

ORDINANCE NO. 48-562

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. ZON2009-00030**

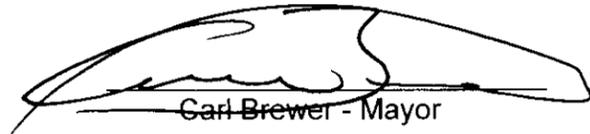
Zone change from SF-5 Single-family Residential ("SF-5") to TF-3 Two-family Residential ("TF-3") on property described as:

Lot 1, Block B, Roberts-Brenner-Klein Addition, Wichita, Sedgwick County, Kansas; generally located north of Pawnee Avenue, west of Seneca Street, on the south side of Lotus Street.

**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, November 24, 2009

  
Carl Brewer - Mayor

ATTEST:  
  
Karen Sublett, City Clerk



Approved as to form:

  
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Gary E. Rebenstorf, City Attorney



AGENDA ITEM NO.   1  

## STAFF REPORT

MAPC October 8, 2008  
DAB IV October 7, 2009

**CASE NUMBER:** ZON2009-00030

**APPLICANT/AGENT:** Ledgestone Homes, Inc., (applicant/owner)  
Ruggles & Bohm, P.A., c/o Chris Bohm (agent)

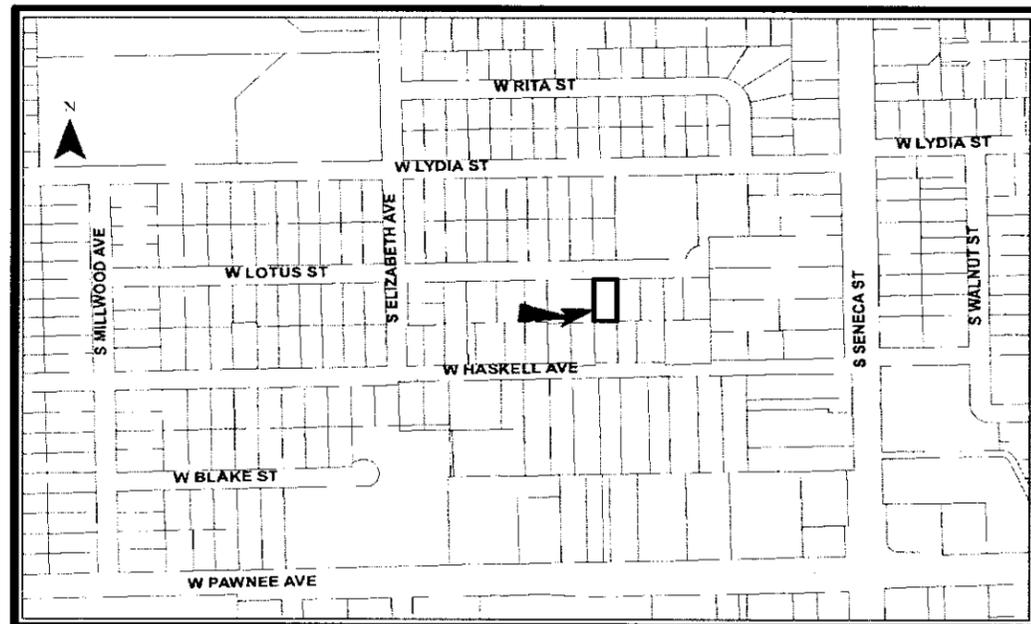
**REQUEST:** TF-3 Two-Family Residential ("TF-3")

**CURRENT ZONING:** SF-5 Single-Family Residential ("SF-5")

**SITE SIZE:** 0.2-acres (66 feet {x} 135 feet)

**LOCATION:** North of Pawnee Avenue, west of Seneca Street, south side of Lotus Street

**PROPOSED USE:** Duplex



**BACKGROUND:** The applicant requests a zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two-Family Residential ("TF-3") on the undeveloped Lot 1, Block B, Roberts-Brenner-Klein Addition. The applicant proposes to build a duplex. Aerials of the area show the lot to be vacant since at least 1997. The site is located on the south side of Lotus Street. Lotus is a residential cul-de-sac on its east side and intersects with the residential street Elizabeth Avenue on its west end. Lotus has no direct access to an arterial or collector streets.

The immediate area is characterized by SF-5 zoned single-family residences, built from the late 1920s through the 1970s. There is a SF-5 zoned church located northeast of the site, across Lotus Street. The exceptions to the neighborhood's SF-5 zoning is an adjacent, eastern TF-3 zoned single-family residence (built 1945, no record of a zone change) and the abutting eastern properties, which currently have two duplexes being built on them; ZON2008-52, SF-5 – TF-3, Lots 3 and 4, Block 1, Ledgestone Addition, recorded April 14, 2009. The existing and proposed TF-3 zoned properties occupy the south east, cul-de-sac end of Lotus, where there is adjacent LC Limited Commercial ("LC") zoning and development.

**CASE HISTORY:** The site is Lot 1, Block B, Roberts-Brenner-Klein Addition, recorded with the Register of Deeds May 18, 1959. The site is located in an area that was annexed into the City of Wichita between the years 1951 - 1960.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Church, single-family residences
SOUTH:	SF-5	Single-family residences
EAST:	TF-3	Two duplexes under construction, single-family residence
WEST:	SF-5	Single-family residences

**PUBLIC SERVICES:** The site has access to Lotus Street, a residential street. This portion of Lotus is paved and curbed with 60 feet of right-of-way (ROW), which ends in a cul-de-sac on its east side and intersects with the residential street, Elizabeth Avenue on its west side. The 2030 Transportation Plan shows no change to any of the abovementioned streets' status. The nearest traffic counts are at the Pawnee Avenue and Seneca intersection and they range from 18,308 to 22,465 average trips per day. Public water, sewer service and all other utilities are available to serve the site.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan designates this area as appropriate for "Urban Residential" development. The Urban Residential category includes all housing types found in the municipality, including duplexes. The Comprehensive Plan contains the following objective: encourage residential redevelopment, infill, and higher density residential development, which maximize the public investment in existing and planned facilities and services. The objective is intended to be achieved through several strategies, including using zoning as tools to promote mixed-use development, higher density residential environments, and appropriate buffering. The proposed TF-3 zoning would promote development of a vacant property, into a duplex, which would maximize

the public investment in existing and planned facilities and services. There are existing TF-3 zoned properties adjacent and abutting the east side of the subject site, therefore the proposed TF-3 zoning does not introduce TF-3 zoning into the area. No buffering is required by the UZC between single-family residential use and a duplex.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The immediate area is characterized by SF-5 zoned single-family residences, built from the late 1920s through the 1970s. There is a SF-5 zoned church located northeast of the site, across Lotus Street. The exceptions to the neighborhood's SF-5 zoning is an adjacent, eastern TF-3 zoned single-family residence (built 1945, no record of a zone change) and the abutting eastern properties, which currently have two duplexes being built on them; ZON2008-52, SF-5 – TF-3, Lots 3 and 4, Block 1, Ledgestone Addition, recorded April 14, 2009. The existing and proposed TF-3 zoned properties occupy the south east, cul-de-sac end of Lotus, where there is adjacent LC Limited Commercial ("LC") zoning and development.
2. The suitability of the subject property for the uses to which it has been restricted: Although the undeveloped, 0.2-acre lot is zoned SF-5 and could be developed as single-family residential, aerials show it to be vacant since at least 1997. The proposed TF-3 zoning would promote development of a vacant property, into a duplex, which would maximize the public investment in existing and planned facilities and services. There are existing TF-3 zoned properties adjacent and abutting the east side of the subject site, therefore the proposed TF-3 zoning does not introduce TF-3 zoning into the area. There are two duplexes currently being built next door (east) to the subject site.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Typical concerns expressed by neighbors in regards to duplex development is declining property values of the neighborhood brought on by poor maintenance of what is typically rental housing, i.e., the duplexes. Poor maintenance of rental property is not an absolute, nor is there any guarantee that a single-family residence will be maintained by its owner. Aerials show the site to have been vacant since at least 1997; building a duplex on the site would seem to be preferable to letting the site remain vacant. The two duplexes being built on the abutting eastern lots are single storey, with lap siding and attached garages and are the newest residences/buildings in the neighborhood.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan designates this area as appropriate for "Urban Residential" development. The Urban Residential category includes all housing

types found in the municipality, including duplexes. The Comprehensive Plan contains the following objective: encourage residential redevelopment, infill, and higher density residential development, which maximize the public investment in existing and planned facilities and services. The objective is intended to be achieved through several strategies, including using zoning as tools to promote mixed-use development, higher density residential environments, and appropriate buffering. The proposed TF-3 zoning would promote development of a vacant property, into a duplex, which would maximize the public investment in existing and planned facilities and services. There are existing TF-3 zoned properties adjacent and abutting the east side of the subject site, therefore the proposed TF-3 zoning does not introduce TF-3 zoning into the area. No buffering is required by the UZC between single-family residential use and a duplex.

5. Impact of the proposed development on community facilities: Community facilities should not be adversely impacted due to the minor increase in density.