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OCA 150004

ORDINANCE NO. 49-038

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. ZON2011-00011

Zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two Family Residential ("TF-3") on an 11.46-acre property described as:

Lots 11 - 41, inclusive, Block B, Lots 1 -18, inclusive, Block D, all in the Angel Fire Addition; generally located north of 47rth Street South, midway between Meridian Avenue and the Big Ditch, Wichita, Sedgwick County, Kansas.

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.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, MMC

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. _____

City of Wichita
City Council Meeting
July 12, 2011

TO: Mayor and City Council

SUBJECT: ZON2011-00011 – City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential; generally located north of 47th Street South, midway between Meridian Avenue and the Big Ditch. (District IV)

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Non-Consent)

MAPC Recommendation: Approve (10-0).

MAPD Staff Recommendation: Approve.

Background: The applicant requests a zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two-Family Residential ("TF-3") on Lots 11-41 (all), Block B, and Lots 1-18 (all), Block D, all in the Angel Fire Addition. The applicant proposes to build duplexes on these lots. The site's subdivision is currently zoned both SF-5 and TF-3 and is partially developed with single-family residences and duplexes.

The area is located on the edge of the Wichita city limits, with a mix of uses and zoning around it. There is a large (approximately 80 acres) MH Manufactured Housing ("MH") zoned manufactured home park abutting the north side of the subject lots and their subdivision. There is also a developed SF-5 zoned subdivision abutting the northeast corner of the site's subdivision. An adjacent portion (30 lots, located south and west of the site) of the site's subdivision is zoned TF-3 (ZON2000-49) and is being developed with duplexes. Abutting and adjacent eastern and southern portions of the site's subdivision are developed as SF-5 zoned residences. East of the site's subdivision there is undeveloped SF-20 Single-Family Residential ("SF-20") zoned land. South of 47th Street South are SF-20 and SF-5 zoned subdivisions, a few large tract residences and undeveloped land. There are undeveloped LC Limited Commercial ("LC") zoned tracts on the northeast and southeast corners of West St. and 47th Street South. There is an LC zoned residence and night club on the southwest corner of West St. and 47th Street South. The northwest corner of 47th Street South and West St. is the south end of an extensive area of LI Limited Industrial ("LI") zoned developments, with the Sedgwick County maintenance yard being located on this south end. The subject lots are located in the Angel Fire Addition, which previously had 30 lots rezoned from SF-6 Single-Family Residential (SF-6 is now SF-5 zoning) to TF-3; ZON2000-49, January 23, 2001, thus the request does not introduce TF-3 zoning into the area.

Analysis: At the MAPC meeting held March 26, 2011, the MAPC voted (10-0) to approve the request. There were no protests at the MAPC's hearing. Staff has received two (2) protests, both outside the 200-foot protest area but as such having appeal standing (see attached protest map). A simple majority of the Wichita City Council is needed to approve the zoning request.

Financial Considerations: All improvements will be to City standards and at the applicant's expense.

Goal Impact: The application supports the City's goal to 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, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required); or
2. Deny the zone change request by making alternative findings, and override the MAPCs recommendation (two-thirds majority vote required); or
3. Return the application to the MAPC for further consideration (simple majority vote required).

Attachments:

- Ordinance
- MAPC Minutes
- Protest map