

City of Wichita
City Council Meeting
April 15, 2003

Agenda Report No.

TO: Mayor and City Council

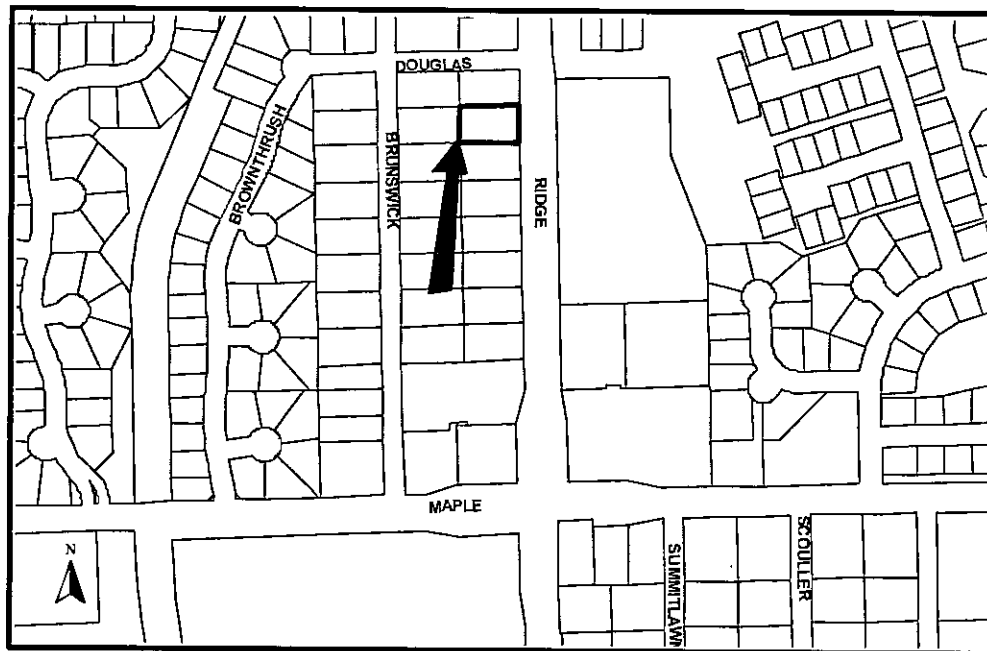
SUBJECT: ZON2003-00007 – Zone change from “NO” Neighborhood Office with P.O. Protective Overlay #101 to “SF-5” Single-family Residential. Generally located southwest of Douglas Avenue – Ridge Road intersection. (District V)

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning

MAPC Recommendation: Approve, subject to the dedication of an additional two-feet to the platted utility easement. (11-0)

Staff Recommendation: Approve, subject to the dedication of an additional two-feet to the platted utility easement.



BACKGROUND: The applicant is requesting "SF-5" Single Family Residential zoning on Lot 16, Block C, Westview Addition, 109 South Ridge. The site is located on the west side of Ridge Road, one lot south of Douglas Avenue. The property is currently zoned "NO" Neighborhood Office with P-O Protective Overlay #101; ZON2001-41. ZON2001-41, was approved by the MAPC at their 07-19-2001 meeting and then approved by the WCC at their 08-14-2001 meeting. The owners of the site at that time intended to redevelop the property as an office, and move to a different home. Ownership of the site has changed and the current owners request the "SF-5" zoning to obtain conventional mortgage financing. The current owners intend to use the site/structure as single-family residential.

The site is located in an area of single-family residential, 4-plexes and apartments. The exceptions are two lots (these two lots are part of eight lots in the block, on the west side of Ridge Road, all the same size; 0.44 acres) in the same block of the site. The lot abutting the north side of the site is zoned "GO" General Office and is an insurance office. This lot was zoned "BB" office in 1983. Three lots south of the site is a lot zoned "NO", which is being used as an office. This lot's zoning was changed from "SF-5" to "NO" in 2000.

There have been no changes to the single-family structure as a result of ZON2001-41. There have been no improvements made on the site as a result of ZON2001-41. There is no record of dedication of an additional 2-feet to the utility easement, which was a condition of ZON2001-41.

At the MAPC hearing on March 20, 2003, the MAPC voted 11-0 to recommend approval of the request subject to dedication of an additional two (2) feet to the utility easement. The applicant agreed with the Planning Staff recommendation. One individual spoke in opposition to the requested zoning change at the MAPC hearing. This individual expressed concerns about the number of people living in the single-family residence at the site and questioned if the residence was actually going to be used as the requested zoning change to "SF-5" was intended. The agent for the applicant assured the individual and the MAPC that the applicant and his family were requesting the "SF-5" zoning to secure a mortgage loan for the residence with the intend to live there. The individual that spoke agaisnt the zoning change request to "SF-5" at the MAPC hearing, had also called Planning Staff to protest the zoning change. There have been no written protest received.

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the zone change; 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.)

ORDINANCE NO. 45-708

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. ZON2003-00007

Request for zone change from "NO" Neighborhood Office with Protective Overlay Restrictions P.O.#101 to "SF-5" Single-family Residential subject to the dedication of an additional two-feet to the platted utility easement, on property described as:

Lot 16, Block C Westview Addition Sedgwick County, Kansas. Generally located southwest of Douglas Avenue – Ridge Road intersection.

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, MAY 6 2003

ATTEST:

Pat Graves
Pat Graves, City Clerk

Carlos Mayans
Carlos Mayans, Mayor

(SEAL)

Approved as to form:



Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney