Agenda Item #_____

City of Wichita
City Council Meeting
March 18, 2003

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2003-00001 - Eliminate Restrictive Covenant #18 to allow conversion of existing garage into an apartment unit. Generally located south of Second Street North and west of Athenian. (District VI)**

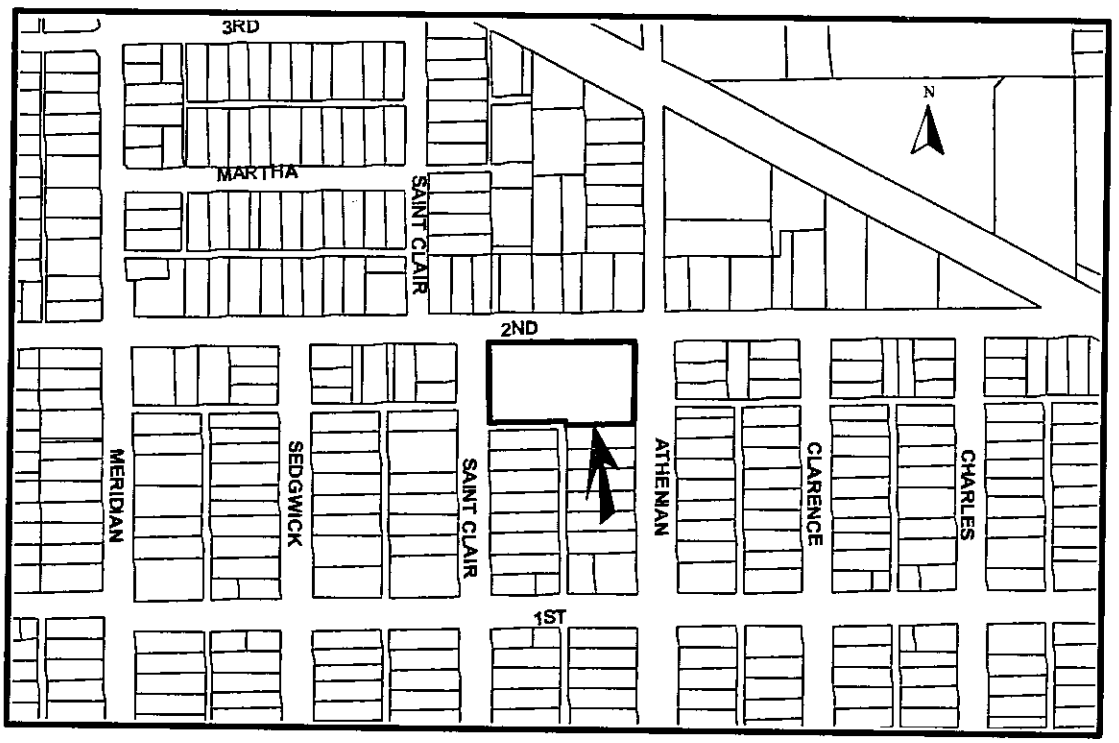
INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to Protective Overlay #121. (9-0)

Staff Recommendation: Approve, subject to Protective Overlay #121.

D.A.B. Recommendation: Approve, subject to Protective Overlay #121. (8-0)



BACKGROUND: The applicant requests elimination of Restrictive Covenant #18 (see attached) on an unplatted, 1.54-acre site. The purpose of the request is to allow for the conversion of an existing detached garage to an apartment dwelling unit.

The Martinson Elementary School site was rezoned in 1992 from "A" Two-Family to "R-5" General Residence; subsequent *Uniform Zoning Code* (UZC) updates resulted in "MF-18" zoning which permits 18 dwelling units per acre. Several neighbors opposed the 1992 zone change, citing concerns with neighborhood character and traffic. Restrictive Covenant #18 was put in place to limit the multi-family development to 10 units, all within the existing school building. The Restrictive Covenant further specifies that the restrictions shall not be changed or terminated without a public hearing before MAPC and the Wichita City Council, and legal notification to surrounding property owners - just as in zone change cases. Changes or termination of the Restrictive Covenant requires approval by City Council.

The application area is currently developed with 8 apartments within the Martinson School building. Most of the properties surrounding the application area are zoned "SF-5", and developed with single-family residences. Much of the surrounding Delano Neighborhood recently rezoned from "TF-3" to "SF-5". Northeast of the site is property zoned "LI" Limited Industrial, and developed with commercial and limited industrial uses.

The proposed conversion apartment is located adjacent to a platted alley. An apartment conversion would require conformance to all property development standards in the Wichita-Sedgwick County *Unified Zoning Code* (UZC), and would require conformance to City building codes.

At the District VI Advisory Board meeting held on February 19, 2003, the board voted (8-0) to approve the request to eliminate Restrictive Covenant #18, subject to a protective overlay as recommended by staff. No members of the public were present to speak on the application.

At the MAPC hearing held on February 20, 2003, MAPC voted (9-0) to recommend eliminating Restrictive Covenant #18, subject to Protective-Overlay #121. No citizens were present to speak on the case. No protests have been received.

Recommendations:

1. Concur with the findings of the MAPC and approve the elimination of Restrictive Covenant #18, subject to the additional recommended provisions of a Protective Overlay District; place the ordinance on first reading; or

2. Return the application to the MAPC for reconsideration

   (An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)

(150004) Published in The Wichita Eagle on MAR 29 2003

ORDINANCE NO. 45-687

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. ZON2003-00001

Request to Eliminate Restrictive Covenant #18 to allow conversion of existing garage into an apartment unit on property zoned "MF-18" Multi-family Residential, on property described as:

Beginning at a point 865.0 feet east of the northwest corner of the Southwest Quarter of Section 19, Township 27 South, Range 1 East of the Sixth P.M., Sedgwick County, Kansas; thence east to the east line of the west half of said Southwest Quarter; thence south 240.0 feet, thence west to a point 865.0 feet east of the west line of said Quarter Section; thence north 240.0 feet tot he place of beginning, EXCEPT a strip of ground 40 feet wide off of north side to be used as public street; ALSO a strip of ground 40 feet wide off of west side to be used for street; ALSO a strip of ground 50 feet wide off of east side, the east half of which is to be used for street and the west half for parking EXCEPT 10 feet of west side for sidewalk; ALSO a strip of ground 9 feet off of south side, said piece and parcel of ground to be used for a public highway. Generally located south of Second Street North and west of Athenian (249 N. Athenian).

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS P. O. #121:

1. All development on the property shall be designed to be compatible with the surrounding single-family neighborhood in development pattern, scale, materials, forms, colors, and character.

2. Site plans and building elevations shall be submitted to the Planning Director, and approved prior to issuing building permits.

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, MAR 25 2003

ATTEST:

for Patsy Ellis, Deputy
Pat Graves, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

PHASE TWO REMODEL

MARTINSON PLACE APARTMENTS

249. N. ATHENIAN

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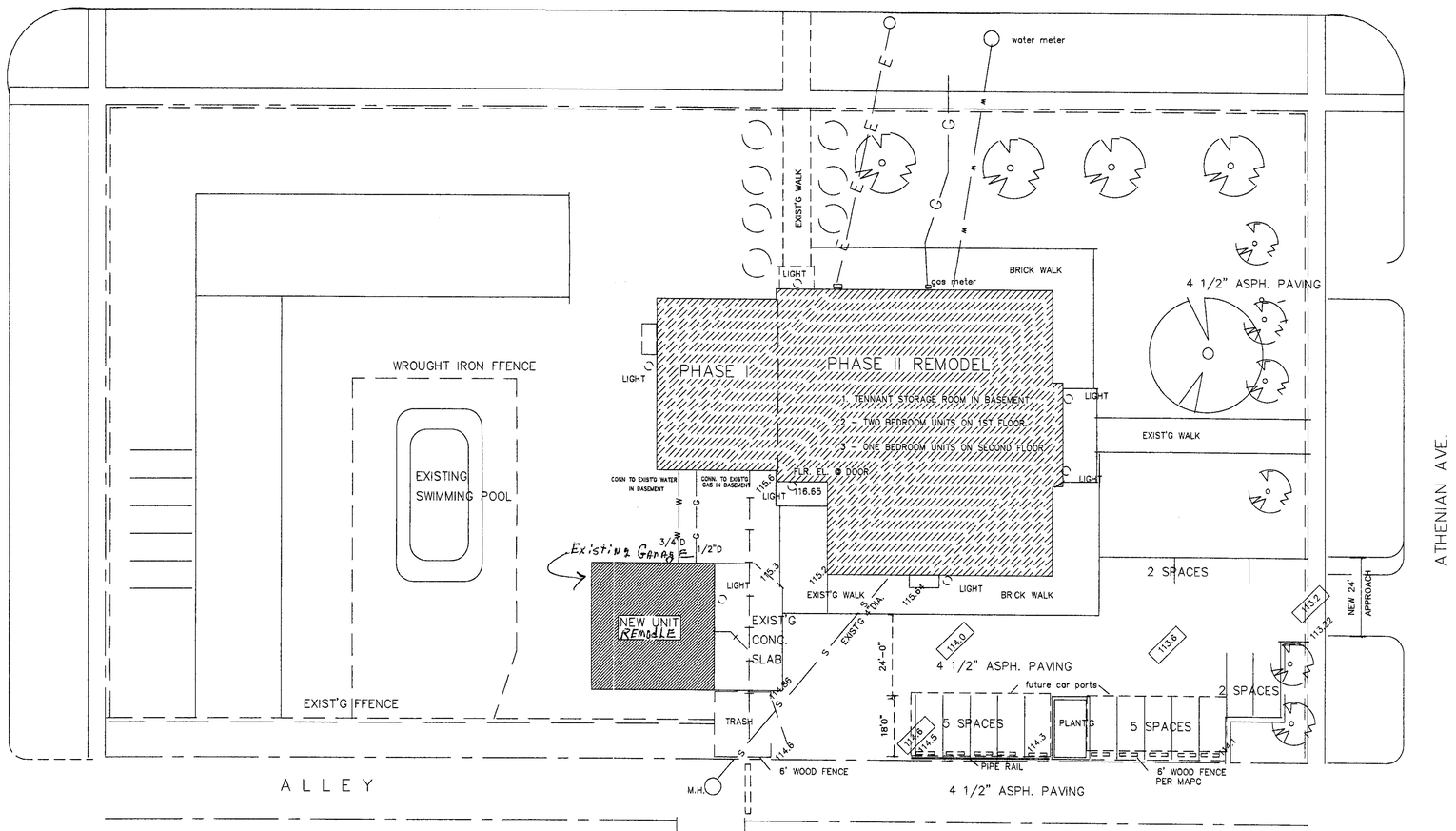
M3 SECOND FLOOR MECHANICAL PLAN
E1 BASEMENT ELECTRICAL PLAN
E2 FIRST FLOOR ELECTRICAL PLAN
E3 SECOND FLOOR ELECTRICAL PLAN



SITE PLAN
1"=20'

N

PARKING REQUIRED:
2 BEDRM. - 4 X 1.75 = 7 SPACES
1 BEDRM. - 4 X 1.25 = 5 SPACES

THESE DRAWINGS ARE THE PROPERTY OF SANDY ROBERTS ARCHITECT. REPRODUCTION WITHOUT WRITTEN AUTHORIZATION IS PROHIBITED.

CONTRACTOR IS TO VERIFY ALL DIMENSIONS PRIOR TO STARTING WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT TO CORRECTION.

SANDY ROBERTS ARCHITECT
667 OAK FOREST LANE, DERBY, KS. (316)788-8699

MODIFICATIONS to 247 N. ATHENIAN

PROJ.NO:	02-04
DATE:	11/7/02
REVISED:	

SHEET
A1
OF

REGISTERED ARCHITECT
SANFORD D. ROBERTS
1124
STATE OF KANSAS
11/20/02