2017-00028

1. The Conditional Use shall be developed as depicted on the site plan by Baughman Company, dated 7/7/17, or as approved by the Director of Planning prior to issuance of a building permit. The three buildings on West 2nd Street North shall be relocated to a 20-foot front setback to provide additional room for parking in front of the garage. A sidewalk shall be constructed along West 2nd Street North to meet the sidewalk east of the site.
2. The two-family buildings shall be constructed as shown on elevations prepared by Elite Renovations or as approved by the Director of Planning prior to issuance of a building permit.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the subject property are single-family homes zoned SF-5. South of the site along North Florence Street is an area of single-family homes zoned SF-5. An area of commercial/retail is east of the property along North West Road, this area is zoned LC Limited Commercial (LC). West of the subject property are additional single-family homes. A new single-family home is being constructed at the northwest corner of West 2nd Street North and North Florence Street. There is a large area of approximately 27 duplex buildings southwest of the site along North Nevada Court. This area has access from West Douglas Avenue.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-5, and could be developed with single-family homes. There are duplex units in the general vicinity of the subject property, along with established single-family homes. While suited for development with single-family homes, it is reasonable to allow two-family homes at the property considering the character of the area.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The zone change should not have a detrimental impact on nearby property. There are two-family homes in the area, and there has been other changes in zoning to TF-3 in this area, indicating a trend to two-family construction.
4. Length of time the property has remained vacant as currently zoned: The property has been vacant since approximately 1995.
5. 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 "New Residential." The residential use category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. This category would include the proposed two-family units. The property is also in the Established Central Area (ECA), where infill housing is encouraged with the Wichita Urban Infill Strategy.
6. Impact of the proposed development on community facilities: Development of the site as proposed will have no adverse impact on community facilities as all public services and utilities