Planning Agenda Item #_____

City of Wichita
City Council Meeting
March 20, 1990

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-2985 - ZONE CHANGE FROM THE "A" TWO-FAMILY DWELLING DISTRICT TO THE "BB" OFFICE DISTRICT, LOCATED ON THE SOUTH SIDE OF 9TH STREET IN AN AREA WEST OF JEFFERSON. (721 W. 9TH) (District #1)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Deny (5-3).

Staff Recommendation: Deny.

CPO Recommendation: CPO Council "1A" recommended approval, and the motion failed by a vote of 3-5.

Background: On February 15, 1990, the MAPC held a public hearing to consider a zone change request from the "A" Two-Family Dwelling District to the "BB" Office District on platted property located on the south side of 9th Street in an area west of Jefferson. The application area measures approximately .5 acre and has 135.5 feet of frontage to 9th Street.

Approximately 900 square feet of floor area in the dwelling on the site is used for architectural offices. Both of the applicants live on site. One person is an architect and the other is a landscape architect. The applicants currently have three employees and the architectural offices are confined to the basement portion of the dwelling. In the "A" zoning district, Section 28.04.035(C)(3)(a) of the zoning text limits the number of persons to one who may be employed as part of a home occupation and who does not live on site.

The applicants are aware that a new occupancy permit will require changes and modifications to that portion of the structure that is used for office purposes. Also, the applicants are aware that the zoning text requires one off-street parking space for every 250 square feet of office floor area [28.04.141(3.9)] and that the meeting of this requirement will necessitate either the construction of additional off-street parking on the site or the approval of a variance by the Board of Zoning Appeals. The lot is apparently large

enough to accommodate the parking that would be required if the area devoted to office use remains limited.

As a part of the application for this case, the applicants expressed their willingness to place of record certain land use restrictions if "BB" zoning is approved. Three restrictions were specifically mentioned on the application. The first of these was that the building presently on the property would not be expanded. Secondly, they offered to prohibit the installation of any business sign that would be visible from the street. Thirdly, the applicants expressed their willingness to enter into a restriction which stated that after 10 years, or upon sale of the property, the property's zoning would revert back to "A". Regarding this matter, the Planning Commission should remember that zoning cannot be established in such a fashion as to automatically revert to a different zoning district. Zoning changes must be accomplished in accordance with state law, which requires legal notice and a formal public hearing. Any restrictive instrument should also run with the land and not with particular users.

RECOMMENDATIONS/ACTIONS:

1. Concur with the findings of the MAPC and deny the application.

2. Return the application to the MAPC for reconsideration, stating reasons.

SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

March 22, 1990

Jack & Margaret Jones
721 W. 9th Street N.
Wichita, KS 67203

Re: Z-2985 - "A" to "BB" - Located on the south side of 9th St. in an area west of Jefferson.

Dear Mr. & Mrs. Jones:

On March 20, 1990, the Wichita City Council considered the above-captioned zone change request. The action taken by the Council was to deny the zone change by a vote to 6 to 0. The Council's action has been marked on the file and the case has been closed.

Sincerely,

Forrest L. Nagley

Forrest L. Nagley
Senior Planner

FLN:jcm

FILE COPY