Planning Agenda Item #_____

City of Wichita
City Council Meeting

November 1, 1994

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3143 - ZONE CHANGE FROM "AA" ONE FAMILY DWELLING DISTRICT TO "BB" OFFICE DISTRICT (TRACT #1) AND "B" MULTIPLE FAMILY DWELLING DISTRICT (TRACT #2), LOCATED AT THE SOUTHWEST CORNER OF MAPLE STREET AND 119TH STREET WEST. (District 5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation (8-11-94): Approve, subject to platting within one year, obtaining all necessary wetland permits, and filing of the voluntary restrictive covenant (6-5).

MAPC Recommendation (10-6-94): Approve "B" Multiple Family Dwelling District for tract #2, subject to platting within one year, obtaining all necessary wetland permits, and filing of the voluntary restrictive covenant (10-2).

Approve "BB" Office District for tract #1, subject to platting within one year, obtaining all necessary wetland permits, and filing of the voluntary restrictive covenant (9-3).

Staff Recommendation: Approve, subject to platting within one year, obtaining all necessary wetland permits, and filing of the voluntary restrictive covenant.

CPO Recommendation (8-10-94): CPO Council Northwest "5" voted 5-1 to recommend disapproval of the request.

CPO Recommendation (9-28-94): CPO Council Northwest "5" voted 5-3 to recommend disapproval of the request.

Background: The applicant requests a zone change from "AA" One Family Dwelling District to the "B" Multiple Family Dwelling District and the "BB" Office District on an unplatted tract of land located southwest of 119th Street West and Maple Street. The site is currently

undeveloped and located east of The Meadows Park. The applicant proposes to develop an adult assisted living care facility on the portion of the site to be rezoned "B" Multiple Family. The city zoning code first permits this type of use in the "B" district, under the definition of "home for the aged." At this time, no specific use is proposed for the portion of the site to be rezoned "BB" Office District, although the applicant has indicated that small offices and clinics would seem to be the appropriate use for this corner, next to the assisted living facility. A restrictive covenant was volunteered by the applicant limiting uses and design character.

According to the applicant's engineers, approximately half of the site proposed for "B" zoning is located in the identified drainage floodway and cannot be developed, thus resulting in a net of 4.2 acres that could be developed with uses permitted in the "B" district. According to the FEMA maps, a portion of the area proposed for "B" zoning is also located within the 100-year floodplain fringe and would need to be filled. However, it appears that the area proposed for "BB" zoning is outside the floodplain.

This request was first heard by the MAPC on August 11, 1994. At that hearing, the MAPC recommended approval of the request (6-5), subject to platting within one year, obtaining all necessary wetland permits, and filing of the voluntary restrictive covenant with further restrictions that were volunteered at that meeting. This request was then considered by the City Council on September 13, 1994, at which time the Council referred the matter back to the MAPC and CPO for rehearings and reconsideration. After the City Council meeting, the applicant submitted a second letter dated September 14, 1994, which further volunteered to restrict the property pertaining to lighting, reduced the number of potential dwelling units on the parcel proposed from "B" zoning from 52 units to 48 units, and eliminated the possible use of child care centers on the site.

At the second MAPC hearing on October 6, 1994, the neighborhood continued to express concern about both of the proposed zoning districts. The residents claim that office uses would not be compatible with the residential area; the proposed zoning districts would bring in employees and others who do not live in the area; the potential for increased crime, noise, and traffic; a concern for wildlife in the area; adequate zoning in this portion of the city for the intended uses; and a concern about flooding in the area. After reconsidering the requests, the MAPC voted to recommend approval, subject to the revised covenant amended at the MAPC hearing.

The restrictive covenant would limit the "B" zoned parcel to 48 dwelling units for a home for the aged, plus all uses allowed in the "AA" District. The covenant would restrict the "BB" zoned parcel to offices, laboratory, dental or medical clinic, and all uses allowed in the "AA" One Family Dwelling District. The "BB" zoned parcel would also have a floor area limitation of 25,200 square feet. Both parcels would have architectural controls requiring "residential architectural character" and similar exterior materials and roof slopes to the nearby single family areas.

The zoning requests have had significant opposition from area residents. Area property owners have submitted notarized protest petitions and also neighborhood petitions with 643 signatures of citizens declaring a protest for these rezoning requests.

Recommendations/Actions:

1. Adopt the findings of fact prepared by staff and adopted by the MAPC, and approve the zone change, subject to platting within one year, obtaining all necessary wetland permits, and filing of the voluntary restrictive covenant; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the Council; or

2. Deny the zone change request (citing findings)

( ) Published in The Daily Reporter on 2-2-95

ORDINANCE NO. 42-607

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-3143

Zone Change from the "AA" One-Family Dwelling District
to the "B" Multiple Family Dwelling District

Vyne Addition, Wichita, Sedgwick County, Kansas

Generally located west of 119th Street West and south of Maple.

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) Pat Burnett, Deputy City Clerk Elma Broadfoot, Mayor

Approved as to form:

_____

Gary E. Rebenstorf, City Attorney

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