OCA 150004

ORDINANCE NO. 46-774

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. ZON2014-00005

Zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential, on property containing approximately 4.96 acres generally located approximately one-quarter mile north of East Pawnee Road, west of South 127th Street East, and described as:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, Block 1, along with lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, Block 2, all in Casa Bella Third 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 8 day of July, 2014.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

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

Agenda Report No._____

City of Wichita
City Council Meeting
July 1, 2014

TO: Mayor and City Council

SUBJECT: ZON2014-00005 – Zone change from SF-5 Single-family Residential to TF-3 Two-Family Residential on Property Located West of South 12th Street East, Approximately One-Quarter Mile North of East Pawnee Street (District II)

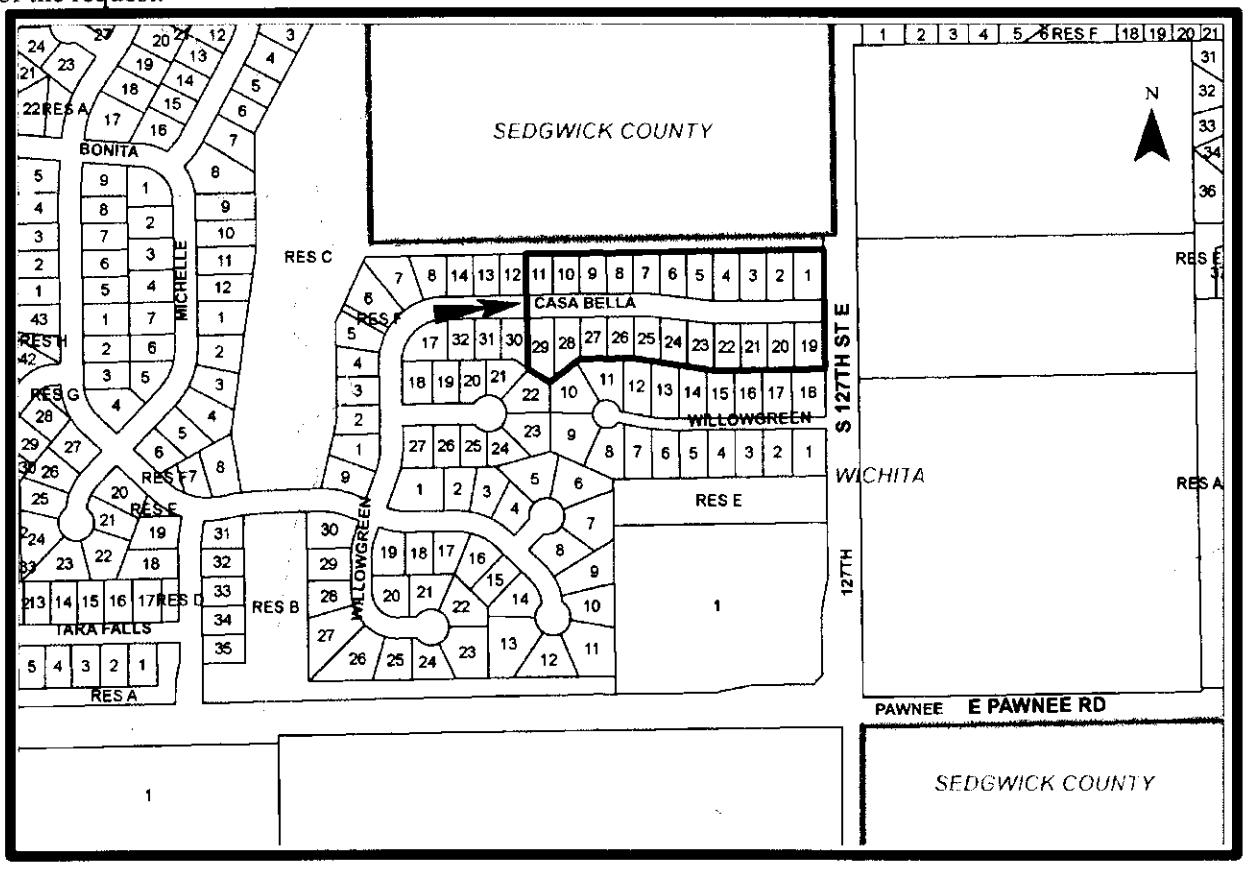
INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Non-Consent)

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

DAB Recommendation: District Advisory Board II declined to make a recommendation regarding the request (7-0-1).

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



Background: The application area is 4.96 acres that contains 22 platted lots zoned SF-5 Single-family Residential (SF-5). The lots are situated on both sides of Casa Bella Street and are located approximately one-quarter mile north of East Pawnee Road, west of South 127th Street East. The lots are part of the Casa Bella Third Addition and are undeveloped. The applicant is requesting to rezone the application area to the TF-3 Two-family Residential (TF-3) district, which would permit both single-family and two-family residential uses. From South 127th Street East, Casa Bella Street heads west through and beyond the application area, ultimately curving south to connect with East Willowgreen Street, which heads further west where it connects with South Tara Falls Street that connects with East Pawnee Road.

Located immediately north of the application area is the SF-5 zoned Reserve C; a 40-foot wide drainage and utility reserve associated with the Casa Bella Addition. North of Reserve C is a nearly 20-acre tract that is developed with a residence and used for farming or ranching. East of South 127th Street East are large unplatted tracts that are zoned SF-5 and LC Limited Commercial (LC). An identical zone change request (ZON2010-00024) was approved in 2010 for 18 platted lots (Lots 1-18, Block 1, Casa Bella Third Addition) located on both sides of Willowgreen Circle, situated immediately south of the application area. The land located west of the application area is part of three Casa Bella residential subdivisions, and is zoned SF-5.

Analysis: On May 22, 2014, the Metropolitan Area Planning Commission (MAPC) approved (9-0) the request. Two individuals, representing the same property located north of the application area, spoke in opposition. The speakers expressed the opinion that the zone change would negatively impact their farming and ranching activities by introducing additional density abutting their small farm and their pasture had become infested with weeds and trash from the applicant's property. The property owners also expressed the opinion that since they were the only ones present to object, the other surrounding property owners must not have been notified.

On June 3, 2014, District Advisory Board (DAB) II voted 7-0-1 to decline to make a recommendation regarding the request after the same property owners who spoke in opposition at the MAPC meeting appeared to present the same objections as had been presented at MAPC. One property owner has submitted a protest petition that equals 33.05 percent. A three-fourths majority vote by the City Council will be required to override the protest petition.

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 requested zone change (super majority vote required); authorize the Mayor to sign the ordinance and place the ordinance on first reading; deny the request (simple majority vote required) or return the application to the MAPC for reconsideration.

Attachments: MAPC minutes, DAB memo, protest map and ordinance.