

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Milt Mounts, of lawful age, being first duly sworn, deposeseth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for

1 consecutive issues - weeks, that the first publication of said notice was

made as aforesaid on the 6th day, of

July A.D. 2002, with

subsequent publications being made on the following dates:

And affiant further says that he has personal knowledge of the statements above set forth and that they are true.

[Handwritten signature]

Subscribed and sworn to before me this

8th Day of July, 2002

[Handwritten signature: Norma J. Hoch]
Notary Public Sedgwick County, Kansas

NORMA J. HOCH
NOTARY PUBLIC
STATE OF KANSAS
My Appointment Expires August 12th, 2002

Printer's Fee \$31.96

LEGAL PUBLICATION
CW
Published in The Wichita Eagle
July 6, 2002 (#1660743)
ORDINANCE NO. 45-351
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. ZON2002-00020
Request for zone change from "SF-5" Single-Family Residential to "MF-18" Multi-Family Residential, on property described as: Lot 3, Gresham Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located northwest of the West Central - West Street 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 apart 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, JULY 2, 2002
BOB KNIGHT, MAYOR
PAT BURNETT, CITY CLERK (SEAL)

RECEIVED

JUL 10 2002

METROPOLITAN PLANNING
ROUTE

dest

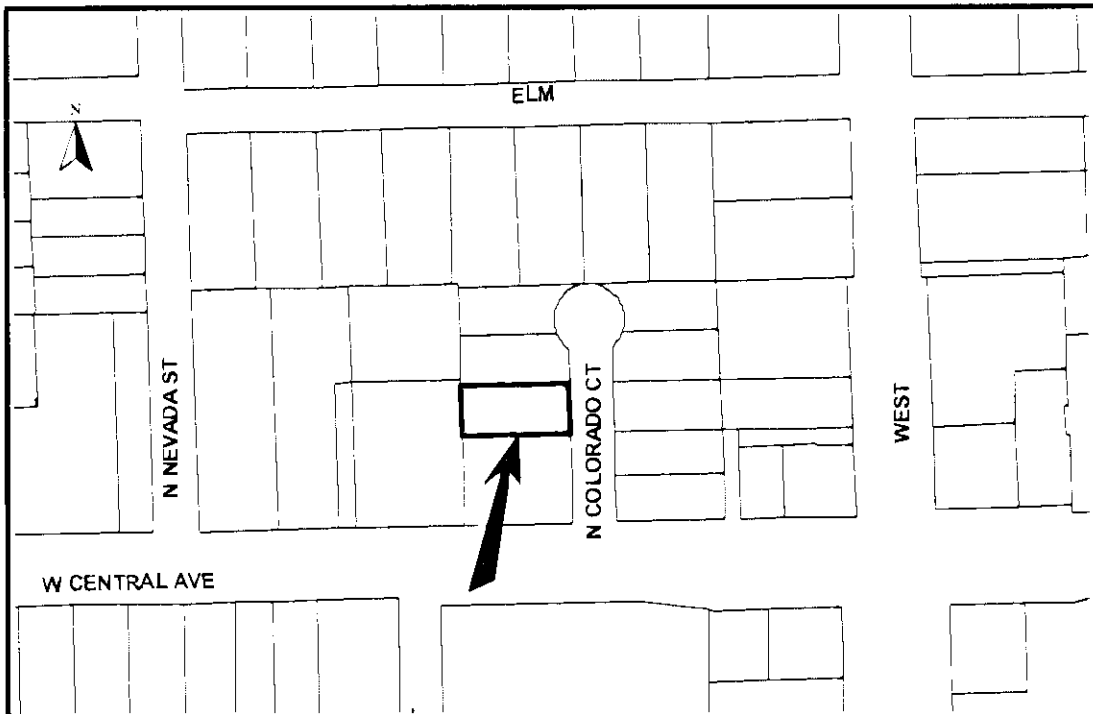


AGENDA ITEM NO. 6

STAFF REPORT

May 23, 2002
DAB VI, May 15, 2002

- CASE NUMBER:** ZON2002-00020
- APPLICANT/OWNER:** Greg & Pam Collins
- REQUEST:** Zone change to "MF-18" Multifamily Residential
- CURRENT ZONING:** "SF-5" Single Family Residential
- SITE SIZE:** 10,500 square-feet.
- LOCATION:** Northwest of the West Central – West Street intersection,
at 713 N Colorado Court.
- PROPOSED USE:** To allow construction of two additional units



BACKGROUND: The applicant is requesting “MF-18” Multi-Family Residential zoning on Lot 3, Gresham Addition, 713 Colorado Court. There is currently a duplex on the site. The applicant proposes to build another duplex on the site and resolve the status of the current duplex. The current zoning is “SF-5” Single-Family Residential, which does not allow a duplex. This makes the duplex either an illegal or a nonconforming use. Enlargement and expansion of a nonconforming use is restricted by the code.

The current site (Lot 3) is approximately 10,500-square feet in size. “MF-18” zoning requires 2,500 square-feet per dwelling unit for multi-family uses. The site will permit a total of 4 dwelling units. The construction of another two units on the site will trigger parking requirements as well as location of the proposed additional building outside of any setbacks and easements. The proposed two units should match the building materials of the existing duplex; the outer walls are brick.

The area around the subject property is primarily zoned “LC”. There is a restaurant – tavern abutting the site on the south and retail southeast of the site on the corner of Colorado Court and Central. There are some undeveloped “LC” properties east of the site, across Colorado Court, which was rezoned, Z-0476, from “B” Multi-family to “LC” in 1963. There is also undeveloped “LC” zoned property abutting the site on the west. There is a 4-plex with “MF-29” zoning abutting the site on the north. This abutting property was zoned “RB” 4-family residential in 1974 to allow a 4-plex to be moved onto it. BZA 18-74 allowed a variance to reduce the front setback of “RB” zoning from 30-feet to 20-ft for off street parking on this abutting property. The “RB” zoning district was changed to “MF-29” in 1996. North of the “MF-29” is a lot zoned “SF-5”.

CASE HISTORY: The site was platted as the Gresham Addition, April 14, 1954. There were 13 lots platted on the addition, 10 around Colorado Court and 3 abutting West Street. Lots ranged from approximately 9,000 square-feet to 12,600 square-feet.

ADJACENT ZONING AND LAND USE:

NORTH:	“MF-29” Multi-Family Residential	4-plex
	“SF-5” Single-Family Residential	Single-family
SOUTH:	“LC” Limited Commercial	restaurants, fast food, tavern, retail
EAST:	“LC” Limited Commercial	retail, undeveloped
WEST:	“LC” Limited Commercial	undeveloped

PUBLIC SERVICES: Colorado Court is an unimproved, gravel cul-de-sac. Colorado Court is located one block west of the Central Avenue– West Street intersection and is approximately 300-feet long. Public water and sewer services are available.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as being "low density residential" abutting or partially in "commercial". The immediate area is a mix of undeveloped and developed "commercial", "high density residential", developed as a duplex and a 4-plex, and "low density residential" developed as single family residences.

The Comprehensive Plan's "Residential Locational Guidelines" of for medium and high density residential state that such uses should be (1) transitional land uses between commercial and low density uses, (2) allocated to within walking distances of neighborhood commercial centers and public transportation routes, (3) directly accessible to arterial or collector streets. The proposed zoning change to "MF-18" from "SF-5" does meet these criteria.

RECOMMENDATION: APPROVE the request for "MF-18" zoning with a street "no protest" agreement

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is in an area of primarily "LC" zoning with the exception of the lot abutting the site on its north being zoned "MF-29" and the lot north of it being zoned "SF-5". The "MF-29" zoning is developed as a 4-plex and the lot with "SF-5" zoning has a single-family residence on it. The "LC" zoning is developed along the Central Street frontage and not developed on the properties that do not have Central frontage. The "LC" zoning is on the south, west and east - northeast sides.
2. The suitability of the subject property for the uses to which it has been restricted: The site is an isolated "SF-5" lot, with a nonconforming or illegal duplex on it. With non-residential zoning on three sides and the high-density residential zoning on the remaining side, it is unlikely the site will be developed as single family residential. With duplex zoning or proof of legal non-conforming status, the site could continue as developed.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The negative affect of approving the zoning change to "MF-18" on nearby properties would be minimal, given the fact that the surrounding properties are zoned for uses as intense or more intense than the zoning requested by the applicant.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The zoning change request would serve as

buffer and transition point between the single family residences north of the area and the commercial uses on the "LC" properties adjacent to Central.

5. Impact of the proposed development on community facilities: Water and sewer would not be negatively impacted by the zoning change. Traffic would be minimally affected.

SITE PLAN

APPROVED

[Signature] BY *[Signature]*



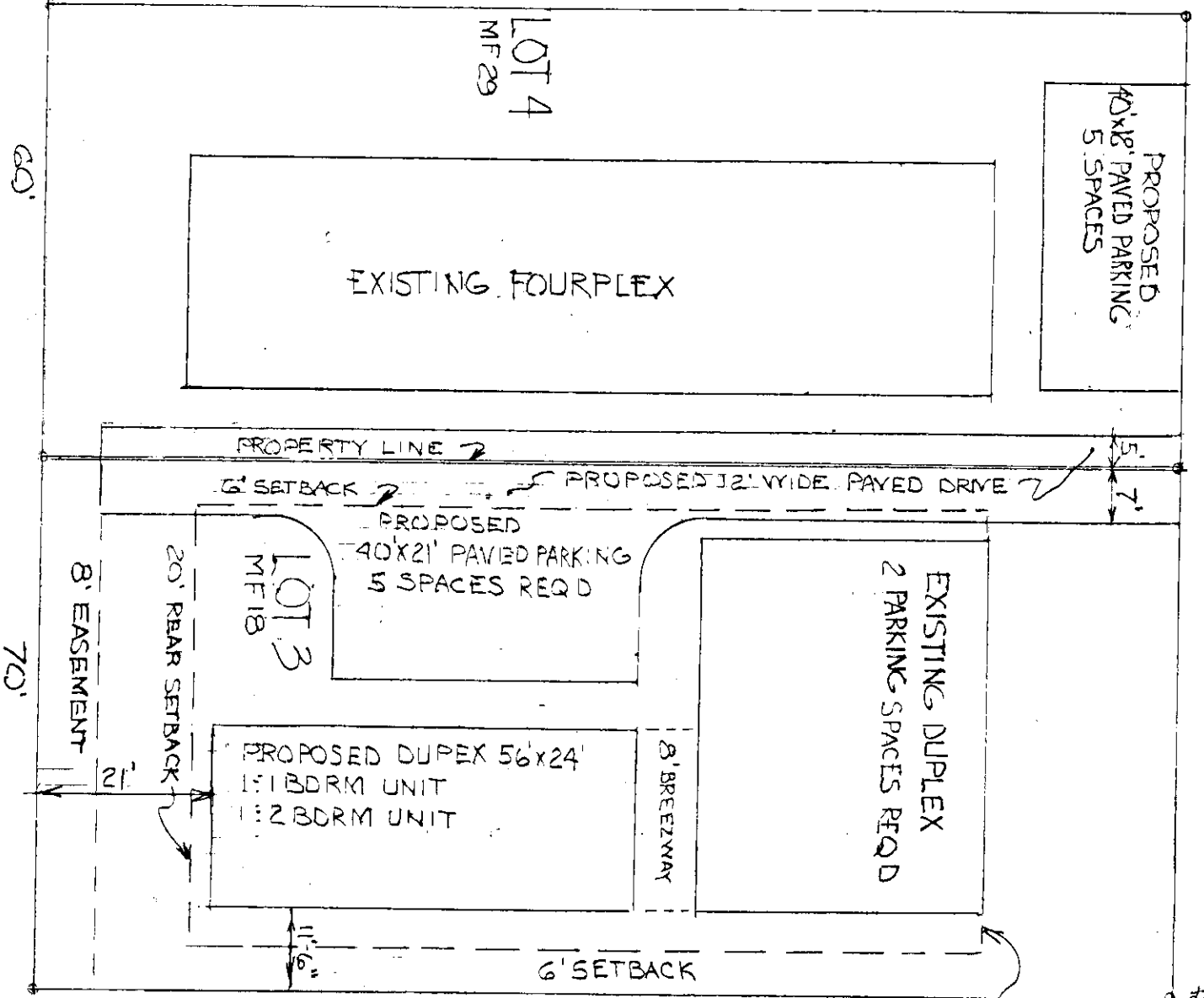
REF ZONING

Zon 2002 - 20

713 & 715 COLORADO CT.

REQ'D PARKING

1.25 SPACES PER BDRM
 for 1 BDRM UNIT
 1.75 SPACES PER BDRM
 for 2 BDRM UNIT



SITE PLAN

LOT 5 3 & 4
 GRESHAM ADDITION
 WICHITA, KS
 3/64" = 1'-0" 5-28-02