

ORDINANCE NO. 49-021

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. ZON2011-00008

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

Lots 2, 4, 6, 8, 10 and 12; Block 8; Quincy Addition, Wichita, Sedgwick County, Kansas; generally located at the southeast corner of the intersection of S. Kessler St. and W. University Ave.

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 21st day of June, 2011.

ATTEST:

Karen Sublett, City Clerk
Karen Sublett, City Clerk

Carl Brewer, Mayor
Carl Brewer, Mayor



Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
June 14, 2011

TO: Mayor and City Council

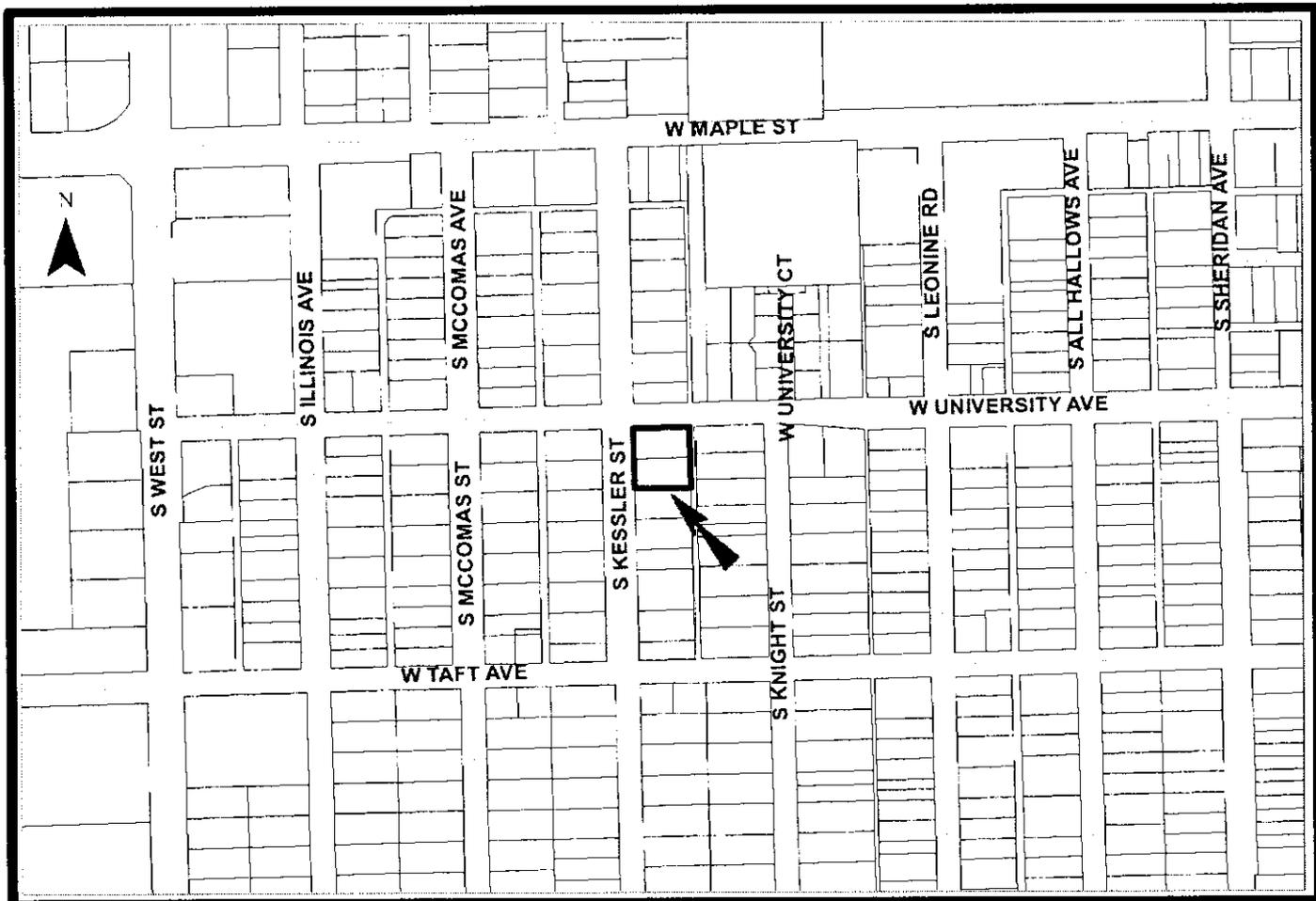
SUBJECT: ZON2011-00008 – City zone change from SF-5 Single-Family Residential (“SF-5”) to TF-3 Two-Family Residential (“TF-3”); generally located at the southeast corner of the intersection of Kessler Street and University Avenue (District IV)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, vote (12-0).

MAPD Staff Recommendation: Approve.



Background: The applicant is seeking TF-3 Two-family Residential (“TF-3”) zoning for a 0.43-acre platted property, half of which is developed with a single-family residence. The site is currently zoned SF-5 Single-family Residential (“SF-5”) and is located on the southeast corner of University Avenue and Kessler Street. The applicant proposes to develop the site with a duplex. The *Unified Zoning Code* (UZC) defines a duplex as a lot used for “...two principal dwelling units within a single building.” The code permits building heights up to 35 feet in the TF-3 district, which is the same maximum height allowed in the SF-5 district. If the request was to be approved, the existing single lot would allow only one duplex structure with two living units or one single-family structure (permitted by right as TF-3 residential uses); however, it is possible to replat or lot split the existing 0.43-acre (or 18,730 square-foot) lot into three 6,243 square-foot lots that could allow three duplex structures (3,000 square-foot minimum lot area per dwelling unit for duplex). Even as currently zoned, the property could be lot split into more than one single-family lot (5,000 square-foot minimum lot area for single-family in SF-5).

Property immediately surrounding the site to the north, south, east and west is zoned SF-5 and is developed with primarily single-family residences. A SF-5 zoned property to the west of the subject site is actually developed with a duplex, while property located approximately 180 feet to the northeast of the subject site is zoned TF-3 and is also developed with duplexes. At the November 18, 2010, Metropolitan Area Planning Commission (MAPC) meeting, the Commission approved a rezone request of SF-5 to TF-3 at the corner of All Hallows Avenue and University Avenue, which is located just three blocks east of the subject site.

Analysis: At the MAPC meeting held May 12, 2011, the MAPC voted (12-0) to recommend approval of the request for TF-3 zoning. The case was approved through a consent vote since no one was present to voice concerns on the request. No protests have been received during the subsequent two-week protest period.

Financial Considerations: There are not any financial considerations in regards to the zoning request.

Goal Impact: Approval of this request will promote the City’s goal of 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, approve the zone change, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

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

Attachments:

- Ordinance
- MAPC Minutes