

DR 73-21 Request from Mrs. Wethington concerning zoning in Block between 1st & 2nd, Roosevelt and Vale.

POSTED

11-9-73

ACTION

DATE

COMMITTEE

M.A.P.C.

No action

11.26.73

B.C.C./B. CO. C.

Map No. 5747
 Sec. 23
 Twp. 27
 Range 1E

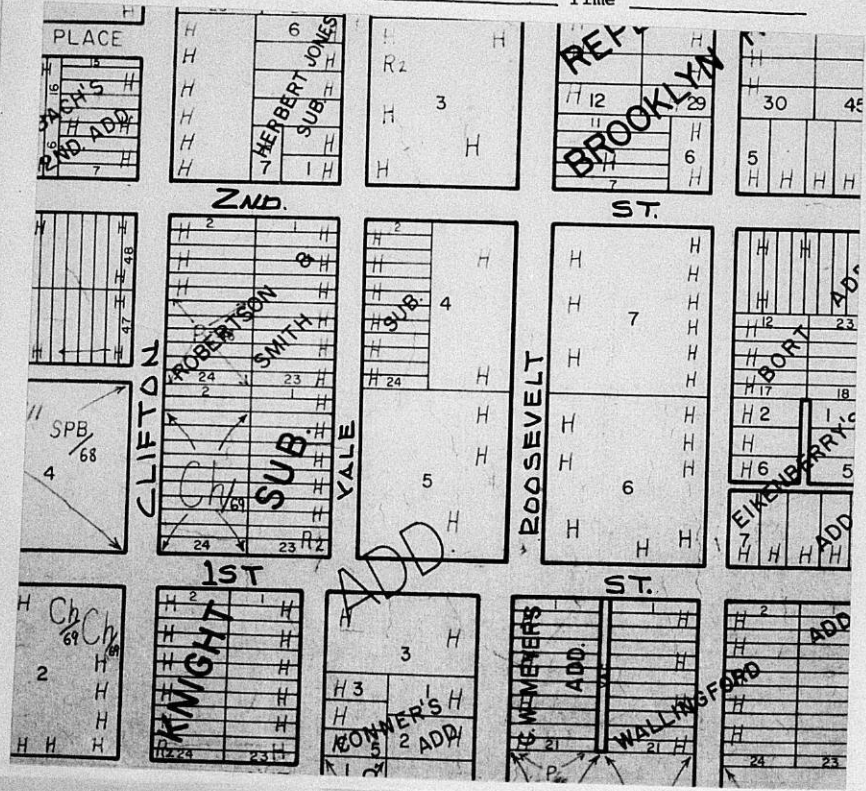
~~DR~~ DR 73-21
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: _____ (280 ft. by 600 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: _____
6. Area (is) (is not) platted. SINGLE FAM

PHOTO DATA:

Taken by _____ Date _____ Time _____



MAP No. 574

IMPORTANT MESSAGE

FOR Jack & Lakin
DATE 9-26-73 TIME 11:30 (A.M. / P.M.)

WHILE YOU WERE AWAY

MR. Saggart
OF _____
PHONE No. 689-3705

TELEPHONED	PLEASE CALL HIM
CALLER TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RETURNED YOUR CALL

MESSAGE Re: Mrs. Wethingford's request on agenda today.

SIGNED BR

Map No. _____
Sec. _____
Twp. _____
Range _____

AREA DATA:

1. Acres: _____
2. Adjoining _____
3. Land Use: _____
4. Sketch pl _____
5. Present L _____
6. Area (is) _____

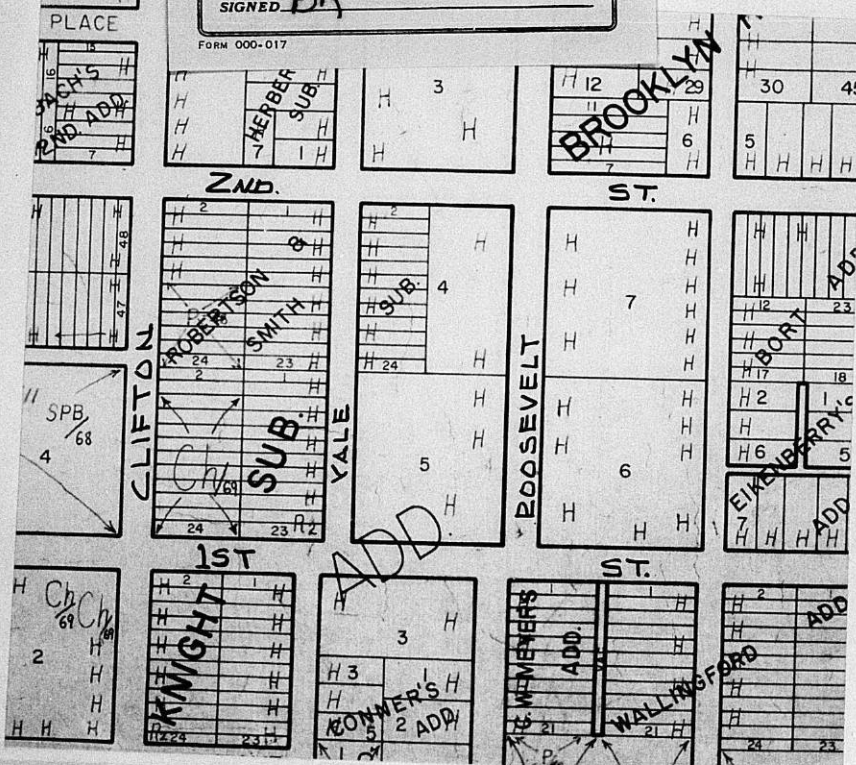
PHOTO DATA:

Taken by _____

273-21

600 ft.)
N
SINGLE FAM.
SINGLE FAM.
AM

FORM 000-017



RE: AGENDA ITEM NO. 28

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

November 13, 1973

TO Wichita-Sedgwick County Metropolitan
Area Planning Commission

FROM Jack H. Galbraith, Chief Planner *J.H.G.*

SUBJECT Request to Appear on Planning Commis-
sion Agenda for November 26, 1973

The Community Grievance Officer has requested, on behalf of Mrs. Wilma Wethington, that she be provided a place on your agenda for November 26, 1973 to discuss the existing zoning for the block bounded by First and Second Streets, Roosevelt and Yale.

Attached are copies to date of correspondence concerning this request.

JHG:ber

Attachment

Mr. Bert Wethington - furnish ltr

Will furnish ltr to Mrs. Wethington

WICHITA-SEDGWICK COUNTY

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WICHITA COMMUNITY
ROOM 5, BEACON BUILDING



GRIEVANCE OFFICE
WICHITA, KANSAS 67202

Fredrick A. Linde, *Grievance Officer*
Telephone 316-262-0272

October 19, 1973

Mrs. Wilma Wethington
2 Linden Drive
Wichita, Kansas 67206



Dear Mrs. Wethington:

At this point I am not able to give you a final answer to the questions you raised last Tuesday. At that time, you reviewed your plans for the block between 1st and 2nd Street and Roosevelt and Yale. I am very much struck by the thinking behind your planning and I am sure the development would be highly desirable and would do much to reinvigorate this area of Wichita.

As you of course know, the difficulty is over the zoning regulations. The entire block as well as the surrounding blocks are all zoned for single family residences. Some more or less commercial uses are permitted within this zoning regulation, but basically the things permitted are "home occupation" activities.

Should you be successful in acquiring the property at 205 North Roosevelt, a private art studio could be established within the residence for your own use. No change in zoning would be needed and there would be no violation of the present regulations. The conflict comes between what is permitted and some of the activities you plan for the property additional to the art studio. The present code would require a new zoning of "Light Commercial" and it is highly unlikely that either the Metropolitan Area Planning Commission or the City Commission would approve this zoning for the neighborhood or even a part of one block. Special zoning provisions for such activities as you envision are possible and can be drawn to satisfy a single request. Again, whether the two bodies would approve a specialized regulation is something that could be determined only through experience.

One of the most formidable difficulties in the requirement of making a zoning change of the properties between 205 North Roosevelt and the "Frank Lloyd Wright" house on Second Street is that some type of zoning other than the present "AA" would be necessary in order to accommodate these properties to your plans for the greensward. It seems that the zoning for these properties

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would have to be for the future and contingent upon the future sale of the parcels and their purchase by you. This change would have to be agreeable to the present property owners and again it is impossible to know how the owners would react without actually making an approach to each one.

I have talked to Mrs. Jennings with the suggestion that you and she request a hearing before the Metropolitan Area Planning Commission. The next meeting of MAPC is scheduled for November 26 and the closing date for the agenda items for that meeting is October 24. I strongly suggest that you secure a place on the agenda for the November 26 meeting and prepare a presentation for the Commission. The hearing is quite informal and no legal representation or other formalities need be observed.

I hope something can be done but I do emphasize the difficulties in obtaining the required changes in the present zoning. Your project would be a magnificent addition to the cultural life of the City and would be an excellent investment for the future. Still, we must be realistic and recognize the obstacles in the way. I am sure, from our conversation on Tuesday that you are aware of the obstacles but I am also sure that you will be able to cope with them. Please let me know your progress as you move forward.

Sincerely,

JaL

Fredrick Linde,
Grievance Officer

FL:pc

cc: Mrs. Ruth Jennings,
Chester-Kappelman-Gaudreau Real Estate
144 North Cliver
✓ Mr. Bob Lakin, Director of Planning
Mr. Henry Nathan, Community Arts Director

45447

THE CITY OF WICHITA
OFFICE OF Grievance Office

DATE October 24, 1973



ON SAFETY
PHASE II

TO Jack Galbraith, Chief Planner
FROM Fredrick Linde, Grievance Officer

SUBJECT Agenda Item for November 26 meeting -
MAPC.

At the request of Mrs. Wilma Wethington, 2 Linden Drive, and for her I am making a request that she be given a place on the agenda for the November 26 meeting of the Metropolitan Area Planning Commission. Mrs. Wethington will discuss the application of present zoning regulations to a project in which she is interested. Mrs. Wethington is an artist and is actively considering the purchase of a parcel of real estate for use as a combined residence - art studio - gallery - picture framing shop, most of which activities will require a "LC" zoning. Mrs. Wethington may be accompanied by other persons to speak in her behalf. Correspondence on the details of her appearance should be directed to Mrs. Wethington, telephone, 682-2820.

FL

Fredrick Linde,
Grievance Officer

FL:pc

cc: Mrs. Wilma Wethington
Mr. Henry Nathan, Community Arts Director



November 13, 1973

Mrs. Wilma Wethington
2 Linden Drive
Wichita, Kansas 67206

Dear Mrs. Wethington:

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Inasmuch as it will be a rather lengthy agenda, I would think that you need not be present at the beginning of the meeting, although it is difficult to estimate when the Commission might reach the last item. I would expect that it might be near 4:00 p.m. You might call our office early in the afternoon of the meeting day, and perhaps we can make a more positive determination as to the approximate time your item will be reached. Our telephone number is 262-0611, Extension 205.

If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Fred Linde, Community Grievance Officer
C. Henry Nathan, Community Arts Director

RE: AGENDA ITEM NO.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

November 13, 1973

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Area Planning Commission

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JHG:ber

Attachment

Jack H.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

October 17, 1973

TO Fredrick Linde, Grievance Officer
FROM Robert A. Lakin, Director of Planning
SUBJECT Zoning Accommodation for
205 North Roosevelt

Although it has been sometime since I have reviewed Mrs. Wethington's proposals, it seems to me that the basic issues have been one of zoning. As I understand, what she proposes to do involves the commercial operation of property in addition to the art museum and gallery type of activity. Classes of some size would be taught at that location and, as indicated in your memo, rooms and areas would be rented out much as a junior convention type of facility. It is my opinion and that of Mr. Galbraith that this activity would take light commercial zoning. Neither Mr. Galbraith nor I feel that we could support such an application in the event it were filed. However, Mrs. Wethington should be advised that our staff opinions are simply advisory to the Planning Commission which, in turn, is advisory to the Board of City Commissioners on these types of matters. If Mrs. Wethington believes the merits of her project are such that it should be approved, and the application is filed by her, it would seem that the two Boards provide her an adequate avenue to resolve the problem.

COPY

Another approach, other than the zoning, would be to write a new provision in the zoning ordinance specifically designed for her use and needs. Frankly, I don't know that I can support this approach either as I do not know how to distinguish what she wants to operate in the middle of a residential neighborhood and that which other art galleries operate in commercial areas. Where do we draw the dividing line between meeting rooms and facilities, tearoom activities between restaurants, and between motels and convention type facilities? We did write a provision in the zoning ordinance which has a similar parallel as to the cultural aspects, and this is the exception provision which the Board of Zoning Appeals has under the terms of the zoning ordinance. The Board of Zoning Appeals has the right to grant a use permit for cultural groups, including but not limited to symphonies, community theater groups, historical museums, art museums, etc., in any zoning district. It seems to me that it would be difficult to qualify her operation as an art museum because of the other activities which she proposes to have there. It also seems to me to be somewhat of a distinction between the organized community groups, such as the Wichita Community Theater, Wichita Symphony, Wichita Art Association, and an individual with a collection, teaching program, and tearoom activities.

Page 2 - Fredrick Linde
October 17, 1973

Thus, it would seem that she does have three alternatives to explore. These are: rezoning, getting the Planning Commission or Governing Body to instruct us to write a special provision in the ordinance for her, and/or trying to qualify before the Board of Zoning Appeals as a cultural group.

Although the program that she describes, I am sure, sounds delightful, it would seem, as you point out, that there are so many contingencies existing as to its successful completion which are beyond her control, that it would seem doubtful that zoning should be predicated on such a set of conditions. The zoning is either appropriate or inappropriate on its own merits, and with such contingencies, I do not think it should be "sold" on that basis. The area that she is talking about is a fine residential area and, although there are "soft" spots appearing in the College hill area, I would think the preservation of zoning and the residential uses will go more toward stopping the long slide into oblivion than introducing quasi-commercial uses into the area.

I see that you have copied Henry Nathan in on this problem. I am not familiar with all that is happening in the cultural arts community at the present time. If some of these new groups that are forming and commissions were to develop a program or plan which called for this as an activity and which would become public policy toward the acquisition of the Frank Lloyd Wright house and such a facility as proposed by Mrs. Wethington, then I think it would immediately qualify under their ownership and guidance under the Board of Zoning Appeals provisions. Thus, perhaps what Mrs. Wethington should do is to find one of the art associations or groups to underwrite and own the facilities while she operates them. This would ensure continuity, guarantee the ultimate ownership and would have the project as a part of the public policy and programs, etc. But this is of little benefit to the Board and I would think of little benefit to the City Commission in making a decision.

RAL:ber

cc: Jack Galbraith, Chief Planner
C. Henry Nathan, Community Arts Director

WICHITA COMMUNITY
ROOM 5, BEACON BUILDING



GRIEVANCE OFFICE
WICHITA, KANSAS 67202

Fredrick A. Linde, *Grievance Officer*
Telephone 316-262-0272

October 19, 1973

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2 Linden Drive
Wichita, Kansas 67206



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Sincerely,

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Fredrick Linde,
Grievance Officer

FL:pc

cc: Mrs. Ruth Jennings,
Chester-Kappelman-Gaudreau Real Estate
144 North Cliver
✓ Mr. Bob Lakin, Director of Planning
Mr. Henry Nathan, Community Arts Director

#5947

THE CITY OF WICHITA
OFFICE OF Grievance Office

DATE October 24, 1973



TO Jack Galbraith, Chief Planner
FROM Fredrick Linde, Grievance Officer

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cc: Mrs. Wilma Wethington
Mr. Henry Nathan, Community Arts Director



November 13, 1973

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2 Linden Drive
Wichita, Kansas 67206

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If you have any questions, please contact our office.

Sincerely,

Jack M. Galbraith
Chief Planner

JHG:ber

cc: Fred Linde, Community Grievance Officer
C. Henry Nathan, Community Arts Director

November 28, 1973

Mrs. Elizabeth Conover Taggart
244 North Yale
Wichita, Kansas 67208

Re: DR 73-21 - Zoning in block
bounded by 1st and 2nd,
Roosevelt and Yale

Dear Mrs. Taggart:

Although I was not in attendance when this matter was discussed by the Planning Commission Thursday evening, Bob Lakin advises that the Planning Commission requested that he forward a copy of his memo to Mr. Fred Linde to Mrs. Wethington for her files. Attached for your information, are copies of materials furnished to the Planning Commission, which also includes a copy of Mr. Lakin's letter to Mrs. Wethington following the meeting of the Planning Commission.

If we can furnish you additional information, please advise.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

Attachments

27 November 1973

Dear Jack,

Thank you for the help that you gave me yesterday, concerning Mrs. Wilma Withington and Agenda item # 28. Something was mentioned after her "presentation", something about "planner" recommendations. Would it be possible for me to see that, if it is for public perusal? I would appreciate seeing it. Thanks again for your help and encouragement.

Sincerely,

Elizabeth Conover Jaggart
(Mrs. Hoburn Jaggart, Jr.)
244 North Yale
Wichita, Kansas



November 27, 1973

Mrs. Wilma Wethington
2 Linden Drive
Wichita, Kansas 67206

Re: DR 73-21 - Zoning in block
bounded by 1st and 2nd,
Roosevelt and Yale

Dear Mrs. Wethington:

The Planning Commission took no formal action at its meeting yesterday concerning your request as to possible rezoning for the block bounded by 1st and 2nd, Roosevelt and Yale. It was the consensus of the Commission that it would be improper to provide a pre-determination on zoning without having a formal request filed and providing notice to adjacent property owners so that they would have an opportunity to be heard.

The Commission also requested that you be furnished a copy of my memorandum to Mr. Linde concerning my general views of your program. Although I believe you already have a copy, I am attaching one for your files.

In the event you do obtain an option on the property, subject to favorable zoning, and decide to file an application for rezoning, Mr. Linde or our staff will provide you the necessary information and instructions. A general instruction sheet and application form is attached for your information.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:ber
Enclosures

cc: Fred Linde, Community Grievance Officer

WICHITA COMMUNITY
ROOM 5, BEACON BUILDING



GRIEVANCE OFFICE
WICHITA, KANSAS 67202

Fredrick A. Linde, *Grievance Officer*
Telephone 316 - 262-0272

November 21, 1973
File #1527

Mrs. Wilma Wethington
2 Linden Drive
Wichita, Kansas

Dear Mrs. Wethington:

Mr. Galbraith wrote you on November 13, confirming your place on the November 26 agenda of the Planning Commission. This will be a general discussion between you and the Commissioners about your plans for the block bounded by 1st and 2nd Streets and Roosevelt and Yale.

As a general suggestion it will not be necessary for you to make a formal presentation. The Commission and the staff of the Metropolitan Area Planning Department, however, will be assisted if you have available for distribution a brief summary of your plans for the area. Frequently, for such proposals as you are making, an artistic rendering of the plans is very helpful and much in order. The rendering could show your visualization of the block as developed and this, along with whatever narrative is prepared, will give the Commissioners and staff a better insight into your objectives.

Your appearance will be informal and while you should be prepared for questions, you should not regard the questions as hostile. I can assure you they will be made in order to resolve confusion and in order to get additional background data.

I will be available and if I can help between now and your appearance on Tuesday, please let me know.

Sincerely,

FAL
Fredrick Linde,
Grievance Officer

cc: Mr. Henry Nathan, Community Arts Director
✓ Mr. Jack Galbraith, Chief Planner



WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

November 13, 1973

TO Wichita-Sedgwick County Metropolitan
Area Planning Commission

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October 17, 1973

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WICHITA, KANSAS 67202

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✓ Mr. Bob Lakin, Director of Planning
Mr. Henry Nathan, Community Arts Director

7 5947



THE CITY OF WICHITA
OFFICE OF Grievance Office

DATE October 24, 1973

ON SAFETY
PHASE II

TO Jack Galbraith, Chief Planner
FROM Fredrick Linde, Grievance Officer

SUBJECT Agenda Item for November 26 meeting -
MAPC.

At the request of Mrs. Wilma Wethington, 2 Linden Drive, and for her I am making a request that she be given a place on the agenda for the November 26 meeting of the Metropolitan Area Planning Commission. Mrs. Wethington will discuss the application of present zoning regulations to a project in which she is interested. Mrs. Wethington is an artist and is actively considering the purchase of a parcel of real estate for use as a combined residence - art studio - gallery - picture framing shop, most of which activities will require a "LC" zoning. Mrs. Wethington may be accompanied by other persons to speak in her behalf. Correspondence on the details of her appearance should be directed to Mrs. Wethington, telephone, 682-2820.

FL

Fredrick Linde,
Grievance Officer

FL:pc

cc: Mrs. Wilma Wethington
Mr. Henry Nathan, Community Arts Director



November 13, 1973

Mrs. Wilma Wethington
2 Linden Drive
Wichita, Kansas 67206

Dear Mrs. Wethington:

This is to acknowledge receipt of a request through Mr. Fred Linde, that you be given a place on the Planning Commission agenda on November 26, to discuss the application of existing zoning for the block between First and Second, Roosevelt and Yale. Inasmuch as most of the items on the agenda are scheduled for public hearing, we have placed your request last on the agenda. The meeting will be held in Room 401 City Building Annex, 104 South Main, beginning at 1:30 p.m.

Inasmuch as it will be a rather lengthy agenda, I would think that you need not be present at the beginning of the meeting, although it is difficult to estimate when the Commission might reach the last item. I would expect that it might be near 4:00 p.m. You might call our office early in the afternoon of the meeting day, and perhaps we can make a more positive determination as to the approximate time your item will be reached. Our telephone number is 262-0611, Extension 205.

If you have any questions, please contact our office.

Sincerely,

Jack M. Galbraith
Chief Planner

JHG:ber

cc: Fred Linde, Community Grievance Officer
C. Henry Nathan, Community Arts Director

November 13, 1973

Wichita-Sedgwick County Metropolitan
Area Planning Commission

Jack H. Galbraith, Chief Planner

Request to Appear on Planning Commis-
sion Agenda for November 26, 1973

The Community Grievance Officer has requested, on behalf of Mrs. Wilma Wethington, that she be provided a place on your agenda for November 26, 1973 to discuss the existing zoning for the block bounded by First and Second Streets, Roosevelt and Yale.

Attached are copies to date of correspondence concerning this request.

JHG:ber

Attachment

November 13, 1973

Mrs. Wilma Wethington
2 Linden Drive
Wichita, Kansas 67206

Dear Mrs. Wethington:

This is to acknowledge receipt of a request through Mr. Fred Linde, that you be given a place on the Planning Commission agenda on November 26, to discuss the application of existing zoning for the block between First and Second, Roosevelt and Yale. Inasmuch as most of the items on the agenda are scheduled for public hearing, we have placed your request last on the agenda. The meeting will be held in Room 401 City Building Annex, 104 South Main, beginning at 1:30 p.m.

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If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Fred Linde, Community Grievance Officer
C. Henry Nathan, Community Arts Director

#5947



THE CITY OF WICHITA
OFFICE OF Grievance Office

DATE October 24, 1973

TO Jack Galbraith, Chief Planner
FROM Fredrick Linde, Grievance Officer

SUBJECT Agenda Item for November 26 meeting -
MAPC.

At the request of Mrs. Wilma Wethington, 2 Linden Drive, and for her I am making a request that she be given a place on the agenda for the November 26 meeting of the Metropolitan Area Planning Commission. Mrs. Wethington will discuss the application of present zoning regulations to a project in which she is interested. Mrs. Wethington is an artist and is actively considering the purchase of a parcel of real estate for use as a combined residence - art studio - gallery - picture framing shop, most of which activities will require a "IC" zoning. Mrs. Wethington may be accompanied by other persons to speak in her behalf. Correspondence on the details of her appearance should be directed to Mrs. Wethington, telephone, 682-2820.

FL

Fredrick Linde,
Grievance Officer

FL:pc
cc: Mrs. Wilma Wethington
Mr. Henry Nathan, Community Arts Director



WICHITA COMMUNITY
ROOM 5, BEACON BUILDING



GRIEVANCE OFFICE
WICHITA, KANSAS 67202

Fredrick A. Linde, *Grievance Officer*
Telephone 316 - 262-0272

October 19, 1973



Mrs. Wilma Wethington
2 Linden Drive
Wichita, Kansas 67206

Dear Mrs. Wethington:

At this point I am not able to give you a final answer to the questions you raised last Tuesday. At that time, you reviewed your plans for the block between 1st and 2nd Street and Roosevelt and Yale. I am very much struck by the thinking behind your planning and I am sure the development would be highly desirable and would do much to reinvigorate this area of Wichita.

As you of course know, the difficulty is over the zoning regulations. The entire block as well as the surrounding blocks are all zoned for single family residences. Some more or less commercial uses are permitted within this zoning regulation, but basically the things permitted are "home occupation" activities.

Should you be successful in acquiring the property at 205 North Roosevelt, a private art studio could be established within the residence for your own use. No change in zoning would be needed and there would be no violation of the present regulations. The conflict comes between what is permitted and some of the activities you plan for the property additional to the art studio. The present code would require a new zoning of "Light Commercial" and it is highly unlikely that either the Metropolitan Area Planning Commission or the City Commission would approve this zoning for the neighborhood or even a part of one block. Special zoning provisions for such activities as you envision are possible and can be drawn to satisfy a single request. Again, whether the two bodies would approve a specialized regulation is something that could be determined only through experience.

One of the most formidable difficulties in the requirement of making a zoning change of the properties between 205 North Roosevelt and the "Frank Lloyd Wright" house on Second Street is that some type of zoning other than the present "AA" would be necessary in order to accommodate these properties to your plans for the greensward. It seems that the zoning for these properties

Page 2

would have to be for the future and contingent upon the future sale of the parcels and their purchase by you. This change would have to be agreeable to the present property owners and again it is impossible to know how the owners would react without actually making an approach to each one.

I have talked to Mrs. Jennings with the suggestion that you and she request a hearing before the Metropolitan Area Planning Commission. The next meeting of MAPC is scheduled for November 26 and the closing date for the agenda items for that meeting is October 24. I strongly suggest that you secure a place on the agenda for the November 26 meeting and prepare a presentation for the Commission. The hearing is quite informal and no legal representation or other formalities need be observed.

I hope something can be done but I do emphasize the difficulties in obtaining the required changes in the present zoning. Your project would be a magnificent addition to the cultural life of the City and would be an excellent investment for the future. Still, we must be realistic and recognize the obstacles in the way. I am sure, from our conversation on Tuesday that you are aware of the obstacles but I am also sure that you will be able to cope with them. Please let me know your progress as you move forward.

Sincerely,

26

Fredrick Linde,
Grievance Officer

FL:pc

cc: Mrs. Ruth Jennings,
Chester-Kappelman-Gaudreau Real Estate
144 North Oliver
✓ Mr. Bob Lakin, Director of Planning
Mr. Henry Nathan, Community Arts Director

WICHITA-SEDGWICK COUNTY

DATE

Jack H.

METROPOLITAN AREA PLANNING DEPARTMENT

October 17, 1973

TO Fredrick Linde, Grievance Officer
FROM Robert A. Lakin, Director of Planning

SUBJECT Zoning Accommodation for
205 North Roosevelt

Although it has been sometime since I have reviewed Mrs. Wethington's proposals, it seems to me that the basic issues have been one of zoning. As I understand, what she proposes to do involves the commercial operation of property in addition to the art museum and gallery type of activity. Classes of some size would be taught at that location and, as indicated in your memo, rooms and areas would be rented out much as a junior convention type of facility. It is my opinion and that of Mr. Galbraith that this activity would take light commercial zoning. Neither Mr. Galbraith nor I feel that we could support such an application in the event it were filed. However, Mrs. Wethington should be advised that our staff opinions are simply advisory to the Planning Commission which, in turn, is advisory to the Board of City Commissioners on these types of matters. If Mrs. Wethington believes the merits of her project are such that it should be approved, and the application is filed by her, it would seem that the two Boards provide her an adequate avenue to resolve the problem.

Another approach, other than the zoning, would be to write a new provision in the zoning ordinance specifically designed for her use and needs. Frankly, I don't know that I can support this approach either as I do not know how to distinguish what she wants to operate in the middle of a residential neighborhood and that which other art galleries operate in commercial areas. Where do we draw the dividing line between meeting rooms and facilities, tearoom activities between restaurants, and between motels and convention type facilities? We did write a provision in the zoning ordinance which has a similar parallel as to the cultural aspects, and this is the exception provision which the Board of Zoning Appeals has under the terms of the zoning ordinance. The Board of Zoning Appeals has the right to grant a use permit for cultural groups, including but not limited to symphonies, community theater groups, historical museums, art museums, etc., in any zoning district. It seems to me that it would be difficult to qualify her operation as an art museum because of the other activities which she proposes to have there. It also seems to me to be somewhat of a distinction between the organized community groups, such as the Wichita Community Theater, Wichita Symphony, Wichita Art Association, and an individual with a collection, teaching program, and tearoom activities.

COPY

Page 2 - Fredrick Linde
October 17, 1973

Thus, it would seem that she does have three alternatives to explore. These are: rezoning, getting the Planning Commission or Governing Body to instruct us to write a special provision in the ordinance for her, and/or trying to qualify before the Board of Zoning Appeals as a cultural group.

Although the program that she describes, I am sure, sounds delightful, it would seem, as you point out, that there are so many contingencies existing as to its successful completion which are beyond her control, that it would seem doubtful that zoning should be predicated on such a set of conditions. The zoning is either appropriate or inappropriate on its own merits, and with such contingencies, I do not think it should be "sold" on that basis. The area that she is talking about is a fine residential area and, although there are "soft" spots appearing in the College hill area, I would think the preservation of zoning and the residential uses will go more toward stopping the long slide into oblivion than introducing quasi-commercial uses into the area.

I see that you have copied Henry Nathan in on this problem. I am not familiar with all that is happening in the cultural arts community at the present time. If some of these new groups that are forming and commissions were to develop a program or plan which called for this as an activity and which would become public policy toward the acquisition of the Frank Lloyd Wright house and such a facility as proposed by Mrs. Wethington, then I think it would immediately qualify under their ownership and guidance under the Board of Zoning Appeals provisions. Thus, perhaps what Mrs. Wethington should do is to find one of the art associations or groups to underwrite and own the facilities while she operates them. This would ensure continuity, guarantee the ultimate ownership and would have the project as a part of the public policy and programs, etc. But this is of little benefit to the Board and I would think of little benefit to the City Commission in making a decision.

RAL:ber

cc: ~~X~~ Jack Galbraith, Chief Planner
C. Henry Nathan, Community Arts Director