

ORDINANCE NO. 48-408

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. ZON 2009-05

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

Lot 1, Block 1, Simmons 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas.

Generally located north of Central, west of Meridian.

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 August 2009.

ATTEST:

*Keren Sublett, City Clerk*

Keren Sublett, City Clerk

*Carl Brewer, Mayor*  
Carl Brewer, Mayor



Approved as to form:

*Gary E. Rebenstorf, City Attorney*  
Gary E. Rebenstorf, City Attorney

City of Wichita  
City Council Meeting  
April 7, 2009

**TO:** Mayor and City Council

**SUBJECT:** ZON2009-00005 and CON2009-00004 – City zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential with a Conditional Use (CON2009-04) for multiple two-family residences on one lot, generally located north of W. Central Avenue and east of North Mount Carmel Avenue (2929 West Elm) (District VI)

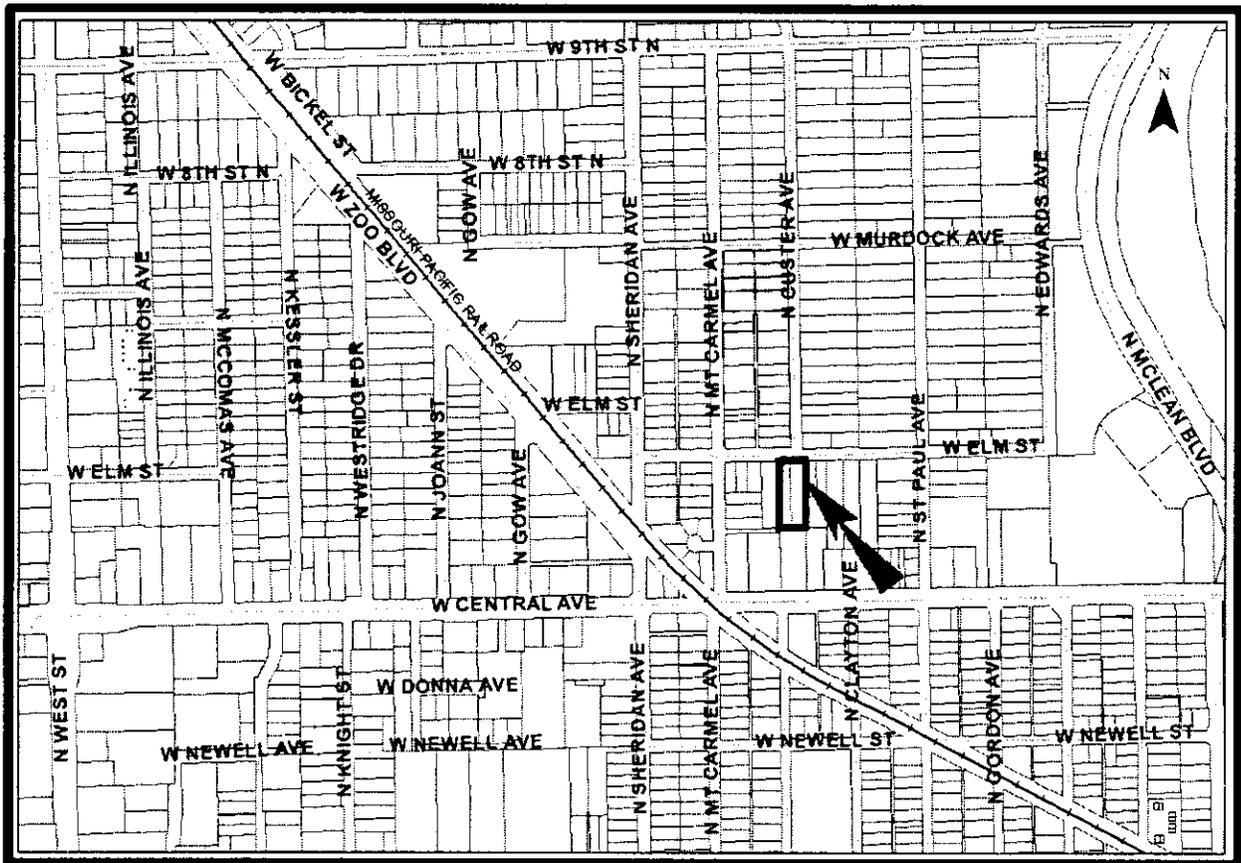
**INITIATED BY:** Metropolitan Area Planning Department. *JLS*

**AGENDA:** Planning (Consent)

**MAPC Recommendations:** Approve, subject to staff recommendations (13-0)

**MAPD Staff Recommendations:** Approve, subject to conditions

**DAB VI Recommendations:** Approve, subject to staff recommendations (8-0)



**Background:** The applicant requests TF-3 Two-family Residential (“TF-3”, zoning on a 0.84-acre site, currently zoned SF-5 Single-family Residential (“SF-5”). The site is currently undeveloped. The applicant also requests a Conditional Use for multiple duplexes on one lot; the applicant intends to develop four duplexes with eight total units (see the attached site plan). The property is 36,590 square feet, with 126 linear feet of frontage along West Elm Street.

Property north and west of the subject site is zoned SF-5 and is developed with single-family residences, while the property to the east is also zoned SF-5, but is currently undeveloped. Property south of the subject site is zoned LC Limited Commercial (“LC”) and is developed as a shopping center with frontage along Central Avenue.

**Analysis:** This case was heard at the District VI Advisory Board meeting held on March 2, 2009. At that meeting, the DAB voted (8-0) to approve the request subject to staff conditions. A couple members had concerns about access for fire trucks and parking for the units. The fire department will provide their input on the site during the platting process, and the duplexes will have two parking spaces per unit. There were no citizens to speak on the request.

At the MAPC meeting held March 5, 2008, MAPC voted (13-0) to recommend approval of the zone change and Conditional Use request subject to staff recommendation. The case was approved by consent and there was no one in the public to speak for or against the application.

The action of the MAPC was to **APPROVE** the request, subject to platting within one year, and subject to the following conditions:

A. **APPROVE** the zone change (ZON2009-05) to TF-3 Two-family Residential (“TF-3”), subject to platting within one year.

B. **APPROVE** the Conditional Use Request (CON2009-04), subject to the following conditions:

1. The site shall be limited to four duplexes and eight total dwelling units.
2. A revised site plan will need to be provided that will determine if the location of landscaping, parking, setbacks and any other detail.
3. The site shall be developed in general conformance with the approved site plan.
4. Development on the site shall conform to all applicable codes to include zoning, building, landscape, housing, and health codes.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

**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:**

1. Adopt the findings of the MAPC and approve the zone change to TF-3 Two-family Residential (“TF-3”) and Conditional Use; withhold the publication of the ordinance until the plat is recorded; or
2. 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.)