

ACTION

COMMITTEE _____ DATE _____

M.A.P.C. _____

B.C.C./B.C.O.C. *Agreed to 3-4-86*
Recommended by the
Ad Hoc Committee

DR 86-1 - CONSIDERATION OF BCC POLICY #9
Summary and Recommendations

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 24, 1986

TO: Board of City Commissioners (through Chris Cherches, City Manager)

FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: Ad Hoc Policy Review Committee - Policy 9

The Ad Hoc Policy Committee appointed by the Board of City Commissioners to review proposals to amend Policy 9 met twice to discuss matters on procedures for processing zoning cases. They first reviewed all cases considered in the last two years to determine the number of cases generally considered controversial and which were sent back to the Planning Commission for reconsideration. They reviewed the reasons given for sending three cases directly to the CPO's in the fall of 1985.

The Committee emphasized that every effort should be made to minimize the processing time to complete cases. They recognized that, because of statutory requirements, and scheduling problems in that CPO's meet every three weeks, MAPC every two weeks, and the City Commission considers planning items every two weeks, there are built in constraints which require at least 55 days from the date a request is filed until it is considered by the City Commission. If a case is then deferred or returned to the Planning Commission or CPO's, it may add another 42 days until the case has final action.

The members of the committee were unanimous in their position that CPO's should give reasons for their recommendations on zone cases based on Policy 10, the same list of reasons used by the Planning Commission and City Commission in considering zone change requests. They did not consider it appropriate to recommend that a case be denied because an applicant or agent was not in attendance.

The Committee also unanimously suggested that the Planning Department furnish the CPO office a "Zoning Case Disposition Report" on the Friday following a Thursday Planning Commission meeting. Attached is a copy of the disposition report being furnished to the CPO office. The purpose of this report is that, in the event an application is amended in any way which might cause the CPO to change its position, the CPO staff can reschedule the case before the appropriate council in the 26 days prior to the case being considered by the City Commission. The City Commission will then know that the CPO had an opportunity to reconsider the case on the new evidence so that the case would not have to be returned to the CPO at a later date.

With regard to Policy 9 as presented to the City Commission by Commissioner Kamen, the Committee compared the revisions with the existing Policy 9.

ZONING CASE DISPOSITION REPORT
PLANNING COMMISSION RECOMMENDATION

FEBRUARY 20, 1986

Case No. SCZ-0557

Request: "R" to R"-1"

Location: On the east side of 215th Street West between 21st Street North and 29th Street North.

MAPC Recommendation: Approved subject to platting (7-0)

Case No. Z-2654

Request: "B" to "LC" (Amended to "OC" at the MAPC meeting)

Location: At the southeast corner of 13th Street North and Minnesota.

MAPC Recommendation: Approved "OC" subject to replatting (7-0)

NOTE: The Planning Commission encouraged that this case be reconsidered by the CPO since it was amended to "OC". They also suggested that careful consideration be given to the uses permitted in "OC".

Case No. Z-2745

Request: "E" to "AA"

Location: North of 37th Street North in an area between Rock Road and Comotara Street.

MAPC Recommendation: Approved subject to platting (7-0)

Case No. DP-153

Request: HUNTINGTON PLACE COMMERCIAL C.U.P.

Location: On the west side of Maize Road in an area south of 13th Street North.

MAPC Recommendation: Approved subject to platting (6-0)

Case No. Z-2744

Request: "AA" to "LC"

Location: On the west side of Maize Road in an area south of 13th Street North.

MAPC Recommendation: Approved subject to platting (6-0)

Case No. DP-152

Request: HUNTINGTON PLACE RESIDENTIAL C.U.P.

Location: South of 13th Street North in an area West of Maize Road.

MAPC Recommendation: Approved subject to platting (6-0)

Case No. DP-12 (Amendment #7)

Request: KELLOGG MALL C.U.P.

Location: Between Armour Drive and Whittier north of Willowbrook.

MAPC Recommendation: Approved subject to replatting (7-0)

Jack H. Galbraith
Chief Planner

DATE: November 7, 1985

Policy 9

SUBJECT: Zone Change Requests, Consideration of

Rescinds: AP 9
January 28, 1985

Applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission; CPO Councils' comments, where applicable; and staff recommendations. These shall be forwarded to the City Commission. If desired, the City Commission may inquire of staff, and/or proponents or opponents, for clarification. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the close of the City Manager's Agenda. The Board of City Commissioners may refer any case to the Planning Commission for rehearing.

Policy Implementation Procedures:

(1) Metropolitan Area Planning Commission (MAPC)

Prior to the public hearing of requests for zoning changes by the MAPC, the Chairman will announce the procedure for considering such requests and advise all interested persons that if after consideration of the case they do not feel they have had a complete hearing or if they should have additional new information to present, they must submit their statement in writing, to the City Clerk.

(2) After the Public Hearing

a) Minutes and the recommendation of the Planning Commission and MAPD staff, with comments from the CPO Council, will accompany the zoning referral sheet to the Board of City Commissioners. The case will be scheduled 26 days from the Planning Commission meeting unless otherwise directed by the Planning Commission.

~~b) -- All zoning projects will be returned to the respective GPO Council when significant changes in the initial proposal have been made either by the applicant and/or by the Metropolitan Planning Commission (MAPC). -- Significant changes will mean: -- (a) more restrictive zoning; (b) reduction/enlargement of application area; (c) altered or new proposed usage; (d) increased density, traffic and resource usage; and/or (e) any other features that may affect adjacent properties/zoning. GPO Council reconsiderations shall not exceed a time period of twenty-six (26) days. -- If this time period is exceeded, it will be assumed that the GPO Council comments on the original application prevail.~~

(2) b) Should a more restrictive classification or a reduced area be proposed by either an applicant or the Planning Commission, this new information will be presented to the CPO Council so that they may reconsider their original recommendation within the 26 days prior to the case being scheduled before the Board of City Commissioners. If this time period is exceeded, it shall be interpreted that the CPO Council has no recommendation on the revision.

- c) Introduction of new evidence or arguments about the completeness of the hearing shall be filed, in writing, in the office of the City Clerk by 5 p.m. on the Wednesday before the Tuesday City Commission meeting.

Statements of new evidence must specify in detail the description of new evidence, its nature and source and why it was unavailable at the MAPC public hearing (examples may be newly published material, i.e., theory, traffic counts not previously available, or expert witnesses). Statements repetitive of former arguments before the MAPC shall not be considered. Statements of new evidence will be sent to the Planning Department and to the City Commission.

Statements as to the completeness of the public hearing shall identify the issues of procedure involved. Procedural deficiencies, such as failure to allow applicants rebuttal time, are examples of an incomplete hearing. A decision unfavorable to the applicant is not an incomplete hearing.

(3) City Commission Procedure

- a) The City Commission will base its decision on previous zoning cases, information contained in the minutes, recommendations of the MAPC, and comments of the CPO Council.
- b) In the event new evidence or facts have been filed, the Commission shall determine whether or not the evidence is such to warrant returning the request to the MAPC for a rehearing.
- c) The Planning staff, and proponents and opponents, may be called upon by the City Commission to clarify any items pertaining to the request.
- d) The City Commission may reverse the recommendation of the Planning Commission, by "Returning the application to the Metropolitan Area Planning Commission for its reconsideration", stating the reasons for the action. (Required by statute as the basis for establishing a dialogue on policy between the Planning Commission and the governing body.)
- e) The City Commission may concur in the recommendation of the Planning Commission by taking such action as suggested on the agenda.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 28, 1986

TO: Ad Hoc Policy Review Committee Members
FROM: Jack H. Galbraith, Chief Planner
SUBJECT: Ad Hoc Policy Review Committee - Policy 9

Wanted you to be aware that the above subject appears on the City Manager's Agenda on March 4, 1986. It appears as item 2 on the agenda and should be considered shortly after 9 a.m.

Again, I want to thank all of you for your time and efforts in reviewing this matter.

Jack H. Galbraith
Chief Planner

JHG/lw

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 11, 1986

TO: Ad Hoc Policy Review Committee Members

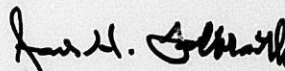
FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: Committee Review of Policy 9

Attached is a copy of a draft memorandum that outlines your discussion and recommendations on Policy 9. Also attached is a Disposition Report sent to Stan Scott following a recent Planning Commission meeting. Two such reports have been forwarded to the CPO office and although we have had no amendments to cases at the Planning Commission meeting, it will not be inconvenient to do these reports and will be helpful, at least in an advisory way, to the CPO office.

Also included is a delineated copy of Commissioner Kamen's Policy 9 with (2) b, as you recommended.

After you have had an opportunity to review this material, if you have any suggested changes, please call me at 268-4421. I appreciate all of your efforts in reviewing this policy and believe that your suggestions will operate smoothly and not cause the prolonging of case consideration. Thank you very much.



Jack H. Galbraith
Chief Planner

JHG/lw

Attachments (2)

cc: Michael E. Lindebak, Acting Director of Planning
Stan Scott, CP Coordinator

DRAFT

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 11, 1986

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The Committee emphasized that every effort should be made to minimize the processing time to complete cases. They recognized that, because of statutory requirements, and scheduling problems in that CPO's meet every three weeks, MAPC every two weeks, and the City Commission considers planning items every two weeks, there are built in constraints which require at least 55 days from the date a request is filed until it is considered by the City Commission. If a case is then deferred or returned to the Planning Commission or CPO's, it may add another 42 days until the case has final action.

The members of the committee were unanimous in their position that CPO's should give reasons for their recommendations on zone cases based on Policy 10, the same list of reasons used by the Planning Commission and City Commission in considering zone change requests. They did not consider it appropriate to recommend that a case be denied because an applicant or agent was not in attendance.

The Committee also unanimously suggested that the Planning Department furnish the CPO office a "Zoning Case Disposition Report" on the Friday following a Thursday Planning Commission meeting. Attached is a copy of the first disposition report^{filed} furnished to the CPO office. The purpose of this report is that, in the event an application is amended in any way which might cause the CPO to change its position, the CPO staff can reschedule the case before the appropriate council in the 26 days prior to the case being considered by the City Commission. The City Commission will then know that the CPO had an opportunity to reconsider the case on the new evidence so that the case would not have to be returned to the CPO at a later date.

With regard to Policy 9 as presented to the City Commission by Commissioner Kamen, the Committee compared the revisions with the existing Policy 9. There was agreement in all sections except (2) b, which the Committee recommends be changed as follows:

- (2) b) Should a more restrictive classification or a reduced area be proposed by either an applicant or the Planning Commission, this new information will be presented to the CPO Council so that they may reconsider their original recommendation within the 26 days prior to the case being scheduled before the Board of City Commissioners. If this time period is exceeded, it shall be interpreted that the CPO Council has no recommendation on the revision.

The Committee hopes that their review and comments will be beneficial in the City Commission review of Policy 9.

Respectfully submitted for the Committee
members in attendance,

Don Ablah	Don Enoch
Bob Bulman	Ken Kitchen
Steve Critchfield	Joel Pollack
Alex Dean	James C. Wilson
David Dewey	

Board of City Commissioners

3

February 11, 1986

Jack H. Galbraith
Chief Planner

APPROVAL:

Michael E. Lindebak,
Acting Director of Planning

JHG/lw

Enclosures: Disposition Report
Delineated Copy of Policy 9 as presented by Commissioner
Kamen

ZONING CASE DISPOSITION REPORT
PLANNING COMMISSION RECOMMENDATION

JANUARY 23, 1986

CASES RETURNED BY CITY COMMISSION:

Case No. Z-2729

Request: "LC" to "C" as amended

Location: On the east side of Emporia between 13th and 14th Streets.

MAPC Recommendation: Approved subject to replatting (6-3)

Case No. Z-2731

Request: "B" to "LC" (Amended to "OC")

Location: On the west side of Hillside between First and Second Streets.

MAPC Recommendation: Approved "OC" subject to replatting (9-0)

Case No. Z-2733

Request: "AA" to OC"

Location: At the southeast corner of Edgemoor and Central.

MAPC Recommendation: Approved subject to replatting (9-0)

NEW CASES:

Case No. Z-2741

Request: "A" to "LC" (Amended to "OC")

Location: At the southeast corner of Terrace and Kellogg.

MAPC Recommendation: Approved "OC" subject to replatting (9-0)

BZA Exception request for a floor covering business to follow.

Case No. Z-2742

Request: "AA" to "BB"

Location: On the west side of Tyler in an area north of Rolling Hills Drive.

MAPC Recommendation: Approved subject to platting (6-3)

Jack H. Galbraith
Chief Planner

DATE: November 7, 1985 .

Policy 9

SUBJECT: Zone Change Requests, Consideration of

Rescinds: AP 9
January 28, 1985

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Jack H. Galbraith
Chief Planner

KAMEN-PO

Policy 9 + Kamen

DATE: November 7, 1985

Policy 9

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Rescinds: AP 9
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b)

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- a) The City Commission will base its decision on previous zoning cases, information contained in the minutes, recommendations of the MAPC, and comments of the CPO Council.
- b) In the event new evidence or facts have been filed, the Commission shall determine whether or not the evidence is such to warrant returning the request to the MAPC for a rehearing.
- c) The Planning staff, and proponents and opponents, may be called upon by the City Commission to clarify any items pertaining to the request.
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- e) The City Commission may concur in the recommendation of the Planning Commission by taking such action as suggested on the agenda.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: January 16, 1986

TO: Ad Hoc Policy Review Committee Members

FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: Committee Review of Policy 9

During the discussion of the above subject at our meeting of January 8, 1986, you asked for the following enclosed information:

°Board of City Commission minutes of December 3, 1985, discussion of Policy 9 which lists those people who spoke at that meeting.

°Zoning Summary Chart for zone cases considered since February 1984.

In addition, you asked that I furnish you some additional wording to consider prior to our next meeting. I believe that out of our total case load, the need for a CPO to reconsider a case, due to some change, will occur so infrequently that such will not be a burden on either staff time, or an inconvenience to a developer. As long as we can accomplish the reconsideration in the time between MAPC and the Board of City Commissioners (26 days) there should be no additional time in processing a case.

Commissioner Kamen, in his proposal suggests that "significant changes" will mean (a) more restrictive zoning; (b) reduction/enlargement of application area; (c) altered or new proposed usage; (d) increased density, traffic and resource usage; or (e) any other features that may affect adjacent properties.

At your last meeting several of you expressed a feeling that these reasons were too inclusive. An enlargement of an application area cannot occur without readvertising the case for a public hearing. The Planning Commission usually does not dwell on the intended use or density, recognizing that the maximum density permitted in a district and any one, or several, of all the permitted uses are permitted on the property once the zoning is changed. Therefore, their discussion is not centered on the stated proposed use.

I would propose the following wording for your consideration:

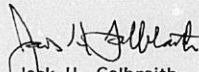
Should a more restrictive classification or a reduced area be proposed by either an applicant or the Planning Commission, ~~efforts~~ ^{will be made} to present this new information to the CPO Councils so that they may reconsider their original recommendation within the 26 days prior to the case being scheduled before the Board of City Commissioners. If this time period is exceeded, it ~~will~~ ^{shall} be assumed that the CPO Council ~~comments on the original application prevail.~~ ^{have no recomelation on the revision -}

intended

by the staff.

January 16, 1986

Our next meeting is scheduled for 3:30 p.m. on Wednesday, January 22, 1986 in the Planning Department Conference Room on the Tenth Floor of City Hall. We will again adjourn at 5:00 p.m. If you will be unable to attend, please call me at 268-4421.



Jack H. Galbraith

JHG/lw

Enclosures

cc: Michael E. Lindebak, Acting Director of Planning
Stan Scott, CP Coordinator

*Enoch Investments
5902 Polo Drive
Wichita, Kansas 67208*

3161681-3370
January 13, 1986

Donald K. Enoch

FELLOW MEMBERS AD HOC POLICY REVIEW COMMITTEE

Re: Consideration of Zone Change Requests
Policy 9

Philosophically, I oppose attempting to add another layer of governmental control over our citizens.

Philosophically, I support the effort toward greater flow of communication between our citizens and their decision makers.

The Citizens Participation Organization was conceived and established for the worthy purpose of enhancing that 2-way flow of information.

The City Commission and the Metropolitan Area Planning Commission presently have sufficient power to create and enforce ordinances. The CPO has no enforcement powers.

It is generally recognized, - and has been specifically proven by our own records of recent CPO-MAPC-CC actions -, that reasonable persons, given the same set of facts, tend to arrive at the same conclusions.

If the above facts can be accepted as a basis for our deliberation, our Ad Hoc Review Committee should be able to arrive, quite quickly, at a consensus that will result in a clear, unequivocal recommendation to the body which appointed us.

I was impressed with the stature of the members of our Committee and the ideas expressed. Certainly I feel honored to be a part of it.

We have each received information, now, that we did not have prior to our meeting on January 8. It has helped clarify my thinking. Doubtless, it has been helpful to us all. Perhaps each of us is preparing suggested revisions in Policy 9.

I hope it does not seem presumptuous for me to put my effort in writing and mail it to each of you in advance of our next meeting. It's just another proposal for us all to take "pot-shots" at. We have already been taking "pot-shots" at one by Mayor Brown (Policy 9 as it now stands), one by commissioner Kamen, and one by MAPC staff.

RECEIVED

JAN 15 1986

METROPOLITAN PLANNING

ROUTE

Fellow Members Ad Hoc Policy Review Committee - Page two.

At any time substantive changes are adopted, we have the opportunity to provide "housekeeping" changes, - modernizing, clarifying, simplifying, removing excess verbage. I think Commissioner Kamen has provided thoughtful suggestions along these lines and these should be incorporated into our recommendation, subject, as he has suggested, to the technical guidance of our professional staff. The recognition of CPO councils and their current place in the advisory process is timely, of course.

The controversial issue before us seems to be, simply, the fear of additional public hearings required of applicants for zoning changes and for exceptions. Most of our deliberations centered around the proposed policy of requiring amended petitions, - those with significant amendments - to be re-routed through the appropriate CPO Council, particularly, what shall be considered "significant changes" and who shall determine that significance.

My proposal is simple: report, automatically, every zoning disposition that follows CPO consideration. A CPO Council agenda entry entitled "Zoning Status" or "Zoning Disposition" will list concisely date and action taken. This provides the courtesy of "feed-back" to those citizens who have given their time to consideration of the original petition, and provides an opportunity for an applicant to return and enhance his community relations without feeling impelled to prepare for another formal re-hearing. This automatic treatment avoids the risk of a challenge against any decision to refer back or not to refer back.

Any member of a CPO Council can then, as now, call up any item desired for discussion.

In these times of strong efforts to reduce cost and restrictions of government, and cost in time and money of those dealing with government, we would be ill-advised to suggest a program that would increase either. I have checked with the staff of CPO and of MAPC, and each declares that this procedure would not overtax the department involved.

To summarize: Each CPO Agenda to include a section listing subsequent disposition of each zoning item previously considered by that Council.

Respectfully submitted

Don Enoch

Donald K. Enoch

DKE:me

RECEIVED

JAN 17 1968

METROPOLITAN PLANNING

ROUTE 11

11

*Enoch Investments
5902 Polo Drive
Wichita, Kansas 67208*

3161681-3370
January 13, 1986

Donald K Enoch

FELLOW MEMBERS AD HOC POLICY REVIEW COMMITTEE

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I was impressed with the stature of the members of our Committee and the ideas expressed. Certainly I feel honored to be a part of it.

We have each received information, now, that we did not have prior to our meeting on January 8. It has helped clarify my thinking. Doubtless, it has been helpful to us all. Perhaps each of us is preparing suggested revisions in Policy 9.

I hope it does not seem presumptuous for me to put my effort in writing and mail it to each of you in advance of our next meeting. It's just another proposal for us all to take "pot-shots" at. We have already been taking "pot-shots" at one by Mayor Brown (Policy 9 as it now stands), one by commissioner Kamen, and one by MAPC staff.

RECEIVED

JAN 15 1986

METROPOLITAN PLANNING
ROUTE *St. Louis*

Fellow Members Ad Hoc Policy Review Committee - Page two.

At any time substantive changes are adopted, we have the opportunity to provide "housekeeping" changes, - modernizing, clarifying, simplifying, removing excess verbage. I think Commissioner Kamen has provided thoughtful suggestions along these lines and these should be incorporated into our recommendation, subject, as he has suggested, to the technical guidance of our professional staff. The recognition of CPO councils and their current place in the advisory process is timely, of course.

The controversial issue before us seems to be, simply, the fear of additional public hearings required of applicants for zoning changes and for exceptions. Most of our deliberations centered around the proposed policy of requiring amended petitions, - those with significant amendments - to be re-routed through the appropriate CPO Council, particularly, what shall be considered "significant changes" and who shall determine that significance.

My proposal is simple: report, automatically, every zoning disposition that follows CPO consideration. A CPO Council agenda entry entitled "Zoning Status" or "Zoning Disposition" will list concisely date and action taken. This provides the courtesy of "feed-back" to those citizens who have given their time to consideration of the original petition, and provides an opportunity for an applicant to return and enhance his community relations without feeling impelled to prepare for another formal re-hearing. This automatic treatment avoids the risk of a challenge against any decision to refer back or not to refer back.

Any member of a CPO Council can then, as now, call up any item desired for discussion.

In these times of strong efforts to reduce cost and restrictions of government, and cost in time and money of those dealing with government, we would be ill-advised to suggest a program that would increase either. I have checked with the staff of CPO and of MAPC, and each declares that this procedure would not overtax the department involved.

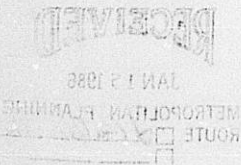
To summarize: Each CPO Agenda to include a section listing subsequent disposition of each zoning item previously considered by that Council.

Respectfully submitted

Don Enoch

Donald K. Enoch

DKE:me



Subject: Consideration of Zone Change Requests

The following policy will prevail in regard to consideration of zoning change requests:

"All applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including staff recommendations, which shall be forwarded to the City Commission. The Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the closing of the City Manager's Agenda. In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing."

To implement the policy, the following procedures shall prevail:

Actions Prior to City Commission Consideration

- (1) Prior to the public hearing of requests for zoning changes by the Metropolitan Area Planning Commission, the Chairman will announce the procedure for considering such requests and advise the applicants and their agents, as well as other interested persons, either proponents or opponents, that if after consideration of the case they do not feel they have had a complete hearing or if they should have additional information to present, they are to submit their statement, in writing, to the City Clerk.
- (2) Minutes and the recommendation of the Planning Commission on each case will accompany the zoning referral sheet to the Board of City Commissioners and the case will be scheduled 19 days from the Planning Commission meeting unless otherwise directed by the Planning Commission.
- (3) Introduction of new evidence or arguments about the completeness of the hearing shall be filed, in writing, in the Office of the City Clerk by 5 p.m. on the Wednesday preceding the scheduled Tuesday City Commission meeting.

Any such statements of new evidence shall specify in detail the description of new evidence, its nature and source and the reason of its unavailability at the MAPC public hearing. Examples may be newly published material; i.e., theory, traffic counts not previously available, expert witnesses. Statements repetitive of arguments before the MAPC shall not be considered valid reasons for referral. Statements as to the completeness of the public hearing shall identify the issues of procedure involved. Procedural deficiencies, such as failure to allow applicants rebuttal time, are examples of an incomplete hearing. A decision unfavorable to the applicant is not an incomplete hearing.

- (4) If new evidence or facts are submitted in "statements in writing," the City Clerk will cause copies to be delivered to the City Commissioners and the Planning Department.

If asked, the Planning Department shall provide the Commission comments on whether the subject matter was discussed at the public hearing.

City Commission Procedure

- (1) The City Commission will base its decision on zoning cases upon the information contained in the minutes and recommendation of the Metropolitan Area Planning Commission which will be printed on the City Manager's Agenda.
- (2) In the event new evidence or facts have been filed, the Commission shall determine whether or not the evidence is such to warrant rehearing before the Planning Commission. If it is found that the new evidence is significant, the Commission shall return the zone change request to the Planning Commission for rehearing.
- (3) The Planning staff and the proponents and opponents may be called upon by the City Commission to clarify items contained in the minutes when such items appear to be ambiguous or contradictory to adopted policy. In such event, the Planning staff shall be called upon first to explain or interpret the matter in question. Other interested parties shall be called upon for further comment only if there is disagreement with the staff interpretation.
- (4) If the City Commission desires to reverse the recommendation by the Planning Commission, it should "Return the application to the Metropolitan Area Planning Commission for its reconsideration," stating the reasons for the action. (Required by statute as the basis for establishing a dialogue on policy between the Planning Commission and the governing board.)
- (5) If the City Commission concurs in the recommendation of the Planning Commission, it should take such action as suggested on the Agenda.

THE CITY OF WICHITA

OFFICE OF CITY COMMISSION

DATE November 13, 1985

TO Chris Cherches, City Manager
Robert C. Brown, Mayor

FROM Sheldon Kamen, City Commissioner

SUBJECT Policy 9

Please examine the attached revised policy. My proposed change in the policy is covered under 2b, however, in revising, I may have made some other unintended changes.

If you have no problems with my revisions, please place it on the December 3rd agenda for discussion and action.

Sheldon
Sheldon Kamen
City Commissioner

SK:al

cc: Board of City Commissioners
Robert G. Finch, Deputy City Manager
Mike Lindebak, Interim Planning Director

DATE: November 7, 1985

Policy 9

SUBJECT: Zone Change Requests, Consideration of

Rescinds: AP 9
January 28, 1975

Applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission; CPO Councils' comments, where applicable; and staff recommendations. These shall be forwarded to the City Commission. If desired, the City Commission may inquire of staff, and/or proponents or opponents, for clarification. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the close of the City Manager's Agenda. The Board of City Commissioners may refer any case to the Planning Commission for rehearing.

Policy Implementation Procedures:

(1) Metropolitan Area Planning Commission (MAPC)

Prior to the public hearing of requests for zoning changes by the MAPC, the Chairman will announce the procedure for considering such requests and advise all interested persons that if after consideration of the case they do not feel they have had a complete hearing or if they should have additional new information to present, they must submit their statement in writing, to the City Clerk.

(2) After the Public Hearing

a) Minutes and the recommendation of the Planning Commission and MAPD staff, with comments from the CPO Council, will accompany the zoning referral sheet to the Board of City Commissioners. The case will be scheduled 26 days from the Planning Commission meeting unless otherwise directed by the Planning Commission.

b) All zoning projects will be returned to the respective CPO Council when significant changes in the initial proposal have been made either by the applicant and/or by the Metropolitan Planning Commission (MAPC). Significant changes will mean: (a) more restrictive zoning; (b) reduction/enlargement of application area; (c) altered or new proposed usage; (d) increased density, traffic and resource usage; and/or (e) any other features that may affect adjacent properties/zoning. CPO Council reconsiderations shall not exceed a time period of twenty-six (26) days. If this time period is exceeded, it will be assumed that the CPO Council comments on the original application prevail.

- c) Introduction of new evidence or arguments about the completeness of the hearing shall be filed, in writing, in the office of the City Clerk by 5 p.m. on the Wednesday before the Tuesday City Commission meeting.

Statements of new evidence must specify in detail the description of new evidence, its nature and source and why it was unavailable at the MAPC public hearing (examples may be newly published material, i.e., theory, traffic counts not previously available, or expert witnesses). Statements repetitive of former arguments before the MAPC shall not be considered. Statements of new evidence will be sent to the Planning Department and to the City Commission.

Statements as to the completeness of the public hearing shall identify the issues of procedure involved. Procedural deficiencies, such as failure to allow applicants rebuttal time, are examples of an incomplete hearing. A decision unfavorable to the applicant is not an incomplete hearing.

E

(3) City Commission Procedure

- a) The City Commission will base its decision on previous zoning cases, information contained in the minutes, recommendations of the MAPC, and comments of the CPO Council.
- b) In the event new evidence or facts have been filed, the Commission shall determine whether or not the evidence is such to warrant returning the request to the MAPC for a rehearing.
- c) The Planning staff, and proponents and opponents, may be called upon by the City Commission to clarify any items pertaining to the request.
- d) The City Commission may reverse the recommendation of the Planning Commission, by "Returning the application to the Metropolitan Area Planning Commission for its reconsideration", stating the reasons for the action. (Required by statute as the basis for establishing a dialogue on policy between the Planning Commission and the governing body.)
- e) The City Commission may concur in the recommendation of the Planning Commission by taking such action as suggested on the agenda.

COMMISSIONERS PROCEEDINGS

JOURNAL 138

DECEMBER 3, 1985

PAGE 299

- Chris Cherches
Mike Lindebak
- In response to comments made by the speakers, the City Manager stated that The Dell would not be assessed for a sewer main as they are served by an existing sewer and there would be no other charges unless it be for petitioned improvements. The City Engineer also advised that the existing streets there could be overlaid, and the neighborhood could request the type of street improvements that fit their neighborhood, as curb and gutter streets was not the only type available to them.
- Comm. Knight
- Discussion was had, and Commissioner Knight expressed his opposition to subject annexation at this time, and felt that the City should meet with the area residents and possibly a sharing of information could improve the City/area relationship.
- Royce Wallace
- During the discussion, Mr. Wallace indicated that the area residents needed more concrete evidence of what services could be expected and when, but he also felt annexation should await more development of the area.
- Comm. Kamen
- Comm. Kamen expressed his support for the annexation but hoped that a better approach could be utilized in the future.
- Mayor Brown
- Mayor Brown explained his position of support for the annexation.
- Motion --
- Brown moved that the public hearing be closed, the annexation proposal be approved and the annexation ordinance be placed on first reading.
- Comm. Bell
- Commissioner Bell stated that he could not support the motion at this time, as he would like to have the opportunity to obtain more information and background on this subject and the area.
- moot
- Motion was moot, 2 to 2. Bell and Knight - "no." (This matter will be returned at the next meeting, December 17, for action.)
- CC POLICY NO. 9
- CITY COMMISSION POLICY 9: CONSIDERATION OF ZONE CHANGE REQUESTS (KAMEN).
- Chris Cherches
- The City Manager stated that this policy review resulted following previous City Commission action concerning zone change requests being returned to the MAPC for reconsideration and also being referred back to the CPO's for their review when significant changes had occurred.
- Comm. Kamen
- Commissioner Kamen reviewed the following policy change which he proposed for paragraph 2b of Policy 9:
- "b) All zoning projects will be returned to the respective CPO Council when significant changes in the initial proposal have been made either by the applicant and/or by the Metropolitan Planning Commission (MAPC). Significant changes will mean: (a) more restrictive zoning; (b) reduction/enlargement of application area; (c) altered or new proposed usage; (d) increased density, traffic and resource usage; and/or (e) any other features that may affect adjacent properties/zoning. CPO Council reconsiderations shall not exceed a time period of twenty-six (26) days. If this time period is exceeded, it will be assumed that the CPO Council comments on the original application prevail."
- Comm. Knight
Comm. Kamen
- Discussion was had, and Commissioner Knight suggested that possibly a committee should be appointed to review the policy and the proposed change, to see what effect such a change would have, and Commissioner Kamen indicated his concurrence provided a definite time period be established for it to be returned.
- The following persons spoke in opposition to such a policy change, as it was felt it would impede development, that the current policy was adequate and allows public input, and that such a change would affect the authority granted the Planning Commission; however, most indicated interest in serving if a review committee was established:
- Steve Martens, 125 N. Emporia, Realtor
W. S. Mitchell, Chairman of Developers Committee of Wichita Area Homebuilders Association.
James Gardner, Jr., MAPC member
Ed Fox, Landmark Communities
Bob Roberts, Chamber of Commerce/Economic Development Division
Kenneth Kitchen, 5705 E. 17th Street and former Executive Director of the Urban Renewal Agency
- Discussion
- Discussion was had regarding the time required for zone case reviews.
- Motion --
- Kamen moved that a policy review committee be established to review Policy No. 9 and that two members be selected by each City Commissioner to serve on said committee, that the committee report back to the City Commission within 90 days, and at the suggestion of Commissioner Knight, it was added that the appointees be designated at the meeting of December 17, 1985.
- Subst. Motion --
-- died
- Brown moved a substitute motion that the project be abandoned and leave the Planning process exactly as it is. (Motion died for lack of a second.)

COMMISSIONERS PROCEEDINGS

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DECEMBER 3, 1985

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Mayor Brown Mayor Brown read a prepared statement explaining his concerns and reasons for opposing such a policy change, and in support of the current Planning procedures and a re-review by the Planning Commission only.

Comm. Kamen Discussion was had relative to the policy review, and Commissioner Kamen stated that as he perceived it, the Committee would tell the Commission whether the policy should remain as is or whether it should be changed in some way.

-- carried Commissioner Kamen's motion carried 3 to 1. Brown - "No."

Recess The City Commission recessed at 11:28 a.m. and reconvened at 11:37 a.m.

SISTERS CITIES AGREEMENT WITH KAIFENG CITY, PEOPLE'S REPUBLIC OF CHINA (11:30 A.M.)

On June 11, 1985, the City Commission approved a Resolution designating Kaifeng City as an official sister city. Kaifeng City will officially recognize its relationship with the City by a joint signing of the agreement.

The Kaifeng delegation and City Commission exchanged greetings and acknowledged the friendships being expressed through this sister city relationship after which Mayor Brown and Mayor Zhu Zhencheng participated in the ceremonial signing of the agreement between the two cities. Following the signing, an exchange of gifts took place between the officials of both cities.

Motion -- Bell moved that the Commission ratify the agreement and its execution by the Mayor. Motion carried 4 to 0.

-- carried

The City Commission recessed for lunch at 11:58 a.m. and reconvened at 1:30 p.m. with Mayor Brown in the Chair. Commissioners Bell, Kamen, Knight, present. Commissioner Casado absent.

21ST. NO./OLIVER INTERSECTION IMPROVEMENT

TWENTY-FIRST STREET NORTH/OLIVER INTERSECTION IMPROVEMENT.

The proposed improvement consists of constructing left-turn lanes at all four approaches to the intersection and modifying the right-turn lane in the north-east quadrant of the intersection.

The improvement is programmed in the current Capital Improvement Program (CIP). Construction is scheduled for 1986 at a projected cost of \$1,295,000. The estimated cost is \$780,000 to be financed by State funding in the amount of \$636,000 and the balance (\$144,000) from City funds.

Agenda Report No. 85-29

Mike Lindebak The City Engineer informed the Commission that he would be glad to answer any questions the Commission might have.

Mayor Brown Mayor Brown inquired if anyone present wished to be heard and no one appeared.

Motion -- Knight moved that the project be approved and the ordinance be placed on first reading. Motion carried 4 to 0.

-- carried

ORDINANCE

An Ordinance declaring the intersection of 21st Street North and Oliver to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements on said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

KELLOGG/TYLER RD. IMPROVEMENT

KELLOGG/TYLER ROAD INTERSECTION IMPROVEMENT.

The proposed paving improvement consists of constructing left-turn lanes on Kellogg at Tyler Road.

The improvement is programmed in the current Capital Improvement Program (CIP). Construction is scheduled for 1986 at a projected cost of \$230,000. The method of funding is \$225,000 Federal funds and \$55,000 City funds.

Agenda Report No. 85-30

Mike Lindebak The City Engineer briefly reviewed the item with the Commission.

Mayor Brown Mayor Brown inquired if anyone present wished to be heard and no one appeared.

Motion -- Knight moved that the project be approved and the ordinance be placed on first reading. Motion carried 4 to 0.

-- carried

December 27, 1985

Mr. Don Ablah
251 North Crestway
Wichita, Kansas 67208

Dear Mr. Ablah:

You have been appointed by City Commissioner Kamen to serve on a ten-member Ad Hoc Policy Review Committee. The purpose of the Committee will be to review the City Commission's policy for considering zone change requests. Their current policy was adopted in 1975 and is referred to as Policy 9 (copy enclosed).

In November, Commissioner Kamen suggested some changes in this policy (copy of his proposal enclosed). These changes were discussed at the December 3rd City Commission meeting and it was decided that a committee should be appointed to review the policy. At the December 17th City Commission meeting, each commissioner appointed two members. The committee is composed of the following people:


Don Ablah	Don Enoch
Bob Bulman	Ken Kitchen
Steve Critchfield	Joel Pollack
Alex Dean	Gary Sherrer
David Dewey	James C. Wilson

Jack Galbraith, Chief Planner in the Current Plans Division of the Planning Department, will be the staff person working with you and providing assistance for the policy review.

The City Commission requested a report from the committee within ninety days. A meeting to discuss the current policy and possible improvements to that policy has been scheduled for 3:30 P.M. on Wednesday, January 8, 1986, in the Planning Department Conference Room on the tenth floor of City Hall. The meeting will adjourn by 5:00 P.M. If you will be unable to attend, please call Jack Galbraith at 268-4421, or you may call me at 268-4266.

We look forward to seeing you on January 8th.

Sincerely,


Michael E. Lindebak, P.E.
City Engineer/
Acting Director of Planning

MEL:ogr
Enclosures

December 27, 1985

Mr. Bob Bulman
1326 Wilbur Lane
Wichita, Kansas 67212

Dear Mr. Bulman:

You have been appointed by City Commissioner Bell to serve on a ten-member Ad Hoc Policy Review Committee. The purpose of the Committee will be to review the City Commission's policy for considering zone change requests. Their current policy was adopted in 1975 and is referred to as Policy 9 (copy enclosed).

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
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Sincerely,


Michael E. Lindebak, P.E.
City Engineer/
Acting Director of Planning

MEL:ogr
Enclosures

December 27, 1985

Mr. Steve Critchfield
14324 Wakanda Court
Wichita, Kansas 67230

Dear Mr. Critchfield:

You have been appointed by City Commissioner Casado to serve on a ten-member Ad Hoc Policy Review Committee. The purpose of the Committee will be to review the City Commission's policy for considering zone change requests. Their current policy was adopted in 1975 and is referred to as Policy 9 (copy enclosed).

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
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Sincerely,


Michael E. Lindebak, P.E.
City Engineer/
Acting Director of Planning

MEL:ogr
Enclosures

December 27, 1985

Mr. Alex Dean
7620 Pagent Lane
Wichita, Kansas 67206

Dear Mr. Dean:

You have been appointed by City Commissioner Casado to serve on a ten-member Ad Hoc Policy Review Committee. The purpose of the Committee will be to review the City Commission's policy for considering zone change requests. Their current policy was adopted in 1975 and is referred to as Policy 9 (copy enclosed).

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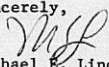
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We look forward to seeing you on January 8th.

Sincerely,


Michael E. Lindebak, P.E.
City Engineer/
Acting Director of Planning

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Enclosures

December 27, 1985

Mr. David Dewey
1065 North Waco
Wichita, Kansas 67203

Dear Mr. Dewey:

You have been appointed by City Commissioner Bell to serve on a ten-member Ad Hoc Policy Review Committee. The purpose of the Committee will be to review the City Commission's policy for considering zone change requests. Their current policy was adopted in 1975 and is referred to as Policy 9 (copy enclosed).

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Michael E. Lindebak, P.E.
City Engineer/
Acting Director of Planning

MEL:ogr
Enclosures

December 27, 1985

Mr. Don Enoch
5902 Polo
Wichita, Kansas 67208

Dear Mr. Enoch:

You have been appointed by City Commissioner Knight to serve on a ten-member Ad Hoc Policy Review Committee. The purpose of the Committee will be to review the City Commission's policy for considering zone change requests. Their current policy was adopted in 1975 and is referred to as Policy 9 (copy enclosed).

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
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Sincerely,


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City Engineer/
Acting Director of Planning

MEL:ogr
Enclosures

December 27, 1985

Mr. Ken Kitchen
5705 East 17th Street
Wichita, Kansas 67208

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
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Sincerely,


Michael E. Lindebak, P.E.
City Engineer/
Acting Director of Planning

MEL:ogr
Enclosures

December 27, 1985

Mr. Joel Pollack
7014 East 14th Street
Wichita, Kansas 67206

Dear Mr. Pollack:

You have been appointed by City Commissioner Brown to serve on a ten-member Ad Hoc Policy Review Committee. The purpose of the Committee will be to review the City Commission's policy for considering zone change requests. Their current policy was adopted in 1975 and is referred to as Policy 9 (copy enclosed).

In November, Commissioner Kamen suggested some changes in this policy (copy of his proposal enclosed). These changes were discussed at the December 3rd City Commission meeting and it was decided that a committee should be appointed to review the policy. At the December 17th City Commission meeting, each commissioner appointed two members. The committee is composed of the following people:

Don Ablah
Bob Bulman
Steve Critchfield
Alex Dean
David Dewey


Don Enoch
Ken Kitchen
Joel Pollack
Gary Sherrer
James C. Wilson

Jack Galbraith, Chief Planner in the Current Plans Division of the Planning Department, will be the staff person working with you and providing assistance for the policy review.

The City Commission requested a report from the committee within ninety days. A meeting to discuss the current policy and possible improvements to that policy has been scheduled for 3:30 P.M. on Wednesday, January 8, 1986, in the Planning Department Conference Room on the tenth floor of City Hall. The meeting will adjourn by 5:00 P.M. If you will be unable to attend, please call Jack Galbraith at 268-4421, or you may call me at 268-4266.

We look forward to seeing you on January 8th.

Sincerely,


Michael E. Lindebak, P.E.
City Engineer/
Acting Director of Planning

MEL:ogr
Enclosures

December 27, 1985

Mr. Gary Sherrer
1038 Lawrence Court
Wichita, Kansas 67206

Dear Mr. Sherrer:

You have been appointed by City Commissioner Knight to serve on a ten-member Ad Hoc Policy Review Committee. The purpose of the Committee will be to review the City Commission's policy for considering zone change requests. Their current policy was adopted in 1975 and is referred to as Policy 9 (copy enclosed).

In November, Commissioner Kamen suggested some changes in this policy (copy of his proposal enclosed). These changes were discussed at the December 3rd City Commission meeting and it was decided that a committee should be appointed to review the policy. At the December 17th City Commission meeting, each commissioner appointed two members. The committee is composed of the following people:

Don Ablah
Bob Bulman
Steve Critchfield
Alex Dean
David Dewey


Don Enoch
Ken Kitchen
Joel Pollack
Gary Sherrer
James C. Wilson

Jack Galbraith, Chief Planner in the Current Plans Division of the Planning Department, will be the staff person working with you and providing assistance for the policy review.

The City Commission requested a report from the committee within ninety days. A meeting to discuss the current policy and possible improvements to that policy has been scheduled for 3:30 P.M. on Wednesday, January 8, 1986, in the Planning Department Conference Room on the tenth floor of City Hall. The meeting will adjourn by 5:00 P.M. If you will be unable to attend, please call Jack Galbraith at 268-4421, or you may call me at 268-4266.

We look forward to seeing you on January 8th.

Sincerely,


Michael E. Lindebak, P.E.
City Engineer/
Acting Director of Planning

MEL:ogr
Enclosures

December 27, 1985

Mr. James C. Wilson
1027 West River Boulevard
Wichita, Kansas 67203

Dear Mr. Wilson:

You have been appointed by City Commissioner Kamen to serve on a ten-member Ad Hoc Policy Review Committee. The purpose of the Committee will be to review the City Commission's policy for considering zone change requests. Their current policy was adopted in 1975 and is referred to as Policy 9 (copy enclosed).

In November, Commissioner Kamen suggested some changes in this policy (copy of his proposal enclosed). These changes were discussed at the December 3rd City Commission meeting and it was decided that a committee should be appointed to review the policy. At the December 17th City Commission meeting, each commissioner appointed two members. The committee is composed of the following people:

Don Ablah
Bob Bulman
Steve Critchfield
Alex Dean
David Dewey

Don Enoch
Ken Kitchen
Joel Pollack
Gary Sherrer
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We look forward to seeing you on January 8th.

Sincerely,

MEL
Michael E. Lindebak, P.E.
City Engineer/
Acting Director of Planning

MEL:ogr
Enclosures

THE CITY OF WICHITA

OFFICE OF CITY COMMISSION

DATE December 24, 1985



TO Distribution

FROM Alvena Lyon, City Commission Aide

SUBJECT City Commission Appointments
December 17, 1985

Sister Cities Advisory Board (term to expire 11/1/87)

Shiang-Yu (Dick) Lee, 2262 Longwood Circle (26). (Knight)

Ad Hoc Policy Review Committee

David Dewey, 1065 N. Waco (03). (Bell)
Bob Bulman, 1326 Wilbur Lane (12). (Bell)
Joel Pollack, 7014 E. 14th (06). (Brown)
Ken Kitchen, 5705 E. 17th (08). (Brown)
Steve Critchfield, 14324 Wakanda Court (30). (Casado)
Alex Dean, 7620 Pagent Lane (06). (Casado)
Don Ablah, 251 N. Crestway (08). (Kamen)
James C. Wilson, ~~1850 S. Old Manor (18)~~. (Kamen) 1021 W. River Bend (03)
Don Enoch, 5902 Polo (08). (Knight)
Gary Sherrer, 1038 Lawrence Court (06). (Knight)

The Sister Cities Appointee has been invited to the City Commission Meeting of January 7, 1986, to be sworn in at 9:00 a.m. Ex officios are reminded of their duties in accordance with AR 13.

Distribution:

Don Gisick, City Clerk
Ray Trail, Assistant City Manager
Sharon Hamrick, Assistant to the City Manager
✓ Kelly Humphries, Public Affairs
Stan Scott, CPO Coordinator

To: Mike Lindelak
Your copy so you can organize committee
Ray

THE CITY OF WICHITA

OFFICE OF CITY COMMISSION DATE November 13, 1985

TO Chris Cherches, City Manager
 Robert C. Brown, Mayor

FROM Sheldon Kamen, City Commissioner

SUBJECT Policy 9

Please examine the attached revised policy. My proposed change in the policy is covered under 2b, however, in revising, I may have made some other unintended changes.

If you have no problems with my revisions, please place it on the December 3rd agenda for discussion and action.

Sheldon
Sheldon Kamen
City Commissioner

SK:al

cc: Board of City Commissioners
 Robert G. Finch, Deputy City Manager
 Mike Lindebak, Interim Planning Director

DATE: November 7, 1985

Policy 9

SUBJECT: Zone Change Requests, Consideration of

Rescinds: AP 9
January 28, 1975

Applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission; CPO Councils' comments, where applicable; and staff recommendations. These shall be forwarded to the City Commission. If desired, the City Commission may inquire of staff, and/or proponents or opponents, for clarification. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the close of the City Manager's Agenda. The Board of City Commissioners may refer any case to the Planning Commission for rehearing.

Policy Implementation Procedures:

(1) Metropolitan Area Planning Commission (MAPC)

Prior to the public hearing of requests for zoning changes by the MAPC, the Chairman will announce the procedure for considering such requests and advise all interested persons that if after consideration of the case they do not feel they have had a complete hearing or if they should have additional new information to present, they must submit their statement in writing, to the City Clerk.

(2) After the Public Hearing

a) Minutes and the recommendation of the Planning Commission and MAPD staff, with comments from the CPO Council, will accompany the zoning referral sheet to the Board of City Commissioners. The case will be scheduled 26 days from the Planning Commission meeting unless otherwise directed by the Planning Commission.

b) All zoning projects will be returned to the respective CPO Council when significant changes in the initial proposal have been made either by the applicant and/or by the Metropolitan Planning Commission (MAPC). Significant changes will mean: (a) more restrictive zoning; (b) reduction/enlargement of application area; (c) altered or new proposed usage; (d) increased density, traffic and resource usage; and/or (e) any other features that may affect adjacent properties/zoning. CPO Council reconsiderations shall not exceed a time period of twenty-six (26) days. If this time period is exceeded, it will be assumed that the CPO Council comments on the original application prevail.

- c) Introduction of new evidence or arguments about the completeness of the hearing shall be filed, in writing, in the office of the City Clerk by 5 p.m. on the Wednesday before the Tuesday City Commission meeting.

Statements of new evidence must specify in detail the description of new evidence, its nature and source and why it was unavailable at the MAPC public hearing (examples may be newly published material, i.e., theory, traffic counts not previously available, or expert witnesses). Statements repetitive of former arguments before the MAPC shall not be considered. Statements of new evidence will be sent to the Planning Department and to the City Commission.

Statements as to the completeness of the public hearing shall identify the issues of procedure involved. Procedural deficiencies, such as failure to allow applicants rebuttal time, are examples of an incomplete hearing. A decision unfavorable to the applicant is not an incomplete hearing.

E

(3) City Commission Procedure

- a) The City Commission will base its decision on previous zoning cases, information contained in the minutes, recommendations of the MAPC, and comments of the CPO Council.
- b) In the event new evidence or facts have been filed, the Commission shall determine whether or not the evidence is such to warrant returning the request to the MAPC for a rehearing.
- c) The Planning staff, and proponents and opponents, may be called upon by the City Commission to clarify any items pertaining to the request.
- d) The City Commission may reverse the recommendation of the Planning Commission, by "Returning the application to the Metropolitan Area Planning Commission for its reconsideration", stating the reasons for the action. (Required by statute as the basis for establishing a dialogue on policy between the Planning Commission and the governing body.)
- e) The City Commission may concur in the recommendation of the Planning Commission by taking such action as suggested on the agenda.

Subject: Consideration of Zone Change Requests

The following policy will prevail in regard to consideration of zoning change requests:

"All applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including staff recommendations, which shall be forwarded to the City Commission. The Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the closing of the City Manager's Agenda. In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing."

To implement the policy, the following procedures shall prevail:

Actions Prior to City Commission Consideration

- (1) Prior to the public hearing of requests for zoning changes by the Metropolitan Area Planning Commission, the Chairman will announce the procedure for considering such requests and advise the applicants and their agents, as well as other interested persons, either proponents or opponents, that if after consideration of the case they do not feel they have had a complete hearing or if they should have additional information to present, they are to submit their statement, in writing, to the City Clerk.
- (2) Minutes and the recommendation of the Planning Commission on each case will accompany the zoning referral sheet to the Board of City Commissioners and the case will be scheduled 19 days from the Planning Commission meeting unless otherwise directed by the Planning Commission.
- (3) Introduction of new evidence or arguments about the completeness of the hearing shall be filed, in writing, in the Office of the City Clerk by 5 p.m. on the Wednesday preceding the scheduled Tuesday City Commission meeting.

Any such statements of new evidence shall specify in detail the description of new evidence, its nature and source and the reason of its unavailability at the MAPC public hearing. Examples may be newly published material; i.e., theory, traffic counts not previously available, expert witnesses. Statements repetitive of arguments before the MAPC shall not be considered valid reasons for referral. Statements as to the completeness of the public hearing shall identify the issues of procedure involved. Procedural deficiencies, such as failure to allow applicants rebuttal time, are examples of an incomplete hearing. A decision unfavorable to the applicant is not an incomplete hearing.

- (4) If new evidence or facts are submitted in "statements in writing," the City Clerk will cause copies to be delivered to the City Commissioners and the Planning Department.

If asked, the Planning Department shall provide the Commission comments on whether the subject matter was discussed at the public hearing.

City Commission Procedure

- (1) The City Commission will base its decision on zoning cases upon the information contained in the minutes and recommendation of the Metropolitan Area Planning Commission which will be printed on the City Manager's Agenda.
- (2) In the event new evidence or facts have been filed, the Commission shall determine whether or not the evidence is such to warrant rehearing before the Planning Commission. If it is found that the new evidence is significant, the Commission shall return the zone change request to the Planning Commission for rehearing.
- (3) The Planning staff and the proponents and opponents may be called upon by the City Commission to clarify items contained in the minutes when such items appear to be ambiguous or contradictory to adopted policy. In such event, the Planning staff shall be called upon first to explain or interpret the matter in question. Other interested parties shall be called upon for further comment only if there is disagreement with the staff interpretation.
- (4) If the City Commission desires to reverse the recommendation by the Planning Commission, it should "Return the application to the Metropolitan Area Planning Commission for its reconsideration," stating the reasons for the action. (Required by statute as the basis for establishing a dialogue on policy between the Planning Commission and the governing board.)
- (5) If the City Commission concurs in the recommendation of the Planning Commission, it should take such action as suggested on the Agenda.

WICHITA-SEDGWICK COUNTY

Date: November 5, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Chris Cherches, City Manager
FROM: Michael E. Lindebak, Director of Planning (Interim)
SUBJECT: Policy on CPO's Considering Zone Change Requests

At your direction, we have reviewed City Commission Policy 9 which refers to consideration of zone change requests. That policy sets out procedures for considering zone change requests and was adopted on January 28, 1975. It has not been amended and does not mention CPO Councils' roll in considering zone cases. For the most part this policy is still correct, however, the attached delineated copy of Policy 9 reflects the changes that should be considered.

We believe that these minor changes reflect the intent of the City Commission to provide for full consideration of cases by both the Planning Commission and CPO Councils and not significantly extend the length of processing time. Please advise if we can furnish additional information.

Michael E. Lindebak
Director of Planning (Interim)

MEL:JHG:rme

CITY COMMISSION POLICY

Policy 9
November 6, 1985

Subject: Consideration of Zone Change Requests

The following policy will prevail in regard to consideration of zoning change requests:

All applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including CPD Councils' recommendations and Planning Department staff recommendations, which shall be forwarded to the City Commission. The City Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the close of the City Manager's Agenda. In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing.

To implement the policy, the following procedures shall prevail:

Actions Prior to City Commission Consideration

- (1) Prior to the public hearing of requests for zoning changes by the Metropolitan Area Planning Commission (MAPC), the Chairman will announce the procedure for considering such requests and advise the applicants and their agents, as well as other interested persons, either proponents or opponents, that if after consideration of the case they do not feel they have had a complete hearing or if they should have additional information to present, they are to submit their statement, in writing, to the City Clerk.
- (2) Minutes and the recommendation of the Planning Commission and the recommendation of the CPD Council on each case will accompany the zoning referral sheet to the Board of City Commissioners and the case will be scheduled 26 ~~19~~ days from the Planning Commission meeting unless otherwise directed by the Planning Commission.
- (3) Recognizing some difficulty in scheduling cases, as MAPC meets every two weeks and CPD Councils every three, and in the continued interest of processing applications in an expedient manner, staff of both the Planning Commission and Citizens Rights and Services will carefully coordinate the scheduling of cases. Whenever possible, CPD Councils will consider cases prior to the official MAPC public hearing so as to provide all possible information to the Planning Commission. When scheduling does not permit, CPD recommendations will be forwarded to the Board of City Commissioners with the Planning Department referral sheets and minutes of the Planning Commission. In the event an applicant amends his request to a more restrictive district or reduces the size of the application area, or should the Planning Commission recommend a more restrictive classification or reduced area, effort will be made to present this new information to the CPD Councils so that they may reconsider their original recommendation within the 26 days prior to the case being scheduled before the City Commission.

- (3) (4) Introduction of new evidence or arguments about the completeness of the hearing shall be filed, in writing, in the Office of the City Clerk by 5 p.m. on the Wednesday preceding the scheduled Tuesday City Commission meeting.

Any such statements of new evidence will specify in detail the description of new evidence, its nature and source and the reason of its unavailability at the MAPC public hearing. Examples may be newly published material; i.e., theory, traffic counts not previously available, expert witnesses. Statements repetitive of arguments before the MAPC shall not be considered valid reasons for referral. Statements as to the completeness of the public hearing shall identify the issues of procedure involved. Procedural deficiencies, such as failure to allow applicants rebuttal time, are examples of an incomplete hearing. A decision unfavorable to the applicant is not an incomplete hearing.

- (4) (5) If new evidence or facts are submitted in "statements in writing", the City Clerk will cause copies to be delivered to the City Commissioners and the Planning Department.

If asked, the Planning Department shall provide the Commission comments on whether the subject matter was discussed at the public hearing.

City Commission Procedure

- (1) The City Commission will base its decision on zoning cases upon the information contained in the minutes and recommendation of the MAPC and the recommendation of the CPO Council which will be printed on the City Manager's Agenda.
- (2) In the event new evidence or facts have been filed, the Commission shall determine whether or not the evidence is such to warrant rehearing before the Planning Commission. If it is found that the new evidence is significant, the Commission shall return the zone change request to the Planning Commission for rehearing. The CPO Council may also be asked to reconsider the request.
- (3) The Planning staff and the proponents and opponents may be called upon by the City Commission to clarify items contained in the minutes when such items appear to be ambiguous or contradictory to adopted policy. In such event, the Planning staff shall be called upon first to explain or interpret the matter in question. Other interested parties shall be called upon for further comment only if there is disagreement with the staff interpretation.
- (4) If the City Commission desires to reverse the recommendation by the Planning Commission, it should "Return the application to the Metropolitan Area Planning Commission for its reconsideration", stating the reasons for the action. (Required by statute as the basis for establishing a dialogue on policy between the Planning Commission and the governing body.)
- (5) If the City Commission concurs in the recommendation of the Planning Commission, it should take such action as suggested on the agenda.

WICHITA-SEDGWICK COUNTY

Date: November 5, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Chris Cherches, City Manager
FROM: Michael E. Lindebak, Director of Planning (Interim)
SUBJECT: Policy on CPO's Considering Zone Change Requests

At your direction, we have reviewed City Commission Policy 9 which refers to consideration of zone change requests. That policy sets out procedures for considering zone change requests and was adopted on January 28, 1975. It has not been amended and does not mention CPO Councils' roll in considering zone cases. For the most part this policy is still correct, however, the attached delineated copy of Policy 9 reflects the changes that should be considered.

We believe that these minor changes reflect the intent of the City Commission to provide for full consideration of cases by both the Planning Commission and CPO Councils and not significantly extend the length of processing time. Please advise if we can furnish additional information.

Michael E. Lindebak
Director of Planning (Interim)

MEL:JHG:rme

City Commission Policy

Policy 9
January 28, 1975

Subject: Consideration of Zone Change Requests

The following policy will prevail in regard to consideration of zoning change requests:

"All applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including staff recommendations, which shall be forwarded to the City Commission. The Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the closing of the City Manager's Agenda. In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing."

*CPO Council
recommendations
and Planning
Department*

To implement the policy, the following procedures shall prevail:

Actions Prior to City Commission Consideration

- (1) Prior to the public hearing of requests for zoning changes by the Metropolitan Area Planning Commission, the Chairman will announce the procedure for considering such requests and advise the applicants and their agents, as well as other interested persons, either proponents or opponents, that if after consideration of the case they do not feel they have had a complete hearing or if they should have additional information to present, they are to submit their statement, in writing, to the City Clerk,
- (2) Minutes and the recommendation of the Planning Commission, on each case will accompany the zoning referral sheet to the Board of City Commissioners and the case will be scheduled ~~15~~ days from the Planning Commission meeting unless otherwise directed by the Planning Commission.
- (3) *Add the new wording*
(3) Introduction of new evidence or arguments about the completeness of the hearing shall be filed, in writing, in the Office of the City Clerk by 5 p.m. on the Wednesday preceding the scheduled Tuesday City Commission meeting.

Any such statements of new evidence shall specify in detail the description of new evidence, its nature and source and the reason of its unavailability at the MAPC public hearing. Examples may be newly published material; i.e., theory, traffic counts not previously available, expert witnesses. Statements repetitive of arguments before the MAPC shall not be considered valid reasons for referral. Statements as to the completeness of the public hearing shall identify the issues of procedure involved. Procedural deficiencies, such as failure to allow applicants rebuttal time, are examples of an incomplete hearing. A decision unfavorable to the applicant is not an incomplete hearing.

D-37m

- (9) If new evidence or facts are submitted in "statements in writing," the City Clerk will cause copies to be delivered to the City Commissioners and the Planning Department.

If asked, the Planning Department shall provide the Commission comments on whether the subject matter was discussed at the public hearing.

City Commission Procedure

- (1) The City Commission will base its decision on zoning cases upon the information contained in the minutes and recommendation of the Metropolitan Area Planning Commission, ~~which will be printed on the City Manager's Agenda.~~ *and CPO Council.*
- (2) In the event new evidence or facts have been filed, the Commission shall determine whether or not the evidence is such to warrant rehearing before the Planning Commission. If it is found that the new evidence is significant, the Commission shall return the zone change request to the *asked* Planning Commission for rehearing. *The CPO Council may also be requested to reconsider the request.*
- (3) The Planning staff and the proponents and opponents may be called upon by the City Commission to clarify items contained in the minutes when such items appear to be ambiguous or contradictory to adopted policy. In such event, the Planning staff shall be called upon first to explain or interpret the matter in question. Other interested parties shall be called upon for further comment only if there is disagreement with the staff interpretation.
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- (5) If the City Commission concurs in the recommendation of the Planning Commission, it should take such action as suggested on the Agenda.

City Commission Policy

Policy 9
January 28, 1975

Subject: Consideration of Zone Change Requests

The following policy will prevail in regard to consideration of zoning change requests:

"All applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including staff recommendations, which shall be forwarded to the City Commission. The Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the closing of the City Manager's Agenda. In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing."

*CPO Councils
Recommendations
and Planning
Department*

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- (2) Minutes and the recommendation of the Planning Commission on each case will accompany the zoning referral sheet to the Board of City Commissioners and the case will be scheduled ~~10~~ days from the Planning Commission meeting unless otherwise directed by the Planning Commission.
and the CPO Council
- (3) *Add the new wording*
(4) Introduction of new evidence or arguments about the completeness of the hearing shall be filed, in writing, in the Office of the City Clerk by 5 p.m. on the Wednesday preceding the scheduled Tuesday City Commission meeting.

Any such statements of new evidence shall specify in detail the description of new evidence, its nature and source and the reason of its unavailability at the MAPC public hearing. Examples may be newly published material; i.e., theory, traffic counts not previously available, expert witnesses. Statements repetitive of arguments before the MAPC shall not be considered valid reasons for referral. Statements as to the completeness of the public hearing shall identify the issues of procedure involved. Procedural deficiencies, such as failure to allow applicants rebuttal time, are examples of an incomplete hearing. A decision unfavorable to the applicant is not an incomplete hearing.

12-3-75

- (6) If new evidence or facts are submitted in "statements in writing," the City Clerk will cause copies to be delivered to the City Commissioners and the Planning Department.

If asked, the Planning Department shall provide the Commission comments on whether the subject matter was discussed at the public hearing.

City Commission Procedure

- (1) The City Commission will base its decision on zoning cases upon the information contained in the minutes and recommendation of the Metropolitan Area Planning Commission ~~which will be printed on the City Manager's Agenda.~~
and CPO Council.
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- (4) If the City Commission desires to reverse the recommendation by the Planning Commission, it should "Return the application to the Metropolitan Area Planning Commission for its reconsideration," stating the reasons for the action. (Required by statute as the basis for establishing a dialogue on policy between the Planning Commission and the governing board.)
- (5) If the City Commission concurs in the recommendation of the Planning Commission, it should take such action as suggested on the Agenda.

February 24, 1986

There was agreement in all sections except (2) b, which the Committee recommends be changed as follows:

- (2) b) Should a more restrictive classification or a reduced area be proposed by either an applicant or the Planning Commission, this new information will be presented to the CPO Council so that they may reconsider their original recommendation within the 26 days prior to the case being scheduled before the Board of City Commissioners. If this time period is exceeded, it shall be interpreted that the CPO Council has no recommendation on the revision.

The Committee hopes that their review and comments will be beneficial in the City Commission review of Policy 9.

Respectfully submitted for the Committee members in attendance,

Don Ablah	Don Enoch
Bob Bulman	Ken Kitchen
Steve Critchfield	Joel Pollack
Alex Dean	James C. Wilson
David Dewey	

Jack H. Galbraith
Chief Planner

APPROVAL:

Michael E. Lindebak,
Acting Director of Planning

JHG/lw

Enclosures: Disposition Report
Delineated Copy of Policy 9 as presented by Commissioner
Kamen

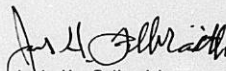
WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 28, 1986

TO: Ad Hoc Policy Review Committee Members
FROM: Jack H. Galbraith, Chief Planner
SUBJECT: Ad Hoc Policy Review Committee - Policy 9

Wanted you to be aware that the above subject appears on the City Manager's Agenda on March 4, 1986. It appears as item 2 on the agenda and should be considered shortly after 9 a.m.

Again, I want to thank all of you for your time and efforts in reviewing this matter.


Jack H. Galbraith
Chief Planner

JHG/lw

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 28, 1986

TO: Ad Hoc Policy Review Committee Members
FROM: Jack H. Galbraith, Chief Planner
SUBJECT: Ad Hoc Policy Review Committee - Policy 9

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Again, I want to thank all of you for your time and efforts in reviewing this matter.

Jack H. Galbraith
Chief Planner

JHG/lw

Policy 9-

1-8-86

History - Policy 9 originally adopted on 1-28-75
Wulz was still City Manager
Hasn't been amended since being adopted

Purpose - To set out a procedure for the BCC
to consider zone cases - on the
record of the MAPC. Was intended
to eliminate a second hearing
before the BCC.

Subject policy has been silent on
CPO's involvement in considering cases.

Also policy was never changed after
Denton instructed that ~~zone~~ planning
items be considered every other week.
When that occurred, the 19 day time
became 26 days, although it
was never reflected in the policy.

Fall of 1985 Three zone cases were returned
by the BCC to the CPO's
and not to the Plan Com, because
it was felt by the BCC that
the applications had been changed
in some fashion since the CPO's
had heard the case.

CPO's had originally recommended denial
MAPC had recommended approval.
CPO's in reconsidering the cases,
changed their position
BCC approved.

Eastern ad Drive - "LC" amended to buffer part
with "BB".

Highland Ave Kellogg & Oliver -
Application area was amended
to delete part on Debrae.

Hillside and County Club - CPO recommended denial
because applicant was
not in attendance.

1-22-86.

? CPO should give reason -
based on policy 10.
And that applicant was not present is
no reason to send it back.

Not in anyone's interest to send a case back
just because

Cover memo - CPO follows policy 10
Have gone back 1st year
dealing with knowledge -

Covered my camp
Disposition Report. to the CPO -

Page - a transcript -

reference efforts - Make the necessary information
available

Sign attendance - Denver. Denver.

- Unusual decision -

RECEIVED

City Commission Policy

MAR 05 1986

METROPOLITAN PLANNING
ROUTE *Jack S*

Policy 9
March 4, 1986

Subject: Zone Change Requests, Consideration of

Applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission; CPO Councils' comments, where applicable; and staff recommendations. These shall be forwarded to the City Commission. If desired, the City Commission may inquire of staff, and/or proponents or opponents, for clarification. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the close of the City Manager's Agenda. The Board of City Commissioners may refer any case to the Planning Commission for rehearing.

Policy Implementation Procedures:

(1) Metropolitan Area Planning Commission (MAPC)

Prior to the public hearing of requests for zoning changes by the MAPC, the Chairman will announce the procedure for considering such requests and advise all interested persons that if after consideration of the case they do not feel they have had a complete hearing or if they should have additional new information to present, they must submit their statement in writing, to the City Clerk.

(2) After the Public Hearing

- (a) Minutes and the recommendation of the Planning Commission and MAPC staff, with comments from the CPO Council, will accompany the zoning referral sheet to the Board of City Commissioners. The case will be scheduled 26 days from the Planning Commission meeting unless otherwise directed by the Planning Commission.
- (b) Should a more restrictive classification or a reduced area be proposed by either an applicant or the Planning Commission, this new information will be presented to the CPO Council so that they may reconsider their original recommendation within the 26 days prior to the case being scheduled before the Board of City Commissioners. If this time period is exceeded, it shall be interpreted that the CPO Council has no recommendation on the revision.
- (c) Introduction of new evidence or arguments about the completeness of the hearing shall be filed, in writing, in the office of the City Clerk by 5 p.m. on the Wednesday before the Tuesday City Commission meeting.

Statements of new evidence must specify in detail the description of new evidence, its nature and source and why it was unavailable at the MAPC public hearing (examples may be newly published material, i.e.; theory, traffic counts not previously available, or expert witnesses). Statements repetitive of former arguments before the MAPC shall not be considered. Statements of new evidence will be sent to the Planning Department and to the City Commission.

City of Wichita, Kansas

11-009

DR 86-1

File Copy

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(3) City Commission Procedure

- (a) The City Commission will base its decision on previous zoning cases, information contained in the minutes, recommendations of the MAPC, and comments of the CPO Council.
- (b) In the event new evidence or facts have been filed, the Commission shall determine whether or not the evidence is such to warrant returning the request to the MAPC for a rehearing.
- (c) The Planning staff, and proponents and opponents, may be called upon by the City Commission to clarify any items pertaining to the request.
- (d) The City Commission may reverse the recommendation of the Planning Commission, by "Returning the application to the Metropolitan Area Planning Commission for its reconsideration," stating the reasons for the action. (Required by statute as the basis for establishing a dialogue on policy between the Planning Commission and the governing body.)
- (e) The City Commission may concur in the recommendation of the Planning Commission by taking such action as suggested on the agenda.

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Statements of new evidence must specify in detail the description of new evidence, its nature and source and why it was unavailable at the MAPC public hearing (examples may be newly published material, i.e.; theory, traffic counts not previously available, or expert witnesses). Statements repetitive of former arguments before the MAPC shall not be considered. Statements of new evidence will be sent to the Planning Department and to the City Commission.

Master Copy

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(3) City Commission Procedure

- (a) The City Commission will base its decision on previous zoning cases, information contained in the minutes, recommendations of the MAPC, and comments of the CPO Council.
- (b) In the event new evidence or facts have been filed, the Commission shall determine whether or not the evidence is such to warrant returning the request to the MAPC for a rehearing.
- (c) The Planning staff, and proponents and opponents, may be called upon by the City Commission to clarify any items pertaining to the request.
- (d) The City Commission may reverse the recommendation of the Planning Commission, by "Returning the application to the Metropolitan Area Planning Commission for its reconsideration," stating the reasons for the action. (Required by statute as the basis for establishing a dialogue on policy between the Planning Commission and the governing body.)
- (e) The City Commission may concur in the recommendation of the Planning Commission by taking such action as suggested on the agenda.

REVISED ZONING PROCEDURE POLICY

ADOPTED BY BOARD OF CITY COMMISSIONERS
ON JANUARY 21, 1975

PROCEDURAL OUTLINE FOR CONSIDERING ZONE CHANGE REQUESTS
BY THE WICHITA BOARD OF CITY COMMISSIONERS

The Board of City Commissioners, at its regular meeting of August 26, 1969, adopted the following policy in regard to consideration of zoning change requests:

"All applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including staff recommendations, which shall be forwarded to the City Commission. The Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the closing of the City Manager's agenda. In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing."

To implement the policy, the following procedures shall prevail:

Actions Prior to City Commission Consideration

1. Prior to the public hearing of requests for zoning changes by the Metropolitan Area Planning Commission, the Chairman will announce the procedure for considering such requests and advise the applicants and their agents, as well as other interested persons, either proponents or opponents, that if, after consideration of the case, they do not feel they have had a complete hearing, or if they should have additional information to present, they are to submit their statement, in writing, to the City Clerk.
2. Minutes and the recommendation of the Planning Commission on each case will accompany the zoning referral sheet to the Board of City Commissioners and the case will be scheduled 19 days from the Planning Commission meeting, unless otherwise directed by the Planning Commission.

*Wilson wants to
discuss this zoning
procedural policy.
Aug 22, 1985*

3. Introduction of new evidence or arguments about the completeness of the hearing shall be filed, in writing, in the Office of the City Clerk by 5:00 p.m. on the Wednesday preceding the scheduled Tuesday City Commission meeting.

Any such statements of new evidence shall specify in detail the description of new evidence, its nature and source and the reason of its unavailability at the MAPC public hearing. Examples may be newly published material, i.e., theory, traffic counts not previously available, expert witnesses. Statements repetitive of arguments before the MAPC shall not be considered valid reasons for referral. Statements as to the completeness of the public hearing shall identify the issues of procedure involved. Procedural deficiencies, such as failure to allow applicants rebuttal time, are examples of an incomplete hearing. A decision unfavorable to the applicant is not an incomplete hearing.

4. If new evidence or facts are submitted in "statements in writing," the City Clerk will cause copies to be delivered to the City Commissioners and the Planning Department.

If asked, the Planning Department shall provide the Commission comments on whether the subject matter was discussed at the public hearing.

City Commission Procedure

1. The City Commission will base its decision on zoning cases upon the information contained in the Minutes and recommendation of the Metropolitan Area Planning Commission which will be printed on the City Manager's Agenda.
2. In the event new evidence or facts have been filed, the Commission shall determine whether or not the evidence is such to warrant rehearing before the Planning Commission. If it is found that new evidence is significant, the Commission shall return the zone change request to the Planning Commission for rehearing.
3. The Planning Staff and the proponents and opponents may be called upon by the City Commission to clarify items contained in the Minutes when such items appear to be ambiguous or contradictory to adopted policy. In such event, the Planning Staff shall be called upon first to explain or interpret the matter in question. Other interested parties shall be called upon for further comment only if there is disagreement with the staff interpretation.

Page 3 - Revised Zoning Procedural Policy
Adopted by City Commission on January 21, 1975

4. If the City Commission desires to reverse the recommendation by the Planning Commission, it should "return the application to the Metropolitan Area Planning Commission for its reconsideration", stating the reasons for the action. (Required by statute as the basis for establishing a dialogue on policy between the Planning Commission and the governing board.)
5. If the City Commission concurs in the recommendation of the Planning Commission, it should take such action as suggested on the Agenda.

This policy shall become effective with all cases heard by the City Commission on or after January 21, 1975.

THE CITY OF WICHITA

OFFICE OF CITY COMMISSIONER

DATE November 13, 1985

TO Chris Cherches, City Manager
Robert C. Brown, Mayor

FROM Sheldon Kamen, City Commissioner

SUBJECT Policy 9

Please examine the attached revised policy. My proposed change in the policy is covered under 2b, however, in revising, I may have made some other unintended changes.

If you have no problems with my revisions, please place it on the December 3rd agenda for discussion and action.

Sheldon
Sheldon Kamen
City Commissioner

SK:al

cc: Board of City Commissioners
Robert G. Finch, Deputy City Manager
Mike Lindebak, Interim Planning Director.

DATE: November 7, 1985

Policy 9

SUBJECT: Zone Change Requests, Consideration of

Rescinds: AP 9
January 28, 1975

Applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission; CPO Councils' comments, where applicable; and staff recommendations. These shall be forwarded to the City Commission. If desired, the City Commission may inquire of staff, and/or proponents or opponents, for clarification. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the close of the City Manager's Agenda. The Board of City Commissioners may refer any case to the Planning Commission for rehearing.

Policy Implementation Procedures:

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(2) After the Public Hearing

a) Minutes and the recommendation of the Planning Commission and MAPC staff, with comments from the CPO Council, will accompany the zoning referral sheet to the Board of City Commissioners. The case will be scheduled 26 days from the Planning Commission meeting unless otherwise directed by the Planning Commission.

b) All zoning projects will be returned to the respective CPO Council when significant changes in the initial proposal have been made either by the applicant and/or by the Metropolitan Planning Commission (MAPC). Significant changes will mean: (a) more restrictive zoning; (b) reduction/enlargement of application area; (c) altered or new proposed usage; (d) increased density, traffic and resource usage; and/or (e) any other features that may affect adjacent properties/zoning. CPO Council reconsiderations shall not exceed a time period of twenty-six (26) days. If this time period is exceeded, it will be assumed that the CPO Council comments on the original application prevail.

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Enoch Investments
5902 Polo Drive
Wichita, Kansas 67208

3161681-3370
January 13, 1986

Donald K. Enoch

FELLOW MEMBERS AD HOC POLICY REVIEW COMMITTEE

Re: Consideration of Zone Change Requests
Policy 9

Philosophically, I oppose attempting to add another layer of governmental control over our citizens.

Philosophically, I support the effort toward greater flow of communication between our citizens and their decision makers.

The Citizens Participation Organization was conceived and established for the worthy purpose of enhancing that 2-way flow of information.

The City Commission and the Metropolitan Area Planning Commission presently have sufficient power to create and enforce ordinances. The CPO has no enforcement powers.

It is generally recognized, - and has been specifically proven by our own records of recent CPO-MAPC-CC actions -, that reasonable persons, given the same set of facts, tend to arrive at the same conclusions.

If the above facts can be accepted as a basis for our deliberation, our Ad Hoc Review Committee should be able to arrive, quite quickly, at a consensus that will result in a clear, unequivocal recommendation to the body which appointed us.

I was impressed with the stature of the members of our Committee and the ideas expressed. Certainly I feel honored to be a part of it.

We have each received information, now, that we did not have prior to our meeting on January 8. It has helped clarify my thinking. Doubtless, it has been helpful to us all. Perhaps each of us is preparing suggested revisions in Policy 9.

I hope it does not seem presumptuous for me to put my effort in writing and mail it to each of you in advance of our next meeting. It's just another proposal for us all to take "pot-shots" at. We have already been taking "pot-shots" at one by Mayor Brown (Policy 9 as it now stands), one by commissioner Kamen, and one by MAPC staff.

RECEIVED

JAN 15 1986

METROPOLITAN PLANNING

ROUTE _____

Fellow Members Ad Hoc Policy Review Committee - Page two.

At any time substantive changes are adopted, we have the opportunity to provide "housekeeping" changes, - modernizing, clarifying, simplifying, removing excess verbage. I think Commissioner Kamen has provided thoughtful suggestions along these lines and these should be incorporated into our recommendation, subject, as he has suggested, to the technical guidance of our professional staff. The recognition of CPO councils and their current place in the advisory process is timely, of course.

The controversial issue before us seems to be, simply, the fear of additional public hearings required of applicants for zoning changes and for exceptions. Most of our deliberations centered around the proposed policy of requiring amended petitions, - those with significant amendments - to be re-routed through the appropriate CPO Council, particularly, what shall be considered "significant changes" and who shall determine that significance.

My proposal is simple: report, automatically, every zoning disposition that follows CPO consideration. A CPO Council agenda entry entitled "Zoning Status" or "Zoning Disposition" will list concisely date and action taken. This provides the courtesy of "feed-back" to those citizens who have given their time to consideration of the original petition, and provides an opportunity for an applicant to return and enhance his community relations without feeling impelled to prepare for another formal re-hearing. This automatic treatment avoids the risk of a challenge against any decision to refer back or not to refer back.

Any member of a CPO Council can then, as now, call up any item desired for discussion.

In these times of strong efforts to reduce cost and restrictions of government, and cost in time and money of those dealing with government, we would be ill-advised to suggest a program that would increase either. I have checked with the staff of CPO and of MAPC, and each declares that this procedure would not overtax the department involved.

To summarize: Each CPO Agenda to include a section listing subsequent disposition of each zoning item previously considered by that Council.

Respectfully submitted

Don Enoch

Donald K. Enoch

DKE:me

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4591

December 27, 1985

Dear Mr. :

You have been appointed by City Commissioner to serve on a ten-member Ad Hoc Policy Review Committee. The purpose of the Committee will be to review the City Commission's policy for considering zone change requests. Their current policy was adopted in 1975 and is referred to as Policy 9 (copy enclosed).

In November, Commissioner Kamen suggested some changes in this policy (copy of his proposal enclosed). These changes were discussed at the December 3rd City Commission meeting and it was decided that a committee should be appointed to review the policy. At the December 17th City Commission meeting, each commissioner appointed two members. The committee is composed of the following people:

Don Ablah
Bob Bulman
Steve Critchfield
Alex Dean
David Dewey

Don Enoch
Ken Kitchen
Joel Pollack
Gary Sherrer
James C. Wilson

Jack Galbraith, Chief Planner in the Current Plans Division of the Planning Department, will be the staff person working with you and providing assistance for the policy review.

The City Commission requested a report from the committee within ninety days. A meeting to discuss the current policy and possible improvements to that policy has been scheduled for 3:30 P.M. on Wednesday, January 8, 1986, in the Planning Department Conference Room on the tenth floor of City Hall. The meeting will adjourn by 5:00 P.M. If you will be unable to attend, please call Jack Galbraith at 268-4421, or you may call me at 268-4266.

We look forward to seeing you on January 8th.

Sincerely,

Michael E. Lindebak, P.E.
City Engineer/
Acting Director of Planning

MEL:ogr
Enclosures

Mr. Don Ablah
251 North Crestway
Wichita, Kansas 67208

Mr. Bob Bulman
1326 Wilbur Lane
Wichita, Kansas 67212

Mr. Steve Critchfield
14324 Wakanda Court
Wichita, Kansas 67230

Mr. Alex Dean
7620 Pagent Lane
Wichita, Kansas 67206

Mr. David Dewey
1065 North Waco
Wichita, Kansas 67203

Mr. Don Enoch
5902 Polo
Wichita, Kansas 67208

Mr. Ken Kitchen
5705 East 17th Street
Wichita, Kansas 67208

Mr. Joel Pollack
7014 East 14th Street
Wichita, Kansas 67206

Mr. Gary Sherrer
1038 Lawrence Court
Wichita, Kansas 67206

Mr. James C. Wilson
1027 West River Boulevard
Wichita, Kansas 67203

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: January 16, 1986

TO: Ad Hoc Policy Review Committee Members

FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: Committee Review of Policy 9

During the discussion of the above subject at our meeting of January 8, 1986, you asked for the following enclosed information:

°Board of City Commission minutes of December 3, 1985, discussion of Policy 9 which lists those people who spoke at that meeting.

°Zoning Summary Chart for zone cases considered since February 1984.

In addition, you asked that I furnish you some additional wording to consider prior to our next meeting. I believe that out of our total case load, the need for a CPO to reconsider a case, due to some change, will occur so infrequently that such will not be a burden on either staff time, or an inconvenience to a developer. As long as we can accomplish the reconsideration in the time between MAPC and the Board of City Commissioners (26 days) there should be no additional time in processing a case.

Commissioner Kamen, in his proposal suggests that "significant changes" will mean (a) more restrictive zoning; (b) reduction/enlargement of application area; (c) altered or new proposed usage; (d) increased density, traffic and resource usage; or (e) any other features that may affect adjacent properties.

At your last meeting several of you expressed a feeling that these reasons were too inclusive. An enlargement of an application area cannot occur without readvertising the case for a public hearing. The Planning Commission usually does not dwell on the intended use or density, recognizing that the maximum density permitted in a district and any one, or several, of all the permitted uses are permitted on the property once the zoning is changed. Therefore, their discussion is not centered on the stated proposed use.

I would propose the following wording for your consideration:

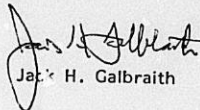
Should a more restrictive classification or a reduced area be proposed by either an applicant or the Planning Commission, efforts will be made to present this new information to the CPO Councils so that they may reconsider their original recommendation within the 26 days prior to the case being scheduled before the Board of City Commissioners. If this time period is exceeded, it will be assumed that the CPO Council comments on the original application prevail.

Ad Hoc Policy Review Committee

2

January 16, 1986

Our next meeting is scheduled for 3:30 p.m. on Wednesday, January 22, 1986 in the Planning Department Conference Room on the Tenth Floor of City Hall. We will again adjourn at 5:00 p.m. If you will be unable to attend, please call me at 268-4421.


Jack H. Galbraith

JHG/lw

Enclosures

cc: Michael E. Lindebak, Acting Director of Planning
Stan Scott, CP Coordinator

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: January 16, 1986

TO: Ad Hoc Policy Review Committee Members

FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: Committee Review of Policy 9

During the discussion of the above subject at our meeting of January 8, 1986, you asked for the following enclosed information:

°Board of City Commission minutes of December 3, 1985, discussion of Policy 9 which lists those people who spoke at that meeting.

°Zoning Summary Chart for zone cases considered since February 1984.

In addition, you asked that I furnish you some additional wording to consider prior to our next meeting. I believe that out of our total case load, the need for a CPO to reconsider a case, due to some change, will occur so infrequently that such will not be a burden on either staff time, or an inconvenience to a developer. As long as we can accomplish the reconsideration in the time between MAPC and the Board of City Commissioners (26 days) there should be no additional time in processing a case.

Commissioner Kamen, in his proposal suggests that "significant changes" will mean (a) more restrictive zoning; (b) reduction/enlargement of application area; (c) altered or new proposed usage; (d) increased density, traffic and resource usage; or (e) any other features that may affect adjacent properties.

At your last meeting several of you expressed a feeling that these reasons were too inclusive. An enlargement of an application area cannot occur without readvertising the case for a public hearing. The Planning Commission usually does not dwell on the intended use or density, recognizing that the maximum density permitted in a district and any one, or several, of all the permitted uses are permitted on the property once the zoning is changed. Therefore, their discussion is not centered on the stated proposed use.

I would propose the following wording for your consideration:

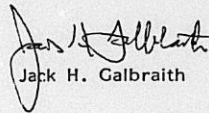
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Ad Hoc Policy Review Committee

2

January 16, 1986

Our next meeting is scheduled for 3:30 p.m. on Wednesday, January 22, 1986 in the Planning Department Conference Room on the Tenth Floor of City Hall. We will again adjourn at 5:00 p.m. If you will be unable to attend, please call me at 268-4421.



Jack H. Galbraith

JHG/lw

Enclosures

cc: Michael E. Lindebak, Acting Director of Planning
Stan Scott, CP Coordinator

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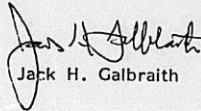
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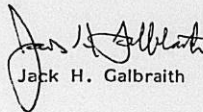
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OFFICE OF CITY COMMISSION

DATE November 13, 1985

TO Chris Cherches, City Manager
Robert C. Brown, Mayor

FROM Sheldon Kamen, City Commissioner

SUBJECT Policy 9

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Sheldon Kamen
City Commissioner

SK:al

cc: Board of City Commissioners
Robert G. Finch, Deputy City Manager
Mike Lindebak, Interim Planning Director

DATE: November 7, 1985

Policy 9

SUBJECT: Zone Change Requests, Consideration of

Rescinds: AP 9
January 28, 1975

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- e) The City Commission may concur in the recommendation of the Planning Commission by taking such action as suggested on the agenda.

THE CITY OF WICHITA

OFFICE OF CITY COMMISSION

DATE November 13, 1985

TO Chris Cherches, City Manager
Robert C. Brown, Mayor

FROM Sheldon Kamen, City Commissioner

SUBJECT Policy 9

Please examine the attached revised policy. My proposed change in the policy is covered under 2b, however, in revising, I may have made some other unintended changes.

If you have no problems with my revisions, please place it on the December 3rd agenda for discussion and action.

Sheldon
Sheldon Kamen
City Commissioner

SK:al

cc: Board of City Commissioners
Robert G. Finch, Deputy City Manager
Mike Lindebak, Interim Planning Director

DATE: November 7, 1985

Policy 9

SUBJECT: Zone Change Requests, Consideration of

Rescinds: AP 9
January 28, 1975

Applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission; CPO Councils' comments, where applicable; and staff recommendations. These shall be forwarded to the City Commission. If desired, the City Commission may inquire of staff, and/or proponents or opponents, for clarification. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the close of the City Manager's Agenda. The Board of City Commissioners may refer any case to the Planning Commission for rehearing.

Policy Implementation Procedures:

(1) Metropolitan Area Planning Commission (MAPC)

Prior to the public hearing of requests for zoning changes by the MAPC, the Chairman will announce the procedure for considering such requests and advise all interested persons that if after consideration of the case they do not feel they have had a complete hearing or if they should have additional new information to present, they must submit their statement in writing, to the City Clerk.

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a) Minutes and the recommendation of the Planning Commission and MAPD staff, with comments from the CPO Council, will accompany the zoning referral sheet to the Board of City Commissioners. The case will be scheduled 26 days from the Planning Commission meeting unless otherwise directed by the Planning Commission.

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SUBJECT: Zone Change Requests, Consideration of

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City Commission Policy

Policy 9
January 28, 1975

Subject: Consideration of Zone Change Requests

The following policy will prevail in regard to consideration of zoning change requests:

"All applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including staff recommendations, which shall be forwarded to the City Commission. The Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the closing of the City Manager's Agenda. In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing."

To implement the policy, the following procedures shall prevail:

Actions Prior to City Commission Consideration

- (1) Prior to the public hearing of requests for zoning changes by the Metropolitan Area Planning Commission, the Chairman will announce the procedure for considering such requests and advise the applicants and their agents, as well as other interested persons, either proponents or opponents, that if after consideration of the case they do not feel they have had a complete hearing or if they should have additional information to present, they are to submit their statement, in writing, to the City Clerk.
- (2) Minutes and the recommendation of the Planning Commission on each case will accompany the zoning referral sheet to the Board of City Commissioners and the case will be scheduled 19 days from the Planning Commission meeting unless otherwise directed by the Planning Commission.
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- (4) If new evidence or facts are submitted in "statements in writing," the City Clerk will cause copies to be delivered to the City Commissioners and the Planning Department.

If asked, the Planning Department shall provide the Commission comments on whether the subject matter was discussed at the public hearing.

City Commission Procedure

- (1) The City Commission will base its decision on zoning cases upon the information contained in the minutes and recommendation of the Metropolitan Area Planning Commission which will be printed on the City Manager's Agenda.
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- (1) Prior to the public hearing of requests for zoning changes by the Metropolitan Area Planning Commission, the Chairman will announce the procedure for considering such requests and advise the applicants and their agents, as well as other interested persons, either proponents or opponents, that if after consideration of the case they do not feel they have had a complete hearing or if they should have additional information to present, they are to submit their statement, in writing, to the City Clerk.
- (2) Minutes and the recommendation of the Planning Commission on each case will accompany the zoning referral sheet to the Board of City Commissioners and the case will be scheduled 19 days from the Planning Commission meeting unless otherwise directed by the Planning Commission.
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Any such statements of new evidence shall specify in detail the description of new evidence, its nature and source and the reason of its unavailability at the MAPC public hearing. Examples may be newly published material; i.e., theory, traffic counts not previously available, expert witnesses. Statements repetitive of arguments before the MAPC shall not be considered valid reasons for referral. Statements as to the completeness of the public hearing shall identify the issues of procedure involved. Procedural deficiencies, such as failure to allow applicants rebuttal time, are examples of an incomplete hearing. A decision unfavorable to the applicant is not an incomplete hearing.

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- (1) The City Commission will base its decision on zoning cases upon the information contained in the minutes and recommendation of the Metropolitan Area Planning Commission which will be printed on the City Manager's Agenda.
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- (3) The Planning staff and the proponents and opponents may be called upon by the City Commission to clarify items contained in the minutes when such items appear to be ambiguous or contradictory to adopted policy. In such event, the Planning staff shall be called upon first to explain or interpret the matter in question. Other interested parties shall be called upon for further comment only if there is disagreement with the staff interpretation.
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City Commission Policy

Policy 9
January 28, 1975

Subject: Consideration of Zone Change Requests

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WICHITA-SEDGWICK COUNTY

Date: November 5, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Chris Cherches, City Manager

FROM: Michael E. Lindebak, Director of Planning (Interim)

SUBJECT: Policy on CPO's Considering Zone Change Requests

At your direction, we have reviewed City Commission Policy 9 which refers to consideration of zone change requests. That policy sets out procedures for considering zone change requests and was adopted on January 28, 1975. It has not been amended and does not mention CPO Councils' roll in considering zone cases. For the most part this policy is still correct, however, the attached delineated copy of Policy 9 reflects the changes that should be considered.

We believe that these minor changes reflect the intent of the City Commission to provide for full consideration of cases by both the Planning Commission and CPO Councils and not significantly extend the length of processing time. Please advise if we can furnish additional information.

Michael E. Lindebak
Director of Planning (Interim)

MEL:JHG:rme

CITY COMMISSION POLICY

Policy 9
November 6, 1985

Subject: Consideration of Zone Change Requests

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City Commission Procedure

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- (5) If the City Commission concurs in the recommendation of the Planning Commission, it should take such action as suggested on the agenda.

WICHITA-SEDGWICK COUNTY

Date: November 5, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Chris Cherches, City Manager
FROM: Michael E. Lindebak, Director of Planning (Interim)
SUBJECT: Policy on CPO's Considering Zone Change Requests

At your direction, we have reviewed City Commission Policy 9 which refers to consideration of zone change requests. That policy sets out procedures for considering zone change requests and was adopted on January 28, 1975. It has not been amended and does not mention CPO Councils' roll in considering zone cases. For the most part this policy is still correct, however, the attached delineated copy of Policy 9 reflects the changes that should be considered.

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Michael E. Lindebak
Director of Planning (Interim)

MEL:JHG:rme

CITY COMMISSION POLICY

Policy 9
November 6, 1985

Subject: Consideration of Zone Change Requests

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All applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including CPO Councils' recommendations and Planning Department staff recommendations, which shall be forwarded to the City Commission. The City Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the close of the City Manager's Agenda. In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing.

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MEL:JHC:rme

CITY COMMISSION POLICY

Policy 9
November 6, 1985

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MEL:JHG:rme

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November 6, 1985

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Enoch Investments
5902 Polo Drive
Wichita, Kansas 67208

316/681-3370

January 13, 1986

Donald K. Enoch

FELLOW MEMBERS AD HOC POLICY REVIEW COMMITTEE

Re: Consideration of Zone Change Requests
Policy 9.

Philosophically, I oppose attempting to add another layer of governmental control over our citizens.

Philosophically, I support the effort toward greater flow of communication between our citizens and their decision makers.

The Citizens Participation Organization was conceived and established for the worthy purpose of enhancing that 2-way flow of information.

The City Commission and the Metropolitan Area Planning Commission presently have sufficient power to create and enforce ordinances. The CPO has no enforcement powers.

It is generally recognized, - and has been specifically proven by our own records of recent CPO-MAPC-CC actions -, that reasonable persons, given the same set of facts, tend to arrive at the same conclusions.

If the above facts can be accepted as a basis for our deliberation, our Ad Hoc Review Committee should be able to arrive, quite quickly, at a consensus that will result in a clear, unequivocal recommendation to the body which appointed us.

I was impressed with the stature of the members of our Committee and the ideas expressed. Certainly I feel honored to be a part of it.

We have each received information, now, that we did not have prior to our meeting on January 8. It has helped clarify my thinking. Doubtless, it has been helpful to us all. Perhaps each of us is preparing suggested revisions in Policy 9.

I hope it does not seem presumptuous for me to put my effort in writing and mail it to each of you in advance of our next meeting. It's just another proposal for us all to take "pot-shots" at. We have already been taking "pot-shots" at one by Mayor Brown (Policy 9 as it now stands), one by commissioner Kamen, and one by MAPC staff.

RECEIVED

JAN 15 1986

METROPOLITAN PLANNING

ROUTE

Fellow Members Ad Hoc Policy Review Committee - Page two.

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The controversial issue before us seems to be, simply, the fear of additional public hearings required of applicants for zoning changes and for exceptions. Most of our deliberations centered around the proposed policy of requiring amended petitions, - those with significant amendments - to be re-routed through the appropriate CPO Council, particularly, what shall be considered "significant changes" and who shall determine that significance.

My proposal is simple: report, automatically, every zoning disposition that follows CPO consideration. A CPO Council agenda entry entitled "Zoning Status" or "Zoning Disposition" will list concisely date and action taken. This provides the courtesy of "feed-back" to those citizens who have given their time to consideration of the original petition, and provides an opportunity for an applicant to return and enhance his community relations without feeling impelled to prepare for another formal re-hearing. This automatic treatment avoids the risk of a challenge against any decision to refer back or not to refer back.

Any member of a CPO Council can then, as now, call up any item desired for discussion.

In these times of strong efforts to reduce cost and restrictions of government, and cost in time and money of those dealing with government, we would be ill-advised to suggest a program that would increase either. I have checked with the staff of CPO and of MAPC, and each declares that this procedure would not overtax the department involved.

To summarize: Each CPO Agenda to include a section listing subsequent disposition of each zoning item previously considered by that Council.

Respectfully submitted

Don Enoch

Donald K. Enoch

DKE:me

*Enoch Investments
5902 Polo Drive
Wichita, Kansas 67208*

3161681-3370
January 13, 1986

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To summarize: Each CPO Agenda to include a section listing subsequent disposition of each zoning item previously considered by that Council.

Respectfully submitted

Don Enoch

Donald K. Enoch

DKE:me

*Enoch Investments
5902 Polo Drive
Wichita, Kansas 67208*

3161681-3370

January 13, 1986

Donald K. Enoch

FELLOW MEMBERS AD HOC POLICY REVIEW COMMITTEE

Re: Consideration of Zone Change Requests
Policy 9

Philosophically, I oppose attempting to add another layer of governmental control over our citizens.

Philosophically, I support the effort toward greater flow of communication between our citizens and their decision makers.

The Citizens Participation Organization was conceived and established for the worthy purpose of enhancing that 2-way flow of information.

The City Commission and the Metropolitan Area Planning Commission presently have sufficient power to create and enforce ordinances. The CPO has no enforcement powers.

It is generally recognized, - and has been specifically proven by our own records of recent CPO-MAPC-CC actions -, that reasonable persons, given the same set of facts, tend to arrive at the same conclusions.

If the above facts can be accepted as a basis for our deliberation, our Ad Hoc Review Committee should be able to arrive, quite quickly, at a consensus that will result in a clear, unequivocal recommendation to the body which appointed us.

I was impressed with the stature of the members of our Committee and the ideas expressed. Certainly I feel honored to be a part of it.

We have each received information, now, that we did not have prior to our meeting on January 8. It has helped clarify my thinking. Doubtless, it has been helpful to us all. Perhaps each of us is preparing suggested revisions in Policy 9.

I hope it does not seem presumptuous for me to put my effort in writing and mail it to each of you in advance of our next meeting. It's just another proposal for us all to take "pot-shots" at. We have already been taking "pot-shots" at one by Mayor Brown (Policy 9 as it now stands), one by commissioner Kamen, and one by MAPC staff.

RECEIVED

JAN 15 1986

METROPOLITAN PLANNING

ROUTE

Fellow Members Ad Hoc Policy Review Committee - Page two.

At any time substantive changes are adopted, we have the opportunity to provide "housekeeping" changes, - modernizing, clarifying, simplifying, removing excess verbage. I think Commissioner Kamen has provided thoughtful suggestions along these lines and these should be incorporated into our recommendation, subject, as he has suggested, to the technical guidance of our professional staff. The recognition of CPO councils and their current place in the advisory process is timely, of course.

The controversial issue before us seems to be, simply, the fear of additional public hearings required of applicants for zoning changes and for exceptions. Most of our deliberations centered around the proposed policy of requiring amended petitions, - those with significant amendments - to be re-routed through the appropriate CPO Council, particularly, what shall be considered "significant changes" and who shall determine that significance.

My proposal is simple: report, automatically, every zoning disposition that follows CPO consideration. A CPO Council agenda entry entitled "Zoning Status" or "Zoning Disposition" will list concisely date and action taken. This provides the courtesy of "feed-back" to those citizens who have given their time to consideration of the original petition, and provides an opportunity for an applicant to return and enhance his community relations without feeling impelled to prepare for another formal re-hearing: This automatic treatment avoids the risk of a challenge against any decision to refer back or not to refer back.

Any member of a CPO Council can then, as now, call up any item desired for discussion.

In these times of strong efforts to reduce cost and restrictions of government, and cost in time and money of those dealing with government, we would be ill-advised to suggest a program that would increase either. I have checked with the staff of CPO and of MAPC, and each declares that this procedure would not overtax the department involved.

To summarize: Each CPO Agenda to include a section listing subsequent disposition of each zoning item previously considered by that Council.

Respectfully submitted

Don Enoch

Donald K. Enoch

DKE:me

ZONING SUMMARY CHART

CASE #	REQUEST	LOCATION	STAFF REC.	CPO REC.	MAPC REC.	PROTEST %	BCC ACTION	COMMENTS
2570	A To E	NW 4th / WOODAWN	APP.	C 8-0 APP.	9-0 APP.	—	APP.	
2571	A To RB	ATWOOD / PENNELL	DENY	N 9-0 DENY	9-0 DENY	15%	DENY	
2572	AA To LC	SW 21st / FORTIOR	DENY	M 8-0 DENY	9-0 APP.	48%	APP.	
2573	AA To RB	NE 9th / HOOVER	APP.	N 4-1 APP.	8-0 APP.	—	APP.	
2574	LC To C	I-235 / BROADWAY	APP.	G 8-0 APP.	8-0 APP.	—	APP.	
2575	A To R-5	RIDGE / SIMPSE	APP.	A 8-0 APP.	8-0 APP.	—	APP.	
2576	B To LC	CONFESSION / ELIENS	APP.	G 8-0 APP.	8-0 APP.	—	APP.	
2577	AA To R-5	37th / WOODAWN	APP.	I 6-0 APP.	8-0 APP.	—	APP.	CPO REC. SUBJECT TO FERRING TO SOUTH
2578	AA To BB	NE 13th / BELDEN	DENY	N 5-1 DENY	7-1 DENY	94%	DENY	PLAT NOT FILED, CASE CLOSED
2579	B To C	SE FRISBY / HANSHIRE	APP.	L 5-1 APP.	9-0 APP.	—	APP.	STATE REC. 'MEDIUM' DENSITY USES.
2580	RB To BB	MILLERS / MORTONS	APP.	F *	8-0 APP.	—	APP.	* CPO "F" DEFER DUE TO NONCOMPLIANCE WITH 195M N.3760
2581	AA To LC	41st / EAST BROADWAY	APP.	C 7-0 APP.	9-0 APP.	—	APP.	
2582	A To BB	21 FORTSBLAR	APP.	M 4-1 APP.	7-1 APP.	—	APP.	
2583	AA To BB	32nd / SENECA	APP.	C 7-0 APP.	9-0 APP.	—	APP.	
2584	AA To A	SOUTH MEMORY	APP.	N 5-0 APP.	9-0 APP.	—	APP.	
2585	AA To LC	REAR 1st / CENTRAL	APP.	H 6-0 APP.	9-0 APP.	—	APP.	
2586	AA To R-5	8th / ARAPAHO	APP.	N 3-2 APP.	9-0 APP.	—	APP.	
2587	LC To C	MCCORMICK / BONDY	APP.	B 7-0 APP.	9-0 APP.	—	APP.	
2588	A To RB	FUNSTON CT.	APP.	H 4-2 APP.	9-0 APP.	—	APP.	
2589	R-5 To C	NW WOODLAWN	DENY	M 5-0 DENY	9-0 DENY	~4%	DENY	

ZONING SUMMARY CHART

CASE #	REQUEST	LOCATION	STAFF REC.	CPO REC.	MAPC REC.	PROTEST %	BCC ACTION	COMMENTS
2590	AA to A	WASHINGTON CT	--	"C" To Allow Removal of Driveway (8-0)	DIFER	--	--	Case closed at applicant's request
2591	E to G	37th / Big Ditch	APP	5-3 APP	8-0 APP	--	APP	
2592	AA to BB	Rego / 12th	APP	5-2 APP	8-0 APP	--	APP	
2593	AA to LC	THEQUEST / 12th	APP	8-0 APP	8-0 APP	--	APP	
2594	B to BB	Arden / 10th Drive	APP	"M" 5-0 APP	8-0 APP	--	APP	
2595	A to C	16 Genes (back)	DENY	"O" 6-3 DENY "C"	1-1 DENY C APPROVE LC	17%	APP "LC"	CPO APPROVES "LC"
2596	LC to B	11 / MAIN	APP	"L" 7-0 APP	8-0 APP	--	APP	
2597	AA to P-5 LC	1235 / THROUGH	APP	"C" 6-1 DENY	6-2 APP	29.4%	APP as Amended "A, R-5, LC"	APPROVED AT BCC
2598	AA to B-5	SWAN / STARBUCK	APP	"E" 8-0 DENY, APP "A"	8-0 APP	37%	APP 5-0	
2599	RB to BB	HARRY / HESON	APP	"F" 7-0 APP	7-0 APP	--	APP	
2600	AA to A	11 / ANNA	APP	"N" 4-1 APP	7-0 APP	--	APP	
2601	RB to BB	HILLSIDE / 2ND	APP SOUTH 1/2	"G" 4-1 APP	8-0 APP	--	APP	
2602	AA to A	12th / GLENDALE	APP	"I" 4-3 DENY	5-1 APP	--	APP	
2603	AA to A	THUR / 11th	APP	"A" 3-3 DENY 5-1 APP - CONDITIONS	5-3 DENY	--	--	WITHDRAWN
2604	AA to BB	E / SHELVA / N / JEWELL	APP	"B" 5-0 APP	6-0 APP	--	APP	
2605	AA to LC	CENTRAL / PALMER	APP	"N" 5-0 APP	8-0 APP	--	APP	
2606	AA to RB	10 / EDWARDS	APP	"N" 3-2 DENY	8-0 APP	49%	APP	
2607	AA to A	12th / SMITH	APP	"N" 5-0 APP	8-0 APP	--	APP	
2608	AA to B-5	DOPLER / I-135	DENY	"D" 6-0 DENY	8-0 DENY	--	--	WITHDRAWN

ZONING SUMMARY CHART

CASE #	REQUEST	LOCATION	STAFF REC.	CPO REC.	MAPC REC.	PROTEST %	BCC ACTION	COMMENTS
2609	AA to OC	GERMAN/EXETER	APP	G, 2-3 APP. NO FURTHER ACTION	6-2 APP	-	RETURN TO MAPC	
2610	AA to A	SPRING/SUMNER	APP	F	8-0 APP. AND SUMNER POLICY	-	DENY - ZONING AND POLICY	
2611	B to C	3RD/INDEPENDENCE	APP	K 6-1 DENY	8-0 APP	-	APP	
2612	AA to LC	WHITFIELD/SHAWNEE	APP	H 6-1 APP	8-0 APP	-	APP	
2613	AA, BB to OC	21ST/LITTLE ROCK	APP	J 5-3 APP	8-0 APP	-	APP	
2614	BB to LC	MURKIN/MANUEL	APP	B 6-0 APP	9-0 APP	-	APP	
2615	BL to LC	EXETER/INDEPENDENCE	APP	B 6-0 APP	8-0 APP	-	APP	
2616	B to OC	3RD/HANDS	APP	S 7-1 APP	9-0 APP	-	APP	
2617	AA to LC	MAPC/WATKINS	APP	A 8-0 APP	9-0 APP	-	APP	
2618	AA to A	TRANSFIELD DRIVE	APP	H 3-2 APP	7-0 APP	2.5%	APP	
2619	AA to LC	WEST/6th ZND	APP	N NO QUORUM	7-0 APP	-	APP	FAILURE TO PLAY - CASE CLOSED
2620	LC to C	2nd/21st/WATKINS	APP	D 7-1 APP	7-0 APP	-	RETURN TO MAPC	
2621	AA, B to LC	WEST/6th 9th	APP	N NO QUORUM	9-0 APP	-	APP	
2622	C to E	NOR OXEN/INDEPENDENCE	APP	F 7-0 DENY	7-0 APP	-	APP	FAILURE TO PLAY - CASE CLOSED
2623	AA to LC	21st/PAYNE	DENY	J 8-0 APP	8-0 APP	-	APP	
2624	AA to R-5	48th/WATKINS	APP	C 7-0 APP	8-0 APP	-	APP	

ZONING SUMMARY CHART

CASE #	REQUEST	LOCATION	STAFF REC.	CPO REC.	MAPC REC.	PROTEST %	BCC ACTION	COMMENTS
26225	AA R-6	ELKTON LEMAS	APP	"H" 3-1 APP	7-0 APP	32.9%	APP	
26226	EC R-E	REUNION/WINDHOLM	APP	"H" 3-2 APP	9-0 APP	—	APP	
26227	AA R-OC	13TH/ST CLAIR	DENY	5-1 DENY	8-0 DENY	61.4%	DENY	
26228	AA R-C	2 1/2 MILE SW/OF B-NE 1/4" S W/TH OF 13TH	APP	"A" 6-0 APP	7-0 APP	—	APP	
26229	LG R-E	SILVERDALE K-42	APP	"B" 6-0 APP	9-0 APP	—	APP	
26230	AA R-C	MAPLE/BELDEN	DENY "C"	"B" 6-0 APP	DEFER	—	—	CASE WITHDRAWN; BZA CASE FOR EXPANSION
26231	BB R-2 LC	WILSON/PINECREST	APP	"G" 7-1 APP	10-0 APP	—	APP	
26232	B, LG R-C	MURKIN TORRE	APP	"L" 5-0 APP	9-0 APP	—	APP	
26233	AA R-LC	SPRINGWELL/N OF 13TH	APP	"H" 6-0 APP	10-0 APP	—	APP	
26234	AA R-E	THUR/2ND	DENY	"A" 5-0 APP	10-0 APP	—	APP	
26235	AA R-6	HARVEY/E-235	DENY	"B" 5-1 APP	10-0 APP	—	APP	
26236	LG R-C	17TH/GARDNER	APP	"K" 6-1 APP	10-0 APP	—	APP	
26237	AA R-C	BROOKWAY/S. 4TH	APP	"C" 6-0 APP	9-0 APP	—	APP	
26238	A R-LC	ORRNE/COLUMBIN	APP	"H" 6-0 APP	8-0 APP	—	APP	
26239	B, LG R-2 LC	4TH/10TH/PINECREST	APP	"G" 4-1 APP	7-0 APP	—	APP	
26240	AA R-R-6	BEECH/OSIE	APP	"H" 6-0 APP	8-0 APP	—	APP	
26241	LG R-C	OS-54/WESTFIELD	APP	"A" 3-2 APP	8-0 APP	—	APP	
26242	B R-BB	13/SPRING	APP	"K" 5-0 APP	8-0 APP	—	APP	
26243	B R-OC	CENTRAL SPRINGFIELD	DENY	"G" 6-0 DENY	4-3 APP	63.9	—	CASE WITHDRAWN
26244	R-B R-B	EMERALD/N 13TH	APP	"L" 7-0 APP	8-0 APP	—	APP	

ZONING SUMMARY CHART

CASE #	REQUEST	LOCATION	STAFF REC.	CPO REC.	MAPC REC.	PROTEST %	BCC ACTION	COMMENTS
2645	AA 1 ²⁻⁰ LC/DX	55 ²⁻⁰ / BONICA	APP	8-0 DENY *	8-0 APP	-	APP	* NEEDS FURTHER INFORMATION FROM APPLICANT
2646	BB 1 ²⁻⁰ LC	CENTRAL / WISCONSIN	DENY	6-0 APP	8-0 APP	-	APP	
2647	B 1 ²⁻⁰ LC	300 / NEW YORK	APP	5-0 APP	7-0 APP	-	APP	
2648	AA 1 ²⁻⁰ G	4745 / TURNPIKE	APP	"D" 5-0 APP	7-0 APP	32% ¹⁰	APP	
2649	AA 1 ²⁻⁰ BB	TURK / DOUGLAS	DENY	"A" 5-1 APP	4-3 DENY	-	DENY 3-2	
2650	AA 1 ²⁻⁰ BB	MAPLE / HOLLAND	DENY	"A" 4-2 APP	7-0 DENY	-	RETURN TO MAPC	CASE WITHDRAWN BEFORE MAPC RESUBMITTING
2651	A 1 ²⁻⁰ LC	1411 / 1414 / RESPONSE	DENY (EPS OK)	"G" 3-4 APP NO ADDITIONAL EVIDENCE	6-2 APP APP "OC" AS 8-1 DENY	81.2% ¹⁰	RETURN TO MAPC	
2652	BB 1 ²⁻⁰ R-6	ZIMMERMAN / FALLS CHURCH	DENY	"E" 8-0 POSITIVE DECISION	8-0 APP	-	APP	* POSITIVE DECISION UNTIL FURTHER INFO. RECEIVED
2653	AA 1 ²⁻⁰ BB	1341 / 200 BLVD	DENY	"N" 7-0 APP	8-0 APP	-	APP	
2654	B 1 ²⁻⁰ LC	1374 / MINNESOTA	REC. "OC"	"K" 7-0 DENY	7-1 DENY LC APP "OC"	36% ¹⁰	RETURN TO MAPC	
2655	AA 1 ²⁻⁰ LC	475 / I-235	APP	"C" 6-0 APP	10-0 APP	-	APP	
2656	B 1 ²⁻⁰ BB	CENTRAL / WISCONSIN	APP	"J" 7-0 APP	10-0 APP	-	APP	
2657	AA 1 ²⁻⁰ LC	CENTRAL / WISCONSIN	APP	"N" 5-0 APP	10-0 APP	-	APP	
2658	B 1 ²⁻⁰ LC	TENTH / CLAREMONT	DENY	"L" 6-0 DENY	10-0 APP	-	APP	
2659	B 1 ²⁻⁰ BB	11th / EMPEROR	DENY	"L" 4-0 APP	9-1 APP	45% ¹⁰	APP	
2661	C 1 ²⁻⁰ E	DUNCAN / HUNTING	APP	"B" 6-0 APP	10-0 APP	-	APP	
2661	A 1 ²⁻⁰ AA	COMMUNIST CHURCH	APP	"A" 5-0 APP	10-0 APP	-	APP	

ZONING SUMMARY CHART

CASE #	REQUEST	LOCATION	STAFF REC.	CPO REC.	MAPC REC.	PROTEST #	BCC ACTION	COMMENTS
2662	A To LC	LORENE/ HIRSHBERG	DENY	"K" 7-0 DENY	7-2 DENY "LC" APP "OC"	-	RETURN TO MAPC APP "OC"	
2663	C To E	BROADWAY / N. 4th STREET	APP	"C" 8-0 APP	8-0 APP	-	APP	
2664	R-5 To LC	PAVANE LANE/ LANE	DENY	"A" 5-1 APP	7-1 DENY INAPPLICABLE	-	-	MAPC DEFER, UNTIL PLANS OR APPLICANTS PROPERTY TO THE MOST UTILIZED AND CONSERVATION OF ZONING REQ.
2665	AA To A	5th / SONZA	APP	"C" 6-0 APP	8-0 APP	-	APP	
2666	R-5 To LC	TOMMY HAWK / SQUAW LAKE	DENY	"A" 6-0 APP	8-0 APP	-	APP	
2667	A To LC	ORNEY / GROBENBERG	APP	"G" 6-1 APP *	6-2 APP	-	APP	* WITH CONDITIONS
2668	AA To B	PAICE / HARRY	DENY	"I" 7-0 DENY	6-1 DENY	-	-	CASE WITHDRAWN
2669	AA To C	CANTON / ANITA	DENY	"N" 5-0 DENY	6-1 DENY "C" APP "LC"	-	APP "LC"	
2670	446 To C	5th / KENYON / W. 4th STREET/ BETH	APP	"G" 6-1 APP	7-0 APP	-	APP	
2671	RB To LC	FICKEL / W. 4th STREET/ ANITA	DENY	"O" 8-0 DENY	5-2 DENY	50.370	RETURN TO MAPC	
2672	B To C	MAPLE / SOL WILSON	APP	"L" 6-1 APP	7-3 DENY	-	DENY	
2673	AA To B/BLG	ROCK ROAD / 13-17TH	APP	"V" 8-0 APP	7-3 APP	-	APP	
2674	AA To C	PARADISE / SAGE CREEK LANE	APP	"C" 6-0 APP	6-0 APP ~	-	APP	
2675	A To C	EGG / 15 / S. 4th / J. VONHORN	DENY	"E" 7-0 DENY	10-0 APP	40.4	DENY	
2676	A To B/B	CARLOS / S. 4th	DENY	"L" 3-2 APP	10-0 DENY	55.7	DENY	
2677	LC To C	11th / 4th / E. 1st / S. 1st	DENY	"O" 10-1 APP	7-3 DENY	-	DENY	
2678	AA To LC	21st / S. 1st / CLAIR	APP	"C" 6-0 APP	10-0 APP	-	APP	

ZONING SUMMARY CHART

CASE #	REQUEST	LOCATION	STAFF REC.	CPO REC.	MAPC REC.	PROTEST %	BCC ACTION	COMMENTS
2679	A ¹ & B ¹	ROBIN (MAGUIRE) MC LANE/ ELIZABETH	APP	"B" 7-0 APP	10-0 APP	—	APP	
2680	A ¹ & B ¹		APP	"O" 6-1 APP	10-0 APP	—	APP	
2681	B ¹ & LC	12 TH / HYDRAULIC	DENY	"K" 6-3 DENY	10-0 DENY	37.1%	DENY	
2682	LC & C	CANBY LANE/ MONTICELLO	APP	"C" 6-0 APP	10-0 APP	—	APP	
2683	C ¹ & E	MACARTHUR/ TREADWAY	APP	"C" 6-0 APP	10-0 APP	—	APP	
2684	AA ¹ & B ¹	ANNEX/ MARLE	DENY	"N" 5-0 DENY	4-2 DENY	69.1%	DENY	
2685	C ¹ & G	MACARTHUR/ E. HYDRAULIC	APP	"D" 6-0 APP	10-0 APP	—	APP	
2686	AA ¹ & B ¹	13 TH / WYOMING	APP	"J" 4-3 DENY	7-2 APP	—	RETURN TO MAPC	
2687	P ¹ & LC	SUNLEN/ CRAWFORD	APP	"B" 7-0 APP	9-0 APP	—	APP	
2688	B ¹ & LC	DELLESCI/ BOULDER	—	—	—	—	—	WITHDRAWN BY APPLICANT
2689	LC & C	WEST/ S. 3RD	DENY	"N" 4-0 APP	8-1 APP	—	RETURN TO MAPC	
2690	R ¹ & B ¹	PERRY/ MC KEE	DENY	"M" 8-1 APP	7-0 APP	15%	APP	
2691	B ¹ & LC	ELM/ ROXBORO RD	APP	"G" 5-0 APP	5-2 DENY	—	APP	
2692	A ¹ & LC	HILLSIDE/ GRAND	DENY	"F" 5-0 APP	8-0 APP	19%	APP	
2693	AA ¹ & B ¹	CENTRAL/ PROVIDENCE	DENY	"G" 6-0 APP	6-2 DENY APPRO TO "OC" 6-3 DENY	—	RETURN TO MAPC	
					7-2 APP MID CHANGE POLICY	—	DENY 3-2	

ZONING SUMMARY CHART

CASE #	REQUEST	LOCATION	STAFF REC.	CPO REC.	MAPC REC.	PROTEST %	BCC ACTION	COMMENTS
2694	E to E	11th / MAIN	APP	"L" 6-0 APP	8-0 APP	—	APP	
2695	AA to LC	32 nd / BEREA	APP	"C" 6-0 DENY*	7-1 APP	15%	APP	* UNLESS CEMENT FROM THE PROPERTY IS TO BE DEVELOPED
2696	A to B	MINNERCUS CT.	APP	"E" 7-0 APP	8-0 APP	—	APP	
2697	AB to LC	OLIVER / RICHMOND LANE	DENY	"G" 7-0 DENY	1-1 DENY	—	RETURN TO MAPC	
	APPROVED BY THE LC	"	APP	"I" 5-2 APP	5-2 APP	—	DEFER FOR CPO REHANDLING	
2698	A to LC	DELLEBAC / HIGHLAND LANE	DENY	"G" 7-0 DENY	7-1 DENY	—	—	CASE WITHDRAWN
2699	A to C	FIRST / KESSLER	DENY	"O" 6-0 DENY	8-0 APP	—	RETURN TO MAPC	
2700	AA to A	CLARA / ST LOUIS	APP	"N" 5-0 DENY	10-0 APP	—	APP	
2701	AA to LC	13th / ROCK	APP	"I" 6/21/05 7-1 DENY	8-0 APP 6/21/05 9-0 APP	69%	APP	
	APPROVED BY THE LC		APP	"F" 6-0 DENY	8-0 APP	18.4%	APP 3-2	
2702	LC to C	OLIVER / HILGREN, WASHINGTON	APP	"F" 6-0 APP	8-0 APP	—	APP	
2703	BB to LC	WEBBY / N. KENNESAW	APP	"H" 8-0 APP *	8-0 APP	—	APP	* CPO WANTS PARCEL 4 TO REMAIN "EB"
2704	AA to BB	W. WOODROW / CROSSLAND	APP	"M" 7-0 DENY	8-0 APP	—	RETURN TO MAPC	
2705	AB to BB	FIRST / E. HILLSIDE	APP	"M" 4-2 DENY	8-0 APP	—	APP	
				"G" 5-2 DENY	8-0 APP	—	RETURN TO MAPC	
2706	A to DC	VOLUNTA / S. CENTRAL	DENY	"K" 9-0 DENY	7-1 APP 7-1 DENY	31.3%	DENY	WITHDRAWN BY APPLICANT

ZONING SUMMARY CHART

CASE #	REQUEST	LOCATION	STAFF REC.	CPD REC.	MAPC REC.	PROTEST %	BCC ACTION	COMMENTS
2-2707	AA to LC	MAPLE/ WET TOWER	DENY/ SPECIALS OFFICE	A" 6-0 DENY	APP 9-0 "OC" 6-2 APP "GB" AND "LC"	—	APP "OC" APP "DBLC"	
2-2708	AA to LC	ORCH/ CASTLEH	APP	H" 5-1 DENY		—		
2709	AA to "U"AN	21st/ BLUFF	APP	I" 3-2 APP	9-0 APP	—	APP	ASSOC. PR. 85-16
2710	B to OC	MAH/ N. 2nd	DENY	L" 4-1 DENY	10-0 APP	—	APP	
2711	AA to A, B, C	13th/ ROCK	APP	E" 7-0 APP *	8-0 APP	9.5%	APP 3-2	SUBJECT TO ADDITIONAL C.U.P.
2712	A to LC	LEWISTON DR/ S. 4th	APP	G" 5-2 APP	8-0 APP	—	APP	
2713	AA to B	EDWARDS/ CARBONATE PARKWAY	APP	G" 7-0 APP	7-0 APP	—	APP	
2714	A to B	MAPLE/ MORNINGLINE	DENY	G" 6-1 APP	5-3 DENY	—	DENY	
2715	AA to LC	MAPLE/ SUNNYSIDE	DENY	B" 5-1 APP	6-0 DENY	64%	DENY	
2716	AA to A	CLARY/ S. 1st	APP	N" 5-0 APP	8-0 APP	—	APP	
2717	AA to R-5	27th/ E. 1st FELLOW	—	—	—	—	—	WITHDRAWN BY APPLICANT
2718	LC to RB	S. 4th/ E. 1st	APP	H" 6-0 APP	8-0 APP	32.7	RETURN TO DABE	WITHDRAWN BY APPLICANT
2719	AA to B, C	WAGNER AVE/ 17-18th	APP	M" 7-0 APP *	8-0 APP	—	APP	* RESTRICTIVE COVENANT
2720	R-5 to B	ELM/ LANDING	APP	N" 4-1 APP	8-0 APP	—	APP	ASSOC. DP 70
2721	AA to BB	ACACIAS/ H. 1st 30th	APP	J" 7-0 APP	7-0 APP	—	APP	
2722	BEB to BB	HILLSIDE/ S. 1st 30th	APP	K" 5-0 APP	7-0 APP	—	APP	
2723	A to B	YALE/ COUNTRY CLUB	APP	L" DEFER ACTION	DEFER UNTIL BEA CASH METHOD	—	—	
2724	A to AA	21st N/ PARKS OGE	APP	A" 6-0 APP	9-0 APP	—	APP	
2725	A to LC	R-15/ CASH OAKS	DENY	D" 4-2 DENY	8-1 APP	—	APP	
2726	B to C	WYOMING/ MURKIN	DENY	O" 4-3 APP	9-0 DENY	73.5%	DENY	

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- Chris Cherches
Mike Lindebak
- In response to comments made by the speakers, the City Manager stated that the Dell would not be assessed for a sewer main as they are served by an existing sewer and there would be no other charges unless it be for petitioned improvements. The City Engineer also advised that the existing streets there could be overlaid, and the neighborhood could request the type of street improvements that fit their neighborhood, as curb and gutter streets was not the only type available to them.
- Comm. Knight
- Discussion was had, and Commissioner Knight expressed his opposition to subject annexation at this time, and felt that the City should meet with the area residents and possibly a sharing of information could improve the City/area relationship.
- Royce Wallace
- During the discussion, Mr. Wallace indicated that the area residents needed more concrete evidence of what services could be expected and when, but he also felt annexation should await more development of the area.
- Comm. Kamen
- Comm. Kamen expressed his support for the annexation but hoped that a better approach could be utilized in the future.
- Mayor Brown
- Mayor Brown explained his position of support for the annexation.
- Motion --
- Brown moved that the public hearing be closed, the annexation proposal be approved and the annexation ordinance be placed on first reading.
- Comm. Bell
- Commissioner Bell stated that he could not support the motion at this time, as he would like to have the opportunity to obtain more information and background on this subject and the area.
- moot
- Motion was moot, 2 to 2. Bell and Knight - "no." (This matter will be returned at the next meeting, December 17, for action.)

CC POLICY NO. 9

CITY COMMISSION POLICY 9: CONSIDERATION OF ZONE CHANGE REQUESTS (KAMEN).

- Chris Cherches
- The City Manager stated that this policy review resulted following previous City Commission action concerning zone change requests being returned to the MAPC for reconsideration and also being referred back to the CPO's for their review when significant changes had occurred.
- Comm. Kamen
- Commissioner Kamen reviewed the following policy change which he proposed for paragraph 2b of Policy 9:
- "b) All zoning projects will be returned to the respective CPO Council when significant changes in the initial proposal have been made either by the applicant and/or by the Metropolitan Planning Commission (MAPC). Significant changes will mean: (a) more restrictive zoning; (b) reduction/enlargement of application area; (c) altered or new proposed usage; (d) increased density, traffic and resource usage; and/or (e) any other features that may affect adjacent properties/zoning. CPO Council reconsiderations shall not exceed a time period of twenty-six (26) days. If this time period is exceeded, it will be assumed that the CPO Council comments on the original application prevail."
- Comm. Knight
Comm. Kamen
- Discussion was had, and Commissioner Knight suggested that possibly a committee should be appointed to review the policy and the proposed change, to see what effect such a change would have, and Commissioner Kamen indicated his concurrence provided a definite time period be established for it to be returned.
- The following persons spoke in opposition to such a policy change, as it was felt it would impede development, that the current policy was adequate and allows public input, and that such a change would affect the authority granted the Planning Commission; however, most indicated interest in serving if a review committee was established:
- Steve Martens, 125 N. Emporia, Realtor
 - M. S. Mitchell, Chairman of Developers Committee of Wichita Area Homebuilders Association.
 - James Gardner, Jr., MAPC member
 - Bob Fox, Landmark Communities
 - Ed Roberts, Chamber of Commerce/Economic Development Division
 - Kenneth Kitchen, 5705 E. 17th Street and former Executive Director of the Urban Renewal Agency
- Discussion
- Discussion was had regarding the time required for zone case reviews.
- Motion --
- Kamen moved that a policy review committee be established to review Policy No. 9 and that two members be selected by each City Commissioner to serve on said committee, that the committee report back to the City Commission within 90 days, and at the suggestion of Commissioner Knight, it was added that the appointees be designated at the meeting of December 17, 1985.
- Subst. Motion --
-- died
- Brown moved a substitute motion that the project be abandoned and leave the Planning process exactly as it is. (Motion died for lack of a second.)

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Mayor Brown Mayor Brown read a prepared statement explaining his concerns and reasons for opposing such a policy change, and in support of the current Planning procedures and a re-review by the Planning Commission only.

Comm. Kamen Discussion was had relative to the policy review, and Commissioner Kamen stated that as he perceived it, the Committee would tell the Commission whether the policy should remain as is or whether it should be changed in some way.

-- carried Commissioner Kamen's motion carried 3 to 1. Brown - "No."

Recess The City Commission recessed at 11:28 a.m. and reconvened at 11:37 a.m.

SISTERS CITIES AGREEMENT

SISTERS CITIES AGREEMENT WITH KAIFENG CITY, PEOPLE'S REPUBLIC OF CHINA (11:30 A.M.).

On June 11, 1985, the City Commission approved a Resolution designating Kaifeng City as an official sister city. Kaifeng City will officially recognize its relationship with the City by a joint signing of the agreement.

The Kaifeng delegation and City Commission exchanged greetings and acknowledged the friendships being expressed through this sister city relationship after which Mayor Brown and Mayor Zhu Zhencheng participated in the ceremonial signing of the agreement between the two cities. Following the signing, an exchange of gifts took place between the officials of both cities.

Motion -- Bell moved that the Commission ratify the agreement and its execution by the Mayor. Motion carried 4 to 0.

The City Commission recessed for lunch at 11:58 a.m. and reconvened at 1:30 p.m. with Mayor Brown in the Chair. Commissioners Bell, Kamen, Knight, present. Commissioner Casado absent.

21ST. NO./OLIVER INTERSECTION IMPROVEMENT

TWENTY-FIRST STREET NORTH/OLIVER INTERSECTION IMPROVEMENT.

The proposed improvement consists of constructing left-turn lanes at all four approaches to the intersection and modifying the right-turn lane in the north-east quadrant of the intersection.

The improvement is programmed in the current Capital Improvement Program (CIP). Construction is scheduled for 1986 at a projected cost of \$1,295,000. The estimated cost is \$780,000 to be financed by State funding in the amount of \$636,000 and the balance (\$144,000) from City funds.

Agenda Report No. 85-29

Mike Lindebak The City Engineer informed the Commission that he would be glad to answer any questions the Commission might have.

Mayor Brown Mayor Brown inquired if anyone present wished to be heard and no one appeared.

Motion -- Knight moved that the project be approved and the ordinance be placed on first reading. Motion carried 4 to 0.

ORDINANCE

An Ordinance declaring the intersection of 21st Street North and Oliver to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements on said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

KELLOGG/TYLER RD. IMPROVEMENT

KELLOGG/TYLER ROAD INTERSECTION IMPROVEMENT.

The proposed paving improvement consists of constructing left-turn lanes on Kellogg at Tyler Road.

The improvement is programmed in the current Capital Improvement Program (CIP). Construction is scheduled for 1986 at a projected cost of \$230,000. The method of funding is \$225,000 Federal funds and \$55,000 City funds.

Agenda Report No. 85-30

Mike Lindebak The City Engineer briefly reviewed the item with the Commission.

Mayor Brown Mayor Brown inquired if anyone present wished to be heard and no one appeared.

Motion -- Knight moved that the project be approved and the ordinance be placed on first reading. Motion carried 4 to 0.

McDowell, Rice & Smith, Chartered

DAVID W. DEWEY
ATTORNEY AT LAW

WICHITA OFFICE
221 NORTH MAIN STREET
P.O. BOX 3456
WICHITA, KANSAS 67201
316-263-8400

KANSAS CITY OFFICE
600 SECURITY BANK BUILDING
SEVENTH & MINNESOTA
KANSAS CITY, KANSAS 66101
913-821-5400
913-371-7750

Don Ablas 2-15-86
Called that morning is OK

IMPORTANT MESSAGE

FOR Jack

DATE 2/21 TIME 9:35 ^{A.M.} _{P.M.}

WHILE YOU WERE AWAY

Joel Polich

OF _____

PHONE No. 268-6810

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE

No Ad Hoc Policy 9 -

Material issue - No
charges at all. He is very

SIGNED pleased with it however
it is. Call if you
have questions.

FORM 000-017

Jack

LCC Meeting Agenda 1-21-86

1. V-1364 (Bldg. setback) Approved
2. S/D 85-101 Standpipes 1st "
3. S/D 85-35 C.C. of Adm. "
4. D-1342 "
5. D-1343 "
6. D-1344 "
7. A 85-6 Approved
8. A 85-9 Deferred
9. A 86-1 Approved
10. DR 84-18 Setting Time Etc. _____

WICHITA-SEDGWICK COUNTY

Date: November 5, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Chris Cherches, City Manager
FROM: Michael E. Lindebak, Director of Planning (Interim)
SUBJECT: Policy on CPO's Considering Zone Change Requests

At your direction, we have reviewed City Commission Policy 9 which refers to consideration of zone change requests. That policy sets out procedures for considering zone change requests and was adopted on January 28, 1975. It has not been amended and does not mention CPO Councils' roll in considering zone cases. For the most part this policy is still correct, however, the attached delineated copy of Policy 9 reflects the changes that should be considered.

We believe that these minor changes reflect the intent of the City Commission to provide for full consideration of cases by both the Planning Commission and CPO Councils and not significantly extend the length of processing time. Please advise if we can furnish additional information.

Michael E. Lindebak
Director of Planning (Interim)

MEL:JHG:rme

CITY COMMISSION POLICY

Policy 9
November 6, 1985

Subject: Consideration of Zone Change Requests

The following policy will prevail in regard to consideration of zoning change requests:

All applications for changes of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including CPD Councils' recommendations and Planning Department staff recommendations, which shall be forwarded to the City Commission. The City Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the close of the City Manager's Agenda. In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing.

To implement the policy, the following procedures shall prevail:

Actions Prior to City Commission Consideration

- (1) Prior to the public hearing of requests for zoning changes by the Metropolitan Area Planning Commission (MAPC), the Chairman will announce the procedure for considering such requests and advise the applicants and their agents, as well as other interested persons, either proponents or opponents, that if after consideration of the case they do not feel they have had a complete hearing or if they should have additional information to present, they are to submit their statement, in writing, to the City Clerk.
- (2) Minutes and the recommendation of the Planning Commission and the recommendation of the CPD Council on each case will accompany the zoning referral sheet to the Board of City Commissioners and the case will be scheduled 26 ~~19~~ days from the Planning Commission meeting unless otherwise directed by the Planning Commission.
- (3) Recognizing some difficulty in scheduling cases, as MAPC meets every two weeks and CPD Councils every three, and in the continued interest of processing applications in an expedient manner, staff of both the Planning Commission and Citizens Rights and Services will carefully coordinate the scheduling of cases. Whenever possible, CPD Councils will consider cases prior to the official MAPC public hearing so as to provide all possible information to the Planning Commission. When scheduling does not permit, CPD recommendations will be forwarded to the Board of City Commissioners with the Planning Department referral sheets and minutes of the Planning Commission. In the event an applicant amends his request to a more restrictive district or reduces the size of the application area, or should the Planning Commission recommend a more restrictive classification or reduced area, effort will be made to present this new information to the CPD Councils so that they may reconsider their original recommendation within the 26 days prior to the case being scheduled before the City Commission.

- (3) (4) Introduction of new evidence or arguments about the completeness of the hearing shall be filed, in writing, in the Office of the City Clerk by 5 p.m. on the Wednesday preceding the scheduled Tuesday City Commission meeting.

Any such statements of new evidence will specify in detail the description of new evidence, its nature and source and the reason of its unavailability at the MAPC public hearing. Examples may be newly published material; i.e., theory, traffic counts not previously available, expert witnesses. Statements repetitive of arguments before the MAPC shall not be considered valid reasons for referral. Statements as to the completeness of the public hearing shall identify the issues of procedure involved. Procedural deficiencies, such as failure to allow applicants rebuttal time, are examples of an incomplete hearing. A decision unfavorable to the applicant is not an incomplete hearing.

- (4) (5) If new evidence or facts are submitted in "statements in writing", the City Clerk will cause copies to be delivered to the City Commissioners and the Planning Department.

If asked, the Planning Department shall provide the Commission comments on whether the subject matter was discussed at the public hearing.

City Commission Procedure

- (1) The City Commission will base its decision on zoning cases upon the information contained in the minutes and recommendation of the MAPC and the recommendation of the CPO Council which will be printed on the City Manager's Agenda.
- (2) In the event new evidence or facts have been filed, the Commission shall determine whether or not the evidence is such to warrant rehearing before the Planning Commission. If it is found that the new evidence is significant, the Commission shall return the zone change request to the Planning Commission for rehearing. The CPO Council may also be asked to reconsider the request.
- (3) The Planning staff and the proponents and opponents may be called upon by the City Commission to clarify items contained in the minutes when such items appear to be ambiguous or contradictory to adopted policy. In such event, the Planning staff shall be called upon first to explain or interpret the matter in question. Other interested parties shall be called upon for further comment only if there is disagreement with the staff interpretation.
- (4) If the City Commission desires to reverse the recommendation by the Planning Commission, it should "Return the application to the Metropolitan Area Planning Commission for its reconsideration", stating the reasons for the action. (Required by statute as the basis for establishing a dialogue on policy between the Planning Commission and the governing body.)
- (5) If the City Commission concurs in the recommendation of the Planning Commission, it should take such action as suggested on the agenda.