

Planning Agenda Item # _____

City of Wichita
City Council Meeting
October 20, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3059 - ZONE CHANGE FROM THE "AA" ONE-FAMILY DWELLING DISTRICT TO THE "A" TWO-FAMILY DWELLING DISTRICT, LOCATED WEST OF THE INTERSECTION OF JEWELL AND SHEFFORD. (District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



MAPC Recommendation: Approve, subject to restrictive covenant (11-0).

Staff Recommendation: Approve, subject to restrictive covenant.

CPO Recommendation: The vote of CPO Council "5", at their July 8 meeting, resulted in a moot vote (3-3).

Background: On July 30, 1992, the MAPC held a public hearing to consider a zone change from the "AA" One-Family Dwelling District to the "A" Two-Family Dwelling District for ten scattered platted lots totaling two acres of Pawnee Mesa Addition located north of Pawnee and west of Lark Lane. Pawnee Mesa Addition was platted in 1979 as a 149-acre, single-family residential development. Portions of the original plat have been replatted and developed. However, this portion of Pawnee Mesa Addition remains undeveloped. The applicant has indicated that two-family dwellings are proposed on these lots.

Pawnee Mesa Addition, through previous zone changes and variances, allows a variety of housing types and densities. The property was first zoned from "R-1" to "AA" (SCZ-0437) in 1979. An associated conditional use permit (CU-223) allowed two-family and multi-family dwellings in a small, four-acre portion of the development. A second zone change (Z-2272) in 1980 was approved for an additional four acres of "A" zoning adjoining the area already approved for two-family use. Pawnee Mesa 2nd Addition, a replat, was completed as a requirement of a BZA-approved variance which reduced lot size, front and side yard setbacks. These previous actions have all been concentrated at the southeast section of the development and are not in the area subject to this request.

The proposed new Comprehensive Plan recommends higher overall densities and a mix of residential uses is not necessarily

undesirable. In the early 40s, the lowest density residential zoning district allowed both single-family and duplex uses. College Hill is one example of a stable neighborhood in which duplexes are scattered in a predominantly single-family neighborhood. However, the area was down-zoned from "A" to "AA" to protect the predominant single-family character. Generally, it is preferable for higher-density residential uses to be clustered together and located closer to mile section line roads. This request for scattered "A" zoning is inconsistent with the established zoning pattern of concentrating different housing densities together within the development.

With the exception of three vacant lots, all the nearby lots in this addition are owned by the applicant, so the potential impact of this request on present owners is minimal. However, consideration should also be given to future homebuyers who may assume that this is a uniform single-family development. However, staff's original recommendation was that the request be denied, the applicant has submitted a restrictive covenant for Lots 1 and 7, Block 6 and Lots 1, 10, 11 and 19, Block which will ensure that the duplexes are compatible with surrounding single family residential uses. The covenant states that any duplex built on the referenced lots be constructed so that each unit's entrance and off-street parking face separate streets. In light of the submitted covenant, staff recommends the zone change be approved for those lots covered by the covenant.

On September 24, 1992, the MAPC reconsidered this case. At that meeting the MAPC voted 11-0 to approve the request subject to submission of a voluntary restrictive covenant.

RECOMMENDATIONS/ACTIONS:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading; or
2. Return the application to the MAPC for reconsideration, stating reasons; or
3. Override Planning Commission's recommendation by 2/3 majority vote of the membership of the governing body.

() Published in The Daily Reporter on 10-30-92

ORDINANCE NO. 41-901

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

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 Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3059

Zone change request from "AA" One-Family Dwelling District to the "A" Two-Family Dwelling District

Lots 1 and 7, Block 6; Lots 1, 10, 11 and 19, Block 7, Pawnee Mesa Addition to Wichita, Sedgwick County, Kansas.

Generally located north and west of the intersection of Pawnee Avenue and Lark Lane.

SECTION 2. That upon the taking effect of the 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 Zoning Ordinance 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, _____

ATTEST:

(SEAL) City Clerk

Mayor

Approved as to form:

City Attorney

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