

STAFF REPORT

MAPC October 20, 2011
DAB III November 2, 2011

CASE NUMBER: ZON2011-00028

APPLICANT/AGENT: Yale Investments, LLC (owner) Tonya Ridpath (agent)

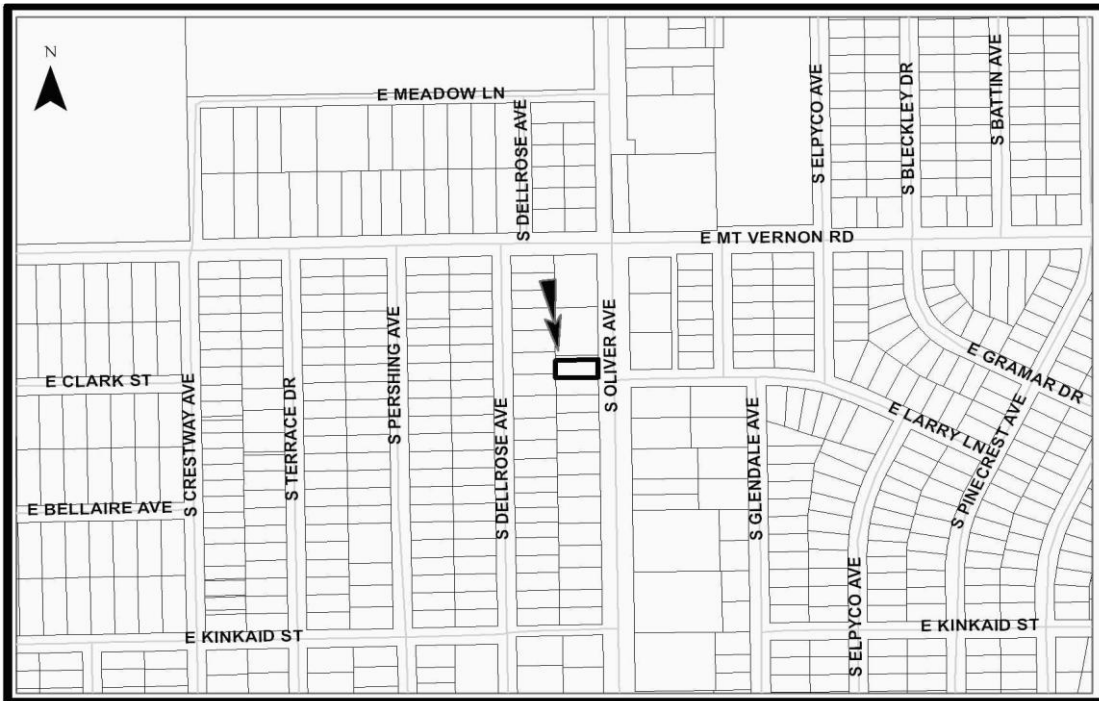
REQUEST: TF-3 Two-Family Residential (“TF-3”)

CURRENT ZONING: SF-5 Single-Family Residential (“SF-5”)

SITE SIZE: 8,100-square feet (60’ x 135’)

LOCATION: Generally located south of Mount Vernon on the west side of Oliver Avenue (2033 S. Oliver)

PROPOSED USE: Compliance with the UZC for an existing duplex



BACKGROUND: The applicant requests a zone change from SF-5 Single-Family Residential (“SF-5”) to TF-3 Two-Family Residential (“TF-3”) on Lot 13 (Oliver Street), Edgetown Park Addition, 2033 S. Oliver Avenue. The subject site has a duplex on it and the zone change is needed to make the use conform to the Unified Zoning Code (UZC); a duplex is not permitted in the SF-5 zoning district. Geozone shows a residence on the site to have been built in 1941. The Office of Central Inspection (OCI) has filed against the SF-5 zoned site for having a non compliant duplex.

The site is located south of the Mt. Vernon – Oliver Avenue intersection, with its front yard facing Oliver. Properties abutting and adjacent to the site on its south, west, north and east (across Oliver) sides are zoned SF-5 and are part of established single-family residential neighborhoods. There are also some TF-3 zoned properties located a block east and north of the site (across Oliver and Mt. Vernon) that are developed as USD 259’s Allen Elementary school, single-family residences and duplexes. The SF-5 zoned L.W. Clap Public Golf Course is the largest development in the area. The property abutting the north side of the site is zoned LC Limited Commercial (“LC”) and has a small, older, vacant retail store on it, with vacant LC land between it and an LC zoned small, older barber shop. Other properties located north and northeast of the site, around the Mt. Vernon – Oliver intersection, are zoned LC, and are developed as a convenience store, a vacant auto repair garage, a vacant retail strip, an auto repair garage, an office, a combination billiard hall – billiard/arcade supply sales building and a sit down restaurant.

CASE HISTORY: The Edgetown Park Addition was recorded with the Sedgwick County Register of Deeds February 17, 1937.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Vacant retail, vacant land, barber shop, convenience store
SOUTH:	SF-5	Single-family residences
EAST:	SF-5, LC	Single-family residences, vacant auto repair garage, vacant retail strip, vehicle auto garage
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: The subject site is located on Oliver Avenue, a paved, four-lane arterial street. The 2030 Transportation Plan shows no change to this portion of Oliver. Public water, sewer and all other utilities are available to serve the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan (2030 Plan) designates this area as appropriate for “Urban Residential” development. The Urban Residential category includes all housing types found in the municipality, including duplexes. The Comprehensive Plan contains the following objective: encourage residential redevelopment, infill and higher density residential development, which maximize the public investment in existing and planned facilities and services. The objective is intended to be achieved through several strategies, including using zoning as a tool to promote mixed-use development, higher

density residential environments, and appropriate buffering. The proposed TF-3 zoning brings an already built duplex into compliance with the UZC. There are existing TF-3 zoned single-family residences and duplexes in the area, but they are located a block east (or further) of the site, across Oliver. In fact, all of the existing TF-3 zoning in the area south of Mt. Vernon is located along residential streets, making the proposed TF-3 zoning the first in this area to be located along the arterial street, Oliver. The requested TF-3 zoning conforms to the 2030 Plan, although it is slightly (as noted above) out of character with the zoning in this area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the requested TF-3 Two-Family Residential zoning be **APPROVED.**

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is located south of the Mt. Vernon – Oliver Avenue intersection, with its front yard facing Oliver. Properties abutting and adjacent to the site on its south, west, north and east (across Oliver) sides are zoned SF-5 and are part of established single-family residential neighborhoods. There are also some TF-3 zoned properties located a block east and north of the site (across Oliver and Mt. Vernon) that are developed as USD 259's Allen Elementary school, single-family residences and duplexes. The SF-5 zoned L.W. Clap Public Golf Course is the largest development in the area. The property abutting the north side of the site is zoned LC Limited Commercial ("LC") and has a small, older, vacant retail store on it, with vacant LC land between it and an LC zoned small, older barber shop. Other properties located north and northeast of the site, around the Mt. Vernon – Oliver intersection, are zoned LC, and are developed as a convenience store, a vacant auto repair garage, a vacant retail strip, an auto repair garage, an office, a combination billiard hall – billiard/arcade supply sales building and a sit down restaurant.
2. The suitability of the subject property for the uses to which it has been restricted: The site has a duplex on it and the zone change is needed to make the use conform to the UZC. Geozone shows a residence on the site to have been built in 1941. The zoning change can be granted or the duplex could be converted into a single-family residence.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Typical concerns expressed by neighbors in regards to duplex development is declining property values of the neighborhood brought on by poor maintenance of what is typically rental housing, i.e., the duplexes. Poor maintenance of rental property is not an absolute, nor is there any guarantee that a single-family residence will be maintained by its owner.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan designates this area as appropriate for “Urban Residential” development. The Urban Residential category includes all housing types found in the municipality, including duplexes. The Comprehensive Plan contains the following objective: encourage residential redevelopment, infill and higher density residential development, which maximize the public investment in existing and planned facilities and services. The objective is intended to be achieved through several strategies, including using zoning as a tool to promote mixed-use development, higher density residential environments, and appropriate buffering. The proposed TF-3 zoning brings an already built duplex into compliance with the UZC. There are existing TF-3 zoned single-family residences and duplexes in the area, but they are located a block east (or further) of the site, across Oliver. In fact all of the existing TF-3 zoning in the area, south of Mt. Vernon, is located along residential streets, making the proposed TF-3 zoning the first in the area, south of Mt. Vernon, to be located along the arterial street, Oliver. The requested TF-3 zoning conforms to the 2030 Plan, although it is slightly (as noted above) out of character with the zoning in this area.

5. Impact of the proposed development on community facilities: The impact on community facilities will be minimal.