

OCA 150004

ORDINANCE NO. 49-558

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. ZON2013-00015

Zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two-family Residential (TF-3) and MF-18 Multi-family Residential (MF-18) subject to Protective Overlay #276 on approximately 1.02 acres described as:

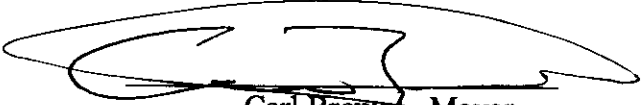
Lots 7, 8, 9, 10, 11, 12 and 13, Block 2, Terradyne West Addition to Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #276:

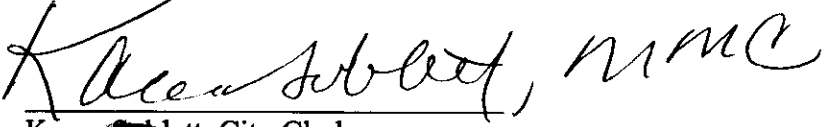
Lots 7 and 8, Block 2, Terradyne West Addition are restricted to the following uses:
single-family residential, two-family residential or three-family residential uses.

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, City Clerk



Approved as to form: 
Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
August 13, 2013

TO: Mayor and City Council

SUBJECT: ZON2013-00015 – Zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential and MF-18 Multi-family Residential, subject to Protective Overlay #276 that restricts Lots 7 and 8, Block 2, Terradyne West Addition to single-family, two-family or three-family residential uses, on property located at the intersection of North Brookhaven Drive and East Majestic Street (District II)

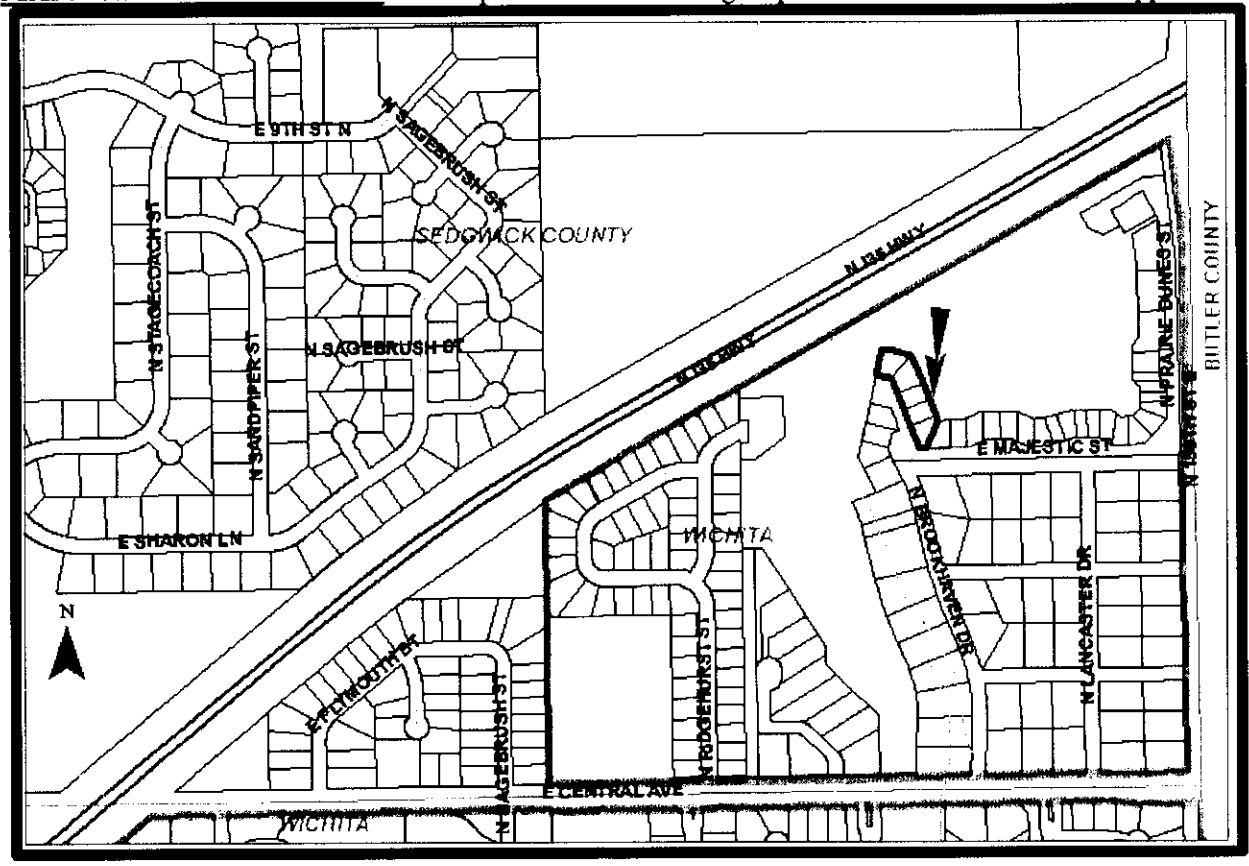
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (consent)

MAPC Recommendation: The MAPC recommended approval subject to a Protective Overlay #276 (9-0).

DAB Recommendation: District Advisory Board II recommended approval (8-0).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval.



Background: The application area is seven platted lots zoned SF-5 Single-family Residential (TF-3) that contains 1.02 acres located north of East Majestic Street and east of North Brookhaven Drive. The applicants are seeking TF-3 Two-family Residential (TF-3) zoning on Lots 9-13, Block 2, Terradyne West Addition (the five southernmost lots) and MF-18 Multi-family Residential (MF-18) zoning subject to a Protective Overlay that limits Lots 7 and 8, Block 2, Terradyne West Addition (the two westernmost lots) to single-family, duplex or three-family residential structures. (The map shown above shows the original five platted lots. Lot splits and/or boundary shifts done after platting have created two additional building sites not shown on the graphic.)

All of these lots back up to a golf driving range that is zoned SF-5. Further north is the Kansas Turnpike. Land to the east is zoned SF-5, is part of a golf driving range/course or is platted for single-family residential. South across East Majestic Street and East Sharon Lane are single-family residences zoned SF-5. Land to the west is also zoned SF-5, and is developed with the golf driving range/course. Lots located to the extreme eastern edge of the driving range, on North Prairie Dunes Street, have previously been zoned MF-18 and TF-3.

Analysis: District Advisory Board (DAB) II heard the rezone request on July 1, 2013, and recommended unanimous (8-0) approval, subject to the recommended conditions found in the staff report. There were not any members of the public present to speak to the request.

At the Metropolitan Area Planning Commission (MAPC) meeting held on July 11, 2013, the MAPC voted (9-0) to recommend approval of the request subject to Protective Overlay #276 (PO #276) that limits the site to single-family, two-family or three-family residential uses. There were not any neighboring property owners present to speak to the request, and there have not been any protests filed.

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

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

Recommendation/Actions: It is recommended that the City Council 1) Adopt the findings of the MAPC, approve the zone change request subject to Protective Overlay #276 that limits the site to single-family, two-family or three-family residential uses, place the ordinance on first reading and authorize the Mayor to sign the ordinance (simple majority vote required).

Attachments: Ordinance, MAPC minutes and DAB memo.