

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
February 27, 1996

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

**SUBJECT: Z-3195 - FAYETTE FIELDS (PROPERTY OWNER), LARRY UNDERHILL (CONTRACT PURCHASER)/P.E.C. C/O GARY WILEY (AGENT) REQUESTS ZONE CHANGE FROM 'AA' ONE FAMILY DWELLING DISTRICT TO 'BB' OFFICE DISTRICT, LOCATED ON THE NORTHEAST CORNER OF TYLER ROAD AND 19TH STREET NORTH (1956 N. TYLER ROAD), (DISTRICT #5)**

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

**MAPC Recommendation:** Approve, subject to replatting and filing restrictive covenant within 1 year (7-3).

**Staff Recommendation:** Deny

**CPO Recommendation:** Approve (8-0).

**Background:** The applicant requests a zone change from 'AA' One Family Dwelling District to the 'BB' Office District for Lot 1, Block A, Oxbow Addition, located at the northeast corner of Tyler Road and 19th Street North. The property is currently developed with a single family home that fronts directly onto Tyler Road. The applicant proposes to convert the home to a real estate office.

The subject property is bordered by 'BB' Office District zoning and an existing landscape hedgerow to the north and surrounded by residential zoning and single family homes to the east, south, and west. The property currently has access only to Tyler Road; however, the plat for the property does not prohibit access to 19th Street.

The property to the north was approved on August 14, 1990 by the City Council for a zone change from 'A' Two Family Dwelling District to 'BB' Office District (Z-3002) and an amendment to the Westwind II Residential CUP (DP-165 Amendment #1) to remove the area approved for rezoning from the residential CUP. During the MAPC public hearing, Rob Hartman (agent for the applicant) indicated that the property owner to the south (property currently proposed for 'BB') was concerned about the request and the possibility of removing the existing hedgerow and looking into

nonresidential uses. As part of the replat for that property, a 15 foot landscape buffer and an additional 5 foot wall easement was established along the south property line (north property line of the current application). This wall easement and landscape buffer establishes a natural break between the nonresidential uses to the north and the residential uses to the south.

On April 18, 1995, the City Council approved a zone change from 'A' to 'BB' for property located at the southeast corner of 16th Street North and Tyler Road (Z-3164). However, the Council denied the request for 'A' to 'LC' zoning as part of that same zone change application. The request at 16th and Tyler should be considered a unique request due to its location between a church to the north and a fire station and day care center to the south -- nonresidential uses that are permitted in residential zoning, but which significantly impacted that property. The zone change also included a restrictive covenant with architectural restrictions and sign controls.

Except for the nonresidential zoning at the intersections at 13th Street and 21st Street and the unique situation at 16th and Tyler Road, this arterial roadway is entirely zoned for residential uses. Extending nonresidential zoning further south of the existing hedgerow, which serves as a natural break between residential and nonresidential zoning, would not be consistent with the Comprehensive Plan and its recommendation to discourage extended "strip commercial" development along the City's arterial roadways.

At the MAPC hearing on January 25, 1996, no area residents expressed opposition to the zone change. Also, the applicant volunteered a restrictive covenant with the following restrictions:

1. Complete access control shall be maintained to 19th Street North.
2. The maximum building height shall be limited to a one story building.
3. No signage shall be permitted along 19th Street North and any signage along Tyler Road shall be limited to the north 1/3 of the frontage of the site.
4. Use permitted shall be limited to all uses allowed by the 'AA' One Family Dwelling District, plus general office, and medical and dental offices. No hospital or emergency medical centers shall be permitted.

The MAPC to recommend approval (7-3), based on the mixed character of the area (office to north), the restrictions offered to protect nearby residential uses, the absence of neighborhood opposition, and the support of CPO5.

**Recommendation:**

1. Concur with the findings of the MAPC and approve the zone change subject to to the condition of platting and recording the voluntary restrictive covenant; Instruct the Planning Department to forward the ordinance establishing the zone change on first reading when the plat is forwarded to the City Council; or

2. Return the application to the MAPC for consideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

(\_\_\_\_\_) Published in The Daily Reporter on \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY CITY OF WICHITA CODE SEC. 28.04.010.

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 The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. Z-3195**

Zone change request from "SF-6" Single-Family Residential District (formerly "AA" One-Family Dwelling District) to "GO" General Office District (formerly "BB" Office District) on property described as:

Lot 1, Block A, Ox-Bow 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located north of 19th Street North and east of Tyler Road.

**SECTION 2.** That upon the taking effect of this 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 Wichita-Sedgwick County Unified Zoning Code 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.

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