Planning Agenda Item #_____

City of Wichita
City Council Meeting
August 1, 1989

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-2950 - ZONE CHANGE REQUEST FROM THE "AA" ONE-FAMILY DWELLING DISTRICT TO THE "R-5" GENERAL RESIDENCE DISTRICT, LOCATED IN AN AREA NORTH OF MAPLE AND WEST OF YOUNG (District #4).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve subject to replatting (7-0).

Staff Recommendation: Approve subject to replatting.

CPO Recommendation: CPO Council 5B voted 7-1 to approve this request subject to a restrictive covenant being submitted which restricts the use of the property to accessory uses (including laundry facilities, parking and playground, excluding additional apartments).

Background: On May 25, 1989, the Planning Commission considered this zone change request for "R-5" rezoning. At that meeting the Planning Commission voted to unanimously recommend approval. On June 20, 1989, the City Council considered the case. At that meeting it was announced that protest petitions from 65.1% of the property owners within the legal protest area had been received. The City Council moved to return the case to the Planning Commission for reconsideration of their recommendation to approve the rezoning request.

On July 6, 1989, the Planning Commission reconsidered this zone change request for "R-5" zoning. At that meeting the Planning Commission once again voted unanimously to recommend approval of the request. Although the applicant stated that he would voluntarily submit a covenant restricting the use of the property to accessory uses for the existing apartments to the south and prohibiting the construction of dwelling units, the Planning Commission's motion to approve the case did not include the acceptance of the voluntarily offered covenant.

The applicant is requesting a zone change from the "AA" One-Family Dwelling District to the "R-5" General Residence District for a .3-acre portion of a platted lot. The property is located in an area north of Maple and west of Young. The applicant is the owner of the property to the south of the application area, which is zoned "LC" and is developed with apartments. This rezoning request has been filed in order to gain a zoning classification for the application area which will permit the construction of an accessory laundry facility for the apartment units existing to the south.

Recommendations/Actions:

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

2. Concur with the findings of the MAPC and approve the zone change, subject to the condition of replatting and subject to the restrictive covenant recommended by CPO; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or

3. Take appropriate action, stating reasons.

(_____) Published in The Daily Reporter on 12/29/89

ORDINANCE NO. 40-810

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-2950

Zone change from the "AA" One Family District to the "R-5" General Residence District

The west 199 feet of the south one-half of the north one (1) acre of Lot 14, McComas Acres, Wichita, Sedgwick County, Kansas. (Now platted as a portion of Mitchell Addition, Wichita, Kansas)

Generally located in an area north of Maple Street and west of Young.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning change 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 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:

_____ _____
(SEAL) City Clerk Mayor

Approved as to form:

_____
City Attorney