

City of Wichita
City Council Meeting
August 15, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-2958 - ZONE CHANGE REQUEST FROM THE "AA" ONE-FAMILY DWELLING DISTRICT TO THE "OC" OFFICE COMMERCIAL DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF 13TH STREET NORTH & ZOO BOULEVARD (District #5).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve "OC" zoning, subject to replatting, submission of restrictive covenants and dedication of access control (7-0).

Staff Recommendation: Approve "R-5" zoning, subject to replatting.

CPO Recommendation: Council 5B voted 5-2 to recommend approval of "OC" zoning, subject to replatting, submission of a restrictive covenant prohibiting apartments and dedication of complete access control to Dougherty Street and 200 feet of complete access control to Zoo Boulevard from the north 200 feet of the site.

Background: On July 20, 1989, the MAPC held a public hearing to consider a zone change from the "AA" One-Family Dwelling District to the "OC" Office Commercial District for portions of three platted lots at the southwest corner of Zoo Boulevard and 13th Street North. The application area measures 2.3 acres. The site is presently undeveloped and has approximately 600 feet of frontage to Zoo Boulevard. A 50-foot-wide pipeline easement exists along the eastern line of this property. Approximately the northerly 150 feet of the site is also encumbered by the pipeline easement. A high pressure gas line exists within the easement.

The applicants' stated purpose for filing this zone change request is to permit the development of an office commercial center with approximately 20,000 square feet of floor area. The applicant owns all the property in the subject City block. That part of the block not involved in this zone change is planned for development of ten single-family homes.

The property on the westerly side of Zoo Boulevard at this general location is characterized by residential development. For the most part, this development is single-family in nature, although some apartments do exist. Since 1976, there have been three zone cases filed for property on the westerly side of Zoo Boulevard between West Street and 13th Street. These three cases are as follows:

1. Z-1795 - Request for "AA" to "R-6". Generally located on the westerly side of Zoo Boulevard in an area north of 11th Street. MAPC recommended "R-5" subject to replatting. Council concurred. Property replatted as Lots 1 and 2, Williams Addition. Zoning changed to "R-5".
2. Z-2021 - Request for "AA" to "A". Located at the southwest corner of 12th Street and Zoo Boulevard. MAPC recommended "A" subject to replatting. Council concurred. Property was not replatted as required. Case marked closed.
3. Z-2268 - Request for "AA" to "R-5" located on the westerly side of Zoo Boulevard in an area between 11th and 12th Streets. MAPC recommended "R-5" subject to replatting. Council concurred. Property replatted as Lot 1, Aboud 2nd Addition. Zoning changed to "R-5".

Because all the property on the westerly side of Zoo Boulevard from 13th Street to Memory Lane is zoned for residential purposes, staff does not believe this property should be removed from a residential zoning classification. Based on the rezoning caused by cases Z-1795 and Z-2268, staff recommends that "R-5" zoning be established on this property. "R-5" zoning would permit the construction of approximately 40 apartment dwelling units on the subject site. A more suitable location for the applicant's proposed office commercial development would be along West Street to the east. An MAPC zoning policy statement favoring "LC" rezoning requests exists for West Street from a point just north of 13th Street to Douglas Avenue. Also, the awkward alignment of the 13th Street/Zoo Boulevard intersection is not well suited to handle the higher volumes of traffic that would be generated by the proposed office commercial development.

Recommendations/Actions:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting, including restrictive covenants and access controls; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration, stating reasons.

(_____) Published in The Daily Reporter on 1/3/90

ORDINANCE NO. 40-816
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-2958

REQUEST FOR A ZONE CHANGE FROM "AA" ONE FAMILY
DWELLING DISTRICT TO "OC" OFFICE COMMERCIAL DISTRICT

Beginning at a point in the north line and 24.03 feet east of the NW Corner of Lot 1 in R.A. Morris Gardens, Sedgwick County, Kansas, thence bearing $S88^{\circ}04'00''E$ a distance of 51.58 feet to the NE corner of said Lot 1; thence bearing $S39^{\circ}41'45''E$ along the westerly right-of-way of Zoo Blvd. a distance of 641.44 feet; bearing $N88^{\circ}02'35''W$ a distance of 344.98 feet; thence bearing $N0^{\circ}45'55''W$ a distance of 185.23 feet; thence bearing $S89^{\circ}14'05''W$ a distance of 110.00 feet; thence bearing $N0^{\circ}45'55''W$ parallel to and 24.00 feet east of the west line of Lots 1 and 9 in said R.A. Morris Gardens, a distance of 299.80 feet to the point of beginning. (Now being platted as Lot 1, Block 1, Thunderbird 7th Addition to Wichita, Sedgwick County, Kansas).

Generally located at the southwest corner of 13th St.
North and Zoo Blvd.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning change shall be entered and shown on 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:

(SEAL) City Clerk

Mayor

Approved as to form:

City Attorney