

Planning Agenda Item # _____

City of Wichita
City Commission Meeting
April 1, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: Z-2741 - REQUEST FOR ZONE CHANGE FROM "A" TWO-FAMILY DWELLING TO "OC" OFFICE COMMERCIAL, AS AMENDED, LOCATED AT THE SOUTHEAST CORNER OF KELLOGG AND TERRACE.
(Johnnie Bell)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

MAPC Recommendation: Approve "OC" (8-0)

Staff Recommendation: Approve "OC"

Background: On January 23, 1986, the MAPC held a public hearing to consider a zone change request from "A" to "LC" for several platted lots at the southeast corner of Kellogg and Terrace. The site is currently vacant, a home having been removed about a year ago. The applicant's agent amended the application to request "OC" zoning, saying his client would file for an exception through the Board of Zoning Appeals for permission to utilize the property for a floor covering and tile showroom. He felt this use was comparable to listed uses in the "OC" district and that his client could comply with all the "OC" requirements. One year ago a request for "LC" zoning on this property was filed by the former owner. The Planning Commission recommended approval; the City Commission returned the case for re-hearing; the Planning Commission then recommended "OC"; the City Commission granted "BB" subject to replatting. The property was never replatted and that case is now closed. Neighbors had filed 81% protest petitions last year against the "LC" request. They were not opposed to "OC" or "BB". This year no protest petitions were filed against the "OC" request. The Planning Commission unanimously recommended approval of "OC" zoning on January 23, 1986, subject to replatting the property within one year.

On February 18, 1986, the City Commission voted to return the application to MAPC for reconsideration. The Planning Commission reconsidered the case on March 6, 1986, and again recommended unanimously that "OC" zoning be approved. A representative of the neighborhood to the south was present to voice support of the "OC" request.

CPO Council "G" reviewed this rezoning request on January 22nd and voted 9-0 to recommend approval of "OC" zoning subject to a privacy fence being installed by the applicant and subject to replatting. (Note: There are screening and landscaping provisions in Section 28.04.160.K of the Zoning Ordinance for commercial uses established adjacent to residential districts.)

Analysis: Properties to the east and west are zoned "BB" and developed with offices, while single-family homes exist to the north and south in the "AA" and "A" districts. If rezoning is approved it should be subject to replatting in order to obtain appropriate street right-of-way, access controls, and building setbacks. The Planning Commission found that the character of the neighborhood and the location on a major street; the zoning and uses of properties nearby; the unsuitability of subject site for residential use; the support of the neighborhood and the recommendation of staff justified the zone change to "OC".

- Actions:
1. Concur with the findings of the MAPC and approve the zone change subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or
 2. Take appropriate action stating reasons.

Attachments: Area map
1-23-86 & 3-06-86 MAPC Minutes
CPO Memorandum

April 2, 1986

Johnnie Bell
801 West Douglas
Wichita, Kansas 67213

RE: Z-2741 "A" to "OC". Southeast corner of Kellogg and Terrace.

Dear Mr. Bell:

On April 1, 1986, the Board of City Commissioners approved the above referenced zone change subject to replatting the property within one year or the case be considered denied and closed. The rezoning ordinance will not be published until the plat has been recorded with the Register of Deeds. You have until April 1, 1987 to record a plat of this property.

Enclosed is a subdivision application form. You will need to contact a surveyor or an engineer to prepare the platting documents for you. This should be done as soon as possible.

This will be our only letter advising you of your platting deadline. If you have not recorded the plat by April 1, 1987, the zone case file will be marked denied and closed. If you have any questions about this zone change or required replat, please call our office at 268-4421.

Sincerely,

Louise Olivarez
Senior Planner

LO/lw

cc: James R. Schaefer, 400 N. Woodlawn, Suite 205, Wichita, KS 67208