

DR 83-8 - Wichita State University
Endowment Association, et al
request Special Permit for Uni-
versity related Offices on
property generally located at the

ACTION

DATE

COMMITTEE _____

M.A.P.C. Approved 5-19-83

B.C.C./B.E.O.C. Approved 6-14-83

June 15, 1983

Robert B. Feldner, Superintendent of Central Inspection
Jack H. Galbraith, Chief Planner

DR 83-8 and 2-2508 - zone change from "AA" to "AA" & "U"
Generally located at the southeast corner of Yale and 21st
Street North. (2150 N. Yale)

The Board of City Commissioners at their regular meeting of
June 14, 1983 considered the above applications. This is to
advise you that the zone change to the "AA" & "U" (University
District) was approved. The associated DR case was also
approved as a special permit for offices for the Wichita
State University Endowment Association and WSU Board of
Trustees.

Enclosed, for your information, is a copy of the legal
description of the property. If you have any questions,
please call.

Jack H. Galbraith
Chief Planner

JHG:el

Enclosure

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS
REQUEST FOR ZONING AND SPECIAL PERMIT

CASE NO. Z-2508 & DR 83-8 CONSIDERED BY MAPC: 5-19-83

REQUEST FOR: "AA" to "AA" & "U", and special permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To provide offices for the Wichita State University Endowment Association and WSU Board of Trustees."

GENERAL LOCATION: Southeast corner of Yale and 21st Street.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of
May 19, 1983)

APPLICANT: Wichita State University Endowment Association, et al,
1845 Fairmount.
AGENT FOR APPLICANT: H. R. Reidenbaugh, Executive Secretary, Wichita
State University Endowment Association.
PROTESTORS (LIST AGENT) IF ANY: None

SURROUNDING ZONING: North, "AA"; East, South and West, "U".

LAND USE: Existing, Single-family; North, Church and parking; East,
South and West, University grounds.

CPO RECOMMENDATION:

CPO Council Area "I" voted unanimously, 8-0, to recommend
that the applications be approved.

PLANNING COMMISSION RECOMMENDATION:

That the zone change request be approved subject to the applicant submitting a contingent dedication for 20 feet of additional street right-of-way for 21st Street prior to the case being forwarded to the City Commission. Said dedication being contingent upon the right-of-way being needed for any street improvements; and that the special permit request for the use of this property for offices for the Wichita State University Endowment Association and the Board of Trustees of the Wichita State University be approved. Hansen moved, Parsons seconded and it carried unanimously. Goebel was absent. One vacancy.

ACTION: 1. Accept the dedication, concur with the finding of facts of the Metropolitan Area Planning Commission and approve the zone change and special permit, place the ordinance establishing the zone change on first reading and instruct the City Clerk to file the dedication with the Register of Deeds; or
2. Return the applications to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 19, 1983

- 8a. Case No. Z-2508 - Wichita State University Endowment Association, request zone change from "AA" to "AA" & "U" for Lots 129, 131, 133, 135, 137, 139, and 141 on Wellesley now Yale, Fairmount 4th Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the southeast corner of Yale and 21st Street.
- 8b. Case No. DR 83-8 - Wichita State University Endowment Association, et al request Special Permit for University related Offices on Lots 129, 131, 133, 135, 137, 139, and 141 on Wellesley now Yale, Fairmount 4th Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the southeast corner of Yale and 21st Street.

GALBRAITH pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a change of zoning from the "AA" Single-family District to a combination of the "AA" Single-family and the "U" University Districts for a tract of land containing approximately 27,000 square feet located at the southeast corner of 21st St. and Yale.

In conjunction with this zone change request, the applicant is also requesting a special permit under Section 28.04.136.2c. for university related offices to be located on the site. These offices will be for the Endowment Association and Board of Trustees of Wichita State University.

On April 10, 1975, the Planning Commission considered a request for a change of zoning from "AA", "B" and "LC" to "U" for Wichita State University property lying south of 21st Street from Hillside to Oliver (Z-1693). Action of the Planning Commission was to recommend approval of the request.

2. A recommendation of approval by the Planning Commission should be subject to the applicant submitting a contingent dedication for 20' of additional street right-of-way for 21st Street prior to the case being forwarded to the City Commission. Said dedication being contingent upon the right-of-way being needed for any street improvements.

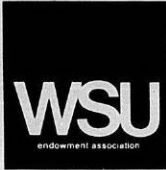
GALBRAITH stated that a number of years ago the Planning Commission established the University District for all of WSU's property, and since that time the only overlapping or combined district established was for the sorority houses. GALBRAITH said that this building would be used by the Wichita Endowment Association and the Wichita Board of Trustees as an office. It is not to be owned by the State. He said that staff recommended approval of the overlay district subject to the contingent dedication of the necessary right-of-way for 21st Street. CPO Council Area "I" voted unanimously, 8-0, to recommend that the applications be approved.

There was no one present in opposition to the application.

H. R. Reidenbaugh, Executive Secretary, Wichita State University Endowment Association, was present.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking

into consideration the mixed character of the area; the University zoning and uses to the east, south and west, the church to the north; the recommendation of approval by CPO Council Area "I" and the recommendation of approval by staff; I move that we recommend to the governing body that the zone change request be approved subject to the applicant submitting a contingent dedication for 20 feet of additional street right-of-way for 21st Street prior to the case being forwarded to the City Commission. Said dedication being contingent upon the right-of-way being needed for any street improvements; and that the special permit request for the use of this property for offices for the Wichita State University Endowment Association and the Board of Trustees of the Wichita State University be approved. Hansen moved, Parsons seconded and it carried unanimously. Goebel was absent. One vacancy.



wichita state university endowment association

May 20, 1983

Mr. Dave Bayouth
Chairman
Metropolitan Area Planning Commission
455 North Main
Wichita, Kansas 67202

Dear Mr. Bayouth:

This letter confirms that the Wichita State University Endowment Association will provide a contingent dedication of twenty (20) feet of additional street right-of-way on the 21st street side of the property located at the south-east corner of Yale and 21st street.

It is understood that said dedication is contingent upon the right-of-way being needed for any street improvements.

Sincerely,

A handwritten signature in dark ink, appearing to read "H. R. Reidenbaugh".

H. R. Reidenbaugh
Executive Secretary

HRR:js

RECEIVED

MAY 23 1983

METROPOLITAN PLANNING

ROUTE



1845 fairmount • wichita, kansas 67208 • (316) 689-3040

D-1133
Acct. DR 83-8

CONTINGENT DEDICATION

WHEREAS, Wichita State University Endowment Association is the owner of real property described as follows, to-wit:

- Lots 129, 131, 133, 135, 137, 139, and
- 141 on Wellesley now Yale, Fairmount
- 4th Addition to Wichita, Sedgwick County,
- Kansas.

and

WHEREAS, said owner is in the process of requesting a change of zoning from "AA" One-Family to a combination of the "AA" One-Family and the "U" University Districts on said property; and

WHEREAS, as a condition of zone change approval, the Metropolitan Area Planning Commission is requiring the dedication to the public of a portion of said property for street purposes, but said dedication not to occur until the land is needed for street purposes, including paving, excavation, fill, drainage, and other similar street purposes;

NOW, THEREFORE, the owner hereby dedicates to the public for street purposes, the following described property, to-wit:

The north 20 feet of Lot 141 on Wellesley now Yale, Fairmount 4th Addition to Wichita, Sedgwick County, Kansas, and the north 20 feet of the east 30 feet of vacated Yale adjacent to said Lot 141;

but the right of the public to use said property shall not occur until road improvements are proposed to be made.

It is the intent of the owner that this contingent dedication shall be a covenant running with the land and shall be binding upon their successors and assigns and all subsequent owners of any part or parcel of said property covered by the dedication.

EXECUTED this 23rd day of May, 1983.

Wichita State University Endowment Association
by H.R. Rendenbach
Executive Secretary

STATE OF KANSAS
SEDGWICK COUNTY ss

BE IT REMEMBERED that on this 23rd day of May, 1983, before me, a Notary Public in and for the County and State aforesaid, came Wichita State University Endowment Association by H.R. Rendenbach Executive Secretary
(Name and Title)

IN WITNESS WHEREOF, I have hereunto subscribed by name and affixed my official seal, the day and year last above written.

Dandra R. Albert
Notary Public



My Appointment Expires October 29, 1984.



wichita state university endowment association

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MAY 25 1983

METROPOLITAN PLANNING
ROUTE _____

May 23, 1983

Mr. Jack H. Galbraith
Chief Planner
Metropolitan Area Planning Commission
City Hall - Tenth Floor
455 North Main Street
Wichita, Kansas 67202

Dear Mr. Galbraith:

Enclosed please find the executed copy of the Contingent Dedication from the Wichita State University Endowment Association.

I shall be in touch with you prior to June 14th when you will have a better feel as to what time of day I should be present.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. R. Reidenbaugh".

H. R. Reidenbaugh
Executive Secretary

HRR:js

Enclosure

yellow copy

May 20, 1983

Mr. H. R. Reidenbaugh
Wichita State University Endowment Association
1845 Fairmount
Wichita, Ks. 67208

Re: Z-2508 & DR 83-8 - "AA" to "AA" & "U"

Dear Mr. Reidenbaugh:

At its regular meeting on May 19, 1983, the Metropolitan Area Planning Commission considered the above-captioned cases. The action of the Planning Commission was to recommend that the zone change request be approved subject to the applicant submitting a contingent dedication for 20' of additional street right-of-way for 21st Street prior to the case being forwarded to the City Commission. Said dedication being contingent upon the right-of-way being needed for any street improvements. In addition, the action of the planning commission was to recommend the special permit request for the use of this property for offices for the Wichita State University Endowment Association and the Board of Trustees of the Wichita State University.

Enclosed is the necessary contingent dedication form that should be signed by the owner of the property and returned to our office no later than June 3, 1983 so that subject cases can be scheduled for consideration by the Board of City Commissioners at their regular meeting on June 14, 1983. This meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

If you have any questions concerning this matter, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sd

cc: Douglas C. Thompson, Law Kingdom, Inc., P. O. Box 1139, Wichita 67201
Board of Trustees of Wichita State University, 101 Morrison Hall,
1845 Fairmount, Wichita 67208

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE May 18, 1983

TO Jack Galbraith, Chief Planner-Current Plans

FROM Dean Kruihof, Administrative Aide III

SUBJECT Z-2508 and DR 83-8, Southeast
Corner of Yale and 21st Street

At its May 17th meeting, CPO Neighborhood Council Area "I" considered the captioned zone change request from the "AA" One-Family Dwelling District to a combination of the "AA" One-Family Dwelling District and the "U" University District and the request for a special permit for university related offices. H.R. Reidenbaugh was present representing the applicant. No area residents attended the meeting concerning the zone change or special permit request.

The Council voted unanimously, 8-0, to recommend that the requested zone change and special permit be granted subject to planning staff recommendations.

Please provide the MAPC with the Council's recommendations when it considers the case at its May 19th meeting.

Dean Kruihof
Dean Kruihof
Administrative Aide III

DK:pk

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MAY 18 1983

METROPOLITAN PLANNING

ROUTE _____

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 5-19-83

CASE NO: Z-2508 & DR 83-8

REQUEST: "AA" to "AA" & "U"
and special permit

LOCATION: Southeast corner of Yale and 21st Street

REASON: To provide offices for the Wichita State University Endowment
Association and WSU Board of Trustees

ACRES: 0.6

SIZE: 150' x 180'

	<u>LAND USE</u>	<u>ZONING:</u>
Existing	Single-family	"AA"
North	Church and parking	"AA"
East	University grounds	"U"
South	University grounds	"U"
West	University grounds	"U"

Existing R/W - 21st Street - half - 30 feet
Proposed R/W - 21st Street - half - 50 feet

PLATTED: Yes

HISTORY: None

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a change of zoning from the "AA" Single-family District to a combination of the "AA" Single-family and the "U" University Districts for a tract of land containing approximately 27,000 square feet located at the southeast corner of 21st St. & Yale.

In conjunction with this zone change request, the applicant is also requesting a special permit under Section 28.04.136.2c. for university related offices to be located on the site. These offices will be for the Endowment Association and Board of Trustees of Wichita State University.

On April 10, 1975, the Planning Commission considered a request for a change of zoning from "AA", "B" and "LC" to "U" for Wichita State University property lying south of 21st Street from Hillside to Oliver (Z-1693). Action of the Planning Commission was to recommend approval of the request.

2. A recommendation of approval by the Planning Commission should be subject to the applicant submitting a contingent dedication for 20' of additional street right-of-way for 21st Street prior to the case being forwarded to the City Commission. Said dedication being contingent upon the right-of-way being needed for any street improvements.

✓ DR 83-8

&

Z-2508 - 5 "Notice to Adjoining Property Owners" mailed 5-5-83 for
the MAPC meeting for 5-19-83.

1 Including map - to CPO Office
1 to Yash Desai, Acting Sanitary Sewer Engineer

-

7 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202

May 3, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

This is a notice of a request for a zoning change in your area and on property legally described below. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request. If you have no interest or objection to the requested change, you have no obligation to appear or comment. If you desire to appear at the MAPC meeting, you are invited to do so, either in person or by agent or attorney.

The MAPC will consider the following case at its meeting in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, beginning at 1:30 p.m., on ~~May 19, 1983~~.

CASE NO. Z-2508 and CASE NO. DR 83-8

Zone Change from the "AA" One-Family Dwelling District to a combination of the "AA" One-Family Dwelling District and the "U" University District and Request for Special Permit for University related Offices

Lots 129, 131, 133, 135, 137, 139, and 141 on Wellesley now Yale, Fairmount 4th Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the southeast corner of Yale and 21st Street.

The following is a sequence of events in the processing of a request for zone change: Notification of adjoining property owners (this notice); then Neighborhood Citizen Participation Organization (CPO) meeting; then Metropolitan Area Planning Commission (MAPC) meeting (scheduled above); and then Board of City Commission (BCC) meeting to concur with MAPC action, defer, or refer back to MAPC. On return of the case to the BCC, they may approve or deny or modify the change requested.

The Citizens Participation Organization (CPO) neighborhood council will consider this case in the immediate future for the purpose of making a formal recommendation to the MAPC and BCC. If you have an interest in this case, you are encouraged to express your opinions at your CPO Council meeting. The date, time and location of the CPO meeting may be obtained by calling 268-4516.

It should be noted that the MAPC meeting constitutes the "Public Hearing" on this matter, and therefore the City Commission has adopted the following policy with regard to consideration of zoning change requests:

"All applications for change of zoning or amendments to the zoning text shall be based on the written record of the Planning Commission, including staff recommendations, which shall be forwarded to the City Commission. The Commission may inquire of staff, proponents or opponents for clarification of any matter before the Commission. Requests for introduction of new evidence or facts shall be in writing and filed with the City Clerk prior to the closing of the City Manager's Agenda (by 5:00 p.m., on the Wednesday preceding the scheduled Tuesday BCC hearing). In all cases where such requests are submitted, the Board of City Commissioners may refer said case to the Planning Commission for rehearing."

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

SUMMARY DESCRIPTION OF CITY OF WICHITA ZONING DISTRICTS

- "AA" One-Family Dwelling District
Permits one-family dwellings, parks, schools, libraries, golf courses, nurseries, churches and home occupations.
- "A" Two-Family Dwelling District
Permits two-family dwellings and uses permitted in "AA".
- "RB" Four-Family Dwelling District
Permits three and four-family dwellings, and uses permitted in "AA" and "A".
- "R-5" General Residence District
Permits multiple-family dwellings at a density of 17.4 dwelling units per acre; off-street parking areas; and uses permitted in "A".
- "R-6" General Residence District
Permits multiple-family dwellings at a density of 29 dwelling units per acre, and all uses permitted in "R-5".
- "B" Multiple-Family Dwelling District
Permits multiple dwellings, off-street parking areas, apartments, boarding houses; cemeteries, medical offices and uses permitted in "AA", "A" and "RB".
- "BB" Office District
Permits apothecaries, clinics, hospitals; medical, business and professional offices; hotels and motels under certain conditions; and all residential uses.
- "OC" Office Commercial District
Permits offices; limited retail and service uses operated within a building; and residential uses as permitted in "R-5".
- "LC" Light Commercial District
Permits all purely retail businesses conducted within enclosed buildings; service stations; all residential and office uses.
- "C" Commercial District
Permits all commercial uses and residential and office uses and some fabrication uses.
- "D" Central Business District
Permits all commercial, office, wholesale, manufacturing and residential uses. Prohibits those which constitute a hazard or nuisance from smoke, dust, odor or fire danger.
- "E" Light Industrial District
Permits all manufacturing activities which do not constitute a hazard or a nuisance; and all office and commercial uses. Residential uses are prohibited.
- "F" Heavy Industrial District
Permits all office, commercial and manufacturing uses. Most objectionable manufacturing uses are subject to conditional approval. Residential uses are prohibited.
- "G" Mobile Home District
Permits mobile home parks, mobile home subdivisions and associated uses.
- "U" University District
Permits Universities, Colleges, Seminaries and other institutions of learning and related uses.



wichita state university endowment association

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APR 25 1983

METROPOLITAN PLANNING

ROUTE 26

assoc. 7-2508

April 21, 1983

DR 83-8

Mr. Jack H. Galbraith
Chief Planner
Metropolitan Area Planning Department
City Hall
455 North Main
Wichita, Kansas 67202

Dear Jack:

This letter is addressed to you in behalf of the Wichita State University Endowment Association.

On May 9, 1983, the Association will purchase from the Wichita State University Board of Trustees the house and property located on the southeast corner of 21st and Yale (lots 129, 133, 135, 137, 139 and 141 on Wellesley Avenue, in the Fairmount 4th Addition to Wichita, Sedgwick County, Kansas).

Inasmuch as it is not possible to zone that tract "University District" because it is not state-owned, and inasmuch as the property must maintain its single family zoning, and inasmuch as this property will be in the University overlay and the property will be used for the University related purpose of housing the Endowment Association and the Board of Trustees both of which organizations support the ongoing effort of the University, this special permit is therefore requested so that the property can be used for the offices of these two organizations.

I trust this is something in which both the staff and the members of the MAPC will concur.

If there are any questions or if there is need to question me personally, I shall be very happy to visit.

Sincerely,

H. R. Reidenbaugh
H. R. Reidenbaugh
Executive Secretary

HRR:js

cc: B. J. Kingdon

1845 fairmount • wichita, kansas 67208 • (316) 689-3040