After concurring in the City Commission policy favoring "BB" zoning in this area, adding they would also favor "OC" zoning if requested, the MAPC voted 8-0 to recommend approval of the amended request for "BB" zoning on Lot 8 and "OC" zoning on Lot 9 subject to replatting within one year after City Commission approval. At the time of replatting, a preliminary plat was to be submitted for all lots in Z-2804 and Z-2805 so that lots could be grouped into larger, fewer lots and joint use of access and circulation to rear parking lots could be considered. It was also required that drainage be directed away from lots to the south. This MAPC recommendation was forwarded to the City Commission for their January 20, 1987 meeting, at which time they referred the matter back to the MAPC once again with instructions that the plat be reviewed with the zoning request. A two-lot preliminary plat known as Atkisson Addition has now been reviewed and approved by the Subdivision Committee and the Planning Commission. The two lots in this zoning application are combined into one new lot with only one point of access to Central. The proposed parking lot in the rear will drain east into the Brookside Parkway drainage channel.

"OC" zoning is still requested for the east lot because the owner of the existing barber shop in that home desires to operate as a business rather than a home occupation. The "OC" district is the first district to permit that use when not a home occupation. If "BB" zoning is granted for the east lot, the barber shop would still have to be licensed as a home occupation in order to be legal (i.e., the barber would have to live in the home), however, one additional person who does not live on the premises could be hired to help with the business. Signs would still be limited to two square feet in size, non-illuminated, and mounted flat against the main face of the building. This is the limit for home occupations in all districts except "AA" where signs are not permitted at all unless required by law. The Board of Zoning Appeals, however, could consider a request for a variance of the home occupation sign provisions and could authorize a larger, free standing sign if they would find the statutory conditions of approval in favor of the applicant.

(Refer to Agenda Report for Z-2804 for additional comments regarding drainage and Atkisson Addition.)

Legal Consideration: No protest petitions were filed on this zone case.

Recommendations/Actions:

1. Concur with the findings of the MAPC and approve the zone change subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the final plat is forwarded to the City Council; or

2. Take appropriate action stating reasons.

Attachments: Area Map
(See Z-2804 agenda report attachments for CPO memo, MAPC Minutes, Drainage memo, and Atkisson Addition plat and report.)

PL/1539/2

Planning Agenda Item #_____

City of Wichita
City Council Meeting
December 8, 1987

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-2805 - ZONE CHANGE FROM "AA" ONE-FAMILY DWELLING DISTRICT TO "BB" OFFICE DISTRICT AND "OC" OFFICE COMMERCIAL DISTRICT (AS AMENDED), LOCATED ON THE SOUTHWEST CORNER OF CENTRAL AND BROOKSIDE PARKWAY. (District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

- -

MAPC Recommendation: Approve "BB", as amended, for Lot 8, and "OC" zoning for Lot 9 subject to recording the associated plat of Atkisson Addition. (10-0)

Staff Recommendation: Approve "BB", as amended, for Lot 8, and "OC" zoning for Lot 9 subject to recording the associated plat of Atkisson Addition.

CPO Recommendation: Council "G", in September 1986, recommended approval of "OC" zoning by a vote of 5-2. (see memo)

Background: On November 12, 1987, the MAPC held a public hearing to consider three zone change requests on the south side of Central between Edgemoor and Woodlawn filed in August 1986 (Z-2804, Z-2805 and Z-2806). Office Commercial ("OC") zoning was originally requested for both lots in Z-2805 and was unanimously approved by the MAPC on November 13, 1986, after the east Central zoning policy was reviewed and "BB" and "OC" zoning were recommended by the MAPC as being suitable for this area. The City Commission, in subsequently reviewing the east Central zoning policy, favored only the "BB" district and on November 25, 1986 adopted a revised zoning policy for the south side of Central which reads as follows: "Retain the existing "LC" district at Central and Woodlawn and the "OC" district at Central and Edgemoor and look with favor on "BB" Office District zoning from Rockwood to Hillcrest but only if replatting is required and the issues of drainage, access, accel-decel lanes, parking and building setbacks are resolved at the time of platting. This policy applies to only those lots facing Central and future requests for the deepening of non-residential zoning further south into the neighborhood will not be looked upon with favor." On December 9, 1986, cases Z-2804, Z-2805 and Z-2806, all of which included "OC" zoning as part of the MAPC recommendations, were returned to the MAPC by the City Commission for rehearing even though the applicants' agent had amended all applications to request only "BB" zoning, except for one lot at the southwest corner of Central and Brookside Parkway for which "OC" zoning was still desired.

PL/1539/2

(879) Published in The Daily Reporter on June 30, 1988

ORDINANCE NO. 40-340

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

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 Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

CASE NO. Z-2805

Zone Change from the "AA" One-Family Dwelling District to the "BB" Office District

Lots 8 and 9, Block 4, Oakwood Estates Addition to Wichita, Sedgwick County, Kansas. (Now platted as Lot 2, Atkisson Addition, Wichita, Kansas.)

Generally located at the southwest corner of Central and Brookside Parkway.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning changes shall be entered and shown on the the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Zoning Ordinance 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 AT WICHITA, KANSAS, _____

ATTEST:

_____
Mayor

_____
City Clerk

(SEAL)

_____
Approved as to form City Attorney

PL/8592/5