

OCA 150004

ORDINANCE NO. 49-511C

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. ZON2013-00013

Zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two-family Residential (TF-3) on an approximately .95 acre described as:

Lot 20 EXCEPT the North 361 feet and EXCEPT the North 114 feet of the West 139 feet of the South 249 feet and EXCEPT the South 135 feet of the West 125 feet thereof, Knight Acres Addition to Wichita, Sedgwick County, Kansas.

AND

The South 135 feet of lot 21, Knight Acres Addition to Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #277:

The site is restricted to a maximum of eight dwelling units and each lot containing a dwelling unit is to have frontage along West St. Louis Avenue.

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.

[Handwritten signature]
Carl Brewer - Mayor

ATTEST:

[Handwritten signature]

Karen Sublett, City Clerk



Approved as to form: *[Handwritten signature]*
Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
August 20, 2013

TO: Mayor and City Council

SUBJECT: ZON2013-00013 – Zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential subject to Protective Overlay No. 277 on property generally located 300 hundred feet east of Knight Street on the north side of West St. Louis Avenue (south of West Central and east of North West Street, 3514 West St. Louis Avenue) (District VI)

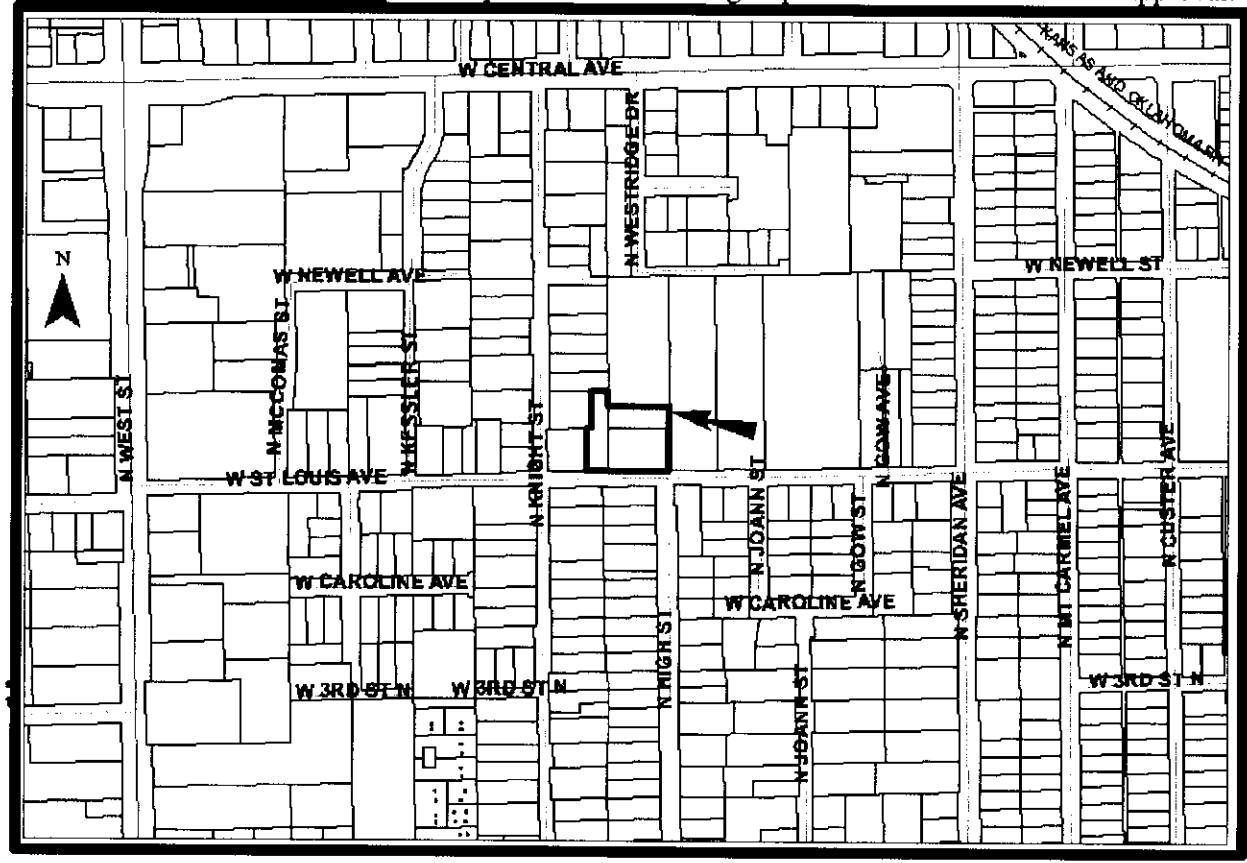
INITIATED BY: Metropolitan Area Planning Department *TLS*

AGENDA: Planning (Non-consent)

MAPC Recommendation: The MAPC recommended approval subject to a Protective Overlay #277 (10-2).

DAB Recommendation: District Advisory Board VI recommended approval (6-0).

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



Background: The applicant is seeking TF-3 Two-family Residential (TF-3) zoning on .95 acre (approximately 41,382 square feet) zoned SF-5 Single-family Residential (SF-5) that is located north of West St. Louis Avenue, approximately 300 feet east of North Knight Street. The property is developed with a single-family residence and other accessory structures. The County Assessor's records indicate the existing residence was built in 1946. The applicant's agent indicates that the property will be lot split in a way so that the existing house will remain and that a duplex structure will be built to the east of the existing residence and a second duplex structure will be built to the west. The property has approximately 264 feet of frontage along West St. Louis Avenue.

Abutting and adjoining properties are predominantly zoned SF-5 and developed with single-family residences, two-family residences, radio broadcast towers or are vacant. A property, .9 acre in size, located approximately 100 feet east of the application area, at the southwest corner of West St. Louis and North Joan Street, is zoned TF-3, and is developed with four two-family residences. Lot sizes surrounding the application area range in size from 2.69 acres to 10,890 square feet.

In the TF-3 district, the Wichita-Sedgwick County Unified Zoning Code (UZC) permits single-family residential development on lots as small as 3,500 square feet and duplex development on lots with a minimum lot area of 3,000 square feet per dwelling unit or 6,000 square feet per duplex structure. A duplex is defined by the Unified Zoning Code as the use of a lot for two principal dwelling units within a single building. If the site were scraped clean, it could accommodate 6.89 six-thousand square-foot lots or up to six duplex structures.

The City's Stormwater Engineer indicates he is aware of drainage concerns at the intersection of North Sheridan Avenue and West St. Louis where water is reported to be curb depth or somewhat higher on occasion. The Federal Emergency Management Agency floodway map indicates the property has a less than .2 percent chance of annual flooding.

Analysis: District Advisory Board (DAB) VI heard the rezone request on June 19, 2013, and recommended unanimous (6-0) approval. There were three members of the public who spoke in opposition to the request. Neighbors expressed the following concerns: The proposed duplexes will be rentals and not owner occupied single-family residences. Renters are more transient than residents of owner-occupied units and tend to not become as involved with the upkeep of the neighborhood as are the rest of the neighborhood's residents. Multiple duplex units will decrease property values for existing residences. Traffic volumes will increase. New construction in the area will increase flooding. Rental units will increase the number of police and EMS calls.

At the Metropolitan Area Planning Commission (MAPC) meeting held on June 20, 2013, the MAPC voted (10-2) to recommend approval of the request subject to Protective Overlay #277 (PO-277) that limits the site to a maximum of eight dwelling units. There were neighboring property owners present to speak in opposition, and at least eight letters of protest had been received prior to the MAPC meeting. These letters repeated many of the opposition's comments that had been presented at the DAB VI meeting. By the end of the protest period at least twelve property owners had filed protests that equal 35.61 percent. State statute requires a three-fourths majority vote (six out of seven) on the part of the City Council to approve applications that have a 20 percent or greater protest.

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: 1) Adopt the findings of the MAPC, approve the zone change request subject to Protective Overlay #277 that limits the site to a maximum of eight dwelling units, place the ordinance on first reading and authorize the Mayor to sign the ordinance (three-fourths majority vote required); 2) Deny the application by making alternate findings (two-thirds majority vote required); or 3) Return the application to the MAPC for further consideration (simple majority vote required).