

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. ZON2014-00006**

Zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two-Family Residential ("TF-3"), subject to the installation of a 6-8 foot tall privacy fence located between Lot 5, except the North 98 feet and except the West 65 feet of the North 100 feet, Harvey Patterson Addition and an approximately 0.51-acre property described as:

Lot 6, Harvey Patterson Addition, Wichita, Sedgwick County, Kansas; generally located on the north of Central Avenue, on the west side of Elder Street.

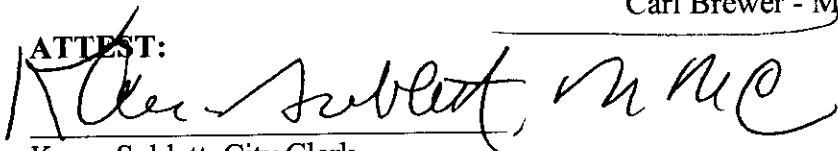
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**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:

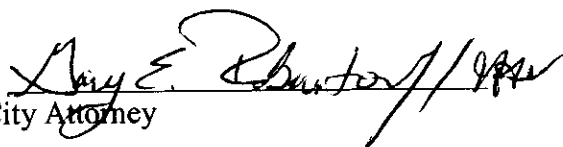


Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney



**City of Wichita**  
**City Council Meeting**  
July 1, 2014

**TO:** Mayor and City Council

**SUBJECT:** ZON2014-00006 – City Zone Change from SF-5 Single-Family Residential to TF-3 Two-Family Residential on Property Generally Located North of Central Avenue, East of Interstate Highway 235, on the West Side of Elder Street (District VI)

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

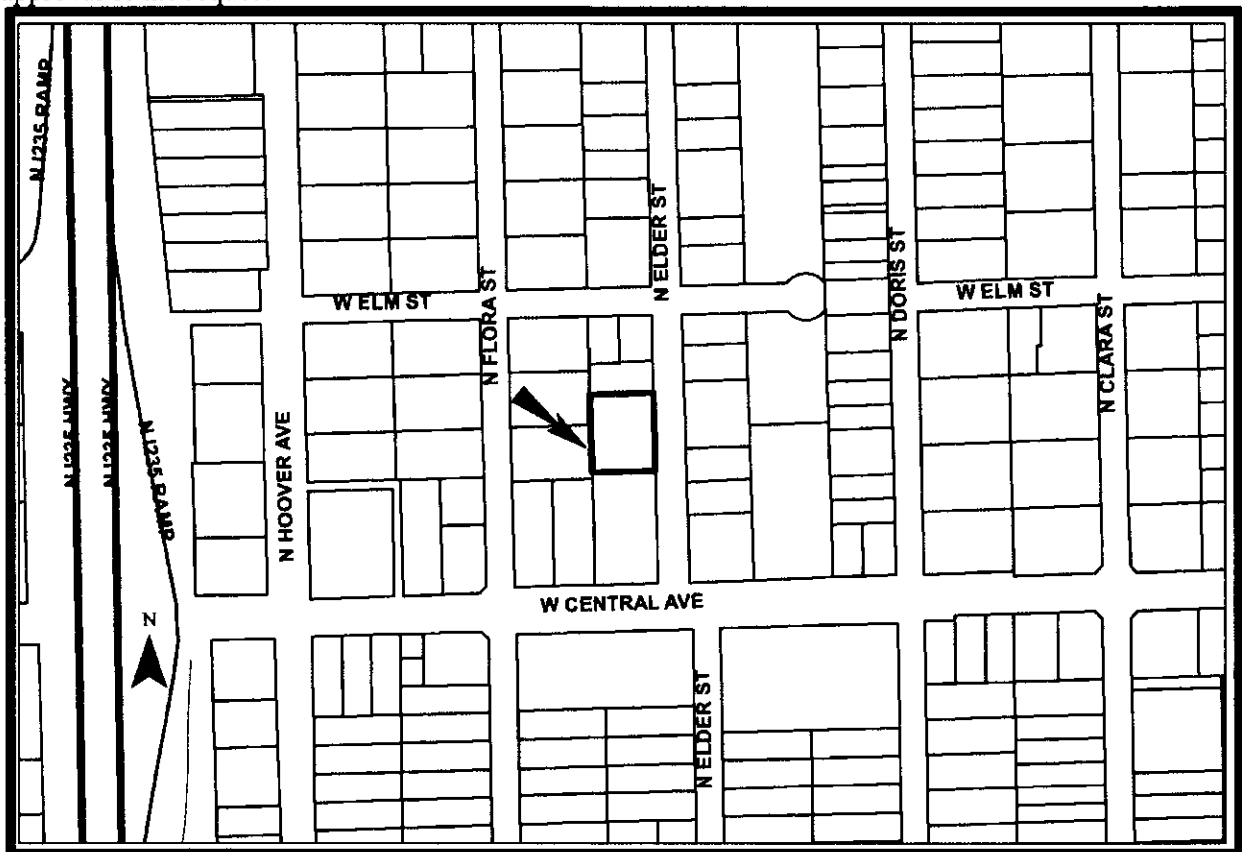
**AGENDA:** Planning (Non-Consent)

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**MAPC Recommendation:** The MAPC recommended approval of the request (9-0).

**DAB Recommendation:** District Advisory Board VI recommended approval of the request (6-0).

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



**Background:** The applicant is requesting TF-3 Two-Family Residential (TF-3) zoning on the platted 0.51-acre SF-5 Single-Family Residential (SF-5) zoned site. There is a vacant single-family residence (built 1952) located on the north half of the subject site. The applicant proposes to either tear down the single-family residence and build a duplex or convert the single-family residence into a duplex. The site is large enough for three duplexes, with two lot splits.

The site is located two blocks east of Interstate Highway 235 (I-235), north of Central Avenue on the west side of Elder Street. The area is zoned predominately LC Limited Commercial (LC) along both sides of the east-west arterial street, Central Avenue, with SF-5 zoned single-family residential neighborhoods developed behind the LC zoned small businesses. The subject site is located in one of these SF-5 zoned single-family residential neighborhoods. Some SF-5 zoning interrupts the LC zoning along Central Avenue as does two GC General Commercial (GC) zoned automobile paint and body shops. TF-3 zoned single-family residences and duplexes are scattered though out the single-family neighborhoods. Development in the immediate area around the site include SF-5 zoned single-family residences abutting the north and west sides of the site and adjacent (across Elder Street) to the site's east side. An LC zoned furniture store abuts the site's south side and TF-3 zoned single-family residences abut its west side. Most of the single-family residences in this area appear to have been built in the late 1940s through the 1950s. The immediate area's oldest single-family residence appears to be the abutting north single-family residence, built in 1925. There is also a vacant SF-5 zoned lot located north of the subject site.

**Analysis:** On May 21, 2014, District Advisory Board (DAB) VI voted 6-0 to approve the request. A protest letter from the abutting north property was included in the packet to DAB VI. The protester was requesting that a privacy fence be installed between her property and the subject site. The applicant agreed to install a 6-8 tall privacy between the two properties. This letter was the only protest presented at the DAB VI meeting.

On May 22, 2014, the Metropolitan Area Planning Commission (MAPC) considered the request. The protest letter from the abutting north property was included in the packet to MAPC. The applicant again agreed to install a 6-8 foot tall privacy fence between the two properties. The MAPC approved (9-0) the request with the addition of the installation of a 6-8 foot tall privacy fence between the two properties.

The protest letter was the only protest presented at the MAPC meeting and during the following two-week protest period. Planning has not received a letter withdrawing the protest, thus this case cannot be placed on the consent agenda. The protest represents 4.72 percent of the net land area located within the protest area. Since the protest represents less than 20 percent of the net land area located within the protest area, a simple majority vote is required to overturn the 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:** It is recommended that the City Council: 1) Concur with the findings of the MAPC and approve the zoning, subject to the installation of a 6-8 foot tall privacy fence between the subject site and the abutting north property, and authorize the Mayor to sign the ordinance (requires a simple majority vote to override the protest); 2) Deny the zoning request by making alternative findings, and override the MAPC's recommendation (requires a two-thirds majority vote to override the MAPC's recommendation); 3) Return the case to the MAPC for further consideration with a statement specifying the basis for the Council's failure to approve or deny the application (requires a simple majority vote).

**Attachments:**

- Protest letter
- Protest map
- MAPC minutes
- DAB memo
- Ordinance