

Planning Agenda Item # _____

City of Wichita
City Council Meeting
August 25, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DP-208 - KERN-ANDERSON HOME VOLUNTARY COMMUNITY UNIT PLAN

Z-3063 - ZONE CHANGE FROM THE "B" MULTIPLE-FAMILY DWELLING DISTRICT TO THE "BB" OFFICE DISTRICT, LOCATED AT THE NORTHEAST CORNER OF 11TH AND TOPEKA STREETS (District #6)

INITIATED BY: Metropolitan Area Planning Department *M. Krout*

AGENDA ACTION: Planning

MAPC Recommendation: Approve. (13-0)

Staff Recommendation: Approve.

CPO Recommendation: CPO Council "6" recommended approval. (7-0)

Background: On July 30, 1992, the MAPC held a public hearing to consider approval of a voluntary community unit plan and an associated zone change request from the "B" Multiple-Family Dwelling District to the "BB" Office District on a 0.42-acre parcel of land on the northeast corner of the 11th Street and Topeka intersection. The site is developed with a large, three-story, single-family home and carriage house constructed in 1887 that serves as the residence for the applicants. The site is located one block north of the St. Francis Regional Medical Center. Properties within this intervening block along the west side of Topeka have a mixture of zoning -- some "LC" Light Commercial, some "BB" Office, and some residential.

The applicants are proposing to convert the residence to a bed and breakfast establishment having a maximum of six sleeping rooms (four in the main residence and two in the carriage house). The applicants will continue to reside on the property. The property is currently zoned the "B" Multiple-Family Dwelling District which allows more intensive uses such as lodging houses, boarding houses, doctors' offices, hospitals and clinics. The "B" district, however, does not provide for the establishment of transient resident facilities such as hotels, motels, or bed and breakfast establishments. The "BB" Office District is the first zoning district that allows the establishment of transient residence facilities, subject to several specific conditions regarding the size and location of the facility, restrictions on

commercial and recreational activities, and screening. In addition to the approval of the CUP and zone change request, the applicants are requesting the waiver of two of these conditions.

The first is a condition that the parcel upon which the facility is to be established be not less than 25,000 square feet in size. The applicants' property is 18,200 square feet in size. The second requirement requested to be waived is that a 6½-foot-high solid masonry wall be constructed along property lines adjoining adjacent residential districts (to the north and east). The applicants intend to maintain a landscaped yard along the north property line and a combination masonry, wood and wrought iron fence along the east property line to provide screening and maintain the established residential character of the neighborhood.

The application area is located within the Topeka/Emporia Historic Landmark District. As such, any proposed exterior modification to the premises that requires the issuance of a building permit by the City Office of Central Inspection is subject to review and approval of a certificate of appropriateness by the Wichita Historic Preservation Board and the City Council.

The applicants propose to make very minor modifications to the structure which include the addition of a bay window and a future deck. The proposed modifications were reviewed and approved by the Historic Preservation Board on July 13, 1992. Their action is reflected in the Certificate of Appropriateness, Case No. 92-18, also scheduled for consideration by the Council on the August 25, 1992 consent agenda.

By voluntarily filing for the establishment of a community unit plan on the property, the applicant is providing the means of limiting nonresidential development activities on the site to those strictly associated with the bed and breakfast establishment, thereby eliminating more intensive uses allowed by the existing ("B") and proposed ("BB") zoning districts. The establishment of more intensive uses on the site would require amendment of the community unit plan through the formal hearing process before MAPC, CPO and the City Council.

RECOMMENDATIONS/ACTIONS:

1. Concur with the findings of MAPC and approve the zone change and C.U.P. subject to the recommended conditions; place the ordinance establishing the zone change on first reading; or
2. Return the applications to MAPC stating reasons; or
3. Override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the governing body.

() Published in The Daily Reporter on 9-4-92

ORDINANCE NO. 41-819

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-3063

Zone change request from the "B" Multiple-Family Dwelling District to the "BB" Office District

The south 150 feet of Reserve A, except the north 20 feet thereof, Stancer & Hodson Addition, Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of 11th Street and Topeka Avenue (1204 N. Topeka).

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

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