

DR 74-29 - Consideration of  
Adopting a New Notification  
Procedure on Zoning Cases.

*Approved 6-12-75*  
B.C.C. ~~RECEIVED~~ *Approved the 2-1-75*  
*Policy as Revised*

# ACTION

COMMITTEE		DATE
M.A.P.C.	<del>Deferred</del>	5-22-75
	Approved	6-12-75
B.C.C. / <del>B.C.C.</del>	Approved the	7-1-75
	Policy as Recommended	

DR 74-29 - Consideration of  
Adopting a New Notification  
Procedure on Zoning Cases.

# Application for Change of Zoning Classification

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

## INSTRUCTIONS

1. A. **For City Application.** The application for zoning change must be signed by all property owners or by authorized agent(s) for such owner(s).
- B. **For County Application.** The notarized signature of at least one of the property owners is required.
2. **The Application must be Accompanied by:**
  - A. A current abstractors certificate listing the names, mailing addresses and zip codes of the owners of all adjacent property and including the property for which the zone change is requested.

### Ownership List for City Application

All property owners within the distances shown by the following table:

Area of Zoning Change Request*	Distance Measurement
Up to and including 1 acre	200 feet
Over 1 acre to 6 acres	350 feet
Over 6 acres to 15 acres	500 feet
Over 15 acres to 25 acres	750 feet
Over 25 acres	1000 feet

\*Should a zoning change request be made for a "spot" zone within a large development, and the application does not include the entire ownership of a parcel to be used for development; then the distance shall be determined by the acreage of the zoning lot (the total area used for development as a unit), and not just the zoning application area. The measurement shall then be measured from the extreme limits of the zoning lot."

### Ownership List for County Application

All property owners in all directions from subject property for a distance of twice the frontage of the subject property but for a distance of not more than 1,000 ft. or less than 200 ft.

**Note: Mailing addresses submitted without Zip Codes will be returned to the applicant**

- B. The appropriate fee as established in the Zoning regulations of the City of Wichita or by the Zoning Regulations of Sedgwick County.

#### City Fees

"AA", "A", AND "RB" .....	\$ 70.00
"R-5", "R-6", "B" and "BB" .....	140.00
"LC", "C", "D", "E", & "F" .....	200.00
(6 acres and under)	
"LC", "C", "D", "E", & "F" .....	400.00
(over 6 acres)	
"G" .....	140.00
"U" .....	140.00

#### County Fees

"R", "R-1", and "AA" .....	\$ 70.00
"BB" .....	140.00
"LC", "C", "E", and "F" .....	200.00
(6 acres and under)	
"LC", "C", "E", and "F" .....	400.00
(over 6 acres)	

3. The Wichita-Sedgwick County Metropolitan Area Planning Commission will meet to consider zoning requests on the second and fourth Thursdays of each month at 1:30 p.m. in City Hall, Wichita, Kansas. An application for a change of zoning, accompanied by appropriate documents and fees as listed above, must be filed with the Planning Department before 5 p.m. on the closing date established by the Metropolitan Area Planning Commission.
4. It is the policy of the Planning Commission that nothing shall prohibit submission of information relating to the appropriateness for the particular change in zoning district classification. Any material, such as renderings, plot plans, or pictures of the existing area, submitted at the hearing shall become the property of the Commission and a part of the case file.
5. It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, City Hall, at least 7 days prior to the meeting. If, in the discretion of the Chairman and Secretary, such deferral is to be granted, notices of such deferral and of the next hearing date will be mailed to those who received original notice of the hearing. Persons requesting deferrals *will be* charged with the cost of preparing and mailing new notices.
6. It is the policy of the Planning Commission to not consider more than nine (9) new zoning applications at any regular meeting.
7. The Planning Commission or the governing body may request the applicant to plat or replat the area to provide adequate street right-of-way, drainage and utility easements, access control, building setback lines, etc. Guarantees for the installation of improvements may be required as part of the platting process. For some of these required items, separate instruments may be utilized.



WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

July 2, 1975

**TO** Glen Lytle, Special Assistant to Zoning

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

**SUBJECT** DR 74-29 - Consideration of Adopting a New Notification  
Procedure on Zoning Cases

Please proceed to draft a letter for my signature to the several abstract companies that provide ownership lists advising them of this new policy on notification procedure. Also, proceed to change our instruction sheet and have it reprinted as rapidly as possible so that we can begin the new procedure no later than August 1, 1975. Please make sure all the staff in this division that assist the public at the counter are advised of this new policy.

  
Jack H. Galbraith  
Chief Planner

JHG:js

**Application for Change of Zoning Classification**  
 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

**INSTRUCTIONS**

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  - A. A current abstractors certificate listing the names, mailing addresses and zip codes of the owners of all adjacent property and including the property for which the zone change is requested.

**Ownership List for City Application**

All property owners within a 200 foot radius of the property for which the zone change is requested.

**Ownership List for County Application**

All property owners in all directions from subject property for a distance of twice the frontage of the subject property but for a distance of not more than 1,000 ft. or less than 200 ft.

**NOTE: MAILING ADDRESSES SUBMITTED WITHOUT ZIP CODES WILL BE RETURNED TO THE APPLICANT**

- B. The appropriate fee as established in the Zoning Regulations of the City of Wichita or by the Zoning Regulations of Sedgwick County.

**City Fees**

"AA", "A", AND "RB" .....	\$ 70.00
"R-5", "R-6", "B" and "BB" .....	140.00
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(6 acres and under)	
"LC", "C", "D", "E", & "F" .....	400.00
(over 6 acres)	
"G" .....	140.00

**County Fees**

"R", "R-1", and "AA" .....	\$ 70.00
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"LC", "C", "E" and "F" .....	200.00
(6 acres and under)	
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(over 6 acres)	

3. The Wichita-Sedgwick County Metropolitan Area Planning Commission will meet to consider zoning requests on the second and fourth Thursdays of each month at 1:30 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas. An application for a change of zoning, accompanied by appropriate documents and fees as listed above, must be filed with the Planning Department before 5 p.m. on the closing date established by the Metropolitan Area Planning Commission.
4. It is the policy of the Planning Commission that nothing shall prohibit submission of information relating to the appropriateness for the particular change in zoning district classification. Any material, such as renderings, plot plans, or pictures of the existing area, submitted at the hearing shall become the property of the Commission and a part of the case file.
5. It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, 104 South Main, at least 7 days prior to the meeting. If, in the discretion of the Chairman and Secretary, such deferral is to be granted, notices of such deferral and of the next hearing date will be mailed to those who received original notice of the hearing. Persons requesting deferrals *will be* charged with the cost of preparing and mailing new notices.
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**WICHITA-SEDGWICK COUNTY ZONING PROCEDURE**  
 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

AUGUST, 1969

METRO. AREA PLANNING COMM.

NOTE: Minimum Time to Complete Application is approximately 60 days

— CITY CASE  
 - - - COUNTY CASE

APPLICANT

METRO. AREA PLANNING DEPT.

Contact the Central Inspection Division. If a City Case, or the County Zoning Administrator if a County Case, to ascertain the Proper Zoning for the Contemplated Use.

Submit Completed Application, Certified Ownership List and Filing Fee on or Before Closing Date.

Obtain Application for Filing Case

Advertise Case for Public Hearing and Mail Notices.

Cases Filed in the 3 mile Ring Jurisdiction of Derby, Haysville, Mulvane, Valley Center or Goddard will be scheduled for hearing before those City Planning Commissions Prior to MAPC Hearing Date.

Hears Case, Establishes Conditions of Approval and Makes Recommendation to Governing Body.

Complies with Conditions of Approval.

Letter on Recommendation of the Planning Commission.

Forward Case to Governing Body.

MIN. TIME: 19 Days

TIME: Approx. 30 Days

MIN. TIME: 10 Days

Back to MAPC

IF CASE IS REFERRED

TIME: Approx. 10 Days

Board of City Commissioners Place Ord. on First Reading

Places Ord. on Second Reading

Ord. Published by City Clerk

TIME: 14 Days

TIME: 7 Days

Bd. of County Commissioners

T9-209-2

APPROP. GOVERNING BODY

METRO. AREA PLANNING COMM.

METRO. AREA PLANNING DEPT.

APPLICANT

NOTE:

Minimum Time to Complete Application is approximately 60 days

— CITY CASE  
 - - - COUNTY CASE

APPROP. GOVERNING BODY

APPLICATION FOR ZONE CHANGE FOR PROPERTY LOCATED  
WITHIN THE LIMITS OF THE CITY OF WICHITA OR THE  
ZONING JURISDICTION OF THE BOARD OF COUNTY  
COMMISSIONERS, SEDGWICK COUNTY, KANSAS

This is an application for change of zoning classification. The form must be completed and filed at the Planning Department, Room 402, City Building Annex, 104 South Main, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. Name of applicant or applicants and/or their agent or agents. The owners of all property requested to be rezoned must be listed on this item.

- a. Applicant \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Agent \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_
- b. Applicant \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Agent \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_
- c. Applicant \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Agent \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

(Use separate sheet if necessary for names of additional applicants.)

II.A The applicant hereby requests a change of zone from \_\_\_\_\_ zoning district to \_\_\_\_\_ zoning district for property legally described as Lot(s) \_\_\_\_\_, Block(s) \_\_\_\_\_, \_\_\_\_\_ Addition.

(If appropriate, metes and bounds description may be provided in space below or on an attached sheet.)

II.B There are \_\_\_\_\_ acres (round to nearest tenth) in the above described property.

III. This property is located at (address) \_\_\_\_\_.

The general location is (use appropriate section)

a. At the \_\_\_\_\_ corner of \_\_\_\_\_ and \_\_\_\_\_, or

b. on the \_\_\_\_\_ side of \_\_\_\_\_ (Ave.) Street between \_\_\_\_\_ (Ave.) Street and \_\_\_\_\_ (Ave.) Street.

IV. I request this change in zoning for the following reasons:

V. I (WE) the applicant(s), acknowledge receipt of the instruction sheet, zoning procedure chart, summary of zoning district chart and further that I (WE) state that I (WE) have read the material. If an agent, I further state that I have or will provide the owner or owners of the property for which the zone change is requested, an explanation of, or copy of this material. I (WE) realize that this application cannot be processed unless it is complete, is accompanied by a current abstractors certificate with mailing addresses and zip codes, as required in the instruction sheet; and is accompanied by the appropriate fee.

CITY APPLICATION	COUNTY APPLICATION
_____ Applicant	_____
By _____ Agent (if any)	Applicant's Signature
_____ Applicant	STATE OF KANSAS ) COUNTY OF SEDGWICK )
By _____ Agent (if any)	Subscribed and sworn to Before me this _____ Day of _____ 19____.
	_____ Notary Public
	(SEAL)
	My Commission Expires _____

VI. OFFICE USE ONLY

This application was received at the Planning Department at \_\_\_\_\_ (AM, PM) on \_\_\_\_\_ (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$\_\_\_\_\_.

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Title

DISTRICT	NAME OF DISTRICT AND USES PERMITTED	COLOR SYMBOL	BASIC MAX. HEIGHT		BASIC SETBACKS			MINIMUM LOT AREA PER FAMILY	
			STORIES	FEET	FRONT YARD	SIDE YARD	REAR YARD		
AA	ONE FAMILY DWELLING One Family Dwellings, Parks, Schools, Golf Courses, Nurseries, Farming, Truck Gardening, Churches	UNCOLORED	3	35'	25'	6"	20'	6,000 Sq. Ft. 3,500 Sq. Ft. 3,000 Sq. Ft. per Family	
A	TWO FAMILY DWELLING Uses Permitted in "AA" District and Two Family Dwelling Care Homes (S & Lesh)	YELLOW	3	35'	25'	6"	20'	Single Family Dwelling Two Family Dwelling	
RB	FOUR FAMILY DWELLING Any Use Permitted in More Restrictive Zones and Four Family Dwellings.	LIGHT GREEN	3	35'	20'	6"	15'	Single Family Dwelling Two Family Dwelling Four Family Dwelling	
R-5	GENERAL RESIDENCE DISTRICT Any Use Permitted in the "A" District Multiple Family Dwellings, Accessory Signs and Off-street parking	FLESH	3	35'	25'	10% of Lot Width 6' Minimum	20'	Single Family Dwellings Two Family Dwellings Multiple Family Dwellings	
R-6	GENERAL RESIDENCE DISTRICT Uses permitted are identical with those in the "R-5" District	YELLOW OCHRE	3	35'	25'	10% of Lot Width 6' Minimum	20'	Single Family Dwellings Two Family Dwellings Multiple Family Dwellings	
B	MULTIPLE FAMILY DWELLING Any Use Permitted in More Restrictive Zones and Multiple Family Dwellings, Boarding and Rooming Houses, Hospitals, Greenhouses, Private Clubs, Off Street Parking, Directory Type Signs, Etc.	BROWN	3	55'	20'	5"	15'	Single Family Dwelling Two Family Dwelling Multiple Family Dwelling	
BB	OFFICE DISTRICT Any Use Permitted in More Restrictive Zones and General Offices, Medical Laboratories	DARK GREEN	5	55'	20'	5'	15'	Single Family Dwelling Two Family Dwelling Multiple Family Dwelling	
LC	LIGHT COMMERCIAL Any Use Permitted in Residential and Office Zones and Purely Retail Businesses Operated Within a Building	SCARLET	6	80'	10'	NONE	15' 10'	Variable from 500 Sq. Ft. per Family to 6,500 Sq. Ft. per Family	
C	COMMERCIAL Uses Permitted in All Preceding Zones and Others not Offensive Because of Dust, Noise, Odor or Smoke	PINK	25		Except Where District Adjoins Dwelling District	NONE	15' NONE For Commercial	Same as "B" District	
CUP	COMMUNITY UNIT PLAN Shopping Center / Residential Permits Those Use Groups Approved as Part of a Total Development Plan	SCARLET / WHITE	SETBACK AREA AND USE REQUIREMENTS ESTABLISHED IN PLAN APPROVAL AND ARE NOT SPECIFICALLY ESTABLISHED BY ORDINANCE						
D	CENTRAL BUSINESS DISTRICT Any Use Permitted in More Restrictive Zones and Others Not Offensive Because of Dust, Noise, Odor, Smoke or Fire Danger	BLUE	25		NONE	NONE For Dwellings See Text of Ordinance	NONE	250 Sq. Ft. Except in Hotel Structures	
E	LIGHT INDUSTRIAL All Industrial and Commercial Uses Except Those Most Offensive Because of Noise, Dust, Smoke, Odors and Except Those Uses First Permitted in AA, A, RB, B, and G Districts	PURPLE	25		NONE	NONE	NONE	Same as "B" District	
F	HEAVY INDUSTRIAL Any Use, Some Conditional Upon Specific Approval of City Commission. Uses First Permitted in AA, A, RB, B, and G Districts	GRAY	25		NONE	NONE	NONE	Same as "B" District	
G	MOBILE HOME Mobile Home Park When Complying With Title 26 of the City Code, Schools, Churches, Parks, Day Nurseries, Home Occupations	ORANGE	3	35'	20'	10'	10'	Mobile Home Parks, 5 Acres at Density Level Not More than 7 Mobile HOMES/Acre Individual Mobile Home Lots Within Mobile Home Developments Where Lots Are Sold, 6,000 Square Feet / Lot	

FOR COMPLETE REGULATIONS AND EXCEPTIONS SEE TEXT OF ORDINANCE  
 WICHTA SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPT. T9-209-3 | Revised August 1970

\* No parking in front yard setback area  
 ... Accessory Structures when located on the rear 1/2 of the lot only have to provide a 3 foot side yard setback  
 ... Mobile homes and house trailers shall conform to the setback requirements as set forth in title 26 of the city code

## SUMMARY OF COUNTY ZONING REGULATIONS

DISTRICT	NAME OF DISTRICT AND USES PERMITTED	COLOR SYMBOL	BASIC MAX. HEIGHT		BASIC SETBACKS			MINIMUM LOT AREA PER FAMILY
			STORIES	FEET	FRONT YARD	SIDE YARD	REAR YARD	
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings	UN-COLORED	2½	35	*60'	20'	25'	2 ACRES 200 FEET FRONTAGE
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches	YELLOW	2½	35	*60'	10'	25'	** 15,000 SQUARE FEET 100 FEET FRONTAGE
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches	LIGHT GREEN	2½	35	*60'	6'	20'	7,500 SQUARE FEET 60 FEET FRONTAGE
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices	DARK GREEN	3	45	*60'	10'	25'	** 15,000 SQUARE FEET 100 FEET FRONTAGE
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Business Operated Within a Building	SCARLET	3	45	*60'	0-10'	10'	SAME AS R-1 DISTRICT
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses	PINK	NONE	NONE	*60'	0-5'	NONE	SAME AS R-1 DISTRICT
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke	PURPLE	NONE	NONE	*60'	0-5'	NONE	SAME AS R-1 DISTRICT
F	HEAVY INDUSTRIAL Any Use, Some as Conditional Uses	GRAY	NONE	NONE	*60'	0-5'	NONE	SAME AS R-1 DISTRICT

For Complete Regulations and Exceptions - See Sedgwick County Zoning Resolution

\*See Section II. D. FRONT YARDS - Along Major Highways and Arterials

Zoning Resolution Sedgwick County, Kansas

\*\*Board of Health requires minimum 25,000 sq. ft. lots.

**WICHITA-SEDGWICK COUNTY**

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

June 25, 1975

TO Ralph Wulz, City Manager  
FROM Robert A. Lakin, Director of Planning  
SUBJECT DR-74-29 - Notification Procedure -  
Zoning Change Requests.

As was requested by the Board of City Commissioners, the Wichita-Sedgwick County Metropolitan Area Planning Commission has recently considered a new policy for notification of property owners adjacent to zoning change requests. The new policy will require the applicant to provide certified ownership lists based on the area of the development, rather than the 200 foot requirement previously used. This appears to be the most equitable method, as large developments seem to have an impact on a greater area than does a small development.

As you will note by the attached legal opinion, the notification area may be increased beyond the required 200 feet, however, the protest area must still be limited to 200 feet as set forth in the State Statute.

RISING moved and TAYLOR seconded that the following be adopted as policy for notification procedure on zoning change requests. The motion carried unanimously.

"The ownership list for city zoning change applications shall include all property owners within the distances shown by the following table:

Area of Zoning Change Request*	Distance Measurement
Up to and including 1 acre	- 200 feet
Over 1 acre to 6 acres	- 350 feet
Over 6 acres to 15 acres	- 500 feet
Over 15 acres to 25 acres	- 750 feet
Over 25 acres	- 1000 feet

\*Should a zoning change request be made for a "spot" zone within a large development, and the application does not include the entire ownership of a parcel to be used for development; then the distance shall be determined by the acreage of the zoning lot (the

Ralph Wulz, City Manager  
June 25, 1975  
Page 2

total area used for development as a unit), and not just the zoning application area. The measurement shall then be measured from the extreme limits of the zoning lot."

  
Robert A. Lakin  
Director of Planning

RAL:GEL:rme  
Attachment

THE CITY OF WICHITA

OFFICE OF

DATE March 10, 1975

TO Glen E. Lytle, Special Assistant for Zoning

FROM H. R. Kuhn, Assistant City Attorney

THE  
ROAD TO  
SAFETY



SUBJECT Dr-74-29 - Request for  
legal opinion - Re:  
Increase the protest area  
for zoning change requests.

Your memo of March 5, 1975 has been reviewed and I would submit the following comments after reviewing KSA 12-708 and KSA 19-2920.

1. The requirement of the State Statute as to the giving of written notice of a proposed zoning amendment would appear to be directory rather than mandatory and under the rulings enunciated by our Kansas Supreme Court would not prohibit giving notice beyond the 200 foot distance. The State Statute does not limit the "opportunity to be heard" to only those interested parties within the 200 foot radius.

2. As to the second question (protest area) the language used in the State Statute would not lend itself to the argument or interpretation that such language is "directory" and not "mandatory". The language used in 12-708 specifically refers or defines the area to that located with 200 feet of the boundaries of the property proposed to be rezoned. For this reason the "protest area" must be limited to the 200 feet set forth in the State Statute.

3. As to the third point, it is our opinion that increasing the "protest area" can only be accomplished by amending the State Statute. The same is true with regard to county involvement under KSA 19-2920.

If you have any further questions, call me.

Respectfully submitted,

  
H. R. Kuhn  
Assistant City Attorney

HRK:ab

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 5, 1975

TO H. R. Kuhn, Assistant City Attorney  
FROM Glen E. Lytle, Special Assistant for Zoning  
SUBJECT DR-74-29 - Request for legal opinion - Re: Increase  
the protest area for zoning change requests.

We are currently preparing amendatory language that will require a greater area of notification to adjacent property owners than the 200 foot distance that is set forth in KSA 12-708. Since this would exceed what the State statutes require, I assume this would still be in compliance with the statutory requirements.

If this notification area is increased, based on the size of the property, would it be possible to consider the area of notification as the protest area or will it be limited to 200 feet as set forth in KSA 12-708?

Should we be limited to the 200 foot distance, could this be accomplished in any way short of amending the State statute?



Glen E. Lytle  
Special Assistant for Zoning

GEL:rme

cc: John Dekker, Director of Law  
Robert A. Lakin, Director of Planning

COPY

July 15, 1975

Mr. Roger Bell  
Security Abstract & Title Co., Inc.  
434 North Main  
Wichita, Kansas 67202

Re: Ownership lists - City  
Zoning Applications.

Dear Mr. Bell:

A recent policy change for ownership lists on City zoning change applications has been adopted by the Wichita-Sedgwick County Metropolitan Area Planning Commission and concurred in by the Board of City Commissioners. A copy of the new requirements is attached for your information.

It should be noted that this policy will be in effect on all applications filed after August 13, 1975 which is the last filing date for those cases to be heard on September 11, 1975. Numerous application forms have been furnished to potential applicants over the past several months that would not indicate the new ownership list requirements.

Please notify all persons in your organization responsible for preparing ownership lists of this change in policy. If there are any questions on any application, please give us a call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:GEL:rme  
Attachment

Copies also sent to:

Opal McCreary  
Fidelity Title Co., Inc.  
221 N. Market, 67202

Frank Hawkins  
Guaranty Title Co., Inc.  
400 N. Broadway, 67202

July 15, 1975

POLICY CHANGE

Any city zoning application filed after August 13, 1975 shall be accompanied by an abstractors ownership list in accordance with the following:

OWNERSHIP LIST - CITY ZONING APPLICATION

All property owners within the distances shown by the following table:

Area of Zoning Change Request*		Distance Measurement
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July 2, 1975

Glen Lytle, Special Assistant to Zoning  
Jack H. Galbraith, Chief Planner

DR 74-29 - Consideration of Adopting a New Notification  
Procedure on Zoning Cases

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Jack H. Galbraith  
Chief Planner

JHG:js

June 25, 1975

Ralph Wulz, City Manager

Robert A. Lakin, Director of Planning

DR-74-29 - Notification Procedure -  
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As you will note by the attached legal opinion, the notification area may be increased beyond the required 200 feet, however, the protest area must still be limited to 200 feet as set forth in the State Statute.

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Ralph Wulz, City Manager  
June 25, 1975  
Page 2

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RAL:GEL:rme  
Attachment

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Robert A. Lakin  
Director of Planning

DR 74-29

MAPC - 6-12-75

Rising moved as recommended

Taylor seconded

Carried unanimously

Gardenhire, Hopper and Bayouth absent.

DR 74-29 - Notices to Interested Parties listed below were mailed 5-16-75:

Charles Sutherland, Realtor  
763 North West St. 67203

Tim Hurley, Executive Director  
Wichita Assn. of Home Builders  
730 North Main 67203

Wes Galyon  
Wichita Board of Realtors  
626 North Broadway 67214

Frank Malone  
Fidelity Title Co.  
221 North Market 67202

Guarantee Title Co.  
400 North Broadway 67202

Roger N. Bell  
Security Abstract & Title Co.  
434 North Market 67202

John Lundblade  
VanDoren-Hazard-Stallings  
260 N. Rock Rd. 67206

Delamater, Freund & Scherer Engineers  
Century Plaza Bldg. 67202

Don Moehring & Assoc.  
Brown Building 67202

Bill Keltner  
Professional Engineering Consultants  
1440 E. English 67211

Reiss & Goodness, Engineers  
2160 E. Douglas 67214

William Korber  
Baughman Co.  
330 Laura 67211

Colby Sandlian  
435 North Broadway 67202

Vern Lambertz  
812 N. Waco 67203

Jack N. Turner, Atty.  
120 S. Market, Suite 521 67202

James R. Schaefer, Atty.  
Brown Building, 67202

Christopher Redmond, Atty.  
619 W. Douglas 67213

Grey Dresie, Atty.  
Union Nat'l Bldg. 67202

Paul V. Dugan, Atty.  
2707 West Douglas 67213

Dale Fair, Atty.  
Page Court 67202

Everett C. Fettis, Atty.  
One Twenty Bldg. 67202

Wm. P. Higgins, Atty.  
1st Nat'l Bank Bldg. 67202

Robt. W. Kaplan  
430 N. Market 67202

Ernest McRae, Atty.  
Union National Bldg. 67202

K. O. Taylor  
1542 S. St. Francis 67211

Fred Linde, Grievance Officer

Bill Morris, PIO

Ray Bruggeman, Dir. P.W.

Robt. Feldner, Supt. of C.I.'

*with  
at*

# Rezoning costs will climb under new proposal

Steven Koski

The cost of rezoning certain property will climb if a policy change being considered by city government is adopted.

Commissioners will vote June 10 whether to increase zoning case notification areas from the 200 feet now used to as much as 1000 feet on certain applications.

The expense of notifying property owners is borne by zoning applicants. If additional notification is required because of the change the cost of obtaining zoning changes will increase.

Currently, the notification process requires applicants to pay an abstract company for the names of all property owners within the notification area. The abstract companies charge one dollar for each lot and two dollars for each metes and bounds description but all have a minimum fee of \$25 for the lists.

Frank Malone, Jr. president of Fidelity Title, said the average charge for notification lists is \$50 to \$60.

The cost will not go up for many proposed changes. Jack Galbraith, chief planner for the Metropolitan Area Planning Department said his studies show many zoning changes involve less than one acre of property. Property up to one acre will retain the 200 foot notification area under the new policy.

Likewise, for applicants asking for community unit plan approval there will be no additional charge. CUP applications already use 1000 foot notification, the

maximum distance under the proposed increase.

But, for developers requesting non-CUP zoning changes on property larger than one acre the costs could climb dramatically.

Changes on property from one to six acres will require property owners within 350 feet of the change be notified of the request. Changes involving six to 15 acres will require 500 foot notification. Property owners 750 feet from the change will be notified if 15 to 25 acres are involved. Over 25 acres 1000 foot notification will be required.

Significant cost increase will grow out of the new notification plan for areas of the city densely developed with single family homes.

"This cost is significantly higher in the older areas of the city where there is a greater number of lots or parcels in a block," said a report written by the planning department staff.

It is easy to picture how much greater the cost of rezoning a 10 acre tract in the Waco-Finn area would be under the new policy. Property owners within 500 feet of the perimeter of the applicants property would have to be notified instead of those within 200 feet. The cost could easily double and in some cases even triple.

Malone said Fidelity has compiled lists under the old policy which cost as much as \$800. Costs that high are not very common, though, he added.

The planning department's report indicated several methods could be used

for determining the notification area, but the only equitable plan appeared to be one based on the size of the area being rezoned.

The planning department's report was requested by the city commission because of concern some property owners were not being notified of pending cases which would effect their land.

If the policy is established. It will not effect protest petitions garnered by property owners opposed to specific

changes. Protest petitions may be signed only by the property owners within 200 feet of the applicants tract. The distance is established by Kansas law and not by city policy. Changes in the protest area must be made by the legislature.

The proposal for the change in notification procedures was adopted as a policy by the Planning Commission Thursday. City commission will be asked to concur with the policy change June 10.

15c



VOLUME NO. 92

WICHITA, KANSAS, SATURDAY, May 24, 1975.

NUMBER 21

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY BUILDING ANNEX, 104 South Main  
Wichita, Kansas 67202

May 16, 1975

NOTICE TO INTERESTED PARTIES:

This is to advise you that the Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, at its meeting which begins at 1:30 p.m. on May 22, 1975.

DR 74-29 - Consideration of Adopting a New Notification Procedure on Zoning Cases.

Attached for your information and review is a memorandum from the Planning Department to the Metropolitan Area Planning Commission setting forth the background of this request to consider enlarging the notification area on zone change requests dependent upon the size of the application area; and a recommendation of a policy for consideration by the Planning Commission. Consideration of this item is the last scheduled item on their agenda. You are invited to either appear in person or by agent or attorney, if you so desire, and make any comments you have concerning this matter.

Jack H. Galbraith  
Assistant Secretary

THE CITY OF WICHITA  
OFFICE OF

DATE March 10, 1975



TO Glen E. Lytle, Special Assistant for Zoning  
FROM H. R. Kuhn, Assistant City Attorney

SUBJECT Dr-74-29 - Request for  
legal opinion - Re:  
Increase the protest area  
for zoning change requests.

Your memo of March 5, 1975 has been reviewed and I would submit the following comments after reviewing KSA 12-708 and KSA 19-2920.

1. The requirement of the State Statute as to the giving of written notice of a proposed zoning amendment would appear to be directory rather than mandatory and under the rulings enunciated by our Kansas Supreme Court would not prohibit giving notice beyond the 200 foot distance. The State Statute does not limit the "opportunity to be heard" to only those interested parties within the 200 foot radius.

2. As to the second question (protest area) the language used in the State Statute would not lend itself to the argument or interpretation that such language is "directory" and not "mandatory". The language used in 12-708 specifically refers or defines the area to that located with 200 feet of the boundaries of the property proposed to be rezoned. For this reason the "protest area" must be limited to the 200 feet set forth in the State Statute.

3. As to the third point, it is our opinion that increasing the "protest area" can only be accomplished by amending the State Statute. The same is true with regard to county involvement under KSA 19-2920.

If you have any further questions, call me.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "H. R. Kuhn". The signature is written in a cursive style with some loops and flourishes.

H. R. Kuhn  
Assistant City Attorney

HRK:ab

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

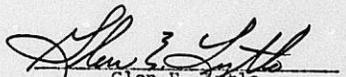
March 5, 1975

TO H. R. Kuhn, Assistant City Attorney  
FROM Glen E. Lytle, Special Assistant for Zoning  
SUBJECT DR-74-29 - Request for legal opinion - Re: Increase  
the protest area for zoning change requests.

We are currently preparing amendatory language that will require a greater area of notification to adjacent property owners than the 200 foot distance that is set forth in KSA 12-708. Since this would exceed what the State statutes require, I assume this would still be in compliance with the statutory requirements.

If this notification area is increased, based on the size of the property, would it be possible to consider the area of notification as the protest area or will it be limited to 200 feet as set forth in KSA 12-708?

Should we be limited to the 200 foot distance, could this be accomplished in any way short of amending the State statute?

  
Glen E. Lytle  
Special Assistant for Zoning

GEL:rme

cc: John Dekker, Director of Law  
Robert A. Lakin, Director of Planning

COPY

May 16, 1975

Wichita-Sedgwick County Metropolitan  
Area Planning Commission

Jack H. Galbraith, Chief Planner

DR 74-29 - Notification  
Procedure - Zoning Cases

BACKGROUND

The Board of City Commissioners have expressed their concern over the notification procedure used on zoning change requests. They have requested that the procedure be changed to include a greater notification area than the 200 feet now used in such applications.

In regard to possibly increasing the notification area, we requested a legal opinion as to whether or not the increased area could also be considered a "protest area", or would it be limited to the 200-foot distance set forth in KSA 12-708. Attached is a copy of a legal opinion from H. R. Kuhn, Assistant City Attorney, advising that the "notification area" could go beyond the 200-foot distance set forth in the statutes. The "protest area," however, would still be limited to the 200 feet, and cannot be changed unless the State statutes are amended.

In order to carry out the instructions of the City Commission to increase the notification area, it is necessary to establish a policy of the Planning Commission, to be forwarded to the City Commission for their concurrence.

Any change in the present policy, to increase the notification area, will be a direct cost to the applicant in the cost of furnishing an ownership list. The cost of an ownership list is directly related to the number of entries in compiling the list, and therefore any increase in notification area would increase the cost accordingly. This cost is significantly higher in the older areas of the city where there is a greater number of lots or parcels in a block.

There are several methods that can be used to determine the area for notification, such as size of tract, measuring twice the frontage, or length of the property, etc. Only one, however, appears to be an equitable basis for determination, and that is based on size of the application area.

RECOMMENDATION

It is recommended that the following be considered to be established as a policy:

"The ownership list for City zoning change applications shall include all property owners within the distances shown by the following table:

Up to and including 1 acre	-	200 feet
Over 1 acre to 6 acres	-	350 feet
Over 6 acres to 15 acres	-	500 feet
Over 15 acres to 25 acres	-	750 feet
Over 25 acres	-	1,000 feet

Consideration should also be given to the appropriate notification area for requests for "spot" zone changes within large developments under single ownership and control. Whenever a zoning application does not include the entire ownership of a parcel to be used for development, the distance should be considered by the acreage of the zoning lot and not just the zoning application area. An example would be a change of zoning application for only a portion of a CUP. The ownership list could then be measured from either the total area of the CUP or from a parcel if separately owned.

Consideration of this policy is scheduled for your agenda of May 22, 1975.

Jack H. Galbraith  
Chief Planner

JHG:GEL:ber  
Attachment

THE CITY OF WICHITA

OFFICE OF

DATE March 10, 1975



TO Glen E. Lytle, Special Assistant for Zoning

FROM H. R. Kuhn, Assistant City Attorney

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legal opinion - Re:  
Increase the protest area  
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If you have any further questions, call me.

Respectfully submitted,

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H. R. Kuhn  
Assistant City Attorney

HRK:ab

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

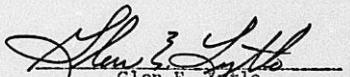
March 5, 1975

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FROM Glen E. Lytle, Special Assistant for Zoning  
SUBJECT DR-74-29 - Request for legal opinion - Re: Increase  
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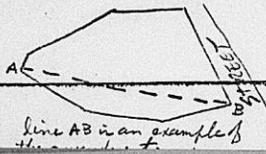
  
Glen E. Lytle  
Special Assistant for Zoning

GEL:rme

cc: John Dekker, Director of Law  
Robert A. Lakin, Director of Planning

COPY

1 course of inaction on the part of the planning commission as a  
 2 resubmission of the original recommendations and proceed ac-  
 3 cordingly. For the purpose of defining the boundaries of zones or  
 4 districts, the city may describe such boundaries in such ordinance,  
 5 or may set out such boundaries upon a map incorporated and pub-  
 6 lished as a part of such ordinance, or may provide for the incorpo-  
 7 ration by reference in such ordinance of an official map upon which  
 8 such boundaries shall be fixed. Such map shall be marked "official  
 9 copy as incorporated by ordinance No. \_\_\_\_\_," and filed in the  
 10 office of the city clerk or such other public office as may be desig-  
 11 nated by the governing body of the city to be open to inspection  
 12 and available to the public at all reasonable business hours. The  
 13 governing body may from time to time supplement, change or gener-  
 14 ally revise the boundaries or regulations contained in such zoning  
 15 ordinance by amendment. A proposal for such amendment may be  
 16 initiated by the governing body, the planning commission or upon  
 17 application of the owner of property affected. Any such amend-  
 18 ment shall, if based upon the comprehensive land use plan, be  
 19 presumed to be reasonable. The governing body may establish  
 20 reasonable fees to be paid in advance by the owner of any property  
 21 at the time of making application for a change in zoning of the  
 22 same. All such proposed amendments shall first be submitted to  
 23 the city planning commission for recommendation and report.  
 24 Upon the development of tentative recommendations, the planning  
 25 commission shall hold a public hearing thereon and shall cause an  
 26 accurate written summary to be made of the proceedings, and shall  
 27 give notice in like manner as that required for the original zoning  
 28 recommendations. Such notice shall fix the time and place for such  
 29 hearing and contain a statement regarding the proposed changes  
 30 in regulations or restrictions or in the boundary of any zone or dis-  
 31 trict. A sketch clearly delineating the area in such detail as may be



1 necessary to advise the reader of the area proposed to be rezoned  
 2 shall be published with the notice. Such sketch shall show the  
 3 present and proposed boundaries of zones or districts within the  
 4 area under consideration. If such proposed amendment is not a  
 5 general revision of existing ordinances and will affect specific prop-  
 6 erty, it shall be designated by legal description and general street  
 7 location and in addition to such publication notice, written notice of  
 8 such proposed amendment and a sketch showing present and pro-  
 9 posed boundaries of zones or districts within the area under con-  
 10 sideration shall be mailed to all owners of lands all or any portion  
 11 of which is located within ~~two hundred (200)~~ feet a distance,  
 12 subject to a minimum of two hundred (200) feet and a maximum of  
 13 one thousand (1,000) feet, measured from the nearest boundary  
 14 line of the area proposed to be altered equal to ~~twice the length of~~  
 15 ~~the longest single boundary line~~ of such area proposed to be altered  
 16 and an opportunity shall be granted to interested parties to be  
 17 heard. Failure to receive such notice shall not invalidate any sub-  
 18 sequent action taken. Such notice is sufficient to permit the plan-  
 19 ning commission to recommend amendments to zoning ordinances  
 20 which affect only a portion of the land described in the notice or  
 21 which give all or any part of the land described a zoning classifica-  
 22 tion of lesser change than that set forth in the notice: *Provided,*  
 23 That recommending a zoning classification of lesser change than  
 24 that set forth in the notice shall not be valid without republication  
 25 and, where necessary, remailing unless the planning commission  
 26 shall have previously established a table or publication available to  
 27 the public which designates what zoning classifications are lesser  
 28 changes authorized within the published zoning classifications. The  
 29 procedure for the consideration and adoption of any such proposed  
 30 amendments shall be in like manner as that required for the con-  
 31 sideration and adoption of the original zoning ordinance except

→ the longest straight line distance across the  
property in any direction

March 5, 1975

H. R. Kuhn, Assistant City Attorney

Glen E. Lytle, Special Assistant for Zoning

DR-74-29 - Request for legal opinion - Re: Increase  
the protest area for zoning change requests.

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\_\_\_\_\_  
Glen E. Lytle  
Special Assistant for Zoning

GEL:rme

cc: John Dekker, Director of Law  
Robert A. Lakin, Director of Planning

THE CITY OF WICHITA  
OFFICE OF CITY MANAGER

DATE November 20, 1974



ON SAFETY  
PHASE II

TO Don E. Anderson, Director of Administration  
FROM Ralph Wulz, City Manager

SUBJECT Notification Policy

At the meeting of November 19, 1974, the City Commission requested an analysis of costs and further recommendation from the staff relative to the notification policy recommendations of the Mayor's Public Relations Advisory Committee.

Please review these recommendations and provide me with a cost analysis and further recommendations. Recommendations should be coordinated with those departments having frequent requirements for public notifications. Your report is requested to reach this office by December 11, 1974.

  
Ralph Wulz  
City Manager

RW/ksc

cc: Robert A. Lakin, Director of Planning  
R. W. Bruggeman, Director of Public Works



WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

October 14, 1974

TO Jack H. Galbraith, Chief Planner  
FROM Robert A. Lakin, Director of Planning  
SUBJECT *TIMELY NOTICES*

Please refer to my memorandum to the City Manager concerning comments on notification on zone cases. The City Commission, as I understand it, at their meeting of October 1, generally concurred in the summary report of the City Manager's office. I have not seen this report, but I assume it reflects the contents of my memo to him. Please get a copy of it for this file.

Assuming that the general thrust of the memos are to make notification radius relate to property size, I would suggest that you draft an amendment which would provide that all special permits, Board of Zoning Appeals and zoning map amendments be comparable to the CUP provisions. As an alternate, you may wish to consider the method of the County.

At the same time you look at those sections, I would suggest that you provide amendatory language for the protest provisions of the City Commission, making protest possible for Community Unit Plans, special permits and zone cases. I know the statute doesn't provide for them, but I would see no reason why we could not be more restrictive than the statute.

RAL:ber

*Advise Joyce about Date of Hearing.*

October 14, 1974

Jack H. Galbraith, Chief Planner

Robert A. Lakin, Director of Planning

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RAL:ber

**THE CITY OF WICHITA**  
**OFFICE OF CITY MANAGER**

**DATE** October 2, 1974



**TO** Robert A. Lakin, Director of Planning

**FROM** Ralph Wulz, City Manager

**SUBJECT** Grievance Office Recommendation-  
Timely Notice

Your response to our previous memo on this subject recommended that consideration be given to an area related to the size of the land rather than to the 200-foot area prescribed by law for zone change applications.

Please present this suggestion to the Planning Commission for this consideration in accordance with the instructions of the City Commission at the meeting of October 1, 1974.

  
Ralph Wulz  
City Manager

RW/kmp



Jack

August 26, 1974

Ralph Wulz, City Manager

Robert A. Lakin, Director of Planning

Grievance Officer Recommendation - Timely Notices

I concur with the Grievance Officer in suggesting that timely notices need to be provided to the public. I think this is the City Commission's stated policy, and I believe we are carrying out that policy. Our notices traditionally go out 14 days in advance of the public hearing. I have been involved in observing zoning cases for a good many more years than has the Grievance Officer and, although there are occasionally complaints, year-in and year-out, case-after-case, I do not find that the procedure we have followed constitutes a problem as to timeliness. If it is to be a big zoning battle, there are occasions when the people want time to organize. Then the two weeks is not sufficient to get done what they have to get done, such as the Kaplan Neighbors and others.

I do object to utilizing certified mail. Costs will certainly increase as to postage (from 10¢ to either 55¢, 85¢ or \$1.05, depending on the type of receipt requested), and the stenographic time involved in making up the certificates is going to require additional personnel. Again, we do not seem to have a great problem about the delivery of these letters that we send. They are marked "Important! Notice of Hearing Enclosed" in red on the outside of the envelope and do seem to catch the attention of the people involved. Incidentally, if some of these notices get out too far ahead of the meeting, people do, indeed, tend to forget about the notice or ignore it.

As to the suggestion about posting large signs on the physical property involved in the zone change, there are cities that do this. It is debatable as to whether that type of notice provides any additional effective notice over the mailed notice. Even if we went to this type of notice, we simply would deal with the question of the public hearing and the proposed zoning change, and would not deal with what the man wants to do with that particular piece of property.

If any change is to be made in the notice provisions on zoning, I would suggest that the City Commission impose their own additional standard as to the area to be notified by mail. I would suggest that, rather than the standard 200-foot zoning radius, large tracts of land give notice to property owners at a distance in relation to the size of the land being rezoned. This is the practice we use in the Community Unit Plan, and it would not be any great ef-

Page 2 - Ralph Wulz, City Manager  
August 26, 1974

fort to change that procedure to apply to all zoning cases, in addition to CUP's. It should be recognized that this would be a requirement in addition to what the statutes require, imposing a greater standard than contained therein. This would probably eliminate more of the complaints that we hear than any other action that could be taken.

RAL:ber

cc: Ray Bruggeman  
Director of Public Works

**THE CITY OF WICHITA**  
**OFFICE OF CITY MANAGER**

**DATE** August 21, 1974



**ON SAFETY  
PHASE II**

**TO** Robert A. Lakin, Director of Planning  
Ray Bruggeman, Director of Public Works

**FROM** Ralph Wulz, City Manager

**SUBJECT** Grievance Office Recommendation -  
Timely Notices

Transmitted herewith is an extract of the Community Grievance Office quarterly report relating to timely notices which was considered by the City Commission at the meeting of August 20, 1974. At that time the City Commission requested that a recommendation from this office be provided with respect to each of the Grievance Office recommendations.

Please provide your comments and recommendations that relate to operations of your department to this office by Wednesday, August 28, 1974, so that the report of the Commission can be compiled and presented on the September 3, 1974, agenda.

  
Ralph Wulz  
City Manager

RW/kmp

Attachment



3. Timely Notices - One of the most persistent sources of complaints comes from the method of notifications for street improvements, pending zoning changes and other matters of concern to the abutting property owners and nearby residents. There are examples where the notices either arrived at a date so late as to effectively preclude meaningful counteractions or may not have been sent at all.

We recommend notices be in the hands of all property owners and other interested persons, now required by either State law or City ordinance to be notified, a minimum of two weeks prior to any hearings before any Boards or Commission, including the City Commission.

Further, we recommend serious consideration to sending all notices involving zoning changes and benefit districts by certified mail or, as an alternative to certified mail, delivery by carrier. If by certified mail, then a receipt will automatically become available and if by messenger (messenger could be very similar to a warrant officer, both in duties and selection) the messenger would secure a signature upon presentation to the recipient.

We are convinced that some people forget about the notice or ignore or misplace it. The receipt will alleviate these difficulties and protect the City departments charged with the duty of making notification. Also, of course, it will insure notification to the proper owner and/or resident.

As the Community Grievance Advisory Board, we encourage the use of neighbor signs, "yard signs" in fact, to advertise and advise, at least 24 hours in advance, of up-coming:

- a) Street lane line painting.
- b) Minor street repairs, such as slurry sealing.
- c) Street cleaning.

These signs could be made to be reuseable. They would give the following information -

- a) What is going to be done.
- b) When it is going to be done.
- c) How long it will take.
- d) Requirements for actions by the resident.

Then, if a car gets sprayed with paint, or becomes trapped in a closed street, the City would be blameless.

In our travels, some of us have noticed a practice some other cities follow of posting large signs advertising a zoning change application. The information on the ad includes the application number, the precise area involved, the location, the reason for the request (such as to tear down a house and build a garage,) the date, time and place of the hearing and the name, address and phone of the applicant and the zoning office. A practice such as this would provide information and be an effective notice.

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

ROUTING	
DATE	
<input type="checkbox"/> BY	
<input type="checkbox"/> NAME	
August 26, 1974	AUG 27 1974
<input type="checkbox"/> ER	
<input type="checkbox"/> FILE	<input type="checkbox"/>

TO Ralph Wulz, City Manager  
FROM Robert A. Lakin, Director of Planning *RSV*

SUBJECT Grievance Officer Recommendation - Timely Notices

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*Attachment #3*

Page 2 - Ralph Wulz, City Manager  
August 26, 1974

fort to change that procedure to apply to all zoning cases, in addition to CUP's. It should be recognized that this would be a requirement in addition to what the statutes require, imposing a greater standard than contained therein. This would probably eliminate more of the complaints that we hear than any other action that could be taken.

RAL:ber

cc: Ray Bruggeman  
Director of Public Works