

OCA 150004

ORDINANCE NO. 491-102

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. ZON2011-00022**

Zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two-family Residential ("SF-5") on property described as the eastern 81 feet of Lots 49, 51 and 53, Martinson's 5<sup>th</sup> Addition, to 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.

*Laonte William* Vice Mayor  
for *Carl Brewer* - Mayor

ATTEST:

*Karen Sublett, M.A.C.*  
Karen Sublett, City Clerk



Approved as to form: *Gary E. Rebenstorf*  
Gary E. Rebenstorf, City Attorney  
*6/3/11*

**City of Wichita  
City Council Meeting  
September 13, 2011**

**TO:** Mayor and City Council

**SUBJECT:** ZON2011-00022 – City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential on property located at 532 South St. Paul. (District IV)

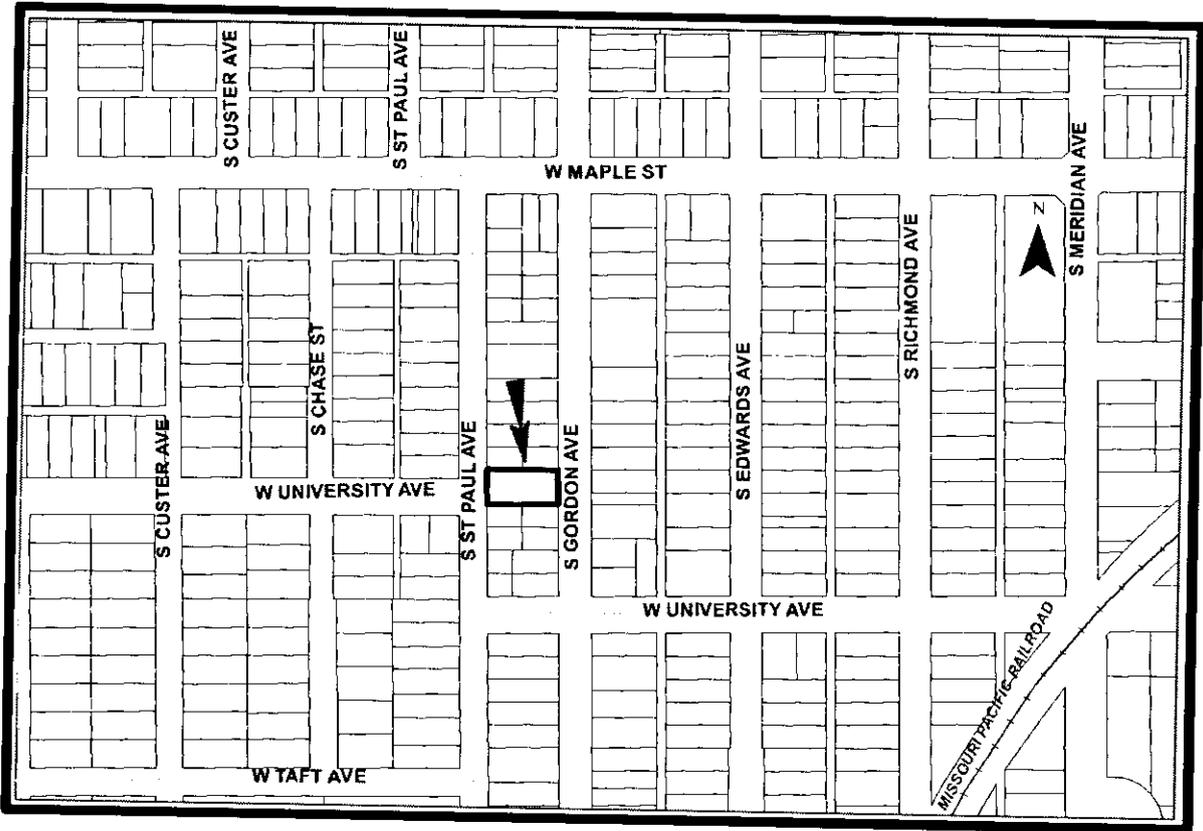
**INITIATED BY:** Metropolitan Area Planning Department *JLS*

**AGENDA:** Planning (Non-Consent)

**MAPC Recommendation:** The MAPC recommendation is to deny the request due to tie votes on two opposite motions; one to approve and one to deny the request (both motions resulted in a 5-5 vote).

**MAPD Staff Recommendation:** The MAPD staff recommendation is approval.

**DAB IV Recommendation:** The DAB IV recommendation is approval (7-0).



**Background:** The applicant is requesting TF-3 Two-family Residential (“TF-3”) zoning on a .27-acre (11,887.5 square feet) platted zoning lot located at 532 South St. Paul, and currently zoned SF-5 Single-family Residential (“SF-5”). The applicant’s ownership has double frontage on South St. Paul and South Gordon Streets. The applicant’s property is 75 feet wide by 158.5 feet deep. The western approximately 77 feet of the applicant’s ownership, measured from South St. Paul to the eastern overhang of the detached garage, is developed with a single-family residence and a garage, and fronts South St. Paul Street. The eastern approximately 81.5 feet of the applicant’s ownership is undeveloped, and fronts South Gordon Street. The applicant intends to divide the existing zoning lot with a Lot Split that would be filed if the zoning request is approved, and build a duplex on the undeveloped portion of the lot that fronts South Gordon Street.

The TF-3 zoning district requires a minimum lot size of 6,000 square feet for a duplex with a front setback of 25 feet and a rear setback of 20 feet. The previously noted minimum lot area and front and rear setbacks present obstacles for the applicant’s proposal. As noted above the existing garage is located approximately 77 feet from the St. Paul right-of-way. If one adds the zoning district’s 20-foot rear setback requirement to the location of the garage’s eastern facade that places the potential lot split line at 97 feet; leaving only the eastern 61.5 feet in which to locate the proposed duplex. Deducting the zoning district’s combined front and rear setbacks of 40 feet from the vacant eastern 61.5 feet would leave only a 16 (east to west) by 75-foot (north to south) or so wide area in which to build the duplex. In the event the 16 by 75-foot envelope is not sufficient, the applicant has indicated that the existing garage has an eight-foot lean-to that was added to the garage’s eastern side that could be removed, which would give a 24-foot (east-west) building envelope. If the applicant is not able to build the desired structure within the 24-foot by 75-foot building envelope, he could file Administrative Adjustments to reduce the front and rear building setbacks by up to 20 percent or up to four feet per setback (eight feet total) which could further widen the building envelope. If the relief provided by one or more Administrative Adjustment is not sufficient, the applicant could file Variances to potentially gain more buildable area. If the applicant removed the eight-foot lean-to from the existing garage, that would make the duplex portion of the lot 6,675 square feet, which exceeds the previously noted minimum lot area requirement. (Planning staff has discussed with the applicant the fact that Administrative Adjustments and Variances are separate and distinct applications from the zone change, and approval is not guaranteed.)

At the District Advisory Board meeting the applicant provided a site plan that shows that it is possible to develop the vacant portion of the site with a 42-foot by 63-foot duplex structure provided two administrative adjustments, reductions in the front setback of five feet and the rear setback by four feet, are obtained and the ten-foot nine inch lean-to is removed from the site’s existing garage.

Properties located adjacent to the site are zoned SF-5 and are developed with single-family residences. However, the two residences abutting the application area to the north and the four residences located immediately to the south are developed on non-conforming lots of approximately 3,962.5 square feet when compared to the required minimum lot area of 5,000 square feet. From Gordon Street west to Sheridan Avenue and beyond the area is predominantly zoned SF-5. However, approximately 201 feet to the north of the subject property are three lots zoned TF-3 developed with a duplex (503 South St. Paul). Beginning one-half block east of the subject site are multiple blocks of TF-3 or more intense zoning. Beginning one-half block west of the application area there are four additional areas where lots have been zoned TF-3 that are interspersed within the larger SF-5 zoned area.

**Analysis:** At the Metropolitan Area Planning Commission (MAPC) meeting held August 4, 2011, the MAPC voted on two motions; one to approve and one to deny. Both motions received tie 5-5 votes that results in a recommendation of denial. Comments expressed by some of the planning commissioners indicate there was concern if a duplex could fit on the size of the buildable area remaining on the subject property, and if a duplex was appropriate at this location. See the attached site plan that was not

reviewed by the MAPC. There were not any protests at the MAPC hearing; however, three individuals inquired if the project was to provide low-income housing, and if off-street parking was to be provided. A two-thirds majority vote of the Wichita City Council is needed to override the MAPC recommendation.

**Financial Considerations:** The City of Wichita will not incur any atypical financial considerations as a result of this application.

**Goal Impact:** The application supports the City's goal to promote Economic Vitality.

**Legal Considerations:** Denial of the application should not present any extraordinary legal considerations; however, if the request is approved, the ordinance will be reviewed and approved as to form by the Law Department.

**Recommendation/Actions:**

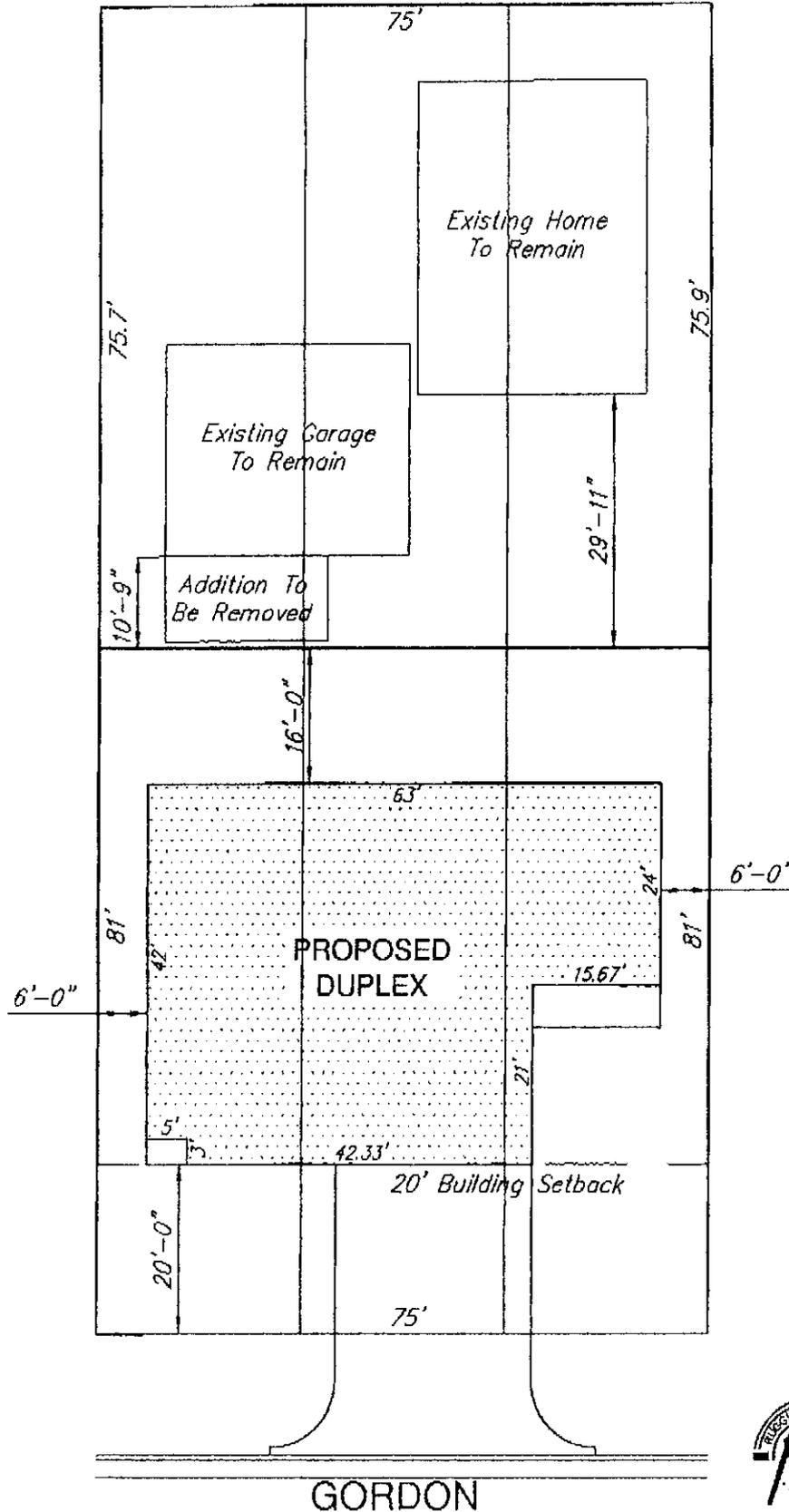
1) Adopt the findings of the MAPC found in the MAPC minutes and deny the zone change, (simple majority vote required); 2) approve the zone change based upon the findings found in the staff report, authorize the Mayor to sign the ordinance and place the ordinance on first reading (requires a two-thirds vote to override the MAPCs recommendation) or 3) return the application to the MAPC for further consideration (simple majority vote required).

**Attachments:**

- MAPC minutes
- DAB memo
- Site plan

# PROPOSED LOT SPLIT EXHIBIT

## SAINT PAUL



**LEGAL DESCRIPTION**  
 Lots 49-51-53  
 Martinson's 5th Addition  
 To Wichita, Kansas



Scale  
 1" = 20'

**Notes:**

10' Addition on rear of garage to be removed.

Adjustment of Building Setbacks required.

3844F  
 Aug. 1, 2011



**Ruggles & Bohm, P.A.**  
 Engineering, Surveying, Land Planning  
 924 North Main (316) 264-8008  
 Wichita, Kansas 67203 (316) 264-4621 fax  
 www.rbkansas.com E-mail: info@rbkansas.com