

Planning Agenda Item # _____

City of Wichita
City Council Meeting
May 7, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3017 - ZONE CHANGE FROM THE "A" TWO-FAMILY DWELLING DISTRICT TO THE "OC" OFFICE COMMERCIAL DISTRICT (AS AMENDED), LOCATED AT THE SOUTHEAST CORNER OF HILLSIDE AND GRAND. (District #3)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve subject to platting (6-1).

Staff Recommendation: Approve subject to platting.

CPO Recommendation: CPO Council "3B" voted 9-0 to recommend that no commercial encroachment be permitted.

Background: On February 14, 1991, the MAPC considered this rezoning case. At that public meeting the applicant amended their request to ask for "OC" Office Commercial zoning, rather than "LC" Light Commercial zoning. The MAPC voted 5-4 to recommend that the property be rezoned "OC" subject to the property being platted into not more than one lot.

On March 19, 1991, the City Council considered this zone change request. At that meeting they voted 7-0 to return the case to the Planning Commission for reconsideration for the following reasons: 1) Opposition of neighborhood residents; 2) the suitability of the subject property for the uses to which it has been restricted; 3) the lack of conformance of the requested change to the adopted or recognized master plan being utilized by the City; and 4) the zoning and uses of properties nearby.

On April 11, 1991, the MAPC reconsidered this case. At that meeting the MAPC voted 6-1 to approve the request for "OC" zoning subject to platting and submitting a voluntary restrictive covenant. The covenant would restrict development of the site to a dress design school, if first approved by the Board of Zoning Appeals, and a single-family residence. The covenant would also

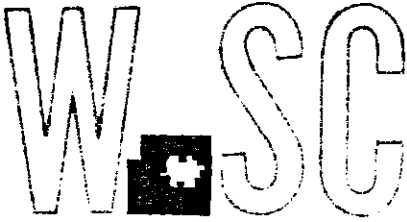
provide for the west 35 feet of the application area to be maintained as a landscaped area. The voluntary covenant would be obtained at the time of the required plat.

Legal Consideration: Protest petitions amounting to 81% have been filed by property owners within 200 feet of the application area. This percentage of protest requires a 6/7 vote by the Council to approve this rezoning request.

RECOMMENDATIONS/ACTIONS:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting including the voluntarily offered covenant; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council.
2. Take appropriate action, stating reasons.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

May 15, 1991

Rusty Butler
7313 Ayesbury Circle
Wichita, KS 67226

Re: Z-3017 - Zone change request from "A" Two-Family Dwelling to
"OC" Office Commercial, located on the southeast corner of
Hillside and Grand.

Dear Mr. Butler:

On May 14, 1991, the Wichita City Council reconsidered the above-captioned rezoning case. It was the unanimous vote of the Council to deny the request. We have recorded this action on the case file and marked it "closed".

Enclosed with this letter is the original restrictive covenant that was mailed to this office. This covenant volunteered certain restrictions for the property, should the zone change to "OC" be approved. Since the zone case was denied, we are returning the covenant.

Sincerely,

Forrest L. Nagley
Forrest L. Nagley
Senior Planner

FLN:jcm
Enclosure

cc: Letizia Fuhr, 1502 S. Hillside, 67211
Susan DeWit, 1017 N. Yale, 67208
Shelly Sanders, 68 Mission Road, 67207
Nan Shirley, 140 S. Erie, 67211
Jim Fuhr, 1652 Greenwood, 67211
Kenneth Hipp, 3120 Wilma, 67211
A.C. Tinney, 1431 S. Hillside, 67211
Calvin DeBeverly, 3102 Wilma, 67211