

City of Wichita  
City Commission Meeting  
August 5, 1986

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

TO: Mayor and City Commissioners

SUBJECT: Z-2772 - REQUEST FOR ZONE CHANGE FROM "AA" ONE-FAMILY DWELLING DISTRICT TO "R-5" GENERAL RESIDENCE, LOCATED ON THE SOUTH SIDE OF 29TH STREET NORTH APPROXIMATELY 300 FEET WEST OF SALINA AVENUE.  
(Michael J. Boyd)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

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MAPC Recommendation: Approve "R-5" for amended application area (10-0)

Staff Recommendation: Approve

Background: On June 12, 1986, the MAPC held a public hearing to consider a zone change from the "AA" to the "R-5" district for a 2.3-acre unplatted tract of land located on the south side of 29th Street North approximately 300 feet west of Salina Avenue. One single-family residence now occupies the site. In 1981, a request was filed to change the zoning on this property from "AA" to "R-6". The application was approved subject to platting. A plat was begun but never completed due to title problems. After two six-month extensions of the platting time, the City Commission denied an additional extension and the zone case file was marked "denied and closed". After a lengthy discussion, the MAPC deferred action on this request for four weeks to give the applicant time to meet with the neighborhood and try to reach a compromise.

On July 10, 1986, the public hearing was reconvened, with the applicant's agent advising that the east 75 feet of the north 170 feet would be withdrawn from the application and that the applicant had covenanted with neighbors to limit development of the remainder of the site to no more than ten dwelling units in single family or duplex form. One property owner in the area spoke in support of the amended application, citing the restrictive covenant which the applicant had executed.

The Planning Commission recommended approval of the amended application subject to platting the property within one year.

CPO Council Area "J" voted 9-0, on June 11, 1986, to recommend disapproval of the request. They have not met to reconsider this item since a compromise was worked out with the neighbors.

Analysis: To the east, northwest, and west are single-family residences; to the northeast is a supper club. The adopted zoning policy in this area on 29th Street is to look with favor on the "R-5" and "R-6" districts on both sides of this major street from the "LC" zoning just east of Hood to Coolidge.

The Planning Commission determined that the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff justified the zone change.

- Actions:
1. Concur with the findings of the MAPC and approve the zone change, as amended, subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or
  2. Return the application to the MAPC for reconsideration stating reasons.

Attachments: Area map  
6-12-86 & 7-10-86 MAPC Minutes  
CPO Memorandum

( 872 ) Published in The Daily Record on July 17, 1987

ORDINANCE NO. 39-706

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING  
BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

CASE NO. Z-2772

Zone Change from the "AA" One-Family Dwelling District  
to the "R-5" General Residence District

Lot 1, Riverview Estates, Wichita, Sedgwick County, Kansas.  
Generally located on the south side of 29th Street North  
approximately 300 feet west of Salina.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning changes shall be entered and shown on the the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Zoning Ordinance as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, \_\_\_\_\_

ATTEST:

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Mayor

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City Clerk

(SEAL)

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Approved as to form City Attorney