

COMMITTEE

M.A.P.C. Advertising for public hearing 1-20-66
M.A.P.C. Approved 2-17-66
maps Approved 5-5-66
B.C.C.A. ~~1-66-66~~ Received & filed 5-31-66

Closed 6-1-66

66-1 - Park Board requests amendment to Master Plan to include as a park site 153 acres at the southwest corner of Tyler Road and Pawnee

ACTION

COMMITTEE		DATE
M.A.P.C.	<i>Advertise for public hearing</i>	<i>1-20-66</i>
M.A.P.C.	<i>Approved</i>	<i>2-17-66</i>
<i>Mapc</i>	<i>Approved</i>	<i>5-5-66</i>
B.C.C./B.C.C.C.	<i>Received & filed</i>	<i>5-31-66</i>
	<i>Closed</i>	<i>6-1-66</i>

A 66-1 - Park Board requests amendment to Master Plan to include as a park site 153 acres at the southwest corner of Tyler Road and Pawnee

CERTIFIED COPY OF FINAL RESOLUTION MAILED 5-18-66 TO:

William D. Tarrant
P. O. Box 853

Vincent L. Bogart
Suite 722
3333 East Central

John S. Stevens
3125 East Boston

Clarence E. Vollmer
830 North Main

William D. Anderson
602 Maple

Elmer S. Peters
320 County Courthouse

Tom Scott
320 County Courthouse

Floyd Schroeder
320 County Courthouse

Alfred R. McCune, Chairman
Haysville Planning Commission
626 East 87th St. South

Fred E. Ryan, Mayor
435 Slade
Haysville, Kansas

Faye Mallory, City Clerk
711 East Grand
Haysville, Kansas

Mrs. Sybil Smith, Secretary
Haysville Planning Commission
307 Maynard
Haysville, Kansas

Otto Praeger, Mayor
1366 El Paso
Derby, Kansas

Bill VanRuth, City Clerk
720 North Kokomo
Derby, Kansas

Dale Peirson, Chairman
Derby Planning Commission
842 English Court
Derby, Kansas

Darlene Clawson, Secretary
Derby Planning Commission
621 South Lakeview Drive
Derby, Kansas

O. R. Loewen, Mayor
521 North Abilene
Valley Center, Kansas

George Baxter, City Clerk
P. O. Box 188
Valley Center, Kansas

A. M. Updegraff, Chairman
Valley Center Planning Commission
435 North Park
Valley Center, Kansas

Jess Akin, Mayor
Mulvane, Kansas

Glenn Kloppenstein, City Clerk
City Hall
Mulvane, Kansas

G. A. Wessels, Chairman
Mulvane City Planning Commission
R.F.D. 1
Mulvane, Kansas

H. M. VanAuken, Mayor
9 High Drive
Eastborough
Wichita, Kansas

Neill Richards, City Clerk
3 High Drive
Eastborough
Wichita, Kansas

D. H. Sholtus, Mayor
201 Brink
Kechi, Kansas

Neva Baird, City Clerk
132 East Kechi Road
Kechi, Kansas

Robert E. Israel, President
Park Board
1650 East Central
Wichita, Kansas

Frank Virr
State Highway Department
State Office Building
Topeka, Kansas

Robert Saft, Superintendent
of Public Instruction
County Courthouse
Wichita, Kansas

Everly Harsh, Chairman
Sumner County Board of Commissioners
Sumner County Courthouse
Wellington, Kansas

Lawrence Shepoiser
Board of Education
428 South Broadway
Wichita, Kansas

T. A. McGaughey, Chief
Wichita Fire Department
400 North Water
Wichita, Kansas

R. A. Davis, Chief
Sedgwick County Fire Dept.
503 County Courthouse
Wichita, Kansas

Wilmer Freund
County Engineer
P. O. Box 4405
Wichita, Kansas

Paul Graves
B. E. Smith
Ralph Wulz
Russell E. McClure
T. J. Scanlon
Don Anderson
Emory Cox

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

AMHERST 2-8211 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

May 13, 1966

TO: All Interested Legislative and Administrative
Groups and Agencies

FROM: C. Bickley Foster, Secretary, Wichita-Sedgwick
County Metropolitan Area Planning Commission *CBF*

SUBJECT: Master Plan Amendment to Include as a Suggested
Park an Area West of Municipal Airport

Attached for your information and review is a certified copy of a resolution amending the Master City Plan of Wichita - "Part VIII, Recreational and School Facilities", to include as a suggested park site an area west of Municipal Airport in the vicinity of Pawnee and Tyler Road. This amendment to the Master Plan was approved by the Metropolitan Area Planning Commission at its regular meeting on February 17, 1966.

Section 2, Chapter 131, Session Laws of Kansas, 1965, provides that a certified copy of the adopted resolution is to be submitted to interested governmental and administrative agencies. These bodies shall, within sixty (60) days after the receipt of the resolution, consider such proposed plan or part thereof and submit a statement containing their recommendations to the Planning Commission.

The Planning Commission did, on February 28, 1966, distribute certified copies of this resolution to interested governmental and administrative agencies, and in its meeting of May 5, 1966, having waited the sixty (60) days prescribed by law, and having considered the comments and recommendations, did adopt the attached amendment.

If you should have any comments or questions concerning this matter, please contact us.

CBF:RLY:bgs

Attachment

WICHITA—SEDGWICK COUNTY



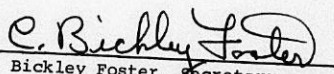
METROPOLITAN AREA PLANNING
COMMISSION

AMHERST 2-8211 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

C E R T I F I C A T E

I, C. Bickley Foster, duly elected, authorized and acting as Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita, Sedgwick County, Kansas, do hereby certify that the attached Resolution was duly adopted by the Wichita-Sedgwick County Metropolitan Area Planning Commission on May 5, 1966, as an amendment to the Master City Plan of Wichita - "Part VIII, Recreational and School Facilities".

Given under my hand and seal this 5th day of May,
1966.


C. Bickley Foster, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)

R E S O L U T I O N

WHEREAS, pursuant to authority granted by statutes of the State of Kansas, the City of Wichita created a City Planning Commission, which Commission, pursuant to statutory authority applicable to the City of Wichita, has heretofore duly made and adopted a Master Plan and various amendments, extensions and additions thereto for the physical development of a municipality, and of any land outside the municipality which, in the opinion of the Commission, bears relation to the planning of the municipality, which Master Plan and amendments, extensions and additions thereto have been published and made a public record and such plan, amendments, extensions and additions are all incorporated herein by reference; and

WHEREAS, pursuant to statutory authority, a Wichita-Sedgwick County Metropolitan Area Planning Commission was created to take over the functions of the Wichita City Planning Commission and to expand and broaden the territorial jurisdictions thereof, including authority to amend, extend and add to said Master City Plan; and

WHEREAS, said Master City Plan, the amendments, extensions and additions thereto includes as a part thereof the following:

"Part VIII, Recreational and School Facilities", for the City of Wichita, Kansas; and

WHEREAS, having made and caused to be made careful and comprehensive surveys and studies of present conditions and trends of future growth of the municipality, the Wichita-Sedgwick County Metropolitan Area Planning Commission determined that "Part VIII, Recreational and School Facilities", should be readopted as previously amended, and further amended, extended and added to by including as a part thereof the following:

That PART VIII, "Recreational and School Facilities", Large Parks - Suggested Facilities, Page 31, be amended to include the following area:

6. An area of natural beauty proposed for general open space, park and recreational purposes generally located west of Municipal Airport along Pawnee Street and described as follows:

The E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 32, Township 27 South, Range 1 West, and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 32, Township 27 South, Range 1 West, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 28 South, Range 1 West, and the NE $\frac{1}{4}$ of Section 5, Township 28 South, Range 1 West.

Also a triangular piece of property lying 1/2 mile west of Tyler Road, south of the right-of-way for the Atchison, Topeka and Santa Fe Railroad and north of Harry Street, described as follows:

Beginning at the southeast corner of the SW $\frac{1}{4}$ of Section 29, Township 27, Range 1 West; thence west 1805.8 feet to the Atchison, Topeka and Santa Fe Railroad, thence northeasterly along the right-of-way to the east line of the SW $\frac{1}{4}$ of said Section 29; thence south to the point of beginning.

WHEREAS, pursuant to the provisions of Section 2, Chapter 131, Session Laws of Kansas, 1965, the Wichita-Sedgwick County Metropolitan Area Planning Commission did give notice by publication in the official city newspaper on January 26, 1966, of a public hearing to be held on the re-adoption of "PART VIII, Recreational and School Facilities", as previously adopted and amended, with a further proposed amendment on Page 31 being the addition of an area west of Municipal Airport in the vicinity of Pawnee and Tyler Road; and

WHEREAS, the Planning Commission, on February 17, 1966, at 2:00 p.m. in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, did hold the public hearing, at which hearing more than a majority of all members of the Wichita-Sedgwick County Metropolitan Area Planning Commission were present; and

WHEREAS, a majority of all members of the said Wichita-Sedgwick County Metropolitan Area Planning Commission approved the re-adoption of "Part VIII, Recreational and School Facilities", as previously amended and adopted, with the further amendment on Page 31 being the addition of an area west of Municipal Airport in the vicinity of Pawnee and Tyler Roads for an area of natural beauty proposed for general open space, park and recreation purposes;

NOW, THEREFORE, BE IT RESOLVED by the majority of all members of the Wichita-Sedgwick County Metropolitan Area Planning Commission, in meeting duly assembled, that "Part VIII, Recreational and School Facilities", be approved for re-adoption as previously amended and adopted, and further amended, extended and added to by including as a part thereof the following:

That PART VIII, "Recreational and School Facilities", Large Parks - Suggested Facilities, Page 31, be amended to include the following area:

6. An area of natural beauty proposed for general open space, park and recreational purposes generally located west of Municipal Airport along Pawnee Street and described as follows:

The E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 32, Township 27 South, Range 1 West, and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 32, Township 27 South, Range 1 West, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 28 South, Range 1 West, and the NE $\frac{1}{4}$ of Section 5, Township 28 South, Range 1 West.

Also a triangular piece of property lying 1/2 mile west of Tyler Road, south of the right-of-way for the Atchison, Topeka and Santa Fe Railroad and north of Harry Street, described as follows:

Beginning at the southeast corner of the SW $\frac{1}{4}$ of Section 29, Township 27, Range 1 West; thence west 1805.8 feet to the Atchison, Topeka and Santa Fe Railroad, thence northeasterly along the right-of-way to the east line of the SW $\frac{1}{4}$ of said Section 29; thence south to the point of beginning.

BE IT FURTHER RESOLVED that notice of the Planning Commission's action be given all interested legislative and administrative groups and agencies in the form of a certified copy of this Resolution and that said groups and agencies be requested to submit to the Planning Commission a statement of recommendation on such approval within 60 days of the receipt of such Resolution; and

BE IT FURTHER RESOLVED, in the event the Planning Commission adopts said proposal, that H. W. Kratzer, Chairman, and C. Bickley Foster, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, record on the Master City Plan of the City of Wichita, as heretofore adopted, amended, extended and added to, the action hereby taken; and

BE IT FURTHER RESOLVED, in the event the Planning Commission adopts said proposal, that an attested copy of this Resolution accomplishing said amendment and extension to the Master City Plan be certified to the governing body of the City of Wichita and to all legislative and administrative agencies affected by the plan.

APPROVED by at least a majority of all of the Metropolitan Area Planning Commission members, at Wichita, Kansas, this 17th day of February, 1966.

H. W. Kratzer
 H. W. Kratzer, Chairman
 Wichita-Sedgwick County Metropolitan
 Area Planning Commission

ATTEST:

C. Bickley Foster
 C. Bickley Foster, Secretary
 Wichita-Sedgwick County Metro-
 politan Area Planning Commis-
 sion

(SEAL)

After notice having been given to all interested groups and agencies and 60 days having elapsed since their receipt of such notice, and having considered the comments received by all interested groups and agencies, the foregoing resolution is hereby amended and adopted to read:

6. An area of natural beauty proposed for general open space, park and recreational purposes generally located west of Municipal Airport along Pawnee Street and described as follows:

The NE $\frac{1}{4}$ of Section 5, Township 28 South, Range 1 West, except the south 761.8 feet of the east 407 feet.

ADOPTED by at least a majority of all the Metropolitan Area Planning Commissioners at Wichita, Kansas, this 5th day of May, 1966.

H. W. Kratzer
 H. W. Kratzer, Chairman
 Wichita-Sedgwick County Metropolitan
 Area Planning Commission

ATTEST:

C. Bickley Foster
 C. Bickley Foster, Secretary
 Wichita-Sedgwick County Metro-
 politan Area Planning Com-
 mission

(SEAL)

Distribution of this letter and Resolution on February 28, 1966:

City Commissioners	5	G. A. Wessels, Chairman Planning Commission
county Commissioners	3	Mulvane
Marvin Huddleston Mayor, Haysville		H. M. VanAuken, Mayor Eastborough
Faye Mallory, City Clerk Haysville		Neill Richards, City Clerk Eastborough
Fred E. Ryan, Chairman Planning Commission Haysville		D. W. Sholtus, Mayor Kechi
Erma B. Brown, Secretary Haysville Planning Commission		Neva Baird, City Clerk Kechi
Cedric L. Crane, Mayor Derby		Robert E. Israel, President Park Board
Bill VanRuth, City Clerk Derby		Emory Cox Don Anderson Russell McClure Ralph Wulz
Dale Peirson, Chairman Planning Commission Derby		Wilmer Freund, County Engineer B. E. Smith Paul Graves
Darlene Clawson, Secy. Derby Planning Commission		R. A. DaVIS, County Fire Chief T. A. McGaughen, Chief City Fire Dept.
O. R. Loewen, Mayor Valley Center		Lawrence Shepdsr Board of Education
Earl Stauffer, City Clerk Valley Center - also Secy. PC		Robert Saft, Co. Supt.
W. M. Updegraff, Chairman Valley Center Planning Commission		Emmett Lawless, Chairman Board of County Com. Sumner County
Joe E. Delcamp, Mayor Mulvane, Kansas		Frank Virr State Highway Dept.
Glenn Klopfenstein, City Clerk Mulvane, Kansas		



**METROPOLITAN AREA PLANNING
COMMISSION**

AMHERST 2-8211—AREA CODE 318
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

February 28, 1966

TO: All Interested Legislative and Administrative
Groups and Agencies

FROM: C. Bickley Foster, Secretary, Wichita-Sedgwick
County Metropolitan Area Planning Commission *CBF*

SUBJECT: Master Plan Amendment to Include as a Suggested
Park, an Area West of Municipal Airport

Attached for your information and review is a certified copy of a resolution amending the Master City Plan of Wichita - "Part VIII, Recreational and School Facilities", to include as a suggested park site an area west of Municipal Airport in the vicinity of Pawnee and Tyler Road. This amendment to the Master Plan was approved by the Metropolitan Area Planning Commission at its regular meeting on February 17, 1966.

Section 2, Chapter 131, Session Laws of Kansas, 1965, provides that a certified copy of the adopted resolution is to be submitted to interested governmental and administrative agencies. These bodies shall, within sixty (60) days after the receipt of the resolution, consider such proposed plan or part thereof and submit a statement containing their recommendations to the Planning Commission.

The Planning Commission, after considering the submitted comments, may make changes if deemed necessary, and may adopt such proposed amendment. The Planning Commission will reconsider this Amendment to the Master City Plan at its regular meeting of May 5, 1966, at 2:00 p.m., Room 104, City Building Annex, 104 South Main, Wichita, Kansas.

If you should have any comments or questions concerning this matter, please contact us.

CBF:RLY:maa
Attachment

RESOLUTION

WHEREAS, pursuant to authority granted by statutes of the State of Kansas, the City of Wichita created a City Planning Commission, which Commission, pursuant to statutory authority applicable to the City of Wichita, has heretofore duly made and adopted a Master Plan and various amendments, extensions and additions thereto for the physical development of a municipality, and of any land outside the municipality which, in the opinion of the Commission, bears relation to the planning of the municipality, which Master Plan and amendments, extensions and additions thereto have been published and made a public record and such plan, amendments, extensions and additions are all incorporated herein by reference; and

WHEREAS, pursuant to statutory authority, a Wichita-Sedgwick County Metropolitan Area Planning Commission was created to take over the functions of the Wichita City Planning Commission and to expand and broaden the territorial jurisdictions thereof, including authority to amend, extend and add to said Master City Plan; and

WHEREAS, said Master City Plan, the amendments, extensions and additions thereto includes as a part thereof the following:

"Part VIII, Recreational and School Facilities", for the City of Wichita, Kansas; and

WHEREAS, having made and caused to be made careful and comprehensive surveys and studies of present conditions and trends of future growth of the municipality, the Wichita-Sedgwick County Metropolitan Area Planning Commission determined that "Part VIII, Recreational and School Facilities", should be readopted as previously amended, and further amended, extended and added to by including as a part thereof the following:

That PART VIII, "Recreational and School Facilities", Large Parks - Suggested Facilities, Page 31, be amended to include the following area:

6. An area of natural beauty proposed for general open space, park and recreational purposes generally located west of Municipal Airport along Pawnee Street and described as follows:

The E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 32, Township 27 South, Range 1 West, and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 32, Township 27 South, Range 1 West, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 28 South, Range 1 West, and the NE $\frac{1}{4}$ of Section 5, Township 28 South, Range 1 West.

Also a triangular piece of property lying 1/2 mile west of Tyler Road, south of the right-of-way for the Atchison, Topeka and Santa Fe Railroad and north of Harry Street, described as follows:

Beginning at the southeast corner of the SW $\frac{1}{4}$ of Section 29, Township 27, Range 1 West; thence west 1805.8 feet to the Atchison, Topeka and Santa Fe Railroad, thence northeasterly along the right-of-way to the east line of the SW $\frac{1}{4}$ of said Section 29; thence south to the point of beginning.

WHEREAS, pursuant to the provisions of Section 2, Chapter 131, Session Laws of Kansas, 1965, the Wichita-Sedgwick County Metropolitan Area Planning Commission did give notice by publication in the official city newspaper on January 26, 1966, of a public hearing to be held on the re-adoption of "PART VIII, Recreational and School Facilities", as previously adopted and amended, with a further proposed amendment on Page 31 being the addition of an area west of Municipal Airport in the vicinity of Pawnee and Tyler Road; and

WHEREAS, the Planning Commission, on February 17, 1966, at 2:00 p.m. in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, did hold the public hearing, at which hearing more than a majority of all members of the Wichita-Sedgwick County Metropolitan Area Planning Commission were present; and

WHEREAS, a majority of all members of the said Wichita-Sedgwick County Metropolitan Area Planning Commission approved the re-adoption of "Part VIII, Recreational and School Facilities", as previously amended and adopted, with the further amendment on Page 31 being the addition of an area west of Municipal Airport in the vicinity of Pawnee and Tyler Roads for an area of natural beauty proposed for general open space, park and recreation purposes;

NOW, THEREFORE, BE IT RESOLVED by the majority of all members of the Wichita-Sedgwick County Metropolitan Area Planning Commission, in meeting duly assembled, that "Part VIII, Recreational and School Facilities", be approved for re-adoption as previously amended and adopted, and further amended, extended and added to by including as a part thereof the following:

That PART VIII, "Recreational and School Facilities", Large Parks - Suggested Facilities, Page 31, be amended to include the following area:

6. An area of natural beauty proposed for general open space, park and recreational purposes generally located west of Municipal Airport along Pawnee Street and described as follows:

The E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 32, Township 27 South, Range 1 West, and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 32, Township 27 South, Range 1 West, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 28 South, Range 1 West, and the NE $\frac{1}{4}$ of Section 5, Township 28 South, Range 1 West.

Also a triangular piece of property lying 1/2 mile west of Tyler Road, south of the right-of-way for the Atchison, Topeka and Santa Fe Railroad and north of Harry Street, described as follows:

Beginning at the southeast corner of the SW $\frac{1}{4}$ of Section 29, Township 27, Range 1 West; thence west 1805.8 feet to the Atchison, Topeka and Santa Fe Railroad, thence northeasterly along the right-of-way to the east line of the SW $\frac{1}{4}$ of said Section 29; thence south to the point of beginning.

BE IT FURTHER RESOLVED that notice of the Planning Commission's action be given all interested legislative and administrative groups and agencies in the form of a certified copy of this Resolution and that said groups and agencies be requested to submit to the Planning Commission a statement of recommendation on such approval within 60 days of the receipt of such Resolution; and

BE IT FURTHER RESOLVED, in the event the Planning Commission adopts said proposal, that H. W. Kratzer, Chairman, and C. Bickley Foster, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, record on the Master City Plan of the City of Wichita, as heretofore adopted, amended, extended and added to, the action hereby taken; and

BE IT FURTHER RESOLVED, in the event the Planning Commission adopts said proposal, that an attested copy of this Resolution accomplishing said amendment and extension to the Master City Plan be certified to the governing body of the City of Wichita and to all legislative and administrative agencies affected by the plan.

APPROVED by at least a majority of all of the Metropolitan Area Planning Commission members, at Wichita, Kansas, this 17th day of February, 1966.

H. W. Kratzer
H. W. Kratzer, Chairman
Wichita-Sedgwick County Metro-
politan Area Planning Commission

ATTEST:

C. Bickley Foster
C. Bickley Foster, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission

(SEAL)

After notice having been given to all interested groups and agencies and 60 days having elapsed since their receipt of such notice, the foregoing Resolution is hereby adopted.

ADOPTED by at least a majority of all the Metro-
politan Area Planning Commissioners at Wichita, Kansas, this
day of _____, 19____.

H. W. Kratzer, Chairman
Wichita-Sedgwick County Metro-
politan Area Planning Commission

ATTEST:

C. Bickley Foster, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission

(SEAL)

() (Published in The Wichita Beacon on January 26, 1966.)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

PUBLIC NOTICE IS HEREBY GIVEN that the Wichita-Sedgwick County Metropolitan Area Planning Commission will hold a public hearing on the adoption of an amendment to that part of the Comprehensive Plan for the City of Wichita, 1946, entitled "Part VIII, Recreational and School Facilities", which hearing will be held in the Planning Commission meeting room, 401 City Building Annex, 104 South Main, Wichita, Kansas, at 2:00 p.m., on Thursday, February 17, 1966.

Said public hearing will be held pursuant to the provisions of Section 2, Chapter 131, Session Laws of Kansas, 1965, at which time it is proposed to readopt the "Part VIII, Recreational and School Facilities, Comprehensive Plan, City of Wichita, 1946", as previously adopted and amended, with the further amendment by adding to "Large Parks - Suggested Facilities", Page 31, the following:

6. An area of natural beauty proposed for general open space, park and recreational purposes generally located west of the Municipal Airport along Pawnee Street and described as follows:

The E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 32, Township 27 South, Range 1 West, and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 32, Township 27 South, Range 1 West, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 28 South, Range 1 West, and the NE $\frac{1}{4}$ of Section 5, Township 28 South, Range 1 West, except the south 761.8 feet of the east 407 feet; and

Also a triangular piece of property lying 1/2 mile west of Tyler Road, south of the right-of-way for the Atchison, Topeka and Santa Fe Railroad and north of Harry Street, described as follows:

Beginning at the southeast corner of the SW $\frac{1}{4}$ of Section 29, Township 27, Range 1 West; thence west 1805.8 feet to the Atchison, Topeka and Santa Fe Railroad; thence northeasterly along the right-of-way to the east line of the SW $\frac{1}{4}$ of said Section 29; thence south to the point of beginning.

The proposed amendment above described shall be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter shall be heard at that time concerning their views and wishes in the premises as by law provided.

WITNESS my hand and seal this 24th day of January, 1966.

C. Bickley Foster, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

Robert D. ...

66-2

DR 66-2 - Board of City Commissioners
request consideration of Reversionary
-Contract Zoning

jean

ACTION

DATE

COMMITTEE

M.A.P.C.

B.C.C. ~~1/2/66~~ *appears* 2-2/66

*Institute City Manager
reversionary contract*

Clare

SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
11-17-65	Z-0736	AA to B	Between West Street and Missouri Pacific and between 12th and 13th Streets	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
12-2-65	Z-0740	AA to BB	West side of McLean Boulevard between Murdock and 9th Street	Approve	Approve	Approved	---	---	Vacant
1- 5-66	Z-0744	AA to LC	Northwest corner of Maxwell and Meridian	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
1-12-66	Z-0746	AA to A	Northeast corner of Hardtner and Caddy Lane	Approve Lots 1 & 2	Approve Lots 1 & 2	Approved Lots 1 & 2	---	---	Vacant
1-12-66	Z-0747	AA to LC	North side of Pawnee in an area west of Wichita Drainage Canal	Approve subject to platting	Approve subject to platting	Approved	---	---	Not Redeveloped
1-19-66	Z-0752	A to RE	Northwest corner of Yale and Osie	Approve	Approve	Approved	---	---	Vacant
1-27-66	Z-0755	AA to LC	North side of Pawnee in an area west of Wichita Drainage Canal	Approve subject to platting	Approve subject to platting	Approved	---	---	Not Redeveloped
1-31-66	Z-0756	B to LC	East side of Waco between 8th and Murdock	Approve BB Deny LC	Approve BB Deny LC	Approved BB	---	---	Not Redeveloped
2- 1-66	Z-0759	A & B to LC	West side of West Street between St. Louis and Newell	Approve subject to platting	Approve subject to platting	Approved	---	---	Insurance Office

66-2

SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
2- 1-66	Z-0760	AA to B	North side of 13th Street in an area between Charles and Clarence	Approve subject to platting	Approve subject to platting	Approved	---	---	Apartments
2- 3-66	Z-0762	AA to LC	North side of Kellogg in an area west of Webb Road	Approve subject to Platting	Approve subject to platting	Approved	---	---	Shopping Center
3- 4-66	Z-0767	B & AA to LC & B	East side of West Street on both sides of Pine	Deny	Approve LC & A subject to platting	Approved LC & A	---	---	Vacant
3-23-66	Z-0775	B to C	North side of 8th Street in an area between New York and Hydraulic	Deny	Approve area for sign only	Approved area for sign only	---	---	Vacant
3-28-66	Z-0778	AA to A	East side of Coolidge between 29th and 30th Streets	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
4- 5-66	Z-0780	AA to BB	Between Central and Denmark and between Country Acres Avenue and Ridge Road	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
4-11-66	Z-0781	AA to A & LC	South of Central between Ridge Road and Country Acres Avenue	Approve	Approve	Approved	---	---	Vacant
4-28-66	Z-0786	AA to LC	North side of 13th between Mt. Carmel and Sheridan	Approve LC exc. W 125' to BB	Approve LC exc. W 125' to BB	Approved LC exc. W 125' to BB	---	---	Boat Sales Made Conforming

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
3-17-65	Z-0645	A to B & LC	Southwest corner of Roanoke and Harry	Deny	Deny	Approved	---	---	Cleaners-Offices
3-18-65	Z-0646	AA to E	North side of McCormick in an area between Kessler and Leona	Approve subject to platting or deny	Deny	Approved	---	---	Billboard
3-19-65	Z-0647	AA to C	Southeast corner of Pawnee and St. Paul	Approve subject to platting	Approve subject to platting	Approved	---	---	Machine Shop
3-23-65	Z-0648	BB to LC	South side of Central between Pinecrest and Parkwood	Deny	Approve subject to platting	Approved	---	---	Restaurant made conforming
4- 6-65	Z-0649	RB to B	North side of 16th Street between Harvard and Gentry	Approve subject to platting or deny	Deny	Approved subject to platting	---	---	Vacant
4- 7-65	Z-0650	BB to LC	South side of 31st Street between Exposition and Millwood	Deny	Deny	Approved	---	---	Vacant
4- 7-65	Z-0652	LC & AA to C	East side of Broadway between MacArthur Road and 43rd Street	Approve	Approve	Approved	---	---	Trailer Sales
4-13-65	Z-0653	A to C	Southeast corner of 26th Street and Arkansas	Deny	Deny C-Approve LC	Denied C-Approved LC	---	---	Retail Dairy & Auto Repairs
4-14-65	Z-0654	AA & LC to C	East side of Broadway between I-235 and 43rd Street South	Approve	Approve	Approved	---	---	Insurance and Marine Sales made conforming

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filled	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
4-20-65	Z-0657	A to B	Southeast corner of Clifton and Oakland	Deny	Deny	Approved	---	---	Garden Apartments
4-21-65	Z-0658	AA to LC	Northeast corner of Central and Murray	Deny LC - Approve BB	Deny LC - Approve BB	Approved LC	---	---	Medical and Real Estate Offices
4-23-65	Z-0659	B to BB	East side of Amidon in an area between 21st and 23rd Streets	Approve	Approve	Approved	---	---	Concrete block building in rear
4-29-65	Z-0660	B to E	West side of Wellington Place between 11th and 12th Streets	Deny	Approve	Approved	---	---	Vacant
5-3-65	Z-0661	AA to LC	East side of Coolidge between 21st and 23rd Streets	Approve S 56'	Approve S 56'	Approved BB	---	---	Duplex
5-17-65	Z-0662	AA to A	Southwest corner of Virginia and Lincoln	Approve	Approve	Approved	---	---	Garage and Warehouse
5-17-65	Z-0663	C to E	East side of Market between 25th and 26th Streets	Approve	Approve	Approved	---	---	Drive-in
5-19-65	Z-0664	RB to LC	Southwest corner of Sunnybrook Lane and Hallside	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
5-21-65	Z-0666	AA to B	West side of Amidon between 26th and 27th Streets	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
5-26-65	Z-0667	AA to BB	Southwest corner of 13th Street and McLean Boulevard	Approve	Approve	Approved	---	---	Vacant
5-27-65	Z-0668	AA to B	Southwest corner of 21st Street and Meridian	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1954

Date Filled	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
2-12-65	Z-0634	AA to C	North side of U. S. 54 in an area east of Hoover	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
2-18-65	Z-0635	AA & LC to AA	Both sides of Mills, just west of Hydraulic and north of MacArthur Road	Deny	Approve	Approved Lots 1, 2, 3 & 9	---	---	Single-Family
2-23-65	Z-0636	B to BB and LC	North side of 13th Street between Terrace and Pershing	Approve	Approve	Approved	---	---	Vacant
2-24-65	Z-0637	B to LC	Northwest corner of West and Elm	Approve	Approve subject to Platting	Approved	---	---	Vacant
2-25-65	Z-0638	AA to LC	Southwest corner of St. Clair and 29th Street	Deny	Approve BB	Approved LC	---	---	Drive-in Rest. & Serv. Station made conforming
3- 3-65	Z-0640	B to LC	West side of Osage between Mentor and Maple	Deny	Approve	Approved	---	---	Mobile Home and Vacant
3-10-65	Z-0641	AA to A	Northwest corner of Ridge Road and Denmark	Approve	Approve	Approved	---	---	Vacant
3-12-65	Z-0642	A to LC	West side of Poplar between Lincoln and Morris	Deny	Approve	Approved	---	---	Unoccupied Commercial bldg.
3-15-65	Z-0643	AA to LC	North side of Central in area between St. Paul and Mt. Carmel	Approve subject to platting	Approve	Approved	---	---	Restaurant
3-15-65	Z-0644	AA to E	Southeast corner of Kessler and McCormick	Approve subject to platting	Approve	Approved	---	---	Electric & Automotive Supply

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
1-18-65	Z-0622	AA to B	North side of 17th in an area between Bluff and Oliver	Approve subject to platting	Approve subject to platting	Approved	---	---	Dormitories
1-19-65	Z-0623	LC to F	West side of Seneca between Orient Boulevard and Dooley	Deny	Approve E	Approved E	---	---	House Movers & Homes for sale
1-19-65	Z-0624	BB to LC	Southwest corner of Parkwood and Central	Deny	Deny	Approved	---	---	Drive-in Milk, Pizza Hut
1-20-65	Z-0625	B to C	East side of St. Francis between 13th and 14th Streets	Approve	Approve	Approved	---	---	Parking
1-25-65	Z-0627	AA to A	Southeast corner of Woodchuck and Central	Approve	Approve	Approved	---	---	Vacant
1-27-65	Z-0628	B & LC to C	Both sides of 9th, in an area between Emporia and St. Francis	Approve	Approve	Approved	---	---	Hospital Storage
1-27-65	Z-0629	AA to A, B & LC	West side of Rock Road in an area north of Central	Approve	Approve	Approved	---	---	Vacant
2- 2-65	Z-0630	A to LC & BB	East side of Lightner Drive between Kellogg and Orme	Approve subject to platting	Approve subject to platting	Approved	---	---	Parking
2- 2-65	Z-0631	LC to B	North of 31st Street between Oliver and George Washington Blvd.	Approve	Approve	Approved	---	---	Vacant
2- 3-65	Z-0632	AA to B	Northeast corner of 21st Street and Oliver	Approve	Deny	Approved	---	---	Vacant

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
6- 1-65	Z-0669	AA to BB	South side of 13th in an area west of High	Approve	Approve	Approved	---	---	Office
6- 2-65	Z-0671	B to LC	Southeast corner of 14th Street and Pershing	Approve	Approve	Approved	---	---	Parking
6- 3-65	Z-0672	B & LC to AA	Northwest corner of Woodlawn and Kellogg	Approve	Approve	Approved	---	---	School Play-ground
6- 7-65	Z-0673	LC & BB to E	Northeast, northwest, southeast and southwest corners of Ross Parkway and Roosevelt	Deny E - Approve C	Deny E - Approve C	Denied E - Approved C	---	---	Shopping Center, warehouse and vacant
6-16-65	Z-0674	B to BB	East side of Hydraulic between Lewis and Kellogg	Approve	Approve	Approved	---	---	Not Redeveloped
6-16-65	Z-0675	B to LC	West side of Seneca in an area south of May	Deny	Approve	Approved	---	---	Drive-in Restaurant
6-16-65	Z-0676	B & AA to LC	Southeast corner of West Street and St. Louis	Approve subject to platting	Approve subject to platting	Approved	---	---	Restaurant
6-18-65	Z-0677	B to LC	Southwest corner of 11th Street and Topeka	Approve	Approve	Approved	---	---	Not Redeveloped
6-21-65	Z-0678	AA to LC	Southwest corner of Central and Tyler Road	Approve subject to platting	Approve subject to platting	Approved	---	---	Drive-in Restaurant
6-24-65	Z-0680	AA to B	North side of 22nd Street between Porter and Somerset	Approve subject to platting	Approve subject to platting	Approved	---	---	Garden Apartments

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
3-12-64	Z-0536	AA to A	East side of Mt. Carmel between 13th and 15th Streets	Approve	Approve	Approved	---	---	Duplex and Vacant
3-17-64	Z-0538	A to B	Southeast corner of Market and Clark	Deny	Approve	Approved	---	---	Vacant
3-18-64	Z-0539	AA to C	In an area east of Seneca and North of MacArthur Road	Approve subject to platting	Approve subject to platting	Approved	---	---	Lake and private club
3-18-64	Z-0540	AA to G	North side of MacArthur between Seneca and Meridian	Approve	Approve	Approved	---	---	Mobile Home Park
3-20-64	Z-0541	A to LC	East side of Erie between Kellogg and Lewis	Approve	Approve	Approved	---	---	Drive-in Restaurant
4-7-64	Z-0543	A to LC	West side of West Street between 12th and 13th Streets	Approve subject to platting	Approve E 300' subject to platting	Approved E 300'	---	---	Medical Center-Apothecary
4-8-64	Z-0544	AA to B	Southwest corner of Oliver and Vesta Drive	Approve	Approve	Approved	---	---	Childrens Day-Center
4-10-64	Z-0545	B to LC	East side of Clifton between Zimmerly and Grand as extended	Approve for BB	Approve LC	Approved LC	---	---	Flower, doctor, & pharmacy
4-16-64	Z-0546	B to E	South side of Murdock in an area west of Pennsylvania	Approve subject to platting	Approve subject to platting	Approved	---	---	Tool Company
4-17-64	Z-0548	AA to G	In area north of MacArthur between Seneca and Midland Valley Railroad	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
4-17-64	Z-0549	AA to G	North side of Pawnee between Anna and I-235	Approve	Approve subject to platting	Approved	---	---	Mobile Home Park
4-27-64	Z-0550	AA to A	West side of Salina between 31st and 33rd Streets	Deny	Approve	Approved	---	---	Mobile Home & Single Family House
4-30-64	Z-0551	RB to LC	Southeast corner of Seneca and Irving	Approve subject to platting	Approve subject to platting	Approved	---	---	Commercial Building for Retail and offices
5- 5-64	Z-0553	A to LC	East side of Chautauqua between Lewis and Kellogg	Approve	Approve	Approved	---	---	Pancake House
4- 6-64	Z-0555	AA to G	South side of MacArthur Road 1/2 mile east of Meridian	Approve subject to platting	Approve subject to platting	Approved	---	---	Mobile Home Park
5-18-64	Z-0556	AA to C	Northwest corner of Rock Road and Harry	Deny	Deny	Referred to MAPC	Approve LC subject to platting	Approved LC	Vacant
5-28-64	Z-0557	AA & LC to LC	Northwest corner of Kellogg and Rock Road	Approve	Approve	Approved	---	---	Vacant
6- 1-64	Z-0558	RB to LC	East side of Oliver between Kellogg and Orme	Deny	Approve	Approved W 160.1' to LC - B for balance	---	---	Restaurant and Cabin Camp
6-12-64	Z-0562	RB to LC	East side of Hillside between 31st St. South and Ross Parkway	Deny	Approve	Approved	---	---	Auto accessories & Maintenance

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filled	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
6-28-65	Z-0681	AA to LC	Northeast corner of 25th Street and Amidon	Deny	Deny	Approved	---	---	Vacant Service Station
6-29-65	Z-0682	AA to LC	Northeast corner of Ridge Road and Harry	Approve subject to platting	Approve subject to platting	Approved	---	---	Restaurant
7- 6-65	Z-0683	AA to LC	Northeast corner of 22nd Street and Hood	Deny	Deny	Approved subject to platting	---	---	Not Redeveloped
7- 7-65	Z-0684	AA to G	Southeast corner of 31st Street and Clifton	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
7- 8-65	Z-0685	AA to BB	North side of McCormick between Sheridan and All Hallows	Approve	Approve	Approved	---	---	Vacant
7-15-65	Z-0687	AA & B to LC	Northwest corner of 2nd and West Streets	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
7-21-65	Z-0689	A to LC	Northwest corner of Roosevelt and Kellogg	Approve BB subject to platting	Deny	Referred to MAPC for BB	Deny BB	Approved BB subject to platting	Vacant
7-21-65	Z-0691	AA to F	North side of MacArthur Road approximately 1/4 mile west of Hydraulic	Deny	Deny	Referred to MAPC for C	Approve C subject to platting	Approved C	Vacant
7-22-65	Z-0692	AA to B	Southwest corner of 13th Street and Sheridan	Approve	Approve	Approved	---	---	Not Redeveloped
7-26-65	Z-0693	B to C	North side of Murdock between Mathewson and Pennsylvania	Approve	Approve	Approved	---	---	Existing bldg. enlarged

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
6-16-64	Z-0564	B to E	East side of Seneca between 1st Street and Pearl	Deny E, Approve C	Approve C	Denied E, Approved C	---	---	Not Redeveloped
6-24-64	Z-0566	AA to A	Northeast corner of Crestway and Pawnee	Approve	Deny	Approved	---	---	Duplex
6-29-64	Z-0567	B & A to LC	Southwest corner of Broadview and Kellogg	Deny LC Approve BB	Deny LC Approve BB	Approved BB	---	---	Medical Office Apothecary
7- 7-64	Z-0569	A to BB	Southwest corner of Central and Hillcrest	Deny	Approve	Approved	---	---	Office
7- 9-64	Z-0570	AA to LC	East side of Mascot between 29th and 30th Streets	Deny LC Approve BB	Deny LC Approve BB	Denied LC Approved BB	---	---	parking for commercial building
7-16-64	Z-0571	AA to G and LC	West of Seneca and 1/4 mile north of MacArthur Road	Approve all to G	Approve all for G	Approved all for G	---	---	Mobile Home Park
7-27-64	Z-0574	AA to LC	North side of Pawnee and west of Seneca	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
7-27-64	Z-0575	B to C	East side of Ash between Douglas and 1st Street	Deny	Deny C Approve LC	Approved LC - Denied C	---	---	Carpet Sales
8- 3-64	Z-0578	AA to C	Southeast corner of Salina and 29th Street	Deny C - Approve LC 255' in depth	Deny C - Approve LC subject to platting	Approved LC	---	---	Not Redeveloped
8- 6-64	Z-0579	AA to G	Southeast corner of Seneca and Hazel	Deny	Approve	Approved	---	---	Mobile Home Park

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Registered	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
7-26-65	Z-0694	LC to C	Southeast corner of Kellogg and Gouverneur Road	Approve	Approve	Approved	---	---	Chrysler Agency
7-30-65	Z-0695	AA to B	South side of 17th in an area between Gentry and Roosevelt Court	Approve	Approve	Approved	---	---	Religious Student Center
8-2-65	Z-0696	AA to LC	Northeast corner of Hydraulic and Wassall	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
8-3-65	Z-0698	AA to A	Southeast corner of Battin and Elm	Approve	Approve	Approved	---	---	Duplex
8-4-65	Z-0699	AA & A to LC	Southeast corner of Harry and Roosevelt	Approve subject to platting	Approve subject to platting	Approved	---	---	Not Redeveloped
8-9-65	Z-0701	AA & RB to B	Bounded by 21st and 22nd Street and Hillside and Chautauqua	Approve	Approve subject to platting	Approved	---	---	Dormitories
8-18-65	Z-0702	B to LC	Southeast corner of Kellogg and Fountain	Deny	Deny	Approved	---	---	Not Redeveloped
8-18-65	Z-0703	A to BB	Southwest corner of Oliver and English	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
8-20-65	Z-0704	AA to LC	Southeast corner of 27th Street and Seneca	Deny	Deny	Referred to MAPC	Deny	Approved E 150' BB & balance LC	Vacant

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
8-27-65	Z-0706	AA to LC	North side of Pawnee in an area west of Seneca	Approve subject to platting	Approve subject to platting	Approved	---	---	Not Redeveloped
8-31-65	Z-0707	AA to A & BB	Southwest corner of Central and Country Acres Avenue	Approve	Approve	Approved	---	---	Vacant
9- 2-65	Z-0708	AA to B	East side of Chautauqua between 21st and 22nd Streets	Approve	Approve	Approved	---	---	Dormitories
9- 8-65	Z-0709	B to BB	Northwest corner of Minnesota and Kellogg	Approve	Approve	Approved	---	---	Parking lot
9-15-65	Z-0713	AA to LC	West side of Seneca between Lydia and Haskell	Approve Deny LC	Deny LC Approve BB	Referred to MAPC	Deny LC	Approved	Drive-in Restaurant
9-17-65	Z-0714	A to LC	East side of Edwards between 12th and 13th Streets	Deny LC Approve B	Approve LC & BB	Approved LC & BB	---	---	Vacant
9-24-65	Z-0718	AA & B to BB	East side of West Street in an area between Elm and Pine	Approve	Approve	Approved	---	---	Not Redeveloped
9-24-65	Z-0719	B to LC	West side of Amidon in an area south of Halstead (vacated)	Approve	Approve	Approved	---	---	Shopping Center
9-28-65	Z-0720	A to BB	Southwest corner of Kellogg and Terrace	Approve subject to platting	Approve subject to platting	Approved	---	---	Not Redeveloped
9-29-65	Z-0721	AA to RB	West side of Amidon between 27th and 29th Streets	Approve	Approve	Approved	---	---	Apartment Complex
10-4-65	Z-0722	AA to BB	Southwest corner of Woodlawn and Oakwood Drive	Approve	Approve	Approved	---	---	Not Redeveloped

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
11-17-65	Z-0736	AA to B	Between West Street and Missouri Pacific and between 12th and 13th Streets	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
12-2-65	Z-0740	AA to BB	West side of McLean Boulevard between Murdock and 9th Street	Approve	Approve	Approved	---	---	Vacant
1- 5-66	Z-0744	AA to LC	Northwest corner of Maxwell and Meridian	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
1-12-66	Z-0746	AA to A	Northeast corner of Hardtner and Caddy Lane	Approve Lots 1 & 2	Approve Lots 1 & 2	Approved Lots 1 & 2	---	---	Vacant
1-12-66	Z-0747	AA to LC	North side of Pawnee in an area west of Wichita Drainage Canal	Approve subject to platting	Approve subject to platting	Approved	---	---	Not Redeveloped
1-19-66	Z-0752	A to RB	Northwest corner of Yale and Osie	Approve	Approve	Approved	---	---	Vacant
1-27-66	Z-0755	AA to LC	North side of Pawnee in an area west of Wichita Drainage Canal	Approve subject to platting	Approve subject to platting	Approved	---	---	Not Redeveloped
1-31-66	Z-0756	B to LC	East side of Waco between 8th and Murdock	Approve BB Deny LC	Approve BB Deny LC	Approved BB	---	---	Not Redeveloped
2- 1-66	Z-0759	A & B to LC	West side of West Street between St. Louis and Newell	Approve subject to platting	Approve subject to platting	Approved	---	---	Insurance Office

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filled	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
2- 1-66	Z-0760	AA to B	North side of 13th Street in an area between Charles and Clarence	Approve subject to platting	Approve subject to platting	Approved	---	---	Apartments
2- 3-66	Z-0762	AA to LC	North side of Kellogg in an area west of Webb Road	Approve subject to platting	Approve subject to platting	Approved	---	---	Shopping Center
3- 4-66	Z-0767	B & AA to LC & B	East side of West Street on both sides of Pine	Deny	Approve LC & A subject to Platting	Approved LC & A	---	---	Vacant
3-23-66	Z-0775	B to C	North side of 8th Street in an area between New York and Hydraulic	Deny	Approve area for sign only	Approved area for sign only	---	---	Vacant
3-28-66	Z-0778	AA to A	East side of Coolidge between 29th and 30th Streets	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
4- 5-66	Z-0780	AA to BB	Between Central and Denmark and between Country Acres Avenue and Ridge Road	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
4-11-66	Z-0781	AA to A & LC	South of Central between Ridge Road and Country Acres Avenue	Approve	Approve	Approved	---	---	Vacant
4-28-66	Z-0786	AA to LC	North side of 13th between Mt. Carmel and Sheridan	Approve LC exc. W 125' to BB	Approve LC exc. W 125' to BB	Approved LC exc. W 125' to BB	---	---	Boat Sales Made Conforming

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filled	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
3-17-65	Z-0645	A to B & LC	Southwest corner of Roanoke and Harry	Deny	Deny	Approved	---	---	Cleaners-Offices
3-18-65	Z-0646	AA to E	North side of McCormick in an area between Kessler and Leoline	Approve subject to platting or deny	Deny	Approved	---	---	Billboard
3-19-65	Z-0647	AA to C	Southeast corner of Pawnee and St. Paul	Approve subject to platting	Approve subject to platting	Approved	---	---	Machine Shop
3-23-65	Z-0648	BB to LC	South side of Central between Pinecrest and Parkwood	Deny	Approve subject to platting	Approved	---	---	Restaurant made conforming
4-6-65	Z-0649	RB to B	North side of 16th Street between Harvard and Gentry	Approve subject to platting or deny	Deny	Approved subject to platting	---	---	Vacant
4-7-65	Z-0650	BB to LC	South side of 31st Street between Exposition and Millwood	Deny	Deny	Approved	---	---	Vacant
4-7-65	Z-0652	LC & AA to C	East side of Broadway between MacArthur Road and 43rd Street	Approve	Approve	Approved	---	---	Trailer Sales
4-13-65	Z-0653	A to C	Southeast corner of 26th Street and Arkansas	Deny	Deny C-Approve LC	Denied C-Approved LC	---	---	Retail Dairy & Auto Repairs
4-14-65	Z-0654	AA & LC to C	East side of Broadway between I-235 and 43rd Street South	Approve	Approve	Approved	---	---	Insurance and Marine Sales made conforming

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
1-18-65	Z-0622	AA to B	North side of 17th in an area between Bluff and Oliver	Approve subject to platting	Approve subject to platting	Approved	---	---	Dormitories
1-19-65	Z-0623	LC to F	West side of Seneca between Orient Boulevard and Dooley	Deny	Approve E	Approved E	---	---	House Movers & Homes for sale
1-19-65	Z-0624	BB to LC	Southwest corner of Parkwood and Central	Deny	Deny	Approved	---	---	Drive-in Milk, Pizza Hut
1-20-65	Z-0625	B to C	East side of St. Francis between 13th and 14th Streets	Approve	Approve	Approved	---	---	Parking
1-25-65	Z-0627	AA to A	Southeast corner of Woodchuck and Central	Approve	Approve	Approved	---	---	Vacant
1-27-65	Z-0628	B & LC to C	Both sides of 9th, in an area between Emporia and St. Francis	Approve	Approve	Approved	---	---	Hospital Storage
1-27-65	Z-0629	AA to A, B & LC	West side of Rock Road in an area north of Central	Approve	Approve	Approved	---	---	Vacant
2- 2-65	Z-0630	A to LC & BB	East side of Lightner Drive between Kellogg and Orme	Approve subject to platting	Approve subject to platting	Approved	---	---	Parking
2- 2-65	Z-0631	LC to B	North of 31st Street between Oliver and George Washington Blvd.	Approve	Approve	Approved	---	---	Vacant
2- 3-65	Z-0632	AA to B	Northeast corner of 21st Street and Oliver	Approve	Deny	Approved	---	---	Vacant

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
2-12-65	Z-0634	AA to C	North side of U. S. 54 in an area east of Hoover	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
2-18-65	Z-0635	AA & LC to AA	Both sides of Mills, just west of Hydraulic and north of MacArthur Road	Deny	Approve	Approved Lots 1, 2, 3 & 9	---	---	Single-Family
2-23-65	Z-0636	B to BB and LC	North side of 13th Street between Terrace and Pershing	Approve	Approve	Approved	---	---	Vacant
2-24-65	Z-0637	B to LC	Northwest corner of West and Elm	Approve	Approve subject to platting	Approved	---	---	Vacant
2-25-65	Z-0638	AA to LC	Southwest corner of St. Clair and 29th Street	Deny	Approve BB	Approved LC	---	---	Drive-in Rest. & Serv. Station made conforming
3- 3-65	Z-0640	B to LC	West side of Osage between Mentor and Maple	Deny	Approve	Approved	---	---	Mobile Home and Vacant
3-10-65	Z-0641	AA to A	Northwest corner of Ridge Road and Denmark	Approve	Approve	Approved	---	---	Vacant
3-12-65	Z-0642	A to LC	West side of Poplar between Lincoln and Morris	Deny	Approve	Approved	---	---	Unoccupied Commercial bldg.
3-15-65	Z-0643	AA to LC	North side of Central in area between St. Paul and Mt. Carmel	Approve subject to platting	Approve	Approved	---	---	Restaurant
3-15-65	Z-0644	AA to E	Southeast corner of Kessler and McCormick	Approve subject to platting	Approve	Approved	---	---	Electric & Automotive Supply

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
4-20-65	Z-0657	A to B	Southeast corner of Clifton and Oakland	Deny	Deny	Approved	---	---	Garden Apartments
4-21-65	Z-0658	AA to LC	Northeast corner of Central and Murray	Deny LC - Approve BB	Deny LC - Approve BB	Approved LC	---	---	Medical and Real Estate Offices
4-23-65	Z-0659	B to BB	East side of Amidon in an area between 21st and 23rd Streets	Approve	Approve	Approved	---	---	Offices
4-29-65	Z-0660	B to E	West side of Wellington Place between 11th and 12th Streets	Deny	Approve	Approved	---	---	Concrete block building in rear
5- 3-65	Z-0661	AA to LC	East side of Coolidge between 21st and 23rd Streets	Approve S 56'	Approve S 56'	Approved BB	---	---	Vacant
5-17-65	Z-0662	AA to A	Southwest corner of Virginia and Lincoln	Approve	Approve	Approved	---	---	Duplex
5-17-65	Z-0663	C to E	East side of Market between 25th and 26th Streets	Approve	Approve	Approved	---	---	Garage and Warehouse
5-19-65	Z-0664	RB to LC	Southwest corner of sunnybrook Lane and Hallside	Approve subject to platting	Approve subject to platting	Approved	---	---	Drive-in
5-21-65	Z-0666	AA to B	West side of Amidon between 26th and 27th Streets	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
5-26-65	Z-0667	AA to BB	Southwest corner of 13th Street and McLean Boulevard	Approve	Approve	Approved	---	---	Vacant
5-27-65	Z-0668	AA to B	Southwest corner of 21st Street and Meridian	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filled	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
6- 1-65	Z-0669	AA to BB	South side of 13th in an area west of High	Approve	Approve	Approved	---	---	Office
6- 2-65	Z-0671	B to LC	Southeast corner of 14th Street and Pershing	Approve	Approve	Approved	---	---	Parking
6- 3-65	Z-0672	B & LC to AA	Northwest corner of Woodlawn and Kellogg	Approve	Approve	Approved	---	---	School Play-ground
6- 7-65	Z-0673	LC & BB to E	Northeast, northwest, southeast and southwest corners of Ross Parkway and Roosevelt	Deny E - Approve C	Deny E - Approve C	Denied E - Approved C	---	---	Shopping Center, warehouse and vacant
6-16-65	Z-0674	B to BB	East side of Hydraulic between Lewis and Kellogg	Approve	Approve	Approved	---	---	Not Redeveloped
6-16-65	Z-0675	B to LC	West side of Seneca in an area south of May	Deny	Approve	Approved	---	---	Drive-in Restaurant
6-16-65	Z-0676	B & AA to LC	Southeast corner of West Street and St. Louis	Approve subject to platting	Approve subject to platting	Approved	---	---	Restaurant
6-19-65	Z-0677	B to LC	Southwest corner of 11th Street and Topeka	Approve	Approve	Approved	---	---	Not Redeveloped
6-21-65	Z-0678	AA to LC	Southwest corner of Central and Tyler Road	Approve subject to platting	Approve subject to platting	Approved	---	---	Drive-in Restaurant
6-24-65	Z-0680	AA to B	North side of 22nd Street between Porter and Somerset	Approve subject to platting	Approve subject to platting	Approved	---	---	Garden Apartments

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
3-12-64	Z-0536	AA to A	East side of Mt. Carmel between 13th and 15th Streets	Approve	Approve	Approved	---	---	Duplex and Vacant
3-17-64	Z-0538	A to B	Southeast corner of Market and Clark	Deny	Approve	Approved	---	---	Vacant
3-18-64	Z-0539	AA to C	In an area east of Seneca and North of MacArthur Road	Approve subject to platting	Approve subject to platting	Approved	---	---	Lake and private club
3-18-64	Z-0540	AA to G	North side of MacArthur between Seneca and Meridian	Approve	Approve	Approved	---	---	Mobile Home Park
3-20-64	Z-0541	A to LC	East side of Erie between Kellogg and Lewis	Approve	Approve	Approved	---	---	Drive-in Restaurant
4-7-64	Z-0543	A to LC	West side of West Street between 12th and 13th Streets	Approve subject to platting	Approve subject to platting	Approved E 300'	---	---	Medical Center: Apothecary
4-8-64	Z-0544	AA to B	Southwest corner of Oliver and Vesta Drive	Approve	Approve	Approved	---	---	Childrens Day-Center
4-10-64	Z-0545	B to LC	East side of Clifton between Zimmerly and Grand as extended	Approve for BB	Approve LC	Approved LC	---	---	Flower, doctor, & pharmacy
4-16-64	Z-0546	B to E	South side of Murdock in an area west of Pennsylvania	Approve subject to platting	Approve subject to platting	Approved	---	---	Tool Company
4-17-64	Z-0548	AA to G	In area north of MacArthur between Seneca and Midland Valley Railroad	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
4-17-64	Z-0549	AA to G	North side of Pawnee between Anna and I-235	Approve	Approve subject to platting	Approved	---	---	Mobile Home park
4-27-64	Z-0550	AA to A	West side of Salina between 31st and 33rd Streets	Deny	Approve	Approved	---	---	Mobile Home & Single Family House
4-30-64	Z-0551	RB to LC	Southeast corner of Seneca and Irving	Approve subject to platting	Approve subject to platting	Approved	---	---	Commercial Building for retail and offices
5- 5-64	Z-0553	A to LC	East side of Chautauqua between Lewis and Kellogg	Approve	Approve	Approved	---	---	Pancake House
4- 6-64	Z-0555	AA to G	South side of MacArthur Road 1/2 mile east of Meridian	Approve subject to platting	Approve subject to platting	Approved	---	---	Mobile Home Park
5-18-64	Z-0556	AA to C	Northwest corner of Rock Road and Harry	Deny	Deny	Referred to MAPC	Approve LC subject to platting	Approved LC	Vacant
5-28-64	Z-0557	AA & LC to LC	Northwest corner of Kellogg and Rock Road	Approve	Approve	Approved	---	---	Vacant
6- 1-64	Z-0558	RB to LC	East side of Oliver between Kellogg and Orme	Deny	Approve	Approved W 160.1' to LC - B for balance	---	---	Restaurant and Cabin Camp
6-12-64	Z-0562	RB to LC	East side of Hillside between 31st St., South and Ross Parkway	Deny	Approve	Approved	---	---	Auto accessories & Maintenance

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
6-28-65	Z-0681	AA to LC	Northeast corner of 25th Street and Amidon	Deny	Deny	Approved	---	---	Vacant Service Station
6-29-65	Z-0682	AA to LC	Northeast corner of Ridge Road and Harry	Approve subject to platting	Approve subject to platting	Approved	---	---	Restaurant
7- 6-65	Z-0683	AA to LC	Northeast corner of 22nd Street and Hood	Deny	Deny	Approved subject to platting	---	---	Not Redeveloped
7- 7-65	Z-0684	AA to G	Southeast corner of 31st Street and Clifton	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
7- 8-65	Z-0685	AA to BB	North side of McCormick between Sheridan and All Hallows	Approve	Approve	Approved	---	---	Vacant
7-15-65	Z-0687	AA & B to LC	Northwest corner of 2nd and West Streets	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
7-21-65	Z-0689	A to LC	Northwest corner of Roosevelt and Kellogg	Approve BB subject to platting	Deny	Referred to MAPC for BB	Deny BB	Approved BB subject to platting	Vacant
7-21-65	Z-0691	AA to F	North side of MacArthur Road approximately 1/4 mile west of Hydraulic	Deny	Deny	Referred to MAPC for C	Approve C subject to platting	Approved C	Vacant
7-22-65	Z-0692	AA to B	Southwest corner of 13th Street and Sheridan	Approve	Approve	Approved	---	---	Not Redeveloped
7-26-65	Z-0693	B to C	North side of Murdock between Mathewson and Pennsylvania	Approve	Approve	Approved	---	---	Existing bldg. enlarged

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
6-16-64	Z-0564	B to E	East side of Seneca between 1st Street and Pearl	Deny E, Approve C	Approve C	Denied E, Approved C	---	---	Not Redeveloped
6-24-64	Z-0566	AA to A	Northeast corner of Crestway and Pawnee	Approve	Deny	Approved	---	---	Duplex
6-29-64	Z-0567	B & A to LC	Southwest corner of Broadview and Kellogg	Deny LC Approve BB	Deny LC Approve BB	Approved BB	---	---	Medical Office Apothecary
7- 7-64	Z-0569	A to BB	Southwest corner of Central and Hillcrest	Deny	Approve	Approved	---	---	Office
7- 9-64	Z-0570	AA to LC	East side of Mascot between 29th and 30th Streets	Deny LC Approve BB	Deny LC Approve BB	Denied LC Approved BB	---	---	Parking for commercial building
7-16-64	Z-0571	AA to G and LC	West of Seneca and 1/4 mile north of MacArthur Road	Approve all to G	Approve all for G	Approved all for G	---	---	Mobile Home Park
7-27-64	Z-0574	AA to LC	North side of Pawnee and west of Seneca	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
7-27-64	Z-0575	B to C	East side of Ash between Douglas and 1st Street	Deny	Deny C Approve LC	Approved LC - Denied C	---	---	Carpet Sales
8- 3-64	Z-0578	AA to C	Southeast corner of Salina and 29th Street	Deny C - Approve LC 255' in depth	Deny C - Approve LC subject to platting	Approved LC	---	---	Not Redeveloped
8- 6-64	Z-0579	AA to G	Southeast corner of Seneca and Hazel	Deny	Approve	Approved	---	---	Mobile Home Park

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
7-26-65	Z-0694	LC to C	Southeast corner of Kellogg and Gouverneur Road	Approve	Approve	Approved	---	---	Chrysler Agency
7-30-65	Z-0695	AA to B	South side of 17th in an area between Gentry and Roosevelt Court	Approve	Approve	Approved	---	---	Religious Student Center
8- 2-65	Z-0696	AA to LC	Northeast corner of Hydraulic and Wassall	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
8- 3-65	Z-0698	AA to A	Southeast corner of Battin and Elm	Approve	Approve	Approved	---	---	Duplex
8- 4-65	Z-0699	AA & A to LC	Southeast corner of Harry and Roosevelt	Approve subject to platting	Approve subject to platting	Approved	---	---	Not Redeveloped
8- 9-65	Z-0701	AA & RB to B	Bounded by 21st and 22nd Street and Hillside and Chautauqua	Approve	Approve subject to platting	Approved	---	---	Dormitories
8-18-65	Z-0702	B to LC	Southeast corner of Kellogg and Fountain	Deny	Deny	Approved	---	---	Not Redeveloped
8-18-65	Z-0703	A to BB	Southwest corner of Oliver and English	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
8-20-65	Z-0704	AA to LC	Southeast corner of 27th Street and Seneca	Deny	Deny	Referred to MAPC	Deny	Approved E 150' BB & balance LC	Vacant

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
8-27-65	Z-0706	AA to LC	North side of Pawnee in an area west of Seneca	Approve subject to platting	Approve subject to platting	Approved	---	---	Not Redeveloped
8-31-65	Z-0707	AA to A & BB	Southwest corner of Central and Country Acres Avenue	Approve	Approve	Approved	---	---	Vacant
9- 2-65	Z-0708	AA to B	East side of Chautauqua between 21st and 22nd Streets	Approve	Approve	Approved	---	---	Dormitories
9- 8-65	Z-0709	B to BB	Northwest corner of Minnesota and Kellogg	Approve	Approve	Approved	---	---	Parking lot
9-15-65	Z-0713	AA to LC	West side of Seneca between Lydia and Haskell	Approve BB Deny LC	Deny LC Approve BB	Referred to MAPC	Deny LC	Approved	Drive-in Restaurant
9-17-65	Z-0714	A to LC	East side of Edwards between 12th and 13th Streets	Deny LC Approve B	Approve LC & BB LC & BB	Approved	---	---	Vacant
9-24-65	Z-0718	AA & B to BB	East side of West Street in an area between Elm and Pine	Approve	Approve	Approved	---	---	Not Redeveloped
9-24-65	Z-0719	B to LC	West side of Amidon in an area south of Halstead (vacated)	Approve	Approve	Approved	---	---	Shopping Center
9-28-65	Z-0720	A to BB	Southwest corner of Kellogg and Terrace	Approve subject to platting	Approve subject to platting	Approved	---	---	Not Redeveloped
9-29-65	Z-0721	AA to RB	West side of Amidon between 27th and 29th Streets	Approve	Approve	Approved	---	---	Apartment Complex
10-4-65	Z-0722	AA to BB	Southwest corner of Woodlawn and Oakwood Drive	Approve	Approve	Approved	---	---	Not Redeveloped

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Report No. 1
MAPD
JULY, 1966

SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Recommended	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
7-20-62	Z-0400	A & B to LC	Both sides of Newell between West Street and Florence	None	Approve	Approved	---	---	Vacant
5-20-63	Z-0475	AA to C	North side of MacArthur Road between Broadway and Hydraulic	None	Approve exc. S 60'	Approved exc. S 60'	---	---	Vacant
6-24-63	Z-0483	A to LC	Northwest corner of Clifton and Harry	None	Approve	Referred to MAPC	Approve	Approved	Vacant
10-10-63	Z-0507	AA & LC to E	Northeast corner of Ridge Road and U. S. Highway 54	None	Approve	Referred to MAPC	Approve as amended to "C"	Approved "C"	Vacant
10-22-63	Z-0512	B & AA to LC	West side of West Street between Douglas and 2nd	None	Approve E 270'	Referred to MAPC	Approve E 255'	Approved E 255'	Bicycle and Mower Sales
11- 1-63	Z-0514	A to LC	Southwest corner of Briggs and Litchfield	None	Approve exc. S 5' of Lot 5 to B	Approved exc. S 5' of Lot 5 to B	---	---	Not Redeveloped
12-10-63	Z-0516	AA to B	South side of 21st Street between Amidon and Porter	None	Approve	Approved	---	---	Private Club, Apartments and Vacant
12-11-63	Z-0517	RB to LC	Northeast corner of Seneca and Stillwell	None	Approve exc. W 50' to BB	Approved exc. W 50' to BB	---	---	Drive-in Restaurant
12-13-63	Z-0518	A to LC	Southeast corner of Central and Rutan	None	Deny LC Approve BB	Approved LC exc. S and E 25' to BB	---	---	Parking lot
12-16-63	Z-0520	AA to BB & LC	Northeast corner of 27th St. South and Seneca	None	Approve	Approved	---	---	Vacant

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
1- 3-64	Z-0521	A to LC	Southeast corner of Douglas and Sheridan	None	Approve	Approved	---	---	Vacant
1- 9-64	Z-0522	AA to B	North side of Kellogg between Drury Lane and Rock Road	None	Approve	Approved	---	---	Apartments under construction Single Family House
1-29-64	Z-0525	AA to C	Northeast corner of Esperence and Kellogg	None	Approve	Approved	---	---	Ratio-type Four-plexes
1-31-64	Z-0527	AA to RB	Between Rockwood Road and Douglas in an area east of Eastborough	None	Approve	Approved	---	---	Vacant
2- 3-64	Z-0528	AA & B to LC	East side of West Street between Murdock and 8th Street	None	Approve	Referred to MAPC	Approve LC exc. E 120' to A subject to platting	Approved LC exc. E 120' to A	Offices
2- 5-64	Z-0529	A to BB	South side of Bayley between Schweiter Drive and George Washington Drive	None	Approve	Approved	---	---	Midas Muffler and Vacant
2-11-64	Z-0530	B to LC	North side of Kellogg between Rutan and Holyoke	Approve	Approve	Approved	---	---	Vacant
3- 2-64	Z-0533	LC to C	East side of Broadway in area south of 43rd St. South and north of Drainage Canal	Approve subject to platting	Approve subject to platting	Approved	---	---	Duplex
3-10-64	Z-0535	AA to A	Southeast corner of Sheridan and 15th Street	Deny	Approve	Approved	---	---	

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
8-7-64	Z-0580	B to C	West side of Washington between Lincoln and Morris	Approve	Approve	Approved	---	---	Not Redeveloped
8-7-64	Z-0581	B to C	West side of Washington between Lincoln and Morris	Approve	Approve	Approved	---	---	Not Redeveloped
8-19-64	Z-0584	AA to E	South of 31st St. South between Clifton and Kansas Turnpike	Deny	Approve	Approved	---	---	Light Manufacturing & Vacant
9-1-64	Z-0585	AA to BB	South side of 26th Street between Chautauqua and Hillside	Deny BB - Approve B	Deny BB - Approve B	Denied BB - Approve B	---	---	Vacant
9-15-64	Z-0587	AA to A	West side of Cromwell Drive and north of 38th Street	Deny	Approve	Approved	---	---	To allow BZA mobile home approval - now removed
9-25-64	Z-0589	A to BB	North side of Kellogg between Crestway and Belmont	Approve	Approve	Approved	---	---	Pizza Hut Office
10-3-64	Z-0590	AA to LC	Northwest corner of Hood and 21st Street	Deny	Deny	Approved	---	---	Vacant
10-7-64	Z-0591	AA to E	East side of K-15 approximately 1/2 mile south of 31st Street	Approve	Approve	Approved	---	---	Gen. Business & Auto Repair Made Conforming
10-7-64	Z-0592	A & B to	(1) North side of Victor bet. Rutan and Clifton; (2) West side of Rutan between Victor and 1st	Approve	Approve B on #1 and deny #2	Approved BB on #1 and B on #2	---	---	Parking
10-26-64	Z-0596	AA to C	South side of Pawnee between St. Paul and Hagar	Deny	Approve subject to platting	Approved	---	---	Not Redeveloped

66-2

SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filled	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
10-6-65	Z-0723	A to LC	East side of Oliver between Lewis and Kellogg	Deny LC Approve BB	Deny	Referred to MAPC	Approve S 75' LC & N 25' BB subject to plattling	Approved as per MAPC subject to plattling	Not Redevel- oped
10-6-65	Z-0724	AA to LC	East side of Seneca between 41st and 43rd streets	Approve subject to plattling	Approve subject to plattling	Approved	---	---	Not Redevel- oped
10-13-65	Z-0726	AA to LC	Northwest corner of Haskell and Seneca	Deny LC Approve BB	Deny LC Approve BB subject to plattling	Referred to MAPC	Approve Lot 1 LC & Deny Lot 2	Approved Lot 1 LC & Lot 2 B subject to plattling	Vacant
10-13-65	Z-0727	AA to B	Between Concord and Brandywine and between Oliver and Valley Forge Road	Approve	Approve	Approved	---	---	Vacant
10-22-65	Z-0730	A to BB	Northeast corner of Belmont and Kellogg	Approve subject to plattling	Approve subject to plattling	Approved	---	---	Office
11-2-65	Z-0732	LC to BB	Northwest corner of McLean Blvd. and Central	Approve	Approve	Approved	---	---	Hospital
11-12-65	Z-0734	BB to LC	North side of Pawnee between K-15 and Drainage Canal	Approve subject to plattling	Approve subject to plattling	Approved	---	---	Vacant
11-17-65	Z-0735	AA to RB	West side of Perry north of 13th Street	Approve subject to plattling	Deny	Referred to MAPC	Approve subject to plattling	Approved RB exc. N 75'	Vacant

66-2

SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
11- 4-64	Z-0597	AA to B	West side of Hillside between 21st and 22nd Streets	Approve	Approve subject to platting	Approved	---	---	Dormitories
11- 4-64	Z-0599	AA to B	South side of 21st Street between Piatt and Ash	Approve exc. E 20' subject to Platting	Approve subject to platting	Approved	---	---	Vacant
11-12-64	Z-0601	AA to LC	East side of Seneca, south of Savannah	Approve E 288.2'	Approve W 288.2'	Approved W 288.2'	---	---	Lazy R - Shoe Store
11-12-64	Z-0602	B to LC	West side of Topeka between Harry and Osie	Approve	Approve	Approved	---	---	Shopping Center
11-18-64	Z-0604	A to BB	West side of Stackman Drive between Pine and Murdock	Approve B subject to platting	Approve B subject to platting	Approved B	---	---	Vacant
11-19-64	Z-0605	A to C	South side of Kellogg between Waverly and Courtleigh	Deny C - Approve LC	Approve LC exc. S 210'	Approved LC exc. S 210'	---	---	Car Care Center
12- 3-64	Z-0606	LC to C	Southwest corner of Kellogg and Longfellow Lane	Approve portion to C - balance LC	Approve portion to C-balance LC	Approved portion to C-balance LC	---	---	Schofield Pontiac
12- 3-64	Z-0607	AA to B	North side of 13th in an area east of Clarence	Deny B- Approve A subject to platting	Approve subject to platting	Approved	---	---	Apartments Under Construction

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SUMMARY OF ZONING CASES APPROVED SINCE JANUARY 1, 1964

Date Filed	Case Number	Change Requested	Location	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action	Developed Use
12-4-64	Z-0609	AA to LC	North side of 21st Street in an area east of Oliver	Deny	Deny	Approved	---	---	Tavern
12-9-64	Z-0610	B & AA to LC	Southeast corner of West Street and 2nd	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
12-16-64	Z-0612	B to LC	South side of 13th between Hill and Holyoke	Deny	Approve subject to platting	Approved	---	---	Self-service car wash
12-21-64	Z-0613	B & AA to LC	Southeast corner of 21st Street and Amidon	Approve	Approve	Approved	---	---	Shopping Center
12-23-64	Z-0614	AA to B	Southeast corner of Central and Stratford Drive	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
1-4-65	Z-0615	AA to E	West side of Tracy between Taft and Kellogg	Approve subject to platting	Approve subject to platting	Approved	---	---	Vacant
1-6-65	Z-0617	AA to LC	East side of Seneca between Barbara and 29th Street	Deny	Deny	Approved to BB	---	---	Offices and Medical Clinic
1-11-65	Z-0618	AA to A	East side of Chase between University and Maple	Approve	Approve	Approved	---	---	Vacant
1-12-65	Z-0619	AA to E	North side of MacArthur between I-235 and Broadway	Approve subject to platting	Approve subject to platting	Approved	---	---	Sand & Gravel Operation Made Conforming
1-12-65	Z-0620	B to LC	Southwest corner of Pawnee and Minneapolis	Deny	Approve subject to platting	Approved	---	---	Vacant

66-25

56 +10

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No IIII

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/ / / / /	IIII IIII 12	... Staff ⑭
Note - leave no Recommendations	IIII IIII ⑦	IIII IIII ⑧
IIII IIII ⑦	IIII IIII ⑦	IIII IIII ⑧
IIII IIII ⑦	IIII IIII ⑭	IIII IIII ⑨
IIII IIII ③⑦	IIII IIII ④①	IIII IIII ④②
Staff	PC	BCC

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ROUTE SLIP
(Please Circle Destination)

- | | | |
|----------------------|---------------------|----------------------|
| City Manager | Director of Adm. | Park Dept. |
| Ass't City Manager | Auditing | Dir. of Public Works |
| City Clerk | Budget | Adm. |
| Human Relations | Central Data Proc. | Central Insp. |
| Civil Defense | Local Housing Auth. | Engineering |
| Fire Department | Personnel | Traffic Engr. |
| Community Facilities | Public Information | Maintenance |
| Police Department | Purchasing | Sanitation |
| Municipal Courts | Duplicating | Planning |
| Health Department | Ret. & Group Ins. | Urban Renewal |
| Director of Law | Treasury | Water Dept. |
| Prosecutor's Office | Library | Water Pol. Control |

For: FOSTER

- | | |
|---|---|
| <input type="checkbox"/> For your information | <input type="checkbox"/> Reply sending me ___ copies |
| <input checked="" type="checkbox"/> For your comments | <input type="checkbox"/> Prepare reply for my signature |
| <input type="checkbox"/> Note and return | <input type="checkbox"/> You handle, No report required |

MESSAGE: *The original has not been sent. Holding for your comments.*

SIGNED Windy DATE 5/16

000-013

662

THE CITY OF WICHITA

OFFICE OF Assistant City Manager DATE May 16, 1968

TO Russell E. McClure, City Manager
FROM Ralph Wulz, Assistant City Manager

THE ROAD TO SAFETY



SUBJECT City Commission Action on Zoning Recommendations

In reply to your speed letter of May 15, 1968, I would reiterate that it has been my opinion for a long time that there is a tremendous waste of time and money involved in the present procedures for handling zoning matters. This involves the time of the Planning Commissioners, the City Commissioners, property owners, adjacent property owners, attorneys, and staff.

It seems to me to be completely unnecessary to go through repeated hearings on all zoning cases regardless of how significant the case may be. By copy of this memorandum I am asking the Planning Department to evaluate the effect, if any, of Planning staff recommendations and Planning Commission actions on the ultimate outcome of zoning cases. I realize that they may not desire to do so, however, it would seem to me that the City Commission could and should relieve itself of 90 percent of the time spent in reviewing and hearing zoning matters by refusing to rehear matters which have been previously presented to the Metropolitan Area Planning Commission. The City Commission could simply ask the petitioner if he had had a fair and complete hearing before the Metropolitan Area Planning Commission. If the answer was in the affirmative, they could then move to approve the recommendation of the Planning Commission. If the answer was in the negative, they could ask for an explanation and if the explanation so warranted they could refer the matter back to the Planning Commission for rehearing. It seems to me that the City Commission should take upon itself the matter of policing zoning decisions to see that the Metropolitan Area Planning Commission is providing for fair and complete hearings and is maintaining some consistency in the decisions which it renders. I would not think that the City Commission would want to substitute its judgment for that of the Planning Commission.

If the City Commission does desire to continue to devote its time to these matters, then I would think that the Planning staff recommendations might just as well come to the City Commission where the hearing would be held. This would relieve the Planning Commissioners of much detail and would



66 2

Russell E. McClure
Page 2
May 16, 1968

permit them to put their time to a much more productive use. Furthermore, it would be a great relief to the people whose properties are involved in the zoning matters in that they would not have to take time off from their jobs for repeated appearances before the Metropolitan Area Planning Commission and the City Commission. I am attaching a memorandum from Mr. Ralph Eberly which indicates the time devoted by the City Commission to all Planning matters and to zoning matters. It is evident to me that far too much of the City Commissioners time is being devoted to zoning matters in comparison with other more important matters which deserve consideration.

No changes in statute or ordinance would be necessary to place into effect my first suggestion. On the other hand, should the Commission decide to bypass the Metropolitan Area Planning Commission, it would be necessary to obtain a change in the state statutes relating to zoning matters.

Ralph Wulz
Assistant City Manager

RW:jh

Attach.

cc: John Dekker, Director of Law
C. Bickley Foster, Director of Planning

66-2

ROUTE SLIP
(Please Circle Destination)

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|----------------------|---------------------|----------------------|
| City Manager | Director of Adm. | Park Dept. |
| Ass't City Manager | Auditing | Dir. of Public Works |
| City Clerk | Budget | Adm. |
| Human Relations | Central Data Proc. | Central Insp. |
| Civil Defense | Local Housing Auth. | Engineering |
| Fire Department | Personnel | Traffic Engr. |
| Community Facilities | Public Information | Maintenance |
| Police Department | Purchasing | Sanitation |
| Municipal Courts | Duplicating | <u>Planning</u> |
| Health Department | Ret. & Group Ins. | Urban Renewal |
| Director of Law | Treasury | Water Dept. |
| Prosecutor's Office | Library | Water Pol. Control |

For: posted

For your information Reply sending me ___ copies
 For your comments Prepare reply for my signature
 Note and return You handle. No report required

MESSAGE See memo of 5/16/68

SIGNED Windy DATE 5/17/68

000-013

662

THE CITY OF WICHITA

OFFICE OF City Clerk

DATE May 16, 1968



TO Ralph Wulz, Assistant City Manager

FROM Ralph C. Eberly, City Clerk

SUBJECT City Commission Meetings

Attached is a schedule of the total number of hours spent by the City Commission at each meeting since January 1, 1968, which includes the total hours spent on planning items broken down by zoning and all other planning, as requested in your memo of May 16, 1968.

Please advise if there are any questions on this report.



RCE:fj
enc.
~~cc: City Manager~~

ROUTING:

RCM

RW

RCE

EJA

MAY 16 1968

[Signature]

60-2

CITY COMMISSION
HOURS SPENT IN SESSION
JANUARY 1 TO MAY 14, 1968

<u>Date</u>	<u>Total Hours</u>		<u>Total Planning</u>		<u>Zoning</u>		<u>All Other Plan.</u>	
	<u>Hrs.</u>	<u>Min.</u>	<u>Hrs.</u>	<u>Min.</u>	<u>Hrs.</u>	<u>Min.</u>	<u>Hrs.</u>	<u>Min.</u>
Jan. 2	2	49		40		10		30
" 9	4	33	1	55		28	1	27
" 16	3	59		30		--		30
" 23	3	37	1	30	1	23		7
" 30	6	24	2	30	2	27		3
Feb. 6	5	58	1	53	1	41		12
" 20	3	29		48		8		40
" 27	3	25	1	57	1	16		41
Mar. 5	5	4		2		--		2
" 12	4	42	2	3	1	5		58
" 19	4	12		28		--		28
" 26	3	16		18		--		18
Apr. 2	1	29		6		--		6
" 4		47		--		--		--
" 9	1	20		--		--		--
" 16	8	37	2	6	1	58		8
" 23	8	2	2	8	1	30		38
" 30	4	58	2	45	2	35		10
May 7	2	25		16		3		13
" 14	7	57	4	48	4	35		13
Totals	76	663	18	523	14	319	1	384
" (Adj.)	87	3	26	43	19	19	7	24
%		100		30.69		22.19		8.50

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CITY COMMISSION
HOURS SPENT IN SESSION
JANUARY 1 TO MAY 14, 1968

Date	Total Hours		Total Planning		Zoning		All Other Plan.	
	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.
Jan. 2	2	49		40		10		30
" 9	4	33	1	55		28	1	27
" 16	3	59		30		--		30
" 23	3	37	1	30	1	23		7
" 30	6	24	2	30	2	27		3
Feb. 6	5	58	1	53	1	41		12
" 20	3	29		48		8		40
" 27	3	25	1	57	1	16		41
Mar. 5	5	4		2		--		2
" 12	4	42	2	3	1	5		58
" 19	4	12		28		--		28
" 26	3	16		18		--		18
Apr. 2	1	29		6		--		6
" 4		47		--		--		--
" 9	1	20		--		--		--
" 16	8	37	2	6	1	58		8
" 23	8	2	2	8	1	30		38
" 30	4	58	2	45	2	35		10
May 7	2	25		16		3		13
" 14	7	57	4	48	4	35		13
Totals	76	663	18	523	14	319	1	384
" (Adj.)	87	3	26	43	19	19	7	24
%		100		30.69		22.19		8.50

66-2

City Commission Communication

To: The Honorable Board of City Commissioners

CC 387

Subject: Zoning Changes

February 3, 1966

BACKGROUND

The City Commission has requested information as to what may be done to reconsider or review zoning cases previously passed upon by the City Commission. This procedure has been erroneously termed "reversionary zoning". In March, 1965 the City Commission received a reply from the Planning and Legal Departments on the legality of such a procedure. In summary, the reports stated that:

1. The city may change zoning classifications to a more restrictive classification.
2. The city may not contract for zoning (e.g. approve or change zoning subject to a specific use being built within a specific time)

LEGAL CONSIDERATIONS

Two basic questions involving zoning law need to be clarified.

The first is that "compliance with the statutory procedure is a prerequisite to any valid change in the zoning ordinance, since a zoning ordinance amendment must be proposed and adopted with the same formality as the original ordinance."²

1. Thus, in Kansas, before the zone map can be changed, there must be a hearing on the change before the Planning Commission (after the proper advertisement in a local newspaper), a wait of fourteen days after the hearing for possible protests, and finally the approval by the City Commission and the adoption of an ordinance making such approval effective.
2. The procedure for changing zoning requires that after the appropriate advertising in a local newspaper, plus mailed notice and a public hearing before the Planning Commission, the City Commission may then approve the change if the Planning Commission recommends the change.

¹ Any map or district change is in effect an amendment to the original ordinance and its related zoning maps.

² Charles S. Rhyne, Municipal Law, National Institute of Municipal Law Officers, Washington, D. C., 1957, p. 824

City of Wichita, Kansas



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City Commission Communicat

Subject: Zoning Changes

CC 387 - 2
February 3, 1966

- 3. If the City Commission does not agree with the Planning Commission's recommendation, then before it may adopt, it shall refer the matter back to the Planning Commission, together with a statement specifying the basis for disapproval.
- 4. The Planning Commission may resubmit the original findings, giving its reasons, or may, after another public hearing, submit a new and/or amended recommendation. The City Commission may then adopt the change by ordinance.

There is no way to circumvent this procedure in making a change to the zoning ordinance. To save the applicant time and to provide the Commission with the best opportunity to consider the City Commission's thinking on returning cases, they are now being automatically readvertised for public hearing.

The second legal concept that must be acknowledged is that zoning regulations shall be uniform in each zone. This basic statutory provision indicates that the governing body may not curtail uses or impose special limitations on lands rezoned differently from those permitted on lands having the same zoning district designation.

Thus, the use of covenants, special agreements, etc., further limiting certain uses in "LC", or an agreement as to the time in which certain action, such as construction, would occur, would be "contract zoning" and not permitted. One of the most direct statements to this point is from the New York Law Journal, April 6, 1955 in which it is stated that:

"The principle involved may be simply stated. A municipality has no power to make any agreement or deal which will in any way control or embarrass its legislative powers and duties. Neither the police power of the state itself nor that delegated by it to a municipality is subject to limitation by private contract; nor is the exercise of such power to be alienated, surrendered or limited by any agreement or device. Zoning of properties by a municipality being legislative in character cannot be bargained or sold. The rezoning of a parcel of property by a municipality based in any way upon an offer or agreement by an owner of property is inconsistent with, and disruptive of, a comprehensive zoning plan." ⁴

³ Section 12-707, Kansas Statutes, Annotated, as amended by S.B. 210, 1965 Kansas Session Laws

⁴ Crolly, Ralph W. and Norton, C. McKim, 'Zoning by Contract With Property Owner', New York Law Journal, April 6, 1955

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Subject: Zoning Changes

CC 387 - 3
February 3, 1966

ANALYSIS

There is no question that the City Commission may change back to a more restrictive zoning district, that land previously zoned commercial, industrial, etc. However, there are certain restrictions that generally follow when amending the zoning ordinance. These restrictions apply just as much to a change making a property less restrictive as they do to "rezoning back" or making it more restrictive.

First, there is a presumption that the original zoning was well planned and based on a comprehensive plan, or at least a land use plan.

Further, it is assumed that all amendments changing the original zoning map meet the following criteria for changes in zoning and thus, the zoning map is considered to be always proper and up to date:

1. There has been an error made in the original plan. This can be a physical mapping error, or an error in data, assumptions, etc. If the latter, then sub-paragraph 3 may be more applicable. The one alleging error has the burden of proving such error..
2. There has been a change in conditions requiring a change in zoning. This might be evidenced by new type of development in the area, creating a new road through the area, deterioration or upgrading of an area, etc. The burden here is with the Planning Commission and City Commission to make the necessary findings of fact to support a change in zoning. Of course, proponents and opponents are eager to assist, but the burden is tied to the legislative act.
3. The development of a new or revised comprehensive plan. When this occurs then the entire zoning ordinance should be studied and revised on a comprehensive basis in the same manner as the original zoning.

The Planning Commission is now considering for adoption the various plan proposals to place into effect a new Comprehensive Plan for the Metropolitan Area. This would place the City of Wichita and Sedgwick County in a position to make a major revision of their zoning laws.

If the above three criteria were followed in making changes in the first instance, there would be less of a problem in relation to the question of "reversionary zoning".

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City Commission Communication

Subject: Zoning Changes

CC 387 - 4
February 3, 1966

A technique whereby the zoning would be approved but the adoption or publication of the effectuating ordinance withheld until an application for a building permit was filed, has also been considered. However, this method has been found to be of doubtful legality since a motion to "approve" is more than likely to be a "legislative act", and further, it attempts to do by indirection that which the Commission may not do directly. Also, all zone changes would have to come under the same procedure to insure uniform treatment. The major drawback is that during the interim the outcome of the zoning is in doubt to all others in the area, lending to uncertain land development in the Wichita area.

SUMMARY

Many of the problems facing the Commission have been caused by an inadequate zoning ordinance and a zoning map which is substantially the map of the 1920's with changes in zoning appearing as patches on the original fabric. These have seldom been related to a comprehensive plan. Alleviation of these problems should come from the normal and orderly progression of the planning program. Attempts to immediately change maps without going through the procedure necessary to create and adopt a comprehensive plan, will perpetuate existing problems and compound them for future Commissions. This has been the legacy of past Commissions to the current one.

There has been some concern about those applicants who request changes in zoning and then immediately place the property for sale. While this is land speculation, it does not necessarily make it wrong from a zoning standpoint. On certain streets where it is public policy that the street be commercial, the zoning should be valid regardless of ownership or "promises" made in presentation. Unless the rezoning can stand by itself as supplying a need to the community and meet the other tests necessary before a change is made, the change should not be made. If it does meet these tests, there should be no legislative concern as to who develops the property or as to whether it has transferred in ownership.

CONCLUSION

It is concluded that there is no known legal means whereby the so-called "reversionary zoning" may be imposed; however, the intent may be accomplished by the establishment of an automatic procedure for reconsidering zoning cases at a stated interval of time.

City of Wichita, Kansas

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Subject: Zoning Changes

CC 387 - 5
February 3, 1966

ASSUMPTION

It is assumed that the governing body desires to negate the possibility of certain properties being held out of production and thus providing additional zoning because there is considered to be adequate amounts already zoned to permit the normal forces of supply and demand to operate.

RECOMMENDATION

The City Manager recommends the adoption of a policy whereby the Metropolitan Area Planning Department will submit quarterly reports as to whether or not development has been initiated on land rezoned within the last two years. The report would be in the format used on the attachment. The recommendation of the planning staff including pertinent information necessary for the City Commission to base a decision as to whether or not a change back to the original district is desirable will accompany the report.

Respectfully submitted,



Russell E. McClure
City Manager

REM:gs
Attachment

66-2

MEMORANDUM

TO: Board of City Commissioners
FROM: Russell E. McClure, City Manager
SUBJECT: Zoning Changes

The City Commission has requested information from time to time as to what may be done to reconsider or review zoning cases previously passed on by the Commission. This procedure has been erroneously called "reversionary zoning." In March, 1965, the City Commission received a reply from the Planning and Legal Departments on the legality of such a procedure. In summary, the reports stated that:

1. The City may change zoning classifications to a more restrictive classification.
2. The City may not contract for zoning, e.g., approve or change zoning subject to a specific use being built within a specific time.

Two basic questions involving zoning law need to be clarified. The first is that "compliance with the statutory procedure is a prerequisite to any valid change in the zoning ordinance, since a zoning ordinance amendment¹ must be proposed and adopted with the same formality as the original ordinance."² Thus, in Kansas, before

¹Any map or district change is in effect an amendment to the original ordinance and its related zoning maps.

²Charles S. Rhyne, Municipal Law, National Institute of Municipal Law Officers, Washington, D.C., 1957, p 824.

Draft (1-24-66)

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January 24, 1966

the zone map can be changed, there must be a hearing on the change before the Planning Commission (after the proper advertisement in a local newspaper), a wait of 14 days after the hearing for possible protests, and finally the approval by the City Commission and the adoption of an ordinance making such approval effective. The procedure for changing zoning requires that after the appropriate advertising in a local newspaper, plus mailed notice and a public hearing before the Planning Commission, the City Commission may then approve the change if the Planning Commission recommends the change. If the City Commission does not agree with the Planning Commission's recommendation, then before it may adopt, it shall refer the matter back to the Planning Commission, together with a statement specifying the basis for disapproval. The Planning Commission may resubmit the original findings, giving its reasons, or may, after another public hearing, submit a new and/or amended recommendation. The City Commission may then adopt the change by ordinance. There is no way to circumvent the above procedure in making a change to the zoning ordinance. To save the applicant time and to provide the Commission the best opportunity to consider the City Commission's thinking on returning cases, they are now being automatically re-advertised for public hearing.

The second legal concept that must be acknowledged is that zoning regulations shall be uniform in each zone.³ This basic

³ Section 12-707, Kansas Statutes, Annotated, as amended by S. B. 210, 1965 Kansas Session Laws.

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Page 3 - Board of City Commissioners
January 24, 1966

statutory provision indicates that the governing body may not curtail uses or impose special limitations on lands rezoned differently from those permitted on lands having the same zoning district designation. Thus, the use of covenants, special agreements, etc., further limiting certain uses in "LC", or an agreement as to the time in which certain action, such as construction, would occur would be "contract zoning" and not permitted. One of the most direct statements to this point is from the New York Law Journal, April 6, 1955, in which it is stated that:

"The principle involved may be simply stated. A municipality has no power to make any agreement or deal which will in any way control or embarrass its legislative powers and duties. Neither the police power of the state itself nor that delegated by it to a municipality is subject to limitation by private contract; nor is the exercise of such power to be alienated, surrendered or limited by any agreement or device. Zoning of properties by a municipality being legislative in character cannot be bargained or sold. The rezoning of a parcel of property by a municipality based in any way upon an offer or agreement by an owner of property is inconsistent with, and disruptive of, a comprehensive zoning plan."⁴

There is no question that the City Commission may change back to a more restrictive zoning district that land previously zoned commercial, industrial, etc. Zoning is a two-way street. However, there are certain restrictions that generally follow when amending the zoning ordinance. These restrictions apply just as much to a change making a property less restrictive as they do to "rezoning back" or making it more restrictive.

⁴Croly, Ralph W. and Norton, C. McKim, 'Zoning by Contract With Property Owner', New York Law Journal, April 6, 1955.

66-2

First of all, there is a presumption that the original zoning was well planned and based on a comprehensive plan, or at least a land use plan. Further, it is assumed that all amendments changing the original zoning map meet the following criteria and thus, the zoning map is considered to be always proper and up to date.

Changes in zoning can then be made when:

- a. There has been an error made in the original plan. This can be a physical mapping error or an error in data, assumptions, etc. If the latter, then sub-c may be more applicable. The one alleging error has the burden of proving such error.
- b. There has been a change in conditions requiring a change in zoning. This might be evidenced by new type of development in the area, creating a new road through the area, deterioration or upgrading of an area, etc. The burden here is with the Planning Commission and City Commission to make the necessary findings of fact to support a change in zoning. Of course, proponents and opponents are eager to assist, but the burden is tied to the legislative act.
- c. The development of a new or revised comprehensive plan. When this occurs, then the entire zoning ordinance should be studied and revised on a comprehensive basis in the same manner as the original zoning. The

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January 24, 1966

Planning Commission is now considering for adoption the various plan proposals to place into effect a new Comprehensive Plan for the Metropolitan Area. This would place the City of Wichita and Sedgwick County in a position to make a major revision of their zoning L₂WS.

If these three criteria were followed in making changes in the first instance, there would be less of a problem in relation to the question of "reversionary zoning."

Many of the problems facing the Commission have been caused by an inadequate zoning ordinance and a zoning map which is substantially the map of the 1920's, with changes in zoning appearing as patches on the original fabric. These have seldom been related to a comprehensive plan. Alleviation of these problems should come from the normal and orderly progression of the planning program. Attempts to immediately change maps without going through the procedure necessary to create and adopt a comprehensive plan, will perpetuate existing problems and compound them for future commissions. This has been the legacy of past Commissions to the current one.

There has been some concern about those requesting changes in zoning who place the property immediately for sale. While this is land speculation, it does not necessarily make it wrong from a zoning standpoint. On certain streets where it is public policy that the

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**Page 6 - Board of City Commissioners
January 24, 1966**

street be commercial, the zoning should be valid regardless of ownership or "promises" made in presentation. Unless the rezoning can stand by itself as supplying a need to the community and meet the other tests necessary before a change is made, the change should not be made. If it does meet these tests, there should be no legislative concern as to who develops the property or as to whether it has transferred in ownership.

If the Commission is concerned with certain properties being held out of production, thus preventing additional zoning from being added because there is considered to be adequate amounts already zoned to permit the normal forces of supply and demand to operate, then one of the following policies could be adopted:

- a. Approve the zoning, but not adopt the amending ordinance until an application was received for a building permit.
- b. Have the Planning Department submit quarterly reports as to whether or not land rezoned within the last two years, or other time period, has initiated development. Included in the report would be the type use developed and the zoning adequate for the development, eg., "LC" approved; apartments developed; "B" zoning adequate. Also, if desired, the staff could report and recommend to either the Planning Commission or City Commission whether a change back to the original district or another is desirable.

66-2

Page 7 - Board of City Commissioners
January 24, 1966

The policy under "a" above is of doubtful legality as a motion to "approve" is more than likely to be held a "legislative act." Further, it attempts to do by indirection what the Commission may not do directly. Also, all zone changes would have to come under such a procedure to insure uniform treatment. The major drawback is that during the interim, the outcome of the zoning is in doubt to all others in the area, lending uncertainty to land development in the Wichita area. The second suggested policy is recommended. A sample form for the report is attached.

60-2

To: GBF PdCC
From: RAL-REM

~~cc John Decker ITS~~

Subject: Zoning Changes

The ^{City} Commission has requested information from time to time as to what may be done to reconsider or review zoning cases previously passed on by the Commission. ~~often~~ This procedure has ~~often~~ ^{been} ~~picked up the phrase~~ ^{& erroneously called} "reversionary zoning." In March, 1965, the City Commission received a ~~brief~~ reply from the Planning and Legal Departments on the legality of such a procedure. In ^{SUMMONS} ~~short~~, the report stated that:

1. The City may change zoning classifications to a more restrictive classification.
2. The City may not contract for zoning, e.g. approve or change ^{zoning} subject to a specific use being built



SHIP IT on the FRISCO



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local

(1-25-65)

paper), a wait of 14 days after the hearing for possible protests, and finally the approval by the City Commission and the adoption of an ~~Ordinance~~ Resolution making such approval effective. ~~When the Session Laws of the 1965 Legislature are published (near July 1), The procedure will be slightly changed. Then~~ ^{changing zoning requires that} after the appropriate advertising in ~~city~~ ^{a local news} paper, plus mailed notice and a public hearing before the Planning Commission, the City Commission ^{Then} may approve the change if the Planning Commission ^{recommends} approves the change. If the City Commission does not agree with the Planning Commission, ^{is recommendation} then before it may adopt, it shall refer the matter back to the Planning Commission, ~~together with a statement~~ specifying the basis for disapproval.

Take under
out

The Planning Commission may resubmit the original findings, giving its reasons, or may, after another public hearing, submit new and/or amended recommendation. ~~Then~~ ^{Then} the City Commission may adopt the change by ordinance. There is no way to circumvent the above procedure in making a change to the zoning ordinance. ^{To save the applicant time and to provide the Commission the best opportunity to consider}

The second legal concept that must be acknowledged is that zoning regulations shall be uniform in each zone. ³ This basic statutory provision ^{indicates} roughly translates that the governing body may not curtail uses or impose special limitations on lands rezoned differently from those permitted on lands having the same zoning district designation. Thus, the use of covenants, special agreements, etc. further limiting certain uses in "LC" or an agreement as to the ^{City Comm's thinking? on rezoning cases they are now being dict. mainly for public hearing.}

3 Section 12-707, Kansas Statutes, Annotated, as amended by S.B. 210, 1965 Kansas Legislature. ~~Session Laws.~~

3. Note: Amendment to create a planning commission recommendation that it Commission should not refer the case to P-C for recommendation

66-2

time in which certain action, such as construction, would occur would be "contract zoning" and not permitted. One of the most direct statements to this point is from the New York Law Journal, April 6, 1955, in which it is stated that:

recite from GLC'S min. code TP 129 (1954)
Do not put in re-zoned zoning

"The principle involved may be simply stated. A municipality has no power to make any agreement or deal which will in any way control or embarrass its legislative powers and duties. Neither the police power of the state itself nor that delegated by it to a municipality is subject to limitation by private contract; nor is the exercise of such power to be alienated, surrendered or limited by any agreement or device. Zoning of properties by a municipality being legislative in character cannot be bargained or sold. The rezoning of a parcel of property by a municipality based in any way upon an offer or agreement by an owner of property is inconsistent with, and disruptive of, a comprehensive zoning plan." ⁴

There is no question that the City Commission may change back to more ^a restrictive zoning district ^{that} previously zoned commercial, industrial, etc. Zoning is a two-way street. However, there are certain restrictions that generally follow when amending the zoning ordinance. These restrictions, ~~incidentally,~~ apply just as much to a change making a property less restrictive as they do to "rezoning back," or making it more restrictive.

First of all, there is a presumption that the original zoning was well planned and based on a comprehensive plan, or at least a land use plan. Further, it is assumed that all amendments changing the original zoning map ^e met the following criteria, ~~and then~~ ^{and then} ~~the~~ ^{then} zoning map is ^{considered to be} always proper and up to date, ~~changes then can be made~~ when ~~.....~~

⁴Crolly, Ralph W. and Norton, C. McKim, 'Zoning by Contract With Property Owner', New York Law Journal, April 6, 1955.

Changes in zoning can then be made when:

- a. There has been an error made in the original plan.

This can be a physical mapping error or an error in data, assumptions, etc. If the latter, then sub-c may be more applicable. The one alleging error has the burden of proving such error.

- b. There has been a change in conditions requiring a change in zoning. This might be evidenced by new type of development in the area, creating a new road thru the area, deterioration or upgrading of an area, etc. The burden here is with the Planning Commission and City Commission to make the necessary findings of fact to support a change in zoning. Of course, proponents and opponents are eager to assist, but the burden is tied to the legislative act.

- c. The development of a new or revised comprehensive plan. When this occurs, then zoning should be ~~redone~~ ^{re-evaluated and reviewed} on a comprehensive basis in the same manner as ^{the} original zoning. ^{This would place} ~~Within the next year or two~~, the City of Wichita and Sedgwick County ~~will be~~ ^{is now considering for adoption} in a position to ^{make a major revision of their zoning laws.} ~~will be~~ ^{to place into effect a} ~~go into~~ ^{new} ~~plan~~ ^{plan proposed for the Metro Area.}

The Planning Commission

If these three criteria were followed in making changes in the first instance, there would be less of a problem in relation to "reversionary zoning."

The question of
A

Comp. Plan for the Metro Area.

Many of the problems facing the Commission have been caused by an inadequate zoning ordinance and a zoning map which is substantially the map of the 1920's, with ^{changes in zoning appearing as} patches ~~here and there~~ ^{on the original planis.} seldom ^{These have} been related to a comprehensive plan. Alleviation of these problems ~~will~~ ^{should} come from the normal and orderly progression of the planning program. Attempts to immediately change maps without going thru the procedure necessary to create and adopt a comprehensive plan, will perpetuate existing problems and compound them for future commissions. This has been the legacy of past Commissions to the current one.

There has been some concern about those requesting changes in zoning who place the property immediately for sale. ~~this is~~ ^{while} land speculation ^{at its highest,} ~~however,~~ ^{it} that does not necessarily make it wrong from a zoning standpoint. On certain streets where it is public policy that the street be commercial, the zoning ~~is~~ ^{should be} valid regardless of ownership or "promises" made in presentation. Unless the rezoning can stand by itself as supplying a need to the community and meet the other tests necessary before a change is made, the change should not be made. If it does meet these tests, there should be no legislative concern as to who develops the property or as to whether it has transferred in ownership.

If the Commission is concerned with certain properties being held out of production, thus preventing additional zoning from being added because there is ~~enough~~ ^{considered to be adequate amount} already zoned, then one of ^{to permit the} the following policies could be adopted: ^{normal} ^{forces of} ^{supply and} ^{demand to} ^{operate}

66-2

a. Approve the zoning, but not adopt the amending ordinance until an application ^{was received a} for building permit, ~~was~~ ^{applied for.} ✓

b. Have the Planning Department submit quarterly reports as to whether or not land rezoned within the last two years, or other time period, has ^{initiated} ~~been~~ ^{ment} developed. ✓

Included in the report would be the type use developed and the zoning adequate for the development, e.g. "LC" approved; apartments developed; "B" zoning adequate.

Also, if desired, the staff could report and recommend to either the Planning Commission or City Commission whether a change back to the original district ^{or another} is ✓

desirable.

The policy under "a" ^{does} is of doubtful legality as a motion to "approve" is more than likely to be held a "legislative act." Further, it attempts to do by indirection what the Commission may not do directly. Also, all zone changes would have to come under such a procedure to ensure uniform treatment. The ^{major} ~~biggest~~ drawback is that during the interim, the outcome of the zoning is in doubt to all others in the area, lending uncertainty to land development in the

Wichita area. ^{The second suggested policy is recommended.} ~~It is not~~ ^{A sample form for the report is attached.}

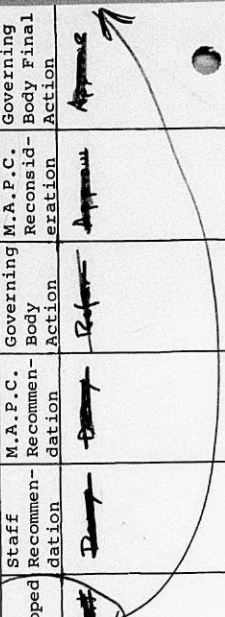
~~No recommendation unless Clancy wants one.~~

10/22/01 Request above for better filed

Summary of History of ZONING CASE SUMMARY

Draft

Case Number	Change Requested	Location	Applicant	Agent	Proposed Use	Developed Use	Staff Recommendation	M.A.P.C. Recommendation	Governing Body Action	M.A.P.C. Reconsideration	Governing Body Final Action
Z-900	AA-116	W side of 1st Street 1st Street	John Doe	See above	AA-116	AA-116	Deny	Deny	Refer	Approve	Approve



amendments Regulatory function 822

plenary power	822
Contracts	924-25
supplemental	925

Regulatory function - 817

th Ryline -

P 824 " Compliance with the Statutory procedure is a ~~major~~ prerequisite to any valid change in the zoning Ordinance since a zoning ordinance amendment must be proposed and adopted with the same formality as the original ordinance

P 825 One who plans to use his property in accordance with existing zoning regulation ~~will not be~~ is entitled to assume that the regulations will not be altered to his detriment unless the change bears a substantial relation to the public health, safety, morals, comfort or general welfare. (See p 832 - TP 37k)

Note presumption on future Plans - *Poslover v Twp of Farmington*
132 NW 2d 687

or " If laws, or conditions have changed.
822 This is based on presumption that the zoning districts were well planned & as such were more or less permanent.

74-9 P3 May not curtail uses on lands zoned differently
from those permitted on lands so zoned in the same
zoning district

74-11 (M. Ken Koster, NY Law Journal 1955)

74-20 Reversion through covenant not valid ^{w/o following statutory procedure}
Voght v Saunders 243 P 226 54 Sp Ct 1011
Matter of Strong NYLJ
" v Stout 210 NY 520
335

66-2

THE CITY OF WICHITA
OFFICE OF The City Manager

DATE June 9, 1965

KBF
Ja

TO C. Bickley Foster, Director of Planning
FROM James F. Clancy, Executive Assistant

*I'll draft
up something
RJC*

SUBJECT Regulatory Matters Before
the City Commission

You will recall that during the informal meeting between the City and Planning Commissions held on May 12, 1965, Mayor Tarrant expressed a great deal of interest in some measures being taken to relieve the City Commission of what he called "a second public hearing" on MAPC zoning and other regulatory matters. To that end, would you please work with the City Attorney in developing a report which would suggest the possible alternatives that are available to the City Commission.

It is my understanding that until the state law is changed, the only alternative the City Commission has would be to adopt the policy of deciding these cases on the basis of the information furnished them from the Planning Commission's public hearing unless there is new evidence to be introduced.

In any event, your comprehensive report on this matter should discuss the limitations that are inherent in the present state statutes and what might be suggested to alter those limitations at the state level, together with some alternatives to immediate relief from this problem at the City Commission level. The completion of this report by June 30 would be appreciated.

JFC:ld

cc: John Dekker



60-2

THE CITY OF WICHITA

OFFICE OF City Manager

DATE May 21, 1965

TO Robert Lakin, Assistant Director of Planning

FROM James F. Clancy, Executive Assistant

JFC

SUBJECT Reversionary Zoning Report

I have in hand your March 11 memo of the same subject which has been sent to the City Commission; however, they have requested that the matter be brought to them at a formal City Commission meeting. To that end, I would appreciate it if you would prepare a draft copy of a Commission Communication that would review the intricacies of this knotty problem.

The Manager suggests that a statement might be secured from zoning applicants as to what percent of use of the property involved is to be accomplished in a specified time (perhaps 50% in two years) and that the applicants would agree to a change back to the previous classification if such development did not take place by action initiated by the MAPC.

JFC:ld

Bob - also comment on the Prototype zoning regulation that is to be before the Commission & how I would consider some of these problems



66-2

March 11, 1965

Russell E. McClure, City Manager

Robert A. Lakin, Assistant Planning Director

Reversionary Zoning Report

On February 2, 1965, the Board of City Commissioners requested a report on whether or not they had the authority to rezone to a more restrictive classification. At this meeting, there was a question as to whether or not an earlier legal opinion had been issued on the subject. A review with the Legal Department and Planning Department indicates that an opinion in this respect has not been issued previous to this time. It is believed that the earlier legal opinion, which the Commission had reference to, concerned the ability of the Commission to enter into "contract zoning." The previous opinions have stated that the Commission may not enter into contracts relating to zoning.

The following questions, briefly stated, were submitted to the Legal Department:

1. May the City change zoning classifications to a more restrictive zoning?
2. May we, in effect, have conditional zoning; that is, the zoning will be effective only if there is use made thereof, otherwise, it will revert to its original classification?

In answer to these questions, the Director of Law finds that the answer to the first question is "YES" and the answer to the second question would be "NO." He further suggested that it would be proper for whatever period of time desired (for example, every three years), to review the entire zoning classifications of property and initiate changes which should, obviously, be made. Following adoption of new zoning regulations for the metropolitan area, a complete review and suggested changes to zoning maps will be made.

It is the Department of Law's opinion that if the Commission desires to initiate a zone change, it may do so by requesting the Planning Department to take the necessary steps to provide for legal advertising, notification to property owners and establishment of a public hearing before the Planning Commission. As this

66-2

Page 2 - Russell E. McClure, City Manager
March 11, 1965

question was raised in reference to the property at 27th Street South and Seneca (northeast corner), the Commission could, if it so desired, request a change from Light Commercial to whatever more restrictive classification, such as "BB", to be advertised at the earliest possible date. Such an action would be in conformance with recent City Commission actions on zoning cases in the immediate vicinity. It should be pointed out that the property owners may protest under the appropriate statute and require a 4/5 vote of the City Commission before such a change to a more restrictive category could be made effective.

RAL:bar

66-2

THE CITY OF WICHITA

OFFICE OF The City Manager

DATE March 4, 1965

TO C. Bickley Foster, Director of Planning

FROM James F. Clancy, Executive Assistant *JFC*

SUBJECT Reversionary Zoning Report

I have in hand my memo of February 8 requesting the subject report, Robert Lakin's memo of February 9 to John Dekker, John Dekker's report to Bob Lakin dated February 19, and Bob Lakin's memo to me dated March 1. Would you please assemble this information into a memo report that can be duplicated and sent to the Commission in order to comply with their request.

JFC:ld



66-2

March 1, 1965

James F. Clancy, Executive Assistant
Robert A. Lakin, Assistant Planning Director

Reversionary Zoning

In response to your memorandum of February 8, 1965, we have asked the Legal Department to supply us with an opinion as to changing zoning to more restrictive classifications and as to placing a time limit on zoning changes with the condition that it be developed within the time period or revert to its original classification. The Director of Law has answered "Yes" to the first question and "No" to the second. A copy of his opinion is attached to this memorandum.

In specific application, if the Commission desires to initiate a zone change on the property at 27th Street South and Seneca (Northeast corner) from its "LC" and "BB" classification to a more restrictive classification, it should direct the Planning Department to initiate such case, provide for the necessary legal advertising, acquire the appropriate ownership list, and set the matter for hearing before the Metropolitan Area Planning Commission. It should be pointed out that under existing law, should the property owner protest, and I assume he would, it would require a 4/5ths vote of the City Commission before such change could be made effective.

RAL:bgs
Attachment
cc: Russell E. McClure
City Manager

John Dekker
Director of Law

66-2

THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE February 19, 1965

TO Robert A. Lakin, Assistant Director of Planning
FROM John Dekker, Director of Law

SUBJECT Reversionary Zoning Report

In your memo of February 9, 1965, you asked two questions which are, briefly:

- (1) May the City change zoning classifications to a more restrictive zoning?
- (2) May we, in effect, have conditional zoning; that is, the zoning will be effective only if there is use made thereof, otherwise, it will revert to its original classification?

You then proceeded to answer the questions and I agree with your answers. Briefly, the answer to No. 1 would be "Yes", and the answer to No. 2 would be "No".

I think it would be proper for every period of time desired, say once each three years, to review the entire zoning classifications of property and to initiate those changes which should obviously be made.



John Dekker
Director of Law

JD:cr



66-2

February 9, 1965

John Dekker, Director of Law

Robert A. Lakin, Assistant Planning Director

Reversionary Zoning Report

Attached is a copy of a request from James Clancy and copy of a memorandum from C. Bickley Foster regarding the City's legal ability to rezone an area. If I understand the problem correctly, I believe it might be stated in two parts.

1. May the City change a zoning classification to an earlier or more restrictive classification than it currently is, and
2. May such rezoning be automatic in nature, or "reversionary zoning." By this I understand the purpose would be to grant zoning, such as "LC", for a period of two years and if not developed within that time to "revert" to its previous and more restrictive classification.

Since this is a legal question, I feel that it should be answered by the Legal Department, although there is no question in my mind as to the general rules that apply to these procedures.

Unless there is some unique case in Kansas law, I would be of the opinion that the answer to the first question is that the governing body or the Planning Commission may initiate changes in zoning, provided that the statutory procedures are followed. It is well accepted in zoning circles that zoning is a legislative act, subject to change, and is not a contract between the governing body and the property owner. Thus, any change, whether more restrictive or less restrictive, which is reasonable and in general accord to a Comprehensive Plan would be proper.

In answer to question No. 2, it would appear that no time limit can be automatically assigned to a zoning change wherein it will "revert" to its original or more restrictive classification. This action would appear to be a contract between the governing body and the property owner. Further, it would appear to violate the statutory procedure for changing the zoning classification. Statutes appear to be quite clear as to the procedure which must be followed (legal advertising, public hearings, etc.)

66-2

Page 2 - John Dekker
February 9, 1965

As you know, we have been requested to provide this answer by February 18, if possible. Although Babcock's name has been mentioned, I do not believe it is a part of his contract to provide this material, nor do I believe that it could be obtained by February 18, if he were willing to give us his opinion.

The Commission has indicated, according to Mr. Foster, that it has been supplied legal opinions in the past to the affect that it may not rezone in accordance with question No. 1. I would submit that they have misunderstood past opinions in regard to contract zoning and the use of restrictive covenants.

RAL:ber

cc: James Clancy
Executive Assistant

66-2

THE CITY OF WICHITA
OFFICE OF The City Manager

DATE February 8, 1965

TO C. Bickley Foster, Director of Planning

FROM James F. Clancy, Executive Assistant

SUBJECT Request of City Commission --
Reversionary Zoning Report

At the meeting of February 2, 1965 the Commission emphasized what they thought to have been an earlier request for the subject report.

Would you please have this report ready by February 18 so that it might be included on the agenda for the following Tuesday's deliberation; however, if the report could be done earlier it would be appreciated.

JFC:ct



WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

February 4, 1965

TO Robert A. Lakin, Assistant Planning Director
FROM C. Bickley Foster, Director of Planning *CBF*
SUBJECT Techniques of Rezoning

PR-9

2-0583

During the last two City Commission meetings at which zoning cases along Seneca Street were discussed, the question was raised as to the legal ability and techniques necessary to rezone an area for another purpose.

At the City Commission meeting on February 2, we were specifically directed to provide them with ideas on how this might be done. I am assuming you would utilize whatever information Babcock may have made available to us on this matter, and the resources of the Law Department.

Please let me know when you are prepared to discuss this matter prior to the completion of a report which, if possible, could desirably be sent to the City Commission for their February 23 meeting or, if necessary, March 2.

CBF:ber

cc: Jack H. Galbraith
Senior Planner

66-2

Tucson, Ariz

MEMO TO: City Officials FROM: Enos P. Schaffer, Asst. City Atty.
SUBJECT: Contract Zoning - DATE: November 25, 1964
Conditional Zoning

The actions of the Mayor and Council have been questioned many times by well meaning citizens relating to the imposing of certain conditions concerning rezoning matters as possibly being illegal as contract zoning.

The City Attorney's office has been asked many times by members of the Planning and Zoning Commission and the governing body as well as by city officers if a particular action would be considered as contract zoning.

The City Attorney's office has also been similarly questioned relating to the legal aspects of conditional zoning.

This subject is not easily explained in depth without some understanding of the ambiguities caused by the confusion of terms.

The attached report on Contract Zoning is prepared to present a clearer picture of this area of the law, and to serve as a guide in future actions.

Enos P. Schaffer
Enos P. Schaffer
Assistant City Attorney

EP8:egm
Attachment

66-2

CONTRACT ZONING

by

ENOS P. SCHAFFER

There is apparent confusion relating to the law on contract zoning primarily caused by a failure to define terms and to distinguish between true contract zoning, conditions before zoning, and conditional zoning.

Their differences will be illustrated by examples of each type and supported by cases in order to clarify this area of the law.

Example No. 1 ILLUSTRATING TRUE CONTRACT ZONING

Immediate rezoning granted. City limits itself.

A developer requests rezoning to build a million dollar apartment complex of buildings which will take four years to build. He asks the city to promise not to change the zoning nor to change the parking, yard, and density provisions of the zoning ordinance as to his land for the next four years so he can obtain a mortgage commitment for the project. If not, he will just have to build in another city. The city wants to encourage this wonderful improvement and enable him to get his financing.

The city adopts an ordinance rezoning the area and either:

(A) Includes in the ordinance the following provision:

"No part of the area shall be rezoned nor shall any zoning changes apply to this area for four years"; or

(B) Makes an agreement not to change the zoning for the area for four years. This ordinance and this agreement is void. This is true contract zoning. 62 C.J.S. Section 139 states:

"A municipal corporation may not surrender or contract away its governmental functions or powers and any attempt to bargain or surrender them is invalid. Accordingly, a municipal corporation cannot by contract, ordinance, or other means, surrender or curtail its legislative powers and duties, its police power, or its administrative authority."

66-2

Supporting Cases

(A) The court held a contract illegal and void in Midtown Properties, Inc. v. Madison Township, 172 Atl. 2d, 40, N.J. (1961), where the City and developer made a contract whereby the City agreed to adopt a future ordinance to legalize the design of the 1,475 acre proposed subdivision development and to establish zoning districts according to the plan; to pass no ordinances or regulations or change building code requirements to affect the buildings proposed; and if passed, that they were not to affect the developer for seven years; and that the contract would govern over conflicting statutes, rules, ordinances and regulations, and would bypass statutory methods of obtaining subdivision approvals. The court further said the city bargained away its legislative power contrary to law, and the city may stop the development, even though in reliance upon said contract and ordinance, \$200,000 had been spent by the developer.

(B) Where City contracted to rezone an area or grant a variance or an exception or by other action, to permit certain business uses for a parcel of land, the court stated in Beckmann v. Teaneck Township, 79 A.2d 301, N.J. (1951), a city may not contract for the exercise of legislative powers.

(C) Where the owner makes written agreement with the City to restrict use of his land if and when City rezones it, to become effective upon rezoning and to continue only so long as it remains so zoned, and where restrictions could be released or modified by written agreement to which the City was a necessary party, it was held in Houston Petroleum Co. v. Automotive Prod. Ass'n., 87 Atl. 2d 319, N.J. (1952), such agreement was void. It was a contract violative of public policy implicit in zoning law.

(D) In Baylis v. City of Baltimore, 148 Atl. 2d 429, Md. (1959), an ordinance rezoning a parcel from residential to commercial was declared invalid as contract zoning, which ordinance stated:

"Rezoning is hereby granted provided an agreement as set forth herein between the city and owner is executed and recorded to run with the land."

The ordinance spelled out the agreement, to-wit:

"In consideration of rezoning this parcel is restricted to funeral home use. If agreement is broken, this ordinance is abrogated and repealed and the parcel would automatically revert to residential zoning. If

666 2

a new ordinance is needed to rezone the parcel back to a residential zoning district, the owners will not object to or oppose the ordinance."

The court indicated that Boards of Adjustment may require covenants and agreements and place conditions in relation to the granting of variances and exceptions from zoning provisions, but this was not extended to the making of general zoning laws.

Example No. 2 CONDITIONS TO BE MET BEFORE REZONING

Immediate rezoning granted. Owner met requirements beforehand.

Owner requested rezoning from residence to business classification. The street is a minor traffic carrier and is narrow. The property backs up to residential areas. City states that if the street were wider, and if there was an alley separating business from residential areas to handle garbage disposal, and if there was a restrictive covenant on the land prohibiting liquor, bowling alleys and any structure in excess of twenty feet high, in order to protect the existing girls' school immediately adjoining and the private homes in the rear from noise and blockage of light and air, then the requested area would probably be proper for the business zoning. The owner dedicated land for street widening and for the alley and put the suggested restrictive covenants on his land by a covenant running with the land. Thereafter the city either:

(A) Adopts ordinance rezoning property without any mention of the conditions in the ordinance; or

(B) Denies the rezoning.

Supporting Cases:

(A) In Church v. Town of Islip, 168 N.E. 2d 680, N.Y. (1960), where rezoning was granted, but a condition for granting rezoning was that the owner record restrictive covenants as to maximum land coverage, fences and shrubbery, it was held -- they did not invalidate the ordinance. The court reasoned: the conditions were intended for the neighbor's benefit. The owner accepted the covenant. There is no one to contest then. The court stated:

"Contract zoning is unclear. No New York law on the subject. All legislation 'by contract' is invalid in the sense that a legislature cannot bargain away or sell its powers."

(B) Where City rezoned the area, but prior thereto the owner in relation to the rezoning request, imposed restrictions on said area to take effect when an option was exercised, and gave a thirty year option to the City to purchase part of the area, thus giving City right to enforce restrictions any time upon purchase, it was held in Sylvania Electric Products, Inc. vs. City of Newton, 183 N.E. 2d 118, Mass. (1962), that while there was a close connection between the two matters, and one could practically rely upon the other, yet the action of the Council in itself was a mere legislative act without conditions. The Council made a zoning decision when it determined the locus where suitable for the new zone if the self imposed restrictions existed. The zoning ordinance was valid. The court stated:

"Requirements of uniformity and conformity to a plan do not mean that there must be identity of every relevant aspect in areas given the same zoning classification."

Note: The ordinance itself imposed no conditions. There is no lack of uniformity in zoning districts. This was not contract zoning, nor conditional zoning, but conditions met prior to rezoning.

(C) In Rosedale Avenue, City of New York, 243 N.Y.S. 2d, 814 (1963), is a case in which it was held that where owner signed an agreement waiving any enhancement of damages by reason of the change of use requested in the zoning matter, should the property be required for proposed street widening, and be taken in condemnation, such agreement was binding and not illegal as "contract zoning".

The facts indicated that an area of eight square blocks was considered for rezoning from residential to commercial. At the Commission hearing it was noted a proposed street widening ran through the area. Two lot owners signed a written agreement waiving enhancement of damages by reason of the use change sought should the property required for the proposed street widening be later taken in condemnation within the next ten years. It was agreed that in such event any claim for damages would be limited to the value of the property as residentially zoned. This was made a covenant running with the land, and was never recorded. Then the Commission recommended rezoning, noting the proposed widening and the waiver and rezoning was adopted for the full eight blocks. Shortly thereafter a bowling alley was built on the owner's land. Five years later, pursuant to a general zoning ordinance, the whole eight block area was rezoned to residential zoning and the bowling alley became an existing non-conforming use. The following year, this condemnation action was commenced to take the thirty

feet required to widen the proposed street. The owner of the bowling alley property contended the waiver was not binding because:

1. If it was a condition imposed for rezoning, it was illegal as contract zoning; and
2. If it was not a condition imposed for rezoning and rezoning would have been granted without the waiver, then it lacks consideration and is not binding.

The court rejected both views. It said the zoning change was enacted without imposing any conditions as to the whole eight blocks and the court cannot say the legislative body did or did not act in reliance upon the agreement. And assuming the condition was imposed, it does not necessarily follow the condition was not validly imposed in the best interest of the citizens. The court continued:

"It might even be said that since this zoning change encompassed an area mapped out as a proposed street, it would be considered a positive dereliction of duty for the City to enact legislation enhancing the value of the land it would shortly acquire for public purposes without in some way requiring that the City's interests be protected." (Page 817).

The court stated that condemnation actions being an equity proceeding, equity principles apply and the owner cannot reap the benefits of a zoning change which enabled the construction of the bowling alley and then avoid the burden of an agreement voluntarily assumed which could very well have been the word or deed relied upon by the City in changing its position as to its probable injury by enactment of the zoning change. The court thus found the agreement was voluntary and implied consideration and the measure of value of the land condemned would be based on the value as residential and not based on the value as a non-conforming use under residential zoning.

(D) It was held a rezoning ordinance was not invalid even though the owner at the direction of the City Council, executed a covenant requiring the land to be developed according to a plan presented to the Council, and as an inducement for the rezoning in Bucholz vs. City of Omaha, 120 N.W. 2d, 270, Neb. (1963).

The owner presented a plan for a regional shopping center and a motion was adopted by the City Council directing an

ordinance be prepared and covenant be prepared for the City's approval. The rezoning ordinance was later adopted but it did not refer to the covenant. At the same meeting the Council approved the covenant agreement.

The agreement stated it was not conditioned upon rezoning, but the court assumes it was an inducement for rezoning. The covenant was between the owner of the land and the developer of the shopping center who was leasing the land. The covenant ran with the land and ran to the benefit of the owner, the City, and adjacent land owners, for a period of ten years.

The agreement recited that the developer has requested rezoning for a shopping center; that the developer will construct grade separations of access at no cost to the City and buffers, etc., etc. and that the City directed the covenants be submitted to the City. The court reasoned: This is no bargain or agreement between the City and the developer. The developer made certain representations and executed a written covenant to assure they were in good faith. This gave the City greater control of development. It was for benefit of adjoining land and the City. Nearby owners are not prejudiced since all this could have been done without an agreement.

Summary

The distinction is thus made between an ordinance or agreement that limits the actions or powers of the city to legislate which is correctly named "contract zoning" and agreements made by persons other than the City to conform their property in a certain manner which would make the property acceptable for the requested zoning. Notice that the City is not committed to pass the ordinance even if the conditions were all met. The governing body may conclude at the time the conditions are met that the new zoning would still not be in the public interest and fail to pass the rezoning ordinance, for which there would be no recourse by the owner as to a breach of contract. Normally, if the parcel was not rezoned, the executed but unrecorded instruments placed in the City's hand, would be returned to the property owner for his disposal. The owner would not "deliver" the deeds of rights of way to the City but merely hand them to someone in the City for "delivery" to the City upon passage of the rezoning ordinance or return them should the ordinance fail, the person holding said instruments acting as an escrow agent.

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Example No. 3 CONDITIONAL ZONING

Type A ... Ordinance adopted. Rezoning becomes effective upon conditions being within a set time limit.

Type B ... Ordinance adopted. Rezoning becomes effective immediately but with automatic repealer if conditions are not met within the set time limit.

Given the same fact situation as in Example No. 2, provided further that there is already vacant business zoned property in the area. The owner assures if he gets the zoning he intends to build immediately and presents his building plans.

The City states if the street were wider, and if there was an alley at the rear, and if the restrictive covenants were made, the requested area would probably be proper for business zoning except for the fact that there seems to be an adequate supply of vacant land zoned business in the area. Therefore, the City can see no basis for rezoning additional areas to business where there is no bona fide intent to put the area into actual use. The City does not want to give existing owners of vacant business land a monopoly, nor does it believe the public will be served by aiding land speculation if there is no good faith intent to actually develop the land to such business use. If the owner, however, improved the land as proposed, the public welfare would be served. The City takes either of two actions:

Type A.

City adopts ordinance rezoning area, but the ordinance shall only take effect when a building permit is issued for the construction of improvements in accordance with the plans submitted, provided further that the required portions are first dedicated for street widening and the alley and the restrictive covenant recorded prior to getting the permit, and then if, and only if, such permit be issued before one year from the date the ordinance is adopted.

Type B.

The City adopts an ordinance rezoning the area immediately and providing that the new zoning shall not remain in effect for more than one year unless a building permit has been issued for the development of the property in accordance with the plans submitted, and unless the required dedications and covenants are made prior to the issuance of the building permit.

Supporting Case:

(A) Where City rezoned land with an automatic reversion in case of the failure to build in one year, the court in Voight vs. Sanders, 243 P.2d 654, Okla. (1952), recognized the validity of this zoning ordinance where a second ordinance extending the time to build, and a third ordinance rezoning the land after reversion occurred, were held invalid, because the second and the third ordinances failed to comply with the public notice and statutory requirements for hearings.

(B) Where rezoning ordinance provided that the property shall revert to the original zoning by motion of the governing body, if construction is not commenced in one year, and one year later the City by ordinance rezoned the property back for failure to commence construction, and there was no notice and public hearing on the second ordinance, the court held in Stirin vs. Stout, 210 N.Y. Supp. NYS 2d, 325 (1960) that the second ordinance was void for failure to follow notice and hearing requirements. The court stated zoning ordinances must follow statutory requirements of notice of hearing to be valid.

Summary

The Type B rezoning ordinance has case support provided the original ordinance is complete in itself and requires no future action by the Mayor and Council. If the rezoning ordinance requires new action by the governing body to revert the area to the prior zoning, the provision is superfluous since the City can rezone the area at any time by following standard notice and hearing procedures. Without this special authorization any attempt to do less would be fruitless. The advantage of the reverter type ordinance requiring further action is to put the owner on notice that the matter of proper zoning for the subject area would be scheduled to come up for review at a specified later time.

No case is cited for Type A conditional rezoning, however, this type is an extension of Example No. 2. It merely extends the time the conditions must be met to some date after the City has acted.

No further act is required by the City. There is no written agreement. There is no provision in the ordinance which would prevent the governing body from repealing the conditional ordinance at any time or further amending the zoning for the subject area.

This conditional ordinance does, however, give the owner a great amount of security. That if he makes building and financing commitments and proceeds as proposed, his rezoning will be forthcoming, since the only act required to put the rezoning into

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effect was his act of getting a permit. This security is there because it would be difficult for the City to justify that there had been sufficient change in conditions to warrant a repeal or change of zoning for the property since the date of the conditional enactment and prior to the time the owner qualified and applied for the building permit.

Ordinances that do not take effect until the happening of a future event within a reasonable time after its passage are valid, providing the ordinance in itself be complete. McQuillin, 3rd Edition, Sec. 14.41.

The advantage of the Type A conditional ordinance is that rezoning never goes into effect until the conditions subsequent are met, thus, there is no ordinance to revoke, either by action or by implication. Such an ordinance stands on firmer legal ground than those that do go into effect and provide for an automatic repeal upon failure of the conditions subsequent to be met.

RELATED CASES

Some zoning cases are confused with contract or conditional zoning, but which are in reality cases upholding the principle that zoning requirements must be uniform for each district. In this group are the following:

(A) Where the County rezoned an area to a commercial zone, but prohibited in its adopting resolution a gas station use, and this use was permitted in that commercial zone, it was held in Carole Highlands Citizens Ass'ns. vs. Board of County Commissioners, 158 Atl. 2d 663, Md. (1960) that this resolution violated the uniformity provisions of the zoning laws. While this case was erroneously referred to as conditional zoning, actually it was merely legislation making provisions which were inconsistent with those set forth in the named zone in violation of the basic requirement that all provisions of a zoning district shall be uniform.

Note that the ordinance exempted the area from the uniform use provisions. This was the fatal error. There is nothing illegal in there being special provisions not common to all parcels in the same zoning district, to-wit: those imposed by subdivision restrictions or deeds or covenants or those provisions permitting special exceptions or variances.

(B) Closely related and worth noting is Brechner vs. Incorporated Village of Lake Success, 208 NYS 2d 365 (1960) wherein the court said that because an area was rezoned in the face of a

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court action in which it was alleged the existing zoning classification was confiscatory, it cannot be said such change resulted from an illegal agreement or was contract zoning.

(C) Rose vs. Paape, 157 Atl. 2d 618, Md., (1960), has been cited as authority in various cases holding invalid zoning ordinances on the basis that they were contract zoning. However, in Rose a rezoning ordinance was held invalid on the same legal point of Carole Highlands, to-wit: that all provisions of a zoning district shall be uniform; and also because of a failure to follow required procedure.

Rose was so cited because the petitioner for rezoning verbally agreed to certain conditions and the rezoning ordinance stated:

"Whereas petitioner has publicly stated no structures except piers shall be erected thereon; the board will not approve building permits except for a pier, now, therefore, the said area is hereby rezoned . . ."

The court stated this was an attempted exercise of the rezoning power under a contract, but the conditions for rezoning were stated only in the preamble and were thus without legal effect. If they were in the adopting section of the ordinance they would then have legal effect. But, if the conditions were in the adopting section, the ordinance would have been void for applying special conditions not applicable to all properties in the same zoning classification. The zoning ordinance was also declared invalid because it was never filed as required by law. The filing of the ordinance was held pending the petitioner's approval of the conditions. The court stated rezoning ordinances cannot be made subject to a person's approval of it.

(D) Likewise confused as contract zoning is Speakman vs. the Mayor, etc. of North Plainfield, 84 Atl. 2d 715, N.J., (1951), where the Mayor and Council by ordinance adopted for a parcel a special "Modified Commercial Zoning District" permitting different uses than allowed in the regular commercial zoning district. The court held this ordinance invalid as arbitrary and discriminatory, and violative of the requirement of uniform ordinance provisions for like districts.

The purpose of this ordinance was to defeat a lower court decision. Years before, a foundry on the parcel was originally a non-conforming use in a residential district. The owner expanded the buildings without obtaining a building permit contrary to the zoning law relating to permits and to expansion of non-conforming uses. This building was for the war effort so the Mayor and Council

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by resolution authorized its expansion upon Board of Adjustment's recommendation, provided the owner contracted to remove the expanded structures after the war.

When the war was over the owner did not want to remove the expanded structures and was denied the right to retain them by the Board of Adjustment. The foundry appealed to the courts which upheld the Board of Adjustment on the basis that the City resolution was a void, ultra vires contract, and the expanded structure was never legally permitted in the first place and thus had to be removed.

It was this court decision that the City ordinance attempted to overcome by establishing the modified district which would make the foundry a conforming use and enable it to retain its expanded buildings. This "Modified District" ordinance was challenged by the neighbors and was held invalid as discriminatory. While this case was not decided upon the legal point of "contract zoning" it is also cited in various decisions for this point of law.

CONCLUSION

Zoning law is in a period of great flux, and in particular is this portion of it relating to contract and conditional zoning.

The trend is toward greater liberalization in permitting governing bodies to work out acceptable methods to meet rapidly changing economic and sociological conditions and to avoid rigidity and inflexibility of zoning provisions, which in the light of explosive growth make many provisions obsolete or inadequate almost as soon as adopted. So long as precautions are taken so that the governing body does not in its ordinances or by its contracts surrender or bargain away its legislative functions and powers, and so long as the conditions imposed are reasonable, are not arbitrary and are in the public interest rather than in the private interest, it is fair to predict the courts in most instances will support the legislative actions which are experimenting with new ways to resolve the problems of urban growth.

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