

(150004) Published in The Wichita Eagle on 6-15-2012

ORDINANCE NO. 19283

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. ZON2012-00012

Zone change request from SF-5 Single-family Residential ("SF-5") to TF-3 Two-family Residential ("TF-3") subject to Protective Overlay #269, on property described as:

Lot 1 and 1/13th undivided interest in Lake Facility, Lakeside Acres 1st Addition to Wichita, Sedgwick County, Kansas.

AND

Lot 2 and 1/13th undivided interest in Lake Facility, Lakeside Acres 1st Addition to Wichita, Sedgwick County, Kansas. Generally located midway (mid-mile) between East 13th Street North and East 21st Street North, along the west side of North 127th Street East (1815 North 127th Street East).

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

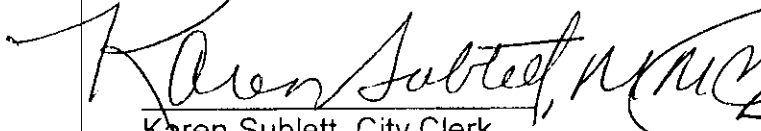
1. Construction to be limited to a maximum of four duplex structures, or eight dwelling units.
2. Developer will upgrade the existing drainage ditch between Lot 2 and Lot 3, as approved by the City stormwater engineer.

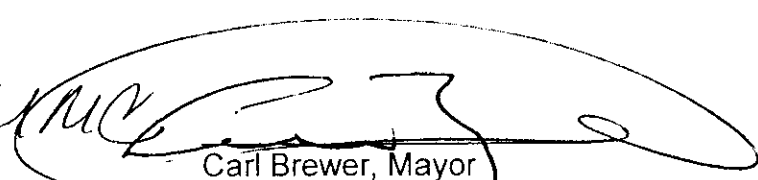
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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 12th day of JUNE, 2012

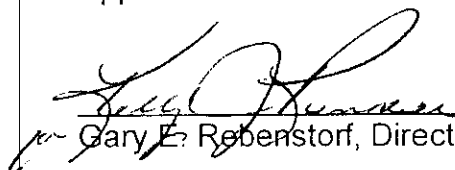
ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor



Approved as to form:


Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
June 5, 2012

TO: Mayor and City Council

SUBJECT: ZON2012-00012 – City zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential generally located mid-mile between East 13th Street North and East 21st Street North, along the west side of North 127th Street East (1815 North 127th Street East). (District II)

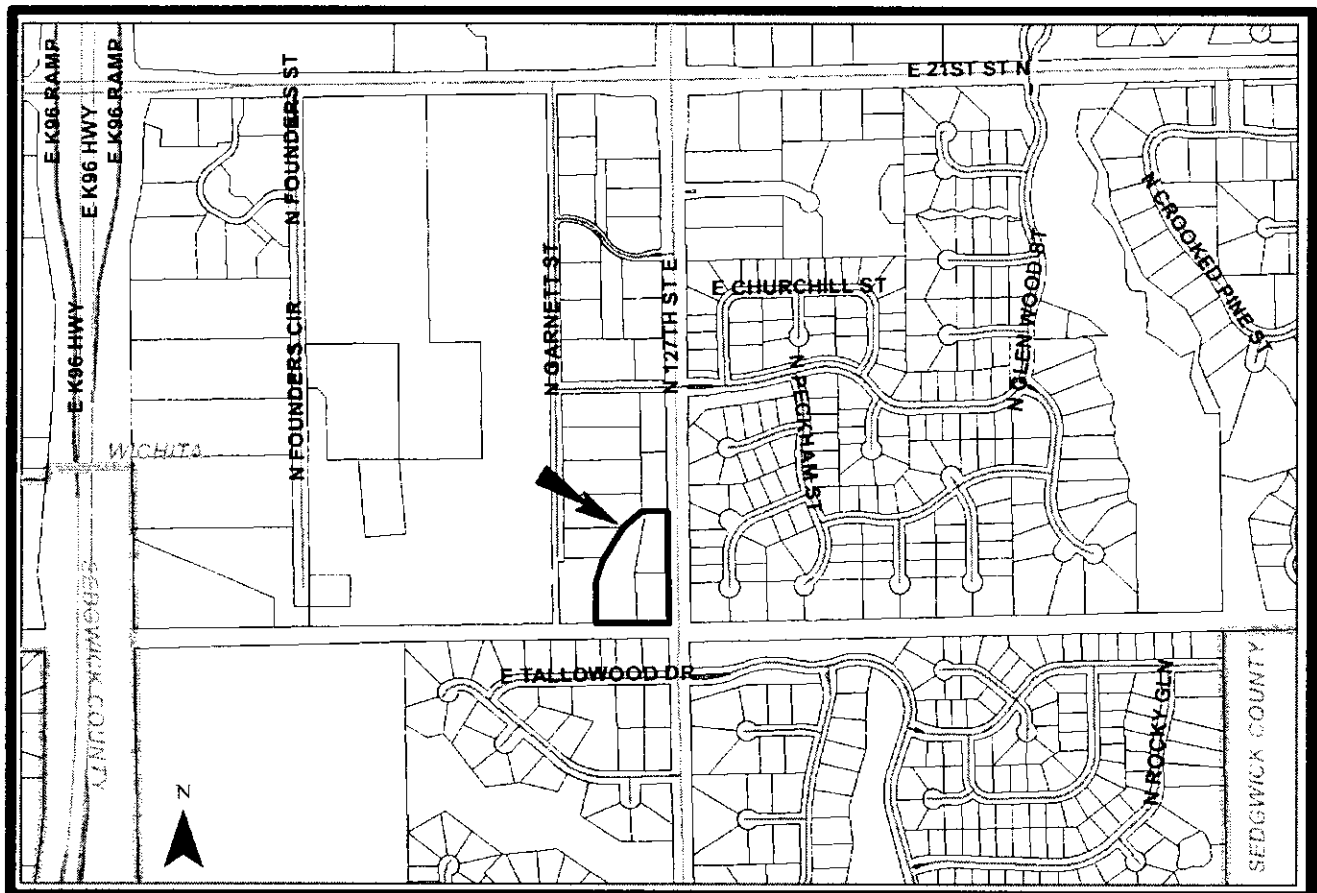
INITIATED BY: Metropolitan Area Planning Department-*JLS*

AGENDA: Planning (Non-Consent)

MAPC Recommendation: Approve, (12-0)

DAB IV Recommendation: Approve with a Protective Overlay, (8-0)

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 two acres consisting of Lot 1 and 1/13th undivided interest in the Lake facility and Lot 2 and 1/13th undivided interest in the Lake facility, Lakeside Acres 1st Addition, Wichita, Sedgwick County, Kansas. The subject site is located approximately one-half mile between East 13th Street North and East 21st Street North, along the west side of North 127th Street East (1815 North 127th Street East). The applicant proposes to develop the property with upper-scale, executive duplex structures. The *Unified Zoning Code* (UZC) defines a duplex as...“the use of a lot 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 were to be approved, the existing property would allow only one duplex structure with two living units or one single-family structure (permitted by right in the TF-3 district); however it is possible to replat or lot split the existing 1.76-acre (or 75,358 square feet) lot into twelve 6,279 square-foot lots that could allow twelve duplex structures (3,000 square feet minimum lot area per dwelling unit for duplex or 6,000 square feet per duplex). However, the applicant only intends to build four duplex structures containing a total of eight dwelling units.

All property surrounding the subject site is zoned SF-5, and is developed with single-family residences. The properties to the east are separated from the subject site by 127th Street East and the properties to the south are separated from the subject site by the old railroad right-of-way.

Analysis: At the Metropolitan Area Planning Commission (MAPC) meeting held May 3, 2012, the MAPC voted (12-0) to recommend approval of the request. There was one person who spoke in opposition to the case, citing sewer connections and how the buildings will be sited on the site. Commission members asked questions regarding fire access and sewer connections.

On May 7, 2012, the District Advisory Board (DAB) II heard the rezone request. The DAB voted (8-0) to approve the request. The DABs approval also included the requirement that four conditions be added, in the form of a Protective Overlay, to their recommendation of approval. The four added conditions of approval were suggested by a citizen’s presentation, and they were:

- Construction to be limited to a maximum of four duplex structures (Not the possible maximum of 12 in the staff report.)
- Developer will upgrade the existing drainage ditch between Lot 2 and Lot 3.
- Sewer connection for new construction will be with zero economic/financial impact on all other property owners in the subdivision.
- Insure electrical grid connection is accomplished without degradation of service to other property owners.

After staff review of the four conditions, it was determined that only two would be enforceable through the rezoning process. Protective Overlay #269 adds the following two provisions to ZON2012-00012:

1. Construction is to be limited to a maximum of four duplex structures, or eight dwelling units.
2. The developer will upgrade the existing drainage ditch between Lot 2 and Lot 3, as approved by the City stormwater engineer.

Staff received five protests, however only two were partly within the 200-foot protest area. The two valid protests equal 5.28 percent of the protest area. A simple majority vote is required for approval of the request.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Goal Impact: The application will promote Economic Vitality.

Legal Considerations: The Law Department has reviewed and approved the ordinance.

Recommendation/Actions:

1) Adopt the findings of the MAPC and approve the zone change request with Protective Overlay #269, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required); 2) deny the requested zone change (two-thirds majority required) or 3) return the application to the MAPC for further consideration (simple majority required).

Attachments: Ordinance, MAPC minutes, protest map and DAB Memo.