

Planning Agenda Item # _____

City of Wichita
City Council Meeting

January 9, 1996

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3185 - JAHANGIR SUDEGHI & MAHNAZ BADIHAN (PROPERTY OWNERS), LUCY DOME (CONTRACT PURCHASER) REQUESTS ZONE CHANGE FROM 'BB' OFFICE DISTRICT TO 'OC' OFFICE COMMERCIAL, LOCATED ON THE SOUTH SIDE OF CENTRAL, EAST OF HILLCREST AVENUE, (DISTRICT #2)

INITIATED BY: Metropolitan Area Planning Department *McGraw*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to filing of voluntary restrictive covenant(10-3).

Staff Recommendation: Deny.

CPO Recommendation: Approve (6-0).

Background: The applicant requests a zone change from the 'BB' Office District to the 'OC' Office Commercial District for a 0.14 acre (50' x 120') portion of Lot 5, except the east 124 feet, Jim Fisher Addition, located in an area on the south side of Central, east of Hillcrest Avenue (6025 East Central). The subject property is currently developed with a single family home. The applicant proposes to open a beauty shop in the existing structure, which is first permitted by right in the 'OC' district.

In addition to uses permitted in the 'BB' District, the 'OC' District permits a number of "limited" retail and service uses which are considered to be compatible when adjacent to or near residential areas, yet tend to generate more traffic than typical office uses. Such uses include, but are not limited to a craft supply store, camera shop, drug store, florist shop, hair stylists, tailor shop, and etc. In the proposed "Unified Zoning Code for Wichita-Sedgwick County", the 'OC' District will be replaced by the 'NR' Neighborhood Retail District, which will allow a wider range of retail uses such as restaurants, video stores, and 'limited' printing and copying services. The 'NR' District is intended for areas identified for 'commercial uses' by the Comprehensive Plan. The subject property is designated by the proposed update to the Comprehensive Plan for 'office' uses.

In order to address concerns about traffic along Central, the applicant has volunteered a restrictive covenant that would restrict the permitted uses on the site to all uses permitted in the 'BB' District, plus a hair stylist salon. Therefore, all other 'OC' uses would be prohibited from the site.

The application area is currently surrounded by duplex homes to the south, single family home structures that have been converted to offices located to the east and west, and restaurants and retail shops on the north side of Central. A barber shop is located nearby at the southwest corner of Central and Brookside Parkway, which is similar to the proposed use, but is a home occupation that existed prior to a rezoning request to 'BB' in 1987. Home occupations are limited in scope by the Zoning Code to the occupant of the residence, plus one outside employee. If the proposed rezoning request is denied, the applicant could still operate a salon as a home occupation from this site.

The MAPC held a public hearing on November 16, 1995, and no area residents spoke in opposition to the request. After significant discussion, the MAPC voted to defer the request to allow the applicant an opportunity to meet with adjoining property owners about developing shared access from Central and joint parking behind the existing structures.

At the MAPC meeting on December 14, 1995, the applicant submitted a plan for access/parking for the three existing structures on the lot. However, the applicant indicated that the adjoining property owner to the east is unwilling to participate in constructing the access drive and rear parking area until that site is redeveloped. Therefore, the applicant proposed to construct temporary parking in the front of the existing structure, which would be removed at which time the other portion(s) of the lot are redeveloped. The applicant would also be required to provide access through his property to serve the remaining portion of the lot.

After discussion, the MAPC voted 10-3 to recommend approval of the zone change, subject to the restrictive covenant volunteered at the MAPC meetings.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change subject to the condition of recording the voluntary restrictive covenant, and place the ordinance establishing the zone change on first reading; instruct the Clerk to withhold publication until the covenant is recorded with the Register of Deeds; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

() Published in The Daily Reporter on _____

ORDINANCE NO. _____

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-3185

Zone change request from 'BB' Office District to 'OC' Office Commercial on property described as:

Lot 5, except the east 124 feet thereof, Jim Fisher Addition to Wichita, Kansas, Sedgwick County, Kansas, generally located on the south side of Central, east of Hillcrest Avenue (6025 E. Central).

SECTION 2. That upon the taking effect of the Ordinance, the above zoning changes 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, _____

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