

City of Wichita
City Council Meeting
April 25, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-2947 - ZONE CHANGE FROM THE "B" MULTIPLE-FAMILY DWELLING DISTRICT TO THE "C" COMMERCIAL DISTRICT, LOCATED ON THE WEST SIDE OF TOPEKA BETWEEN MURDOCK AND PINE (District #1).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Deny "C" zoning; approve "BB" (7-0).

Staff Recommendation: Limit rezoning to "BB" or "OC".

CPO Recommendation: CPO Council 1A recommended approval by a vote of 7-0.

Background: On March 30, 1989, the MAPC held a public hearing to consider a zone change request from the "B" Multiple-Family Dwelling District to the "C" Commercial District for a .23-acre platted site located on the west side of Topeka in an area south of Murdock. The property is currently developed with a large two-story residence. The house on the property is currently vacant and the applicant has advised that it was last used as a halfway house for recovering alcoholics. The applicant advises that the fourplex to the north is currently used for halfway house purposes.

Although the existing zoning policy statement favors "LC" and "C" rezoning requests, consideration should be given to limiting rezoning to the "BB" Office District or perhaps the "OC" Office Commercial District. We recognize the "B" residential district is probably too restrictive for this general area between the downtown core and St. Francis Hospital. But this portion of Topeka has and should retain a different character from the nearby Broadway frontage. The attachment from the City's preservation planner attests to the significance of the existing structure on the lot in question and the block face as a whole.

The "BB" or "OC" districts will provide the applicant with sufficient flexibility for an adaptive reuse of the existing structure and at the same time prohibit higher intensity commercial uses which would be detrimental to the existing structure and the other historic and architecturally significant residences in the block face.

There are two fairly recent zone change requests on property abutting Topeka Avenue between Murdock and Central. One is case Z-2833 (1987) at the northeast corner of Topeka and Pine and the other is case Z-2942 (1989) at the southwest corner of Topeka and Elm. For both of these cases, rezoning was limited to the "BB" district.

- Recommendations/Actions:
1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading, or
 2. Return the application to the MAPC for reconsideration, stating reasons.

(_____) Published in The Daily Reporter on May 5, 1989

ORDINANCE NO. 40-690

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-2947

Zone Change from the "B" Multiple Family Dwelling
District to the "BB" Office District
The north half of Lot 52 and Lots 54 and
56, all on Topeka Avenue, J.P. Hilton's
Addition to Wichita, Sedgwick County,
Kansas. Generally located on the west
side of Topeka between Murdock and Pine.

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, May 2, 1989

ATTEST:

(SEAL)

City Clerk

Mayor

Approved as to form:

City Attorney