

City of Wichita
City Commission Meeting
April 29, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: Z-2752 - REQUEST FOR ZONE CHANGE FROM "LC" LIGHT COMMERCIAL TO "BB" OFFICE DISTRICT, LOCATED SOUTH OF HARRY BETWEEN ROCK ROAD AND PAIGE STREET, IF EXTENDED FROM THE NORTH.
(Aleksandar Hadijski)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

MAPC Recommendation: Approve (6-0)

Staff Recommendation: Approve

Background: On April 3, 1986, the MAPC held a public hearing to consider a zone change from "LC" to "BB" for a recently replatted 1.6-acre lot located 215 feet south of Harry between Rock Road and Paige Street, if extended from the north. On the site are buildings under construction which must be operated as a motel if "LC" zoning remains, but which will be finished out as apartments if "BB" zoning is granted.

On September 19, 1985, the MAPC held a public hearing to review a request for zone change from "LC" to "BB" (Z-2718) on the same property now included in Z-2752. No one spoke in opposition and the Planning Commission recommended 8-0 to approve the zone change. The applicant's intended development was that of apartments and the "BB" provides for more density than the "LC" does at this location. On September 23, the Central Inspection Division issued conditional permits for construction of apartments based on the MAPC's favorable recommendation on the zone change and there being no opposition to the change expressed by adjacent owners. That evening CPO Council "H" reviewed and recommended approval 6-0. No citizens were present to discuss the request.

Prior to City Commission review of this rezoning request, property owners to the east became concerned about the density of development and potential traffic and parking conflicts and filed protest petitions amounting to 32.7 percent of the area within 200 feet of the application site. The conditional building permits were voided until the rezoning issue was settled. On October 22, 1985, the City Commission returned the case to the MAPC for reconsideration but the applicant withdrew his request prior to a rehearing. Building permits were then issued for a motel rather than apartments and the applicant recommenced construction. During the next few months, the applicant, Aleksandar Hadijski, and the Cedar Lakes Village Condominium Association entered into an agreement whereby the association agreed not to

oppose Hadijski's rezoning if Hadijski provided access to his site from Harry and not from the private drive shared with the association. It was further agreed that Hadijski would construct a fence along the east side of his property within thirty days after completion of the project allowing only for a possible emergency exit should such become a Fire Department requirement. The access control to the private street is to be effective for a period of fifteen years from the date of the granting of the zone change.

The applicant has recently purchased the north 250 feet of Lot 1, Block 1, Cedar Lakes Village 3rd Addition and has vacated the platted access control to Harry, thus enabling access to the subject site from a location other than the private street on the east.

Refiling of a zone change request six months after the previous hearing was authorized by the Planning Commission based on the agreement which had been reached with the neighborhood and on the change in the applicant's ownership which would permit him to provide access to the site from the north.

The Planning Commission determined that the character of the neighborhood, the zoning and uses of adjacent properties, the suitability of subject site for the proposed use, and the recommendation of staff justified the zone change.

CPO Council "H" on April 7, 1986 recommended by a vote of 6-0 that this application be approved.

Analysis: Cedar Lakes Village Condominiums exist to the east; La Petite Academy to the south; a drainage channel and commercial uses to the west; and offices to the north. "BB" zoning and its permissible uses would seem to be more compatible with the residential uses to the east than some uses which could go in the "LC" district. Since the applicant has now purchased the property to the north, the frontage of which is developed with offices, it is hoped that at least 1.25 parking spaces per dwelling unit will be provided.

- Actions:
1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading; or
 2. Return the application to the MAPC for reconsideration stating reasons.

Attachments: Area map
4-03-86 MAPC Minutes
CPO Memorandum 4-08-86

(2024) Published in The Daily Record on May 9, 1986

ORDINANCE NO. 39-523

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-2752

Zone Change from the "LC" Light Commercial District to the "BB" Office District

Lot 1, except the north 215 feet and the south 90 feet thereof, Block 1, Cedar Lakes Village Third Addition to Wichita, Sedgwick County, Kansas, now platted as Lot 1, Hadijski Addition, Wichita, Sedgwick County, Kansas. Generally located south of Harry between Rock Road and Paige Street, if extended from the north.

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:

Mayor

City Clerk

(SEAL)

Approved as to form City Attorney