Agenda Item No. _____

City of Wichita
City Council Meeting
November 16, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2004-00031 – Zone change from "SF-5" Single-family Residential to "TF-3" Two-family Residential. Generally located approximately midway between Greenwich Road and 127th Street East, north of Douglas Avenue. (District II)

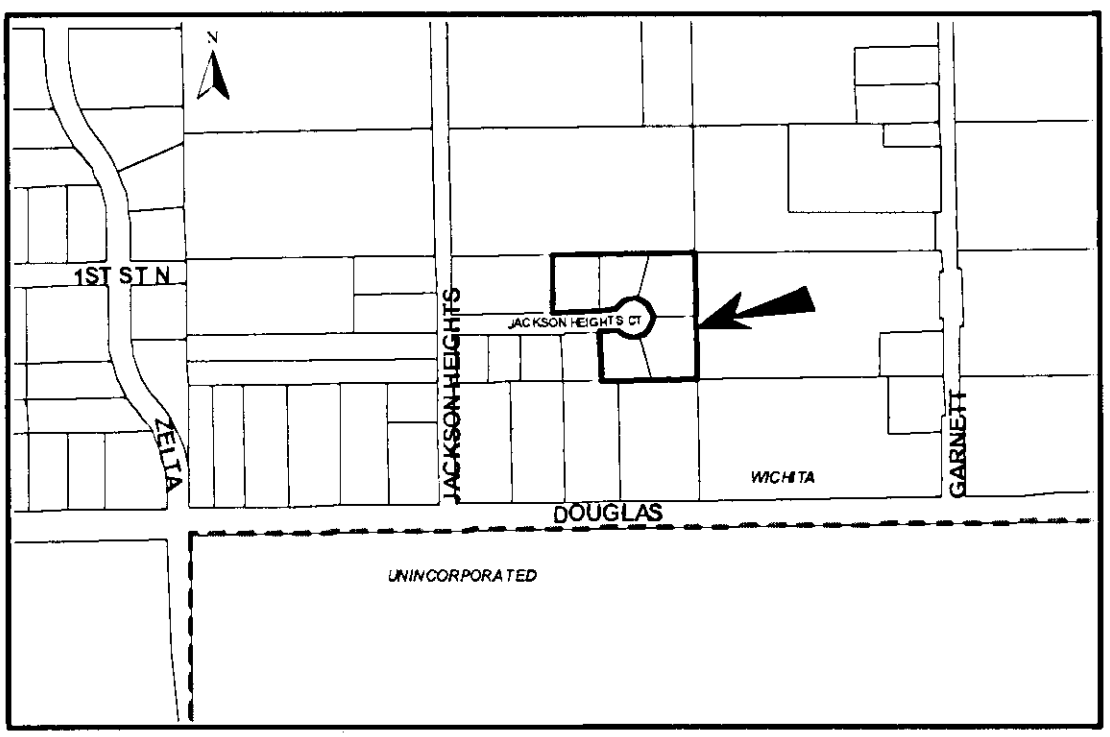
INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approve (12-0-1)

MAPD Staff Recommendations: Approve

DAB II Recommendations: Approve (7-2)



BACKGROUND: The applicants request a zone change from "SF-5" Single-Family Residential to "TF-3" Two-Family Residential on Lots 5 – 9, of the Garden Meadows Addition. Lots 1 – 4 of the Garden Meadows Addition will remain zoned "SF-5". The subject site is located north of Douglas and east of Jackson Heights Street, midway between 127th Street East and Greenwich Avenue. The applicant proposes to develop the site with duplexes on the five eastern lots, which are at the end of the Jackson Heights Court cul-de-sac.

Analysis: The immediate area is characterized by large lot/tract single-family residential development with "SF-5 zoning on the north side of Douglas Avenue. The size of these lots/tracts range from 0.25–acres to over 4-acres with the houses on them having been built anywhere from the 1920s to 1980, with the majority having been built during the 1940s and 1950s. Materials used on the houses vary from brick, to brick and wood or composite siding, to wood or composite siding. Some of the larger lots, with houses on them, also have outbuildings on them allowing these property owner's to keep their horses on their properties. The area also features lots of mature trees, landscaping and some mixed tree hedges. South of Douglas Avenue there is undeveloped, woody "SF-20" zoning, in a small isolated part of Sedgwick County, and a large manufactured housing park. The subject site/Garden Meadows Addition is on Jackson Heights Court, an asphalt paved, roll over curb, cul-de-sac. There is one single-family residence, built on two of the lots, in the addition. The five subject lots' size ranges from approximately 0.33-acres to 0.50-acres.

The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The "Low Density Residential" category provides for the lowest density (1 to 6 units per acre) of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions, and planned developments with a mix of housing types that may include townhouse and multi-family units. The density of the proposed "TF-3" zoning matches the development density in a "Low Density Residential" area rather than a "Medium Density Residential" development density, which the "TF-3" zoning district is considered. The development of 5 duplexes as proposed (approximately 6 to 4 units per acre) is within the appropriate density range (1 to 6 units per acre) for the "SF-5" zoning district.

The MAPC considered this case at their June 24, 2004 meeting and recommended approval (12-0-1) of the zoning change to "TF-3" two-family residential, as recommended by Staff. Several persons spoke in opposition to the requested zoning change at the meeting. DAB II considered this case, at their July 12, 2004 meeting and recommended (unanimously) that the case be deferred pending discussions between the applicant and area residents, in an attempt to achieve consensus on the zoning request. Several persons spoke in opposition to the requested zoning change at the meeting. DAB II reconsidered this case, again, at their October 18, 2004 meeting and recommended (7-2) that the zone change of "SF-5" to "TF-3" be approved. Several persons spoke in opposition to the requested zoning change at the meeting. Staff has received written protest against the requested zoning change that represent 52.44% of the land area. When landowners representing over 20% of the land area protest a zoning change, the zone change cannot be approved except by at least a three – quarter majority vote of all members of the governing body. In Wichita this calculation is based on a distance of a 200-foot radius from the outer boundaries of the application area.

Financial Considerations: None

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on the first reading (requires 3/4 majority of all members of City Council); or

2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-third majority vote of the City Council on the first hearing.)

(150004) Published in The Wichita Eagle on 11-29-04

ORDINANCE NO. 46-409

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. ZON2004-00031

Request for zone change from "SF-5" Single-family Residential to "TF-3" Two-family Residential on property described as:

Lots 5, 6, 7, 8 & 9, Garden Meadow Addition, Wichita, Sedgwick County, Kansas. Generally located approximately midway between Greenwich Road and 127th Street East, north of Douglas.

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, Nov. 23, 2004

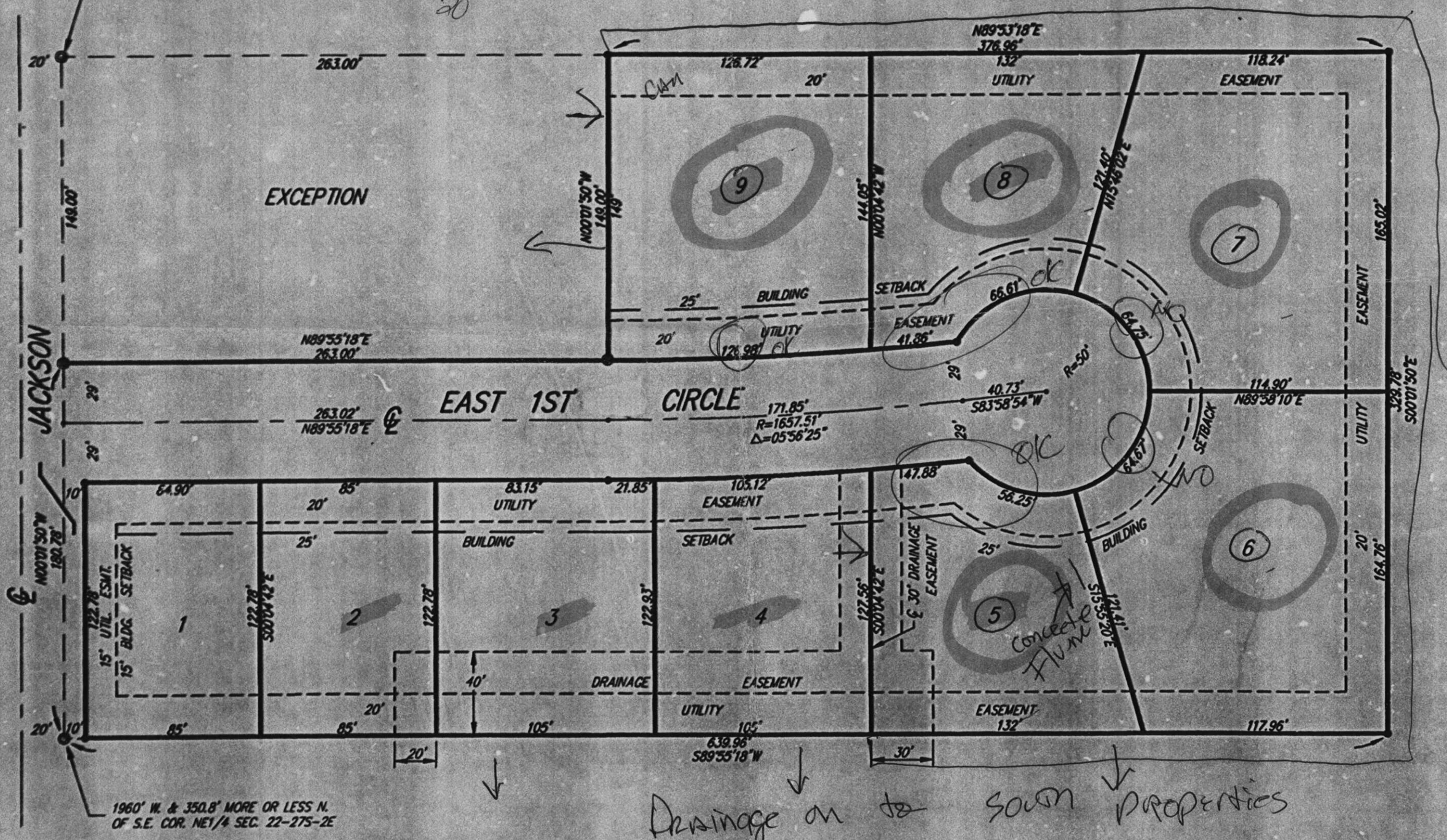
Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Lots 5, 9 & 8 = more than 100-Ft of width = can be subdivided for SFS