...anning Agenda Item #_____

City of Wichita
City Council Meeting
September 29, 1987

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-2862 - ZONE CHANGE FROM "AA" SINGLE-FAMILY DWELLING DISTRICT TO "A" TWO-FAMILY DWELLING DISTRICT, LOCATED ON THE WEST SIDE OF OAK IN AN AREA NORTH OF 45TH STREET SOUTH.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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MAPC Recommendation: None (moot vote 4-4).

Staff Recommendation: Approval (see minutes)

CPO Recommendation: Council "4B" recommends denial (6-0).

Background: On September 3, 1987, the MAPC held a public hearing to consider a zone change from "AA" to "A" for one platted lot containing 6,900 square feet located on the west side of Oak in an area north of 45th Street South. A single-family residence, which was originally constructed as the community building for Glenville Improvement District, now occupies the site. There is no inside connection between the upper and lower floors and the owner wishes to convert the structure to a duplex. Numerous neighbors attended the public hearing to protest the zone change. The Planning Commission's motion to deny the rezoning resulted in a moot vote. Therefore, the Council may take such action as it deems appropriate without sending the case back to MAPC for rehearing.

A letter submitted to the Council by the applicant's attorney is attached. The slides referred to in the letter will be available for Council review on the 29th.

Legal Consideration: Valid protest petitions have been filed by 69% of the land owners within 200 feet of the application area. A 4/5ths vote of the Council will be required to approve the zone change.

Recommendations/Actions:

1. Adopt findings of fact and approve the zone change subject to the applicant granting an additional two feet for utility easement purposes on the rear of his lot; instruct the Planning Department to forward the ordinance for first reading after the easement has been submitted; or

2. Adopt findings of fact and deny the application.

PL/1416/2

October 6, 1987

Mr. Troy Pulver
4557 South Oak
Wichita, Kansas 67217

RE: Z-2862 - "AA" to "A". On the west side of Oak between 44th and 45th Streets South.

Dear Mr. Pulver:

On September 29, 1987, the Wichita City Council reviewed the above-referenced zone change request and their action was to deny the rezoning. Based on their action, zone case Z-2862 has been marked "denied and closed". Use of the property must comply with all "AA" one-family dwelling district regulations.

If you have any questions regarding this matter, please call our office at 268-4421.

Sincerely,

Louise Olivarez
Principal Planner

LO:blw
Attachment

cc: Dennis E. Shay, c/o Smith, Shay, Farmer & Wetta, 200 West Douglas, Suite 830, Wichita, KS. 67202

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