

ORDINANCE NO. 48-564

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. ZON2009-00031

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

Lot 38, Block 1, Prairie Pointe Addition to Wichita, Sedgwick County, Kansas, generally located north of 37th Street North 1/3 mile west of Maize Road (10932 West 37th Street North).

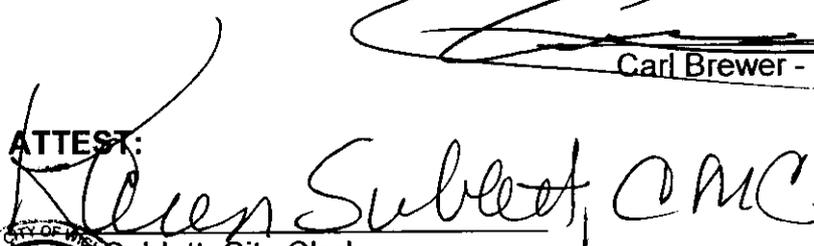
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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, December 1, 2009


Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk



City of Wichita
City Council Meeting
November 24, 2009

To: Mayor and City Council

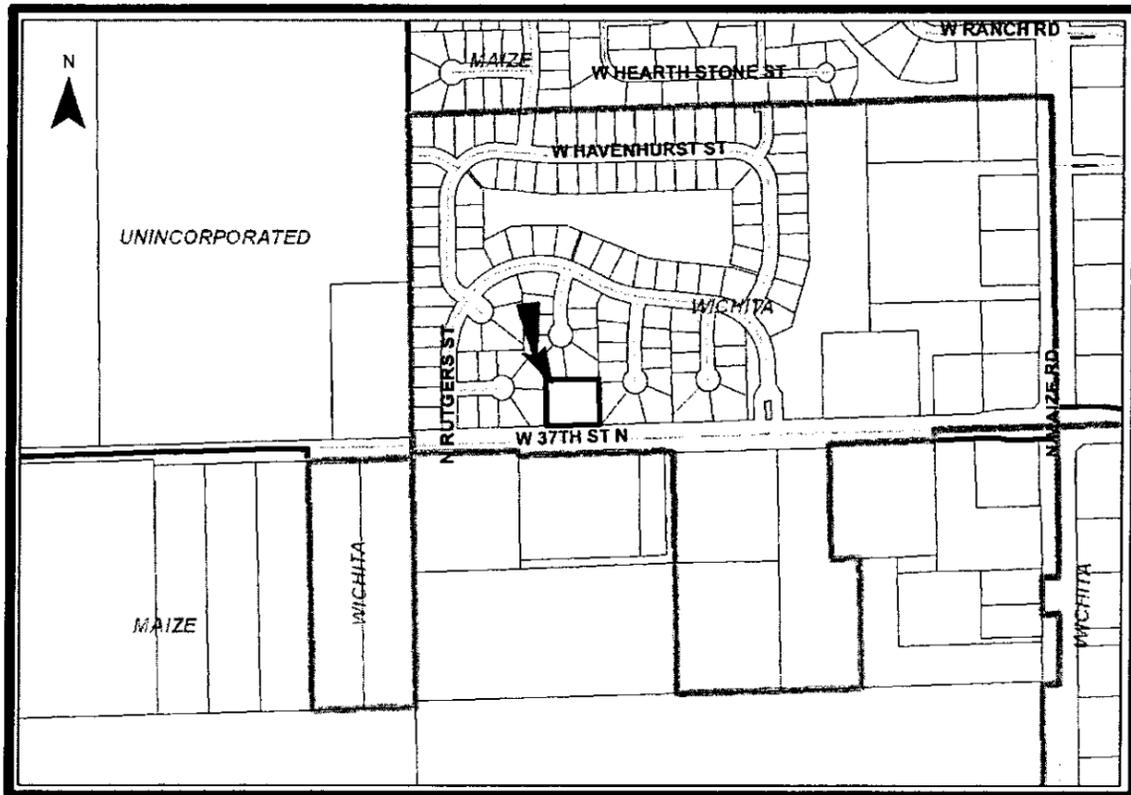
Subject: ZON2009-00031 - City zone change from SF-5 Single-family Residential ("SF-5") to TF-3 Two-family Residential ("TF-3"); generally located north of 37th Street North 1/3 mile west of Maize Road (10932 West 37th Street North). (District V)

Initiated By: Metropolitan Area Planning Department *JLS*

Agenda: Planning (Consent)

MAPC Recommendation: Approve (11-0).

MAPD Staff Recommendation: Approve.



Background: The applicant requests a city zone change from SF-5 Single-family Residential (SF-5) to TF-3 Two-Family Residential ("TF-3"), generally located north of 37th Street North 1/3 mile west of Maize Road (10932 West 37th Street North). The applicant has a single-family residence and a garage with extra space for an office. He wishes to use the garage as the office for his home occupation, Vogt Construction. Home occupations cannot be operated out of a garage in the SF-5 zoning district, but can in the TF-3 zoning district. Restrictions apply to the types of home occupations allowed in TF-3, and this applicant would remain subject to these restrictions. In particular, an office is allowed but a construction yard for a construction sales and service operation is not.

The site is on a 0.93-acre tract developed prior to the platting and development of Prairie Pointe Addition, but the site was incorporated as a part of this addition. The house is located on the south side of the lot with a front setback onto 37th Street North. It has a common interior property line with residential lots in Prairie Pointe Addition on its east, north and west sides. A five-foot wall easement is located on this applicant's property along these three common property lines, and a masonry wall is constructed within the wall easement. The 42 foot by 55 foot garage/accessory structure is located on the northwest corner of the lot, set about 15 feet from the north property line and 25 feet from the west property line. The building permit issued in 2007 (BLD2007-06702) documented that the applicant was applying for TF-3 zoning for the home occupation, that the building was a 2,310 square foot two-story accessory building with 25 feet as the total height and 392 feet of space on the second story, with a full bath and bedroom. The original house appears to have been constructed in 1961 and has 1,536 square feet of building coverage according to assessor's records.

The lots adjoining the property on the east, north and south are developed with single-family residences on property zoned SF-5 within the Prairie Pointe Subdivision. The property to the south is zoned R-1 Single-Family Residential in the City of Maize and is two acreages with single-family residences and farming operations. A property to the southeast is approved as PUD #18 Royal Magnolia that allows for certain nonresidential development, but is undeveloped.

Analysis: At the MAPC meeting held on October 22, 2009, the MAPC voted (11-0) to approve the requested zoning. There were no protests to this request at the MAPC meeting. Staff has not received any protests to the requested zoning.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

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

Recommendation/Actions:

Adopt the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading.

Attachment: None.