

OCA 150004

ORDINANCE NO. 49-638

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. ZON2013-00026

Zone change from SF-5 Single-family Residential (SF-5) to TF-3 Two-family Residential ("TF-3") on property containing approximately 9,000 square feet located on the south side of West Newell Avenue, 150 feet west of the intersection of North Florence Street and West Newell Avenue, and described as:

The north half of Lot 1, except the east 150 feet, Block 7, Parkwilde 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.

ADOPTED this 17 day of Dec, 2013.

Carl Brewer on behalf of
Carl Brewer - Mayor

ATTEST:
Karen Sublett
Karen Sublett, City Clerk

(SEAL)

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

**City of Wichita
City Council Meeting
December 10, 2013**

TO: Mayor and City Council

SUBJECT: ZON2013-00026 – Zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential on property generally located on the south side of West Newell Avenue, 150 feet west of the intersection of North Florence Street and West Newell Avenue (southwest of West Central Avenue and North West Street. (District VI)

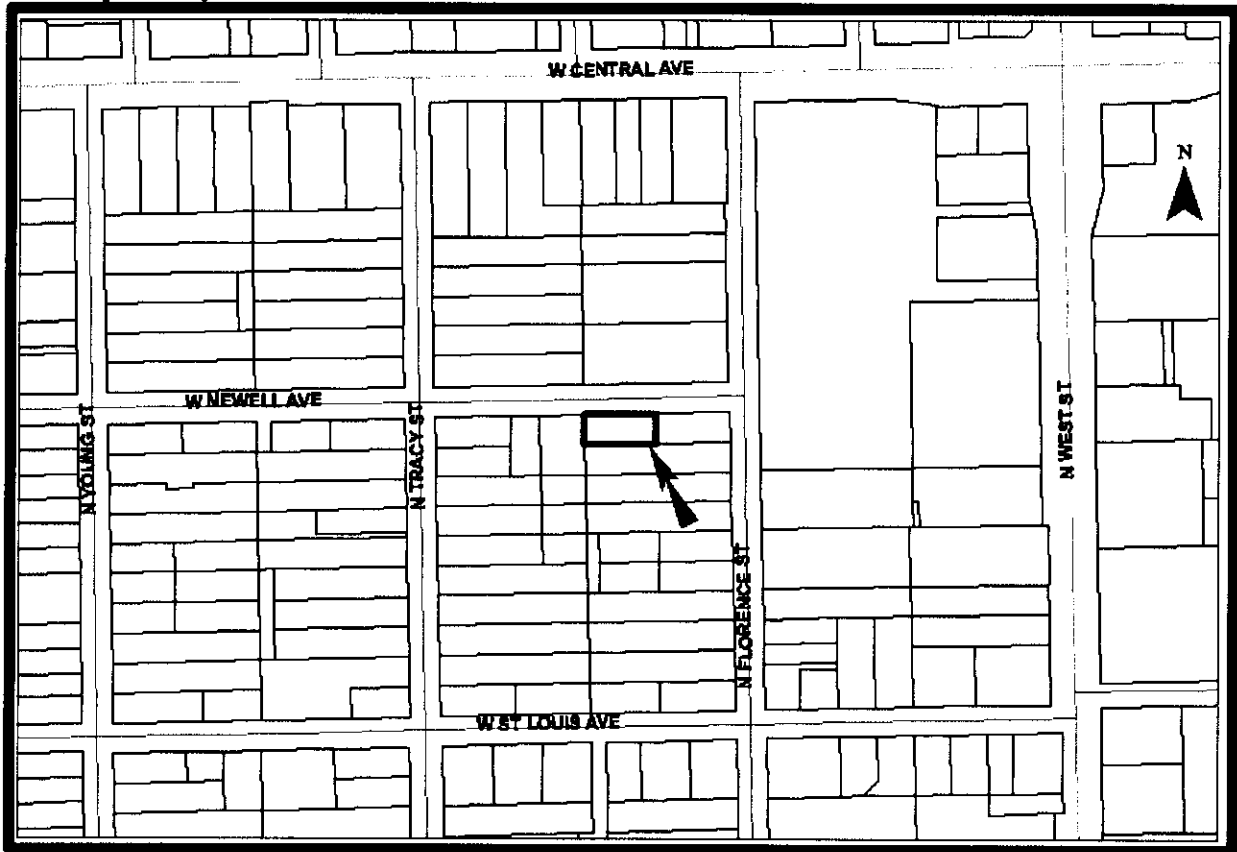
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The Metropolitan Area Planning Commission recommended approval of the request (13-0).

DAB Recommendation: District Advisory Board VI unanimously recommended approval of the request (7-0).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request subject.



Background: The applicants are seeking to rezone a portion of a platted (9,036 square feet) SF-5 Single-family Residential (SF-5) zoned lot to TF-3 Two-family Residential (TF-3). The subject property is vacant, and is located on the south side of West Newell Street, 150 feet west of North Florence Street (south of West Central Avenue, west of North West Street).

The Wichita-Sedgwick County Unified Zoning Code (UZC) defines a duplex as two principal dwelling units within a single building (Article II, Section II.B.4.i). The TF-3 district requires a minimum lot area of 3,500 square feet for a single-family residences and 3,000 square feet per dwelling unit for a duplex. The application area contains approximately 9,000 square feet, which could potentially permit up to two single-family units or one duplex structure; however, by the time the site complies with building setback, parking and access requirements it is unlikely the site could be developed to the potential maximum number of units. In the TF-3 zoning district the: minimum lot width is 35 feet; minimum required building setbacks are 25 feet (front), 20 feet (rear), six feet (interior side) and 15 feet (street side); maximum building height is 35 feet and one parking space per dwelling unit is required. Each lot containing a dwelling would have to have street frontage.

Properties located to the immediate east, west and south of the application area are zoned SF-5, and are primarily developed with single-family residences; however, there is a non-conforming duplex located further south, and 178 feet further south there are four lots that are zoned TF-3. Property located immediately further east, across North Florence Street is zoned LC Limited Commercial (LC), subject to commercial Community Unit Plan (CUP) DP-4. Properties located on the north side of West Newell Street are zoned SF-5 Single-family Residential and GO General Office (GO), and are developed with a dental laboratory and single-family residences.

Analysis: District Advisory Board VI reviewed the application on November 4, 2013, and unanimously (7-0) recommended approval. There were not any members of the public present to speak regarding the application.

At its meeting of November 7, 2013, the Metropolitan Area Planning Commission (MAPC) approved (13-0) the request on its consent agenda. There were not any members of the public present to speak regarding the application.

There have not been any protests filed. Approval of the request as recommended by the MAPC requires a simple majority.

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 adopt the findings of the MAPC, and approve the zone change to TF-3 Two-family Residential; authorize the Mayor to sign the zone change ordinance and place the ordinance on first reading (simple majority vote required).

Attachments: MAPC minutes, DAB memo and ordinance.