

OCA 150004

ORDINANCE NO. 49-822

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. ZON2014-00012

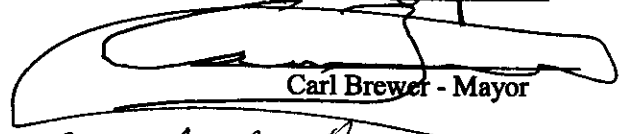
Zone change request from SF-5 Single-family Residential (SF-5) to TF-3 Two-family Residential (TF-3) on property containing approximately 6.98 acres generally located east of South 127th Street East and north of East Harry Street, and described as:


That part of the SW1/4 of Sec. 26, T27S, R2E of the 6th P.M., Sedgwick County, Kansas, described as commencing at the southwest corner of said SW1/4; thence N01°02'26"W along the west line of said SW1/4, 600.00 feet; thence N88°39'08"E, 60.00 feet to the place of beginning; thence N01°02'26"W, 445.87 feet; thence N48°10'45"E, 290.14 feet; thence S74°22'41"E, 229.78 feet; thence S57°25'58"E, 123.36 feet; thence S49°45'15"E, 84.07 feet; thence S43°54'50"E, 195.48 feet; thence S01°40'51"W, 107.18 feet; thence S89°05'36"W, 174.92 feet to a point on a non-tangent curve to the right having a radius of 141.00 feet; thence along said curve an arc length of 149.00 feet, chord bearing S55°30'16"W, 142.16 feet to a point of tangency; thence S85°46'40"W, 191.47 feet to a point of curvature of a curve to the left having a radius of 109.00 feet; thence along said curve an arc length of 162.38 feet, chord bearing S43°06'01"W, 147.78 feet; thence S88°39'08"W, 146.04 feet to the place of beginning.

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 16 day of Sept, 2014.


Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form: 
Sharon Dickgrafe, Interim City Attorney

**City of Wichita
City Council Meeting
September 9, 2014**

TO: Mayor and City Council

SUBJECT: ZON2014-00012 Zone Change from SF-5 Single-family Residential to TF-3 Two-family Residential on Property Located North of East Harry Street and East of South 127th Street East (District II)

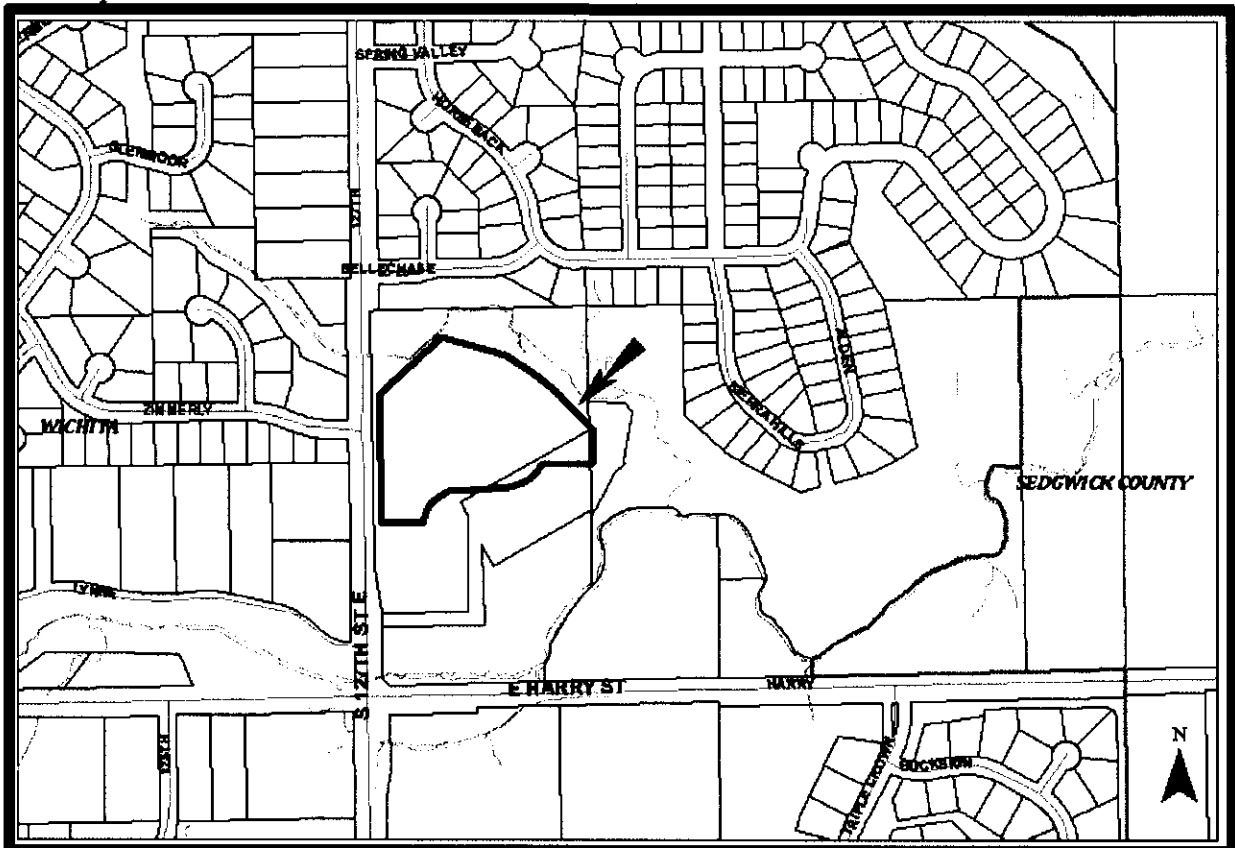
INITIATED BY: Metropolitan Area Planning Department *JLS om*

AGENDA: Planning (Non-Consent)

MAPC Recommendation: The MAPC recommended approval of the request (10-0-1).

DAB Recommendation: District Advisory Board II recommended approval (7-1).

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



Background: The applicant is requesting 6.98 acres of a Single-Family Residential (SF-5) zoned site to be re-zoned to Two-Family Residential (TF-3). There is an agricultural building on the subject site that will be removed. Approximately 24 buildings are planned for this site.

The site is located approximately 600 feet north of Harry Street on the east side of South 127th Street East. The area is zoned predominately Single-Family Residential (SF-5) along both sides of the north-south arterial street, South 127th Street E., and Limited Commercial (LC) zoned property at the intersection of South 127th Street East and Harry Street. The subject site is located in one of these SF-5 zoned single-family residential neighborhoods. Development in the immediate area around the site includes SF-5 zoned single-family residences abutting the north and east sides of the site and adjacent (across South 127th Street East) to the site's west side. LC zoning abuts the site's south side. Most of the single-family residences in this area appear to have been built within the last decade. The immediate area's oldest single-family residence appears to be the adjacent west single-family residence, built in 1959.

On July 24, 2014, the Metropolitan Area Planning Commission (MAPC) approved the request (10-0-1). One area resident spoke of drainage concerns; the resident was concerned the proposed development would lower the water level of the farm pond located east of the application area. At the MAPC's subdivision meeting, the applicant's agent indicated drainage could be managed to maintain the pond's water level within six-inches of the pond's current water level. The plat associated with the zone change request and the associated drainage plan has been approved by the MAPC.

On August 5, 2014, District Advisory Board (DAB) II heard the request. Approximately five area residents spoke in opposition. The primary objections centered on the lack of any other TF-3 zoning and two-family dwelling units in the immediate area. The neighbors asserted two-family development will increase housing density over that allowed by the site's current zoning that will result in increased traffic volumes and congestion. Of special concern to the area residents was the likelihood that the project would increase cut-through the neighborhood traffic on Zimmerly Street, located west of 127th Street. District Advisory Board II recommended approval of the project by a seven to one vote. Protests equaling 10.7 percent have been received. The zone change may be approved with a simple majority vote.

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; place the ordinance on first reading but withhold the publication of the ordinance until the plat is recorded within one year (simple majority vote required); deny the request (two-thirds majority vote required to override the MAPC recommendation) or return the request to MAPC for additional consideration.

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