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45-111

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. ZON2008-42

Request for Zone change from SF-5 Single-Family Residential District to TF-3 Two-family Residential for property described as:

Lots 63 and 64, on St. Paul Street, Sim Park Gardens, Sedgwick County, Kansas.

Generally located South of 9th Street North and east of St. Paul.

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 this 18 day of NOV, 2008.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, CMC

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. _____

City of Wichita
City Council Meeting
November 4, 2008

TO: Mayor and City Council

SUBJECT: ZON2008-42/CON2008-36 – Zone change to "TF-3" Two-family Residential and Conditional Use request for four duplexes (eight dwelling units); generally located south of 9th Street North and east of St. Paul. (District VI)

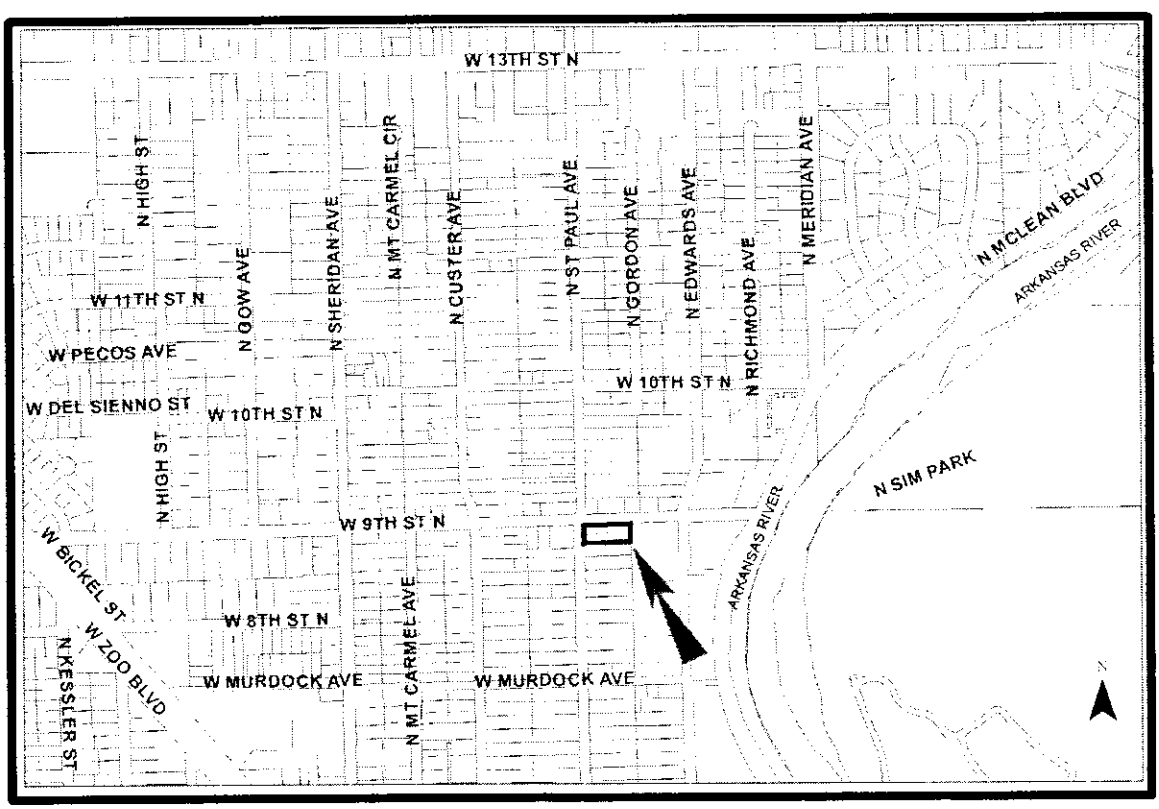
INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Non-consent)

MAPC Recommendations: Approve, subject to staff recommendations (12-0).

MAPD Staff Recommendations: Approve the zone change and Conditional Use, subject to conditions.

DAB Recommendations: Approve, subject to staff recommendations (8-0) with a condition to limit the number of dwelling units to six.



Background: The applicant requests TF-3 Two-family Residential ("TF-3") zoning on a .6 acre site currently zoned SF-5 Single-family Residential ("SF-5"). The site was developed with a single-family dwelling which was recently demolished. The applicant also requests a Conditional Use for multiple duplexes on one parcel; the applicant intends to develop four duplexes with eight total units (see the attached site plan). The property is 25,480 square feet, with 260 lineal feet of frontage along 9th Street. North and south of the application area are SF-5 zoned single-family residences. East of the site are GO General Office ("GO") zoned duplexes and a convalescent care tower. West of the site is an SF-5 zoned church.

Analysis: DAB VI heard this request on September 10, 2008. Area residents and the DAB spoke about the size of the property and the appropriate number of units. DAB VI moved to approve (8-0) the request, subject to staff recommended conditions with an additional condition to limit the property to six units.

MAPC heard this request on September 11, 2008 and approved, subject to staff recommendations for eight total units (12-0). No members of the public spoke at the MAPC hearing, and no protests have been received.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality.

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

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change and Conditional Use subject to the staff recommendations; authorize the first reading of the ordinance and publish the zone change ordinance; or

2. Adopt the findings of the MAPC and approve the zone change and Conditional Use subject to the staff recommendations with a change in conditions to limit the site to six dwelling units; authorize the first reading of the ordinance and publish the zone change ordinance; or

3. Return the application to the MAPC for reconsideration.

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