

DR 86-10 - Reconsideration of Zoning Policy on Central between Hillside and Oliver (Metropolitan Area Planning Department)

ACTION

| COMMITTEE | DATE |
|--|-----------------|
| M.A.P.C. <i>Approved as recommended</i> | <i>10-30-86</i> |
| <i>BCC</i> B.C.C./B.C.C.E. <i>Refer December</i> | <i>11-25-86</i> |
| BCC <i>Approved policy in part as recommended</i> | <i>12-9-86</i> |
| MAPC <i>Refer for 90 days</i> | <i>12-22-86</i> |
| MAPC <i>Did not concur with zoning policy adopted by the City Council.</i> | <i>3-19-87</i> |

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: March 23, 1987

TO: POLICY STATEMENT FILE

FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: Policy Statement Amendment on East Central between Hillside and Oliver (BCC approved 12/9/86)

On December 9, 1986, the Board of City Commissioners adopted a new zoning policy for Central from Hillside to Oliver which is as follows:

1. North side of Central:

- a. Hillside to Rutan - Look with favor on the "LC" Light Commercial District.
- b. Rutan to Vassar - Renew the existing policy of looking with favor on the "BB" Office District.
- c. Vassar to $\frac{1}{2}$ -block east of Terrace (130') - Retain the existing "A" Two-Family Dwelling District.
- d. One-half block east of Terrace to Pershing - Renew the existing policy of looking with favor on the "BB" Office District.
- e. Pershing to Oliver - Renew the existing policy of retaining the "LC" Light Commercial District.

2. South side of Central:

- a. Hillside to Vassar - Look with favor on the "LC" Light Commercial District.
- b. Vassar to Clifton - Renew the existing policy of looking with favor on the "BB" Office District.
- c. Clifton to Terrace - Renew the existing policy of retaining the existing zoning districts ("AA" One-Family Dwelling and "A" Two-Family Dwelling).
- d. Terrace to $\frac{1}{2}$ -block east of Terrace (142.5') - Renew the existing policy of looking with favor on the "BB" Office District.
- e. One-half block east of Terrace to Oliver - Renew the existing policy of retaining the "LC" Light Commercial District.

The Planning Commission did not concur with the adopted policy on March 19, 1987.

cc: DR 86-10
Z-2793
Zoning Staff
Map Room

PL/0083/1

LOS ANGELES, CHICAGO, LOGAN, OH
MEMPHIS, MIAMI, ST. LOUIS, IN
U.S.A.

Shirley
No. 2,153C

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 30, 1986

LEGAL:

10. Review of East Central Zoning Policy. (DR 86-10 and DR 86-11)

GALBRAITH said that he would begin with the suggested zoning policy on Central between Hillside and Oliver (DR 86-10). He reviewed the following staff report:

Background:

On August 21, 1986, the MAPC considered and recommended approval of zone case Z-2793, a request to change the existing "B" Multiple-family Dwelling District to the "LC" Light Commercial District on the north side of Central in the center of the block between Rutan and Vassar. The balance of the block is zoned "BB" Office District. The City Commission, in considering this recommendation on September 16, 1986, voted to return the matter to the MAPC for reconsideration citing as reasons the adopted zoning policy and the CPO recommendation for denial. The MAPC action on October 2, 1986, during reconsideration of this matter, was to defer the case for six weeks and instruct staff to review the existing policy and prepare recommendations for a revised zoning policy on this portion of east Central.

Analysis:

The established zoning policy on Central as it relates to the property involved in zone case Z-2793 reads as follows:

"Look with favor on "BB" zoning along east Central as far east as Clifton."

This policy was adopted by MAPC in 1968 and by the City Commission in 1975. It is assumed the west boundary of this policy area is Hillside as land on both sides of Central west of Hillside already has a higher (less restrictive) zoning category than the "BB" Office District.

A reconsideration of this policy is best reviewed on a block-by-block basis. The block between Hillside and Rutan on the south side of Central now contains "C" and "B" zoning and is developed with offices, retail stores, and parking lots. The "C" zoning has existed since 1959 and before. If additional zone changes are to be granted in this block, the "LC" district would be more appropriate. "C" zoning is more of a highway-oriented use where outdoor storage of materials is permitted and is not necessary for the existing uses in this block.

The block between Rutan and Vassar on the south side of Central is already zoned "LC" and a policy favoring that district would be appropriate. The block between Vassar and Clifton on the south side of Central is zoned "BB" and developed with a parking lot and a dentist's office. A "BB" zoning policy is appropriate here.

The north side of Central between Hillside and Rutan is mostly "BB" with small areas of "B" and "LC". Most of the block is part of the Wesley Medical Center complex. "LC" zoning would be appropriate for this entire block as it is well isolated from residential areas and is at the intersection of two major arterials.

The north side of Central between Rutan and Vassar contains the last remaining "B" zoning which is the subject of zone case Z-2793. The balance of the block is "BB", having been changed from "A" and "B" to "BB" in 1959, 1972, and 1982. The four lots included in Z-2793 were approved for "BB" zoning in 1966 but never received that zoning due to failure to replat. With "LC" zoning to the south and to the west, and with no residences located to the north, "OC" or "LC" zoning in this block would now seem appropriate. Vassar is already a four-lane street between Central and Murdock but the first two east-west streets north of Central do not intersect with Vassar thus protecting the residential neighborhood to the east from potential commercial traffic.

Clifton, which is the east boundary of this segment of the Central zoning policy, does not intersect Central on the north side of the street and therefore, this block between Vassar and Yale is covered by two separate policies. These policies favor "BB" for approximately the west half of the block and retention of the existing zoning ("A") on the east half of the block. All of the homes on approximately the west half of the block are for sale at the present time. Most of these structures are in a state of disrepair and their demolition would be beneficial to the neighborhood. As all five structures are for sale by one realtor, the possibility exists that the entire west 250 feet could be redeveloped as one use. The Central/Vassar intersection is signalized and there is a raised median east of Vassar for approximately 150 feet. Access would be available from four-lane Vassar without unduly affecting the residences to the north since Edgemont and Elm do not intersect Vassar. Therefore the existing policy favoring "BB" zoning on the west half (M/L) of this block still is appropriate. The east half, which is zoned "A" Two-family dwelling, is across Central from "AA" and "A" zoning and has residential structures which are still viable as residences. A school cross-walk is in the middle of this area on Central. The east half of this block should remain residential in accordance with existing policy.

The policy which covers the east half (M/L) of the block east of Vassar on the north side of Central extends from Clifton to east of Terrace and covers both sides of the street. That policy now states that no zone change should occur from Clifton to "where the "B" zoning is east of Terrace". A recent field check of the uses and conditions of properties in this area revealed three duplexes at the northeast corner of Central and Terrace just west of the "B" zoning referred to in this portion of the zoning policy. Due to the condition of these structures and the fact that the next segment of the east Central zoning policy favors "BB" office zoning east and south of these duplexes, the Commission may wish to consider a revision of the policy to favor "BB" zoning on both sides of Central from Terrace to where the "LC" zoning now exists.

Recommendation:

It is recommended that the east Central zoning policy between Hillside and Oliver be revised to read as follows:

1. Central Avenue between Hillside and Vassar -
Look with favor on "LC" Light Commercial zoning on both sides of Central.

2. Central Avenue between Vassar and Clifton -
Look with favor on "BB" Office District zoning on both sides of Central.
3. Central Avenue between Clifton and Terrace -
Retain existing zoning classifications ("AA" and "A") on both sides of Central.
4. Central Avenue between Terrace and Oliver -
 - a. On the north side of Central, look with favor on "BB" Office District zoning from Terrace to Pershing and "LC" Light Commercial zoning from Pershing to Oliver.
 - b. On the south side of Central, look with favor on "BB" Office District zoning from Terrace to where "LC" Light Commercial now exists (approximately midway between Terrace and Pershing) and "LC" zoning from there to Oliver.

DISCUSSION:

GALBRAITH stated that the reason the Commission was discussing this policy change was because of a recent zoning case filed by Dr. Kouri, consisting of 19 apartment units which he wanted to change to light commercial zoning. Dr. Kouri was desirous of converting the apartments to either a motel or combination of motel and retail sales. The Planning Commission's recommendation on that case was to approve the request. It went to the City Commission, and their action was to return it to the Planning Commission. When the case was reconsidered by the Planning Commission one month ago, they asked, before the case was considered again, that a revision of policy be addressed. GALBRAITH said that the present policy says that the Commission favors "BB" Office zoning as far east as Clifton. The balance of the area was to retain its existing zoning classification. Staff felt that it would be appropriate, from Hillside to Vassar, to set the policy to favor light commercial zoning. That would permit Wesley, if they needed light commercial, to come in along the frontage which is consistent with what is on the south side of the street. They still believe the policy for "BB" should stop at Clifton.

GALBRAITH said that one CPO recommended that no policy be changed along the south side of Central. The CPO representing the north side recommended that the policy be retained as is except for the block between Hillside and Rutan which they recommended favor "LC" zoning.

ROBERT DONLEY, 520 North Broadview, thanked the staff for the generosity of their time and expertise in helping him understand this matter. He mentioned that he had given the Commission his opinion and recommendations in writing. He said that he hoped the Commission would consider it to be a reasonable compromise between what the CPO and staff's recommendation was. He said that his plan differed from the staff's in only three areas, totalling only about 2 to 2½ blocks in this entire mile. DONLEY said that Galbraith made a good case, as a professional planner should, as far as having the same zoning policy on both sides of all streets. It makes for a neater and more

uncluttered looking map. He agreed that all things being equal, it was good planning to have exactly the same planning on both sides of most streets, but in this case, as in most cases, all things aren't equal. He felt that there always was a need to compromise. He did not think that his suggested compromise would weaken the staff's recommendation since it involved such a small portion. He was sure that there were a dozen places in the city where zoning is different on one side of the street than it is on the other without causing great dislocations, and Central is not the normal residential street. It is a wide, busy thoroughfare. Central State Bank is directly across the street, for example, from Ronald McDonald House, and although it is directly across the street, there is a big difference in the use and the distance and the activities that those two entities have. About the only thing in common that they do have is that they have a Central address. DONLEY said that in his opinion there is no compelling reason that the Ronald McDonald House, the apartments in the application area, and the Central State Bank should have the same zoning. He said that he hoped that the Commission would look upon his recommendations as a reasonable compromise.

BAYOUTH asked Mr. Donley, for the sake of the people in the audience who had not received his correspondence, to state his three objections.

DONLEY stated that he had spoken to Galbraith about Clifton and they disagreed. DONLEY felt that the policy favoring "BB" zoning along Central as far east as Clifton should have been meant to apply only to the south side of Central since Clifton does not run north of Central. He said he figured this must have originated as a result of some case on the south side of Central, probably the one for the current dentist's office on the southwest corner of Central and Clifton which was rezoned "BB". He doubted that it was intended to carry across the street north of Central to some imaginary line in the middle of the block.

GARDNER commented that what staff had presented has been a good quality synopsis, and they have analysed the situation well. They recognize that there have been a number of changes in the surrounding area, particularly in the vicinity of Wesley. They have acknowledged the increased traffic flows and shifts that have occurred in that regard, intersection improvements have occurred over a time period, and the policy that they have recommended in this case is one that the Planning Commission should adopt and recommend the adoption of.

MOORE added that it is a compromise. He said that if he had his way, he would make it "BB" or "OC" from Hillside to Oliver on the north side of Central.

MOTION: That the Planning Commission adopt the revised east Central zoning policy between Hillside and Oliver as presented by staff. Gardner moved, Bayouth seconded and it carried unanimously. Crockett was not present. Miles and Wilson were absent.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: March 23, 1987

TO: POLICY STATEMENT FILE

FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: Policy Statement Amendment on East Central between Hillside and Oliver (BCC approved 12/9/86)

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- d. One-half block east of Terrace to Pershing - Renew the existing policy of looking with favor on the "BB" Office District.
- e. Pershing to Oliver - Renew the existing policy of retaining the "LC" Light Commercial District.

2. South side of Central:

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The Planning Commission did not concur with the adopted policy on March 19, 1987.

cc: DR 86-10
Z-2793
Zoning Staff
Map Room

PL/0083/1



MAR 24 1987
METROPOLITAN ROUTE

23 March 1987


- 1 Augustus ALDERMAN III
b 8 September 1908
Arlie VA
- 2 Augustus ALDERMAN IV
b 8 October 1906
Arlie VA
- 3 Harry AGNEW JR
b 24 October 1870
Arlie VA
- 4 ~~Augustus ALDERMAN III~~
b 8 September 1908
Arlie VA
- 5 ~~Augustus ALDERMAN IV~~
b 8 October 1906
Arlie VA
- 6 ~~Harry AGNEW JR~~
b 24 October 1870
Arlie VA
- 7 Thomas WILLIAM BROWN
b 23 October 1871
London Co VA
- 8 Susan MARY BROWN
b 1 February 1901
London Co VA
- 9 Belle FLORENCE BROWN
b 14 November 1871
London Co VA
- 10 ~~John FAYTON BARRINGTON CREW~~
b 23 December 1821
Fauquier Co VA
- 11 ~~Earl ANNE BIRD~~
b 8 May 1867
London Co VA
- 12 William BROWN
b 2 August 1835
London Co VA
- 13 George JAMES BROWN
b 1 November 1851
London Co VA
- 14 William MARY BROWN
b 23 August 1861
London Co VA
- 15 ~~James VIRGINIA JACOBI~~
b 21 July 1861
London Co VA

Dear Mr. Galbraith,

Many thanks for the copy of the
 minute of the City Commission regarding
 zoning between Hedden and Olive on
 East Central. It, plus the minutes of MAPC
 clear up some misconceptions raised
 by the Eagle-Bacon.

Have enclosed one of the reports
 from the above papers.

Thanks again,
 Gus di Zerega

 Mr. Augustus diZerega
 447 North Belmont
 Wichita, Kansas 67208

Commissioners, MAPC Disagree About Central

By **Beccy Tanner**
Staff Writer

City planners and the City Commission are at odds over zoning policies for a one-mile stretch of East Central, where adjacent neighborhoods are worried about spreading commercial development.

The Metropolitan Area Planning Commission meets at 1:30 p.m. today in the City Commission meeting room to review a new policy that is to guide development along East Central between Hillside and Oliver.

In December, the City Commission adopted the zoning policy, which favors a mix of offices and residences along Central. That allows less development than had been recommended by the planning board, which had favored office and light commercial development along the street, which divides the College Hill and Sleepy Hollow neighborhoods.

The City Commission has the final say in such matters, but the issue was referred back to the advisory board in an effort to obtain an official endorsement of the adopted policy.

Jack Galbraith, chief planner with the city-county Planning Department, said his staff would like to be able to tell future applicants for zoning changes in the area that the MAPC members agree with the new city policy.

The policy allows office zoning from Rutan to Vassar on the north side; the MAPC had allowed light-commercial development. Current zoning on the west half of the block between Vassar and Yale, on the north side of Central, restricts development to two-family homes. The MAPC had favored allowing offices in that area.

The MAPC also had unsuccessfully

recommended a policy that would permit a change in the zoning of the west half of the block between Terrace and Pershing on the north side of Central from two-family homes to offices.

Neighborhoods had opposed the MAPC recommendations last fall. Citizen Participation Organization Council G voted 4-3 against the MAPC plan, and some CPO members said they were pleased when the City Commission adopted a more restrictive policy.

"I have been pleased with what the City Commission is doing with Central," said Jackie Brant, member of CPO-G, which covers the College Hill area. "I think they are trying to protect our neighborhood."

Jim Gardner, a MAPC member, said, "The commission, rather than address the long-term needs of Wesley, chose to be shortsighted and voted in favor of the neighborhood to gather votes." HCA Wesley Medical Center and several physicians' offices lie north of Central between Hillside and Yale.

Gardner said the MAPC's recommendation would not have threatened the character of surrounding neighborhoods because some commercial and office development has already taken place along the street.



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Resources Board

east quadrants of the city; the remaining two members will come from the southwest and northwest quadrants, where officials have determined there are fewer low-income people.

Voting will be at Atwater, Colvin, Stanley-Aley and Evergreen neighborhood centers.

To become a candidate, a person must submit an intent-to-run form, a candidate-information form and a petition with at least 25 valid signatures of residents within the represented area. Human Resources Board candidates must be willing to attend one evening meeting a month and must have someone who can attend meetings as an alternate.

Bebout said anyone interested in being a candidate can pick up information at any of the neighborhood centers. The applications must be submitted by Friday.

In Metro Neighbors

| | |
|---------------------------|-----|
| Voices | |
| Letters | 4N |
| Around the City | |
| Tax Help | 5N |
| Community Band .. | 7N |
| President's Corner | |
| Steve Gumm | 10N |
| Calendar | |
| Dinners, Meetings | 12N |
| Sedgwick County | |
| Bel Aire Sewer | 13N |
| Kechi Protest | 14N |
| Schools | |
| Calendar | 20N |
| Good Apples | 21N |
| For the Record | |
| Police, Fire Calls .. | 22N |
| Sports | |
| Volleyball Preview | 25N |
| Derby League | 26N |
| Bulletin Board | 26N |
| Celebrations | |
| Love Story | 29N |
| Weddings | 29N |

March 19, 1987

A. Gus diZerega
A-Z Supply Company
447 North Belmont
Wichita, Kansas 67208

RE: DR 86-10 Zoning Policy on Central between Hillside and Oliver.

Dear Mr. diZerega:

Enclosed copies of the Board of City Commission minutes of November 25, 1986 and December 9, 1986 regarding the above-captioned case.

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

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG/lw

Enclosures (2)

PL/0081/1



316-682-3693

A. (Gus) diZEREGA

A-Z SUPPLY COMPANY

Manufacturer's Agents and Distributors

447 NORTH BELMONT • WICHITA, KANSAS 67208

COMMISSIONERS PROCEEDINGS

JOURNAL 140

NOVEMBER 25, 1986

PAGE 44

DR 86-10
(Item No. 9)

DR 86-10 - Reconsideration of Zoning Policy on Central Between Hillside and Oliver in Relation to Z-2793.

MAPC Recommendation: Approve revised policy. (7-0)

Agenda Report No. 86-631.

Jack Galbraith

Chief Planner - Current Plans reviewed the proposed zoning policy and answered questions of the Commission.

Discussion

Considerable discussion was had in regard to some of the zoning changes proposed.

Jack Galbraith

Mr. Galbraith stated that CPO Area Council "G" on the South side would keep the same policy and area "I" keep the same policy and only change part "LC" between Rutan and Hillside.

Mayor Casado

Mayor Casado inquired if anyone wished to be heard on this Item.

The following individuals spoke requesting no change be made in the policy or that other minor changes be made:

Robert Donnelly, 520 N. Broadview
Robert Aylward, 416 N. Roosevelt
Robert Burton, 438 N. Roosevelt

Discussion

Considerable discussion was had in regard to various recommendations and various lots along Central between Hillside and Oliver.

Motion --

Kamen moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC in connection with DR 86-10 and Z-2793, the East Central zoning policy between Hillside and Oliver be revised as recommended with the exception that the northeast corner of Terrace and Central remain as is, the north side of Central from Rutan to Vassar remain "BB".

Amendment --

Brown moved an amendment to the motion that the north side of Central, Hillside to Rutan, remain as is "LC". The five houses east of Vassar retain "A", and the north side of Central, Hillside to Rutan remain as is.

Discussion

Considerable discussion was had.

Brown later changed his amendment to a substitute motion.

Subst. Motion --

Brown moved a substitute motion that east of Vassar on the north side remain as is, the south side east of Clifton remain as is, but the Commission accept proposed policy west of Vassar, and that west of Clifton be changed to "BB".

-- failed

Substitute motion failed 3 to 2. Casado, Bell, Knight - No.

Comm. Kamen

Commissioner Kamen called for a vote on his motion.

Jack Galbraith

Chief Planner - Current Plans stated that he understood Commissioner Kamen's motion to be that he supports the south side Vassar to half-way to Yale, that Hillside to Vassar be acceptable as "LC", and Vassar to Clifton acceptable as "BB". On the north side of Central, Hillside to Rutan, support the proposed policy, Rutan to Vassar the City Commission would support the proposed policy, and that east of Vassar for the five houses retained, "A".

-- failed

Motion failed 3 to 2. Casado, Bell, Knight - No.

Motion --

Knight moved that the Commission maintain status quo. Motion failed 3 to 2. Brown, Kamen, Casado - No.

-- failed

Motion --

Kamen moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC in connection with DR 86-10 and Z-2793, the East Central zoning policy between Hillside and Oliver be revised as recommended except that Vassar to Clifton north side remain as "A" zoning. Motion failed 3 to 2. Brown, Bell, Casado - No.

-- failed

Motion --

Brown moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC in connection with DR 86-10 and Z-2793, that no change be made on the East Central zoning policy Vassar east both sides and that the Commission accept the Planning Commission recommendation Vassar west. Motion failed 3 to 2.

-- failed

Kamen, Bell, Knight - No.

Motion --

Knight moved that the Policy be deferred two weeks. Motion carried 4 to 1. Casado - No.

-- carried

COMMISSIONERS PROCEEDINGS

JOURNAL 140

DECEMBER 9, 1986

PAGE 65

DR 86-10
(Item No. 6)

DR 86-10 - Reconsideration of Zoning Policy on Central Between Hillside and Oliver in Relation to 2-2793.

MAPC Recommendation: Approve revised policy. (7-0)

Agenda Report No. 86-631.

Mayor Casado

Mayor Casado inquired if anyone wished to be heard on this item.

Dave Bayouth

Dave Bayouth, member of the MAPC, spoke requesting that the City Commissioners look with favor on the recommended policy change. He requested that the Commissioners join in helping with the economic development of the City and the small business would be a good place to start. Mr. Bayouth answered questions of the Commission.

Robert Donnelly

Robert Donnelly, 520 N. Broadview, requested that the neighborhood not be changed.

Discussion

Considerable discussion was had.

Motion --

Casado moved that the north side of Central from Hillside to Vassar be zoned "LC" and east of Clifton, no change.

Subst. Motion --

Kamen moved a substitute motion that Central, Vassar to middle of the block between Pershing and Terrace be maintained "A" zoning. Motion carried 4 to 1. Brown - No.

-- carried

Motion --

Kamen moved that the north side of Central, Rutan to Hillside, policy be maintained as "LC".

Subst. Motion --

Casado moved a substitute motion that the north side, Hillside to Vassar, be zoned "LC". Failed 3 to 2. Bell, Kamen, Knight - No.

-- failed

-- carried

Kamen's motion carried 4 to 1. Knight - No.

Motion --

Kamen moved that the south side of Central, Vassar to Rutan remain "LC".

-- carried

Motion carried 4 to 1. Knight - No.

Motion --

Knight moved that south and north side of Central, Oliver to Pershing, policy remain. Motion later withdrawn.

-- withdrawn

Motion --

Casado moved that north side of Central, Rutan to Vassar, the policy recommend "LC" zoning.

Subst. Motion --

Knight moved substitute motion that the north side of Central, Rutan to Vassar, the present policy be maintained. Substitute Motion carried 3 to 2. Casado, Brown - No.

-- carried

Motion --

Casado moved that the south side of Central, Vassar to Clifton, present policy be maintained. Motion carried 5 to 0.

-- carried

Motion --

Kamen moved that Pershing to Oliver the present policy be maintained. Motion carried 4 to 1. Knight - No.

-- carried

WICHITA-SEDGWICK COUNTY

Date: March 13, 1987

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Metropolitan Area Planning Commission

FROM: Marvin Krout, Director of Planning *MK*

SUBJECT: Procedures for Zoning Policies

ISSUE:

At your meeting of December 22, in the course of your reconsidering the zoning policy for East Central near Wesley Medical Center, the Planning Commission deferred the item until March 19, directing staff to review and report back on proper procedures for adopting "zoning policies". Attached is the December 16, 1986 memorandum that pointed out the differences in the policy recommended by you and the one adopted by the City Commission.

BACKGROUND:

As you will recall, the Planning Commission had recommended certain changes to two East Central zoning policies in connection with several zone change requests along that street. These policies were considered by the City Commission on November 25, 1986. They adopted the policy for Central between Edgemoor and Woodlawn with one major change --- deleting the "OC" as an acceptable district between Rockwood and Hillcrest and favoring only the "BB" district. They deferred for two weeks the policy on Central between Hillside and Oliver. When they reconsidered that policy on December 9, 1986, their action was to adopt a policy quite different from the one you had recommended. They also denied the zone change request on the north side of Central west of Vassar which had triggered this policy review in the first place. The zone change would have been contrary to the new policy.

Staff brought both of these new City Commission zoning policies back to you on December 22 for your information, discussion, and possible concurrence. Planning Commission members questioned whether the City Commission should have been able to adopt a policy that was different from the MAPC's recommendation, or should have simply sent the policy back for reconsideration, as is required by state law for zone change requests as well as adoption/amendment of the comprehensive plan.

Staff discussed the question of proper procedures for adopting zoning policies with the City Attorney's office. Our conclusion is that the City zoning policies do not fit under the statutory framework for either the comprehensive plan or zone change procedures. The adoption of these policies has not followed the statutory notice requirements (advertisement 20 days prior to a public hearing). The policies have been adopted by the City Commission, based on the recommendation of the MAPC, whereas the final adoption of the Comprehensive Plan is the responsibility of the MAPC, PL/1098/2

Metropolitan Area Planning Commission
March 13, 1987
Page 2

based on recommendations of the governing body. The zoning policies appear on sheets labeled "City of Wichita Policy". They appear to be informal guidelines adopted by the governing body to a) help guide prospective applicants, staff, and MAPC as to their desired land use pattern for a particular area, and to b) establish a basis for evaluating future applications in a more consistent manner.

In retrospect, staff probably should not have brought back the City Commission's revised zoning policy for reconsideration by MAPC, but only for your information. We look at this policy as a guideline that does not necessarily bind you (or the City Commission) to any type of decision on a specific zone change request, but is one of a number of considerations to take into account. However, we do suggest that it would be very confusing for prospective applicants to be informed of conflicting policies between the two commissions. Since the governing body has the final word on a zoning change application, we suggest that they have the final word on "zoning policies", after proper consideration of MAPC recommendations.

Also attached, is a page from the existing zoning policies that includes a policy for the area around the Amidon/21st Street intersection. In that case, the City Commission established the policy after the denial of a zone case. The Planning Commission did not consider the policy. If the MAPC does not concur with the City Commission policy for East Central near Wesley, then we would handle that policy similarly, showing only the City Commission as having adopted that policy.

We do not recommend that "zoning policies" be adopted formally as an element of the Comprehensive Plan, by the MAPC and through the procedures outlined for plan adoption. That would place more emphasis on these policies than we think was intended, would increase our administrative burden by adding time and cost to the process of adopting or amending policies, and might slow up the processing of zone change applications that are not in conformance with the adopted plan until that plan is formally amended.

ACTIONS: The MAPC could:

1. Concur with the zoning policy adopted by the City Commission (in which case we would show your concurrence on the official City of Wichita policy sheet).
2. Not concur with the zoning policy adopted by the City Commission (in which case we would only show the City Commission as having adopted the policy).
3. Take other action that is deemed by you to be appropriate.

MK:rme
Attachment

cc: Chris Cherches, City Manager

PL/1098/2

J.P. Weigand & Sons, Inc. Realtors

East Office: 387 North Woodlawn, Wichita, Kansas, 67208 (316) 686-7281

February 19, 1987

*Notify these people for zoning law
along Central between Hillside and Oliver.
3-23-87*

Metropolitan Area Planning Dept.
Mr. Jack Galbraith, Chief Planner
City Building
Wichita, KS 67202

RECEIVED

MAR 10 1987

METROPOLITAN PLANNING

ROUTE

Subject: Property Zoning
on East Central

Dear Mr. Galbraith:

Jack, we want you to know that we appreciated very much the time you spent with Mrs. McClelland, Mrs. Baxter, Mr. Aylward and myself on Wednesday afternoon, February 18, 1987, to explain to us the procedures for rezoning of property along Central Avenue between Hillside and Oliver.

You informed us of the current zoning status of the property on either side of Central and the general procedures for a property owner to apply for a change of zoning.

To help us stay better informed of possible property zoning changes, you suggested you would undertake to mail to one of us a notice of rezoning application as they effect our area. For that purpose, we are enclosing envelopes addressed to Mr. R. P. Aylward.

You advised us to be alert and to plan to attend planning board meetings and to plan to have several people voice our opinions at the meetings. You also stated that the possibility of designation as an historical area probably would not affect the outcome of rezoning applications. As you requested, I have listed the attendees at this meeting:

Mrs. Ernest L. McClelland 440 N. Crestway
Wichita, KS 67208

Mrs. James N. Baxter 435 N. Crestway
Wichita, KS 67208

Mr. R. P. (Bob) Aylward 416 N. Roosevelt
Wichita, KS 67208

Thank you for visiting with us and advising us of possible action we should be considering.

Best regards,

Peggy Brown
Peggy Brown
Mrs. Edward L. Brown, Jr.
433 N. Crestway
Wichita, KS 67208

*Robert Donley
520 N. Brookview
67218*



RESIDENTIAL • COMMERCIAL • INDUSTRIAL • INVESTMENT • COUNSELING • SITE SELECTION

ESTABLISHED 1902

RE: AGENDA ITEM NO 14

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

December 16, 1986

TO: Metropolitan Area Planning Commission
FROM: Jack H. Galbraith, Chief Planner, Current Plans Division
SUBJECT: DR 86-10 - East Central Zoning Policy - Hillside to Oliver

On December 9, 1986, the City Commission adopted a new zoning policy for Central from Hillside to Oliver which is as follows:

1. North side of Central:

- a. Hillside to Rutan - Look with favor on the "LC" Light Commercial District.
- b. Rutan to Vassar - Renew the existing policy of looking with favor on the "BB" Office District.
- c. Vassar to $\frac{1}{2}$ -block east of Terrace (130') - Retain the existing "A" Two-Family Dwelling District.
- d. One-half block east of Terrace to Pershing - Renew the existing policy of looking with favor on the "BB" Office District.
- e. Pershing to Oliver - Renew the existing policy of retaining the "LC" Light Commercial District.

2. South side of Central:

- a. Hillside to Vassar - Look with favor on the "LC" Light Commercial District.
- b. Vassar to Clifton - Renew the existing policy of looking with favor on the "BB" Office District.
- c. Clifton to Terrace - Renew the existing policy of retaining the existing zoning districts ("AA" One-Family Dwelling and "A" Two-Family Dwelling).
- d. Terrace to $\frac{1}{2}$ -block east of Terrace (142.5') - Renew the existing policy of looking with favor on the "BB" Office District.
- e. One-half block east of Terrace to Oliver - Renew the existing policy of retaining the "LC" Light Commercial District.

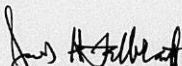
MAPC from RE: DR 86-10
December 16, 1986
Page 2

This policy differs from your October 30th recommendation in several respects:

1. From Rutan to Vassar on the north side, BB was favored rather than LC. (The zone change application in this block which caused this policy review, Z-2793, was denied.)
2. The west half of the block between Vassar and Yale on the north side now has a policy favoring "A" zoning, which is the existing zoning classification. The old policy, which you reconfirmed in October, favored "BB" zoning.
3. The west half of the block between Terrace and Pershing on the north side was reconfirmed for "A" zoning rather than the "BB" which you recommended.

The zoning policy for the south side of Central between Hillside and Oliver was adopted as recommended by you on October 30.

Suggested Action: Concur in the policy as approved by the Board of City Commissioners.



Jack H. Galbraith, Chief Planner
Current Plans Division

JHG/LO:blw

Planning Agenda Item # _____

City of Wichita
City Commission Meeting
November 25, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: DR 86-10 - RECONSIDERATION OF ZONING POLICY ON CENTRAL
BETWEEN HILLSIDE AND OLIVER IN RELATION TO Z-2793

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

MAPC Recommendation: Approve revised policy (7-0)

Staff Recommendation: Approve revised policy

Background: On October 30, 1986, the MAPC held a public hearing to reconsider the zoning policy on Central between Hillside and Oliver. The existing policy is divided into four segments and reads as follows:

1. Look with favor on "BB" zoning along east Central as far east as Clifton. (adopted by MAPC 1968; BCC 1975)
2. Not look with favor on any zoning change between Clifton and Terrace. (Adopted by MAPC and BCC 1975)
3. Retain existing zoning classifications on the north side of Central between Terrace and Oliver except look with favor on the "BB" Office district for the east 150 feet of the block between Terrace and Pershing. (Adopted by MAPC and BCC 1978)
4. On the south side of Central, look with favor on the "BB" Office district on the west half of the block (approx. 150') between Terrace and Pershing, with the balance of the frontage remaining "LC". (Adopted by MAPC and BCC 1978)

Reconsideration of this policy came about as a result of zone case Z-2793 ("B" to "LC" on the north side of Central midway between Rutan and Vassar). MAPC had recommended approval and the City Commission sent it back for rehearing. Staff prepared and presented a revised policy proposal as requested by the MAPC and as outlined in the Analysis below. One person from the Sleepy Hollow neighborhood spoke in opposition to the proposed policy change. The Planning Commission unanimously recommended that the revised zoning policy be adopted as presented by staff.

(over)

CPO Council "I", which represents the north side of Central in this mile, recommended retaining the existing zoning policy from Rutan to Oliver and making a policy change to support "LC" in the block between Hillside and Rutan.

CPO Council "G", which represents the south side of Central in this mile, recommended retaining the existing policy.

Analysis: A reconsideration of this policy is best reviewed on a block-by-block basis. The block between Hillside and Rutan on the south side of Central now contains "C" and "B" zoning and is developed with offices, retail stores, and parking lots. The "C" zoning has existed since 1959 and before. If additional zone changes are to be granted in this block, the "LC" district would be more appropriate. "C" zoning is more of a highway-oriented use where outdoor storage of materials is permitted and is not necessary for the existing uses in this block.

The block between Rutan and Vassar on the south side of Central is already zoned "LC" and a policy favoring that district would be appropriate. The block between Vassar and Clifton on the south side of Central is zoned "BB" and developed with a parking lot and a dentist's office. A "BB" zoning policy is appropriate here.

The north side of Central between Hillside and Rutan is mostly "BB" with small areas of "B" and "LC". Most of the block is part of the Wesley Medical Center complex. "LC" zoning would be appropriate for this entire block as it is well isolated from residential areas and is at the intersection of two major arterials.

The north side of Central between Rutan and Vassar contains the last remaining "B" zoning which is the subject of zone case Z-2793. The balance of the block is "BB", having been changed from "A" and "B" to "BB" in 1959, 1972, and 1982. The four lots included in Z-2793 were approved for "BB" zoning in 1966 but never received that zoning due to failure to replat. With "LC" zoning to the south and to the west, and with no residences located to the north, "OC" or "LC" zoning in this block would now seem appropriate. Vassar is already a four-lane street between Central and Murdock but the first two east-west streets north of Central do not intersect with Vassar thus protecting the residential neighborhood to the east from potential commercial traffic.

Clifton, which is the east boundary of the first segment of the east Central zoning policy, does not intersect Central on the north side of the street and therefore, this block between Vassar and Yale is covered by two separate policies. These policies favor "BB" for approximately the west half of the block and retention of the existing zoning ("A") on the east half of the block. All of the homes on approximately the west half of the block are for sale at the present time. Most of these structures are in a state of disrepair and their demolition would be beneficial to the neighborhood. As all five structures are for sale by one realtor, the possibility exists that the entire west 250 feet could be redeveloped as one use. The Central/Vassar intersection is signalized and there is a raised median east of Vassar for approximately 150 feet. Access would be available from four-lane Vassar without unduly affecting the residences to the north since Edgemont and Elm do not intersect Vassar. Therefore the existing policy favoring "BB" zoning on the west half (M/L) of this block still is appropriate. The east half, which is zoned "A" Two-family dwelling, is across Central from "AA" and "A" zoning and has residential structures which are still viable as residences. A school cross-walk is in the middle of this area on Central. The east half of this block should remain residential in accordance with existing policy.

The policy which covers the east half (M/L) of the block east of Vassar on the north side of Central extends from Clifton to east of Terrace and covers both sides of the street. That policy now states that no zone change should occur from Clifton to "where the "B" zoning is east of Terrace". That "B" zoning starts mid-block where a doctor's office is now located. Three duplexes are at the northeast corner of Central and Terrace just west of the doctor's office. Due to the fact that the next segment of the east Central zoning policy favors "BB" office zoning east and south of these duplexes, it would be appropriate to revise the policy to favor "BB" zoning on both sides of Central from Terrace to where the "LC" zoning now exists. The change would allow for conversion of these duplexes at the northeast corner of Central and Terrace to offices.

Recommendation:

It is recommended that the east Central zoning policy between Hillside and Oliver be revised to read as follows:

1. Central Avenue between Hillside and Vassar -
Look with favor on "LC" Light Commercial zoning on both sides of Central.
2. Central Avenue between Vassar and Clifton -
Look with favor on "BB" Office District zoning on both sides of Central.
3. Central Avenue between Clifton and Terrace -
Retain existing zoning classifications ("AA" and "A") on both sides of Central.
4. Central Avenue between Terrace and Oliver -
 - a. On the north side of Central, look with favor on "BB" Office District zoning from Terrace to Pershing and "LC" Light Commercial zoning from Pershing to Oliver.
 - b. On the south side of Central, look with favor on "BB" Office District zoning from Terrace to where "LC" Light Commercial now exists (approximately midway between Terrace and Pershing) and "LC" zoning from there to Oliver.

- Actions:
1. Revise the east Central zoning policy between Hillside and Oliver as recommended by the MAPC; or
 2. Take such action as the Commission deems appropriate.

Attachments: Area map
10-30-86 MAPC Minutes
CPO Memorandums

OLIVER

"LC" EXISTING ZONING
"LC" CURRENT POLICY
"LC" PROPOSED POLICY

"LC" EXISTING ZONING
"LC" CURRENT POLICY
"LC" PROPOSED POLICY

"BB," "B" EXISTING ZONING
"BB," "B" CURRENT POLICY
"BB" PROPOSED POLICY

"B" EXISTING ZONING
"BB" CURRENT POLICY
"BB" PROPOSED POLICY

"A" EXISTING ZONING
"A" CURRENT POLICY
"BB" PROPOSED POLICY

"A" EXISTING ZONING
"A" CURRENT POLICY
"A" PROPOSED POLICY

"AA," "A" EXISTING ZONING
"AA," "A" CURRENT POLICY
"AA," "A" PROPOSED POLICY

"A" EXISTING ZONING
"BB" CURRENT POLICY
"BB" PROPOSED POLICY

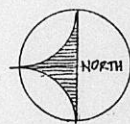
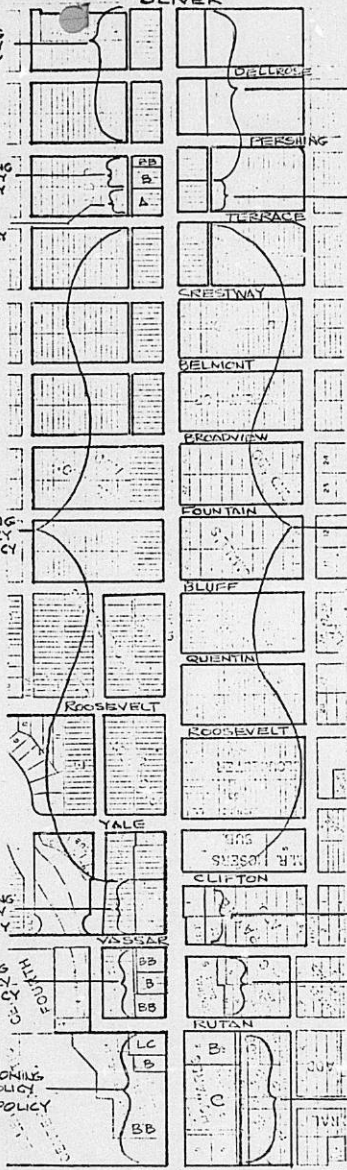
"BB" EXISTING ZONING
"BB" CURRENT POLICY
"BB" PROPOSED POLICY

"BB," "B" EXISTING ZONING
"BB" CURRENT POLICY
"LC" PROPOSED POLICY

"LC" EXISTING ZONING
"BB" CURRENT POLICY
"LC" PROPOSED POLICY

"BB," "LC," "B" EXISTING ZONING
"BB" CURRENT POLICY
"LC" PROPOSED POLICY

"CB," "BB" EXISTING ZONING
"BB" CURRENT POLICY
"LC" PROPOSED POLICY



EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 30, 1986

LEGAL:

10. Review of East Central Zoning Policy. (DR 86-10 and DR 86-11)

GALBRAITH said that he would begin with the suggested zoning policy on Central between Hillside and Oliver (DR 86-10). He reviewed the following staff report:

Background:

On August 21, 1986, the MAPC considered and recommended approval of zone case Z-2793, a request to change the existing "B" Multiple-family Dwelling District to the "LC" Light Commercial District on the north side of Central in the center of the block between Rutan and Vassar. The balance of the block is zoned "BB" Office District. The City Commission, in considering this recommendation on September 16, 1986, voted to return the matter to the MAPC for reconsideration citing as reasons the adopted zoning policy and the CPO recommendation for denial. The MAPC action on October 2, 1986, during reconsideration of this matter, was to defer the case for six weeks and instruct staff to review the existing policy and prepare recommendations for a revised zoning policy on this portion of east Central.

Analysis:

The established zoning policy on Central as it relates to the property involved in zone case Z-2793 reads as follows:

"Look with favor on "BB" zoning along east Central as far east as Clifton."

This policy was adopted by MAPC in 1968 and by the City Commission in 1975. It is assumed the west boundary of this policy area is Hillside as land on both sides of Central west of Hillside already has a higher (less restrictive) zoning category than the "BB" Office District.

A reconsideration of this policy is best reviewed on a block-by-block basis. The block between Hillside and Rutan on the south side of Central now contains "C" and "B" zoning and is developed with offices, retail stores, and parking lots. The "C" zoning has existed since 1959 and before. If additional zone changes are to be granted in this block, the "LC" district would be more appropriate. "C" zoning is more of a highway-oriented use where outdoor storage of materials is permitted and is not necessary for the existing uses in this block.

The block between Rutan and Vassar on the south side of Central is already zoned "LC" and a policy favoring that district would be appropriate. The block between Vassar and Clifton on the south side of Central is zoned "BB" and developed with a parking lot and a dentist's office. A "BB" zoning policy is appropriate here.

The north side of Central between Hillside and Rutan is mostly "BB" with small areas of "B" and "LC". Most of the block is part of the Wesley Medical Center complex. "LC" zoning would be appropriate for this entire block as it is well isolated from residential areas and is at the intersection of two major arterials.

The north side of Central between Rutan and Vassar contains the last remaining "B" zoning which is the subject of zone case Z-2793. The balance of the block is "BB", having been changed from "A" and "B" to "BB" in 1959, 1972, and 1982. The four lots included in Z-2793 were approved for "BB" zoning in 1966 but never received that zoning due to failure to replat. With "LC" zoning to the south and to the west, and with no residences located to the north, "OC" or "LC" zoning in this block would now seem appropriate. Vassar is already a four-lane street between Central and Murdock but the first two east-west streets north of Central do not intersect with Vassar thus protecting the residential neighborhood to the east from potential commercial traffic.

Clifton, which is the east boundary of this segment of the Central zoning policy, does not intersect Central on the north side of the street and therefore, this block between Vassar and Yale is covered by two separate policies. These policies favor "BB" for approximately the west half of the block and retention of the existing zoning ("A") on the east half of the block. All of the homes on approximately the west half of the block are for sale at the present time. Most of these structures are in a state of disrepair and their demolition would be beneficial to the neighborhood. As all five structures are for sale by one realtor, the possibility exists that the entire west 250 feet could be redeveloped as one use. The Central/Vassar intersection is signalized and there is a raised median east of Vassar for approximately 150 feet. Access would be available from four-lane Vassar without unduly affecting the residences to the north since Edgemont and Elm do not intersect Vassar. Therefore the existing policy favoring "BB" zoning on the west half (M/L) of this block still is appropriate. The east half, which is zoned "A" Two-family dwelling, is across Central from "AA" and "A" zoning and has residential structures which are still viable as residences. A school cross-walk is in the middle of this area on Central. The east half of this block should remain residential in accordance with existing policy.

The policy which covers the east half (M/L) of the block east of Vassar on the north side of Central extends from Clifton to east of Terrace and covers both sides of the street. That policy now states that no zone change should occur from Clifton to "where the "B" zoning is east of Terrace". A recent field check of the uses and conditions of properties in this area revealed three duplexes at the northeast corner of Central and Terrace just west of the "B" zoning referred to in this portion of the zoning policy. Due to the condition of these structures and the fact that the next segment of the east Central zoning policy favors "BB" office zoning east and south of these duplexes, the Commission may wish to consider a revision of the policy to favor "BB" zoning on both sides of Central from Terrace to where the "LC" zoning now exists.

Recommendation:

It is recommended that the east Central zoning policy between Hillside and Oliver be revised to read as follows:

1. Central Avenue between Hillside and Vassar -
Look with favor on "LC" Light Commercial zoning on both sides of Central.

2. Central Avenue between Vassar and Clifton -
Look with favor on "BB" Office District zoning on both sides of Central.
3. Central Avenue between Clifton and Terrace -
Retain existing zoning classifications ("AA" and "A") on both sides of Central.
4. Central Avenue between Terrace and Oliver -
 - a. On the north side of Central, look with favor on "BB" Office District zoning from Terrace to Pershing and "LC" Light Commercial zoning from Pershing to Oliver.
 - b. On the south side of Central, look with favor on "BB" Office District zoning from Terrace to where "LC" Light Commercial now exists (approximately midway between Terrace and Pershing) and "LC" zoning from there to Oliver.

DISCUSSION:

GALBRAITH stated that the reason the Commission was discussing this policy change was because of a recent zoning case filed by Dr. Kouri, consisting of 19 apartment units which he wanted to change to light commercial zoning. Dr. Kouri was desirous of converting the apartments to either a motel or combination of motel and retail sales. The Planning Commission's recommendation on that case was to approve the request. It went to the City Commission, and their action was to return it to the Planning Commission. When the case was reconsidered by the Planning Commission one month ago, they asked, before the case was considered again, that a revision of policy be addressed. GALBRAITH said that the present policy says that the Commission favors "BB" Office zoning as far east as Clifton. The balance of the area was to retain its existing zoning classification. Staff felt that it would be appropriate, from Hillside to Vassar, to set the policy to favor light commercial zoning. That would permit Wesley, if they needed light commercial, to come in along the frontage which is consistent with what is on the south side of the street. They still believe the policy for "BB" should stop at Clifton.

GALBRAITH said that one CPO recommended that no policy be changed along the south side of Central. The CPO representing the north side recommended that the policy be retained as is except for the block between Hillside and Rutan which they recommended favor "LC" zoning.

ROBERT DONLEY, 520 North Broadview, thanked the staff for the generosity of their time and expertise in helping him understand this matter. He mentioned that he had given the Commission his opinion and recommendations in writing. He said that he hoped the Commission would consider it to be a reasonable compromise between what the CPO and staff's recommendation was. He said that his plan differed from the staff's in only three areas, totalling only about 2 to 2½ blocks in this entire mile. DONLEY said that Galbraith made a good case, as a professional planner should, as far as having the same zoning policy on both sides of all streets. It makes for a neater and more

uncluttered looking map. He agreed that all things being equal, it was good planning to have exactly the same planning on both sides of most streets, but in this case, as in most cases, all things aren't equal. He felt that there always was a need to compromise. He did not think that his suggested compromise would weaken the staff's recommendation since it involved such a small portion. He was sure that there were a dozen places in the city where zoning is different on one side of the street than it is on the other without causing great dislocations, and Central is not the normal residential street. It is a wide, busy thoroughfare. Central State Bank is directly across the street, for example, from Ronald McDonald House, and although it is directly across the street, there is a big difference in the use and the distance and the activities that those two entities have. About the only thing in common that they do have is that they have a Central address. DONLEY said that in his opinion there is no compelling reason that the Ronald McDonald House, the apartments in the application area, and the Central State Bank should have the same zoning. He said that he hoped that the Commission would look upon his recommendations as a reasonable compromise.

BAYOUTH asked Mr. Donley, for the sake of the people in the audience who had not received his correspondence, to state his three objections.

DONLEY stated that he had spoken to Galbraith about Clifton and they disagreed. DONLEY felt that the policy favoring "BB" zoning along Central as far east as Clifton should have been meant to apply only to the south side of Central since Clifton does not run north of Central. He said he figured this must have originated as a result of some case on the south side of Central, probably the one for the current dentist's office on the southwest corner of Central and Clifton which was rezoned "BB". He doubted that it was intended to carry across the street north of Central to some imaginary line in the middle of the block.

GARDNER commented that what staff had presented has been a good quality synopsis, and they have analysed the situation well. They recognize that there have been a number of changes in the surrounding area, particularly in the vicinity of Wesley. They have acknowledged the increased traffic flows and shifts that have occurred in that regard, intersection improvements have occurred over a time period, and the policy that they have recommended in this case is one that the Planning Commission should adopt and recommend the adoption of.

MOORE added that it is a compromise. He said that if he had his way, he would make it "BB" or "OC" from Hillside to Oliver on the north side of Central.

MOTION: That the Planning Commission adopt the revised east Central zoning policy between Hillside and Oliver as presented by staff. Gardner moved, Bayouth seconded and it carried unanimously. Crockett was not present. Miles and Wilson were absent.

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE October 22, 1986

TO Jack Galbraith, Chief Planner-Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT CPO "I"'s recommendations regarding Zoning Policy on Central between Hillside and Oliver

On Thursday, October 16, CPO Council Area "I" considered the above captioned item. The October 23 memorandum from Michael E. Lindebak, Interim Director of Planning, regarding this matter was provided to the Council members.

Louise Olivarez, Planning Staff members, was present to provide the Council members a map of the area in question and other specific information and to answer questions.

After listening to the presentation and asking questions, the Council made the following recommendations:

"to retain existing zoning policy from Rutan to Oliver and make a policy change to support "LC" on both sides of Central in the block between Hillside and Rutan."

Please provide the Council's recommendations to the MAPC and the Board of City Commissioners when the proposed zoning policy on Central between Hillside and Oliver is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
Citizen Rights and Services Director

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE October 30, 1986

TO Michael E. Lindebak, Interim Director of Planning


FROM Annie K. Montgomery, CRS Director

SUBJECT Zoning Policy on Central
between Hillside and Oliver

CPO Council "G" considered the captioned item at its October 27 meeting and voted 4-3 to recommend that the existing zoning policy on the south side of east Central be retained.

Jack Galbraith, Chief Planner, was present to explain the proposed zoning policy changes for the referenced area and to answer questions. One adjoining property owner was present to hear and participate in the discussion of the east Central zoning policy between Hillside and Oliver but he noted his interest was on the north side of Central.

Please provide the Council's recommendation to the MAPC and the City Commission when the proposed zoning policy in Central between Hillside and Oliver is considered.


Annie K. Montgomery
CRS Director

AKM/SAM/dm

cc: Jack Galbraith, Chief Planner
Louise Olivarez, Senior Planner

October 31, 1986

David S. Elkouri
125 North Market, Suite 1250
Wichita, Kansas 67202

Re: DR 86-10 Reconsideration of Zoning Policy on Central between
Hillside and Oliver

Dear Mr. Elkouri:

At its regular meeting on October 30, 1986, the Metropolitan Area Planning Commission considered the above-captioned policy change. The action of the Planning Commission was to recommend that the zoning policy on Central between Hillside and Oliver be amended as recommended by the Planning Department.

This matter will be forwarded to the Board of City Commissioners for consideration at their regular meeting on November 25, 1986. This meeting will 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/lw

cc: Sammy Kouri, 619 N. Armour, Wichita, KS 67208
Robert Donley, 520 N. Broadview, Wichita, KS 67218

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE October 30, 1986


TO Michael E. Lindebak, Interim Director of Planning
FROM Annie K. Montgomery, CRS Director

SUBJECT Zoning Policy on Central
between Hillside and Oliver

CPO Council "C" considered the captioned item at its October 27 meeting and voted 4-3 to recommend that the existing zoning policy on the south side of east Central be retained.

Jack Galbraith, Chief Planner, was present to explain the proposed zoning policy changes for the referenced area and to answer questions. One adjoining property owner was present to hear and participate in the discussion of the east Central zoning policy between Hillside and Oliver but he noted his interest was on the north side of Central.

Please provide the Council's recommendation to the MAPC and the City Commission when the proposed zoning policy in Central between Hillside and Oliver is considered.


Annie K. Montgomery
CRS Director

AKM/SAM/dm

cc: Jack Galbraith, Chief Planner ✓
Louise Olivarez, Senior Planner

Oct. 27, 1986

To: Metropolitan Area Planning Commissioners
From: Robert Donley, 520 N. Broadview, Wichita, Kansas 67208
Subject: Comments on Staff Memo dated Oct. 13, 1986, concerning Zoning Policy on Central between Hillside and Oliver.

In making their recommendations on our zoning policy in this area, I am afraid the staff has been overly fastidious in assuring that property along the north side of Central will be zoned exactly the same as the property directly across the street on the south side of Central, every foot of the way, from Hillside to Oliver. There are differences in circumstances, in street location, etc., that make this undesirable, if not impossible. There are three locations that make this obvious:

1. Clifton:
In the quotation near the beginning of staff's analysis section, they state that it is current city zoning policy to "Look with favor on BB zoning along east Central as far east as Clifton." In speaking with the planning staff, I cannot determine the origin or context of that quotation, but it must have originated as the result of some case on the south side of Central, because there is no Clifton street north of Central. I suspect it may have resulted out of the zone change to BB of the current Dentist's office on the south-west corner of Central and Clifton. In any event, I doubt that it was intended to carry across the street north of Central to some imaginary line in the middle of the block between Vassar and Yale, where Clifton would lay IF Clifton intersected Central to the north. That is not logical. The logical dividing line between residential and non-residential zoning north of Central is Vassar. Vassar is the street that forms the eastern boundary of the Wesley Medical Center campus, outside which no non-residential zoning was supposed to be granted.
2. The block between Rutan and Vassar:
This block on the south side of Central is zoned LC as the result of a long, bitter zone-change case initiated by Central State Bank in 1979. I was part of the College Hill and Sleepy Hollow neighborhoods' organizations' battle against the Bank's requests. It took most of 1979, bouncing back and forth between CPO, MAPC and the City Commission, before the Bank got most of what it wanted, making that block between Rutan and Vassar zoned LC. However, it certainly was not intended by anyone, after that bitter fight, to allow LC zoning to pass across the street to the north side of Central. That block is properly zoned BB as a buffer between the LC east of Rutan and residential east of Vassar.
3. North-east corner of Central and Terrace:
The staff recommends a possible change in zoning policy to permit BB zoning in approximately the west one-half of this block. The reasons given were, "the condition of these structures and the fact that the next segment of the east Central zoning policy favors BB office zoning east and south of these duplexes..." I maintain that the condition of structures is no valid reason for advocating a higher zoning classification. Neither is the fact that BB zoning exists to the east and south. The office zoning has to stop somewhere, and it had better be right here or we may not stop it at all.

The sum total, if my three areas of difference with staff's recommendation were accepted, would be approximately two blocks of slightly more restrictive zoning on the north side of Central than would exist directly south on Central. I believe this is reasonable. I am sure that most people who are knowledgeable about this area will agree that the north side of Central is somewhat more vulnerable at this time to "stripping out" than is the south side of Central.

Summary of my recommendation:

1. North side of Central:
 - a) Between Hillside and Rutan - - - Look with favor on LC zoning.
 - b) Between Rutan and Vassar - - - - Look with favor on BB zoning.
 - c) Between Vassar and Oliver - - - Retain existing zoning.
2. South side of Central:
 - a) Between Hillside and Vassar - - - Look with favor on LC zoning.
 - b) Between Vassar and Clifton - - - Look with favor on BB zoning.
 - c) Between Clifton and Oliver - - - Retain existing zoning.

Thank you for your consideration,

Robert Donley

cc: Jack Galbraith, Chief Planner

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE October 22, 1986

TO Jack Galbraith, Chief Planner-Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT CPO "I"'s recommendations
regarding Zoning Policy on Central
between Hillside and Oliver

On Thursday, October 16, CPO Council Area "I" considered the above captioned item. The October 23 memorandum from Michael E. Lindebak, Interim Director of Planning, regarding this matter was provided to the Council members.

Louise Olivarez, Planning Staff members, was present to provide the Council members a map of the area in question and other specific information and to answer questions.

After listening to the presentation and asking questions, the Council made the following recommendations:

"to retain existing zoning policy from Rutan to Oliver and make a policy change to support "LC" on both sides of Central in the block between Hillside and Rutan."

Please provide the Council's recommendations to the MAPC and the Board of City Commissioners when the proposed zoning policy on Central between Hillside and Oliver is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
Citizen Rights and Services Director



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

October 13, 1986

TO: Metropolitan Area Planning Commission

FROM: Michael E. Lindebak, Interim Director of Planning *ML*

SUBJECT: Reconsideration of Zoning Policy on Central between Hillside and Oliver in relation to Z-2793.

Background:

On August 21, 1986, the MAPC considered and recommended approval of zone case Z-2793, a request to change the existing "B" Multiple-family Dwelling District to the "LC" Light Commercial District on the north side of Central in the center of the block between Rutan and Vassar. The balance of the block is zoned "BB" Office District. The City Commission, in considering this recommendation on September 16, 1986, voted to return the matter to the MAPC for reconsideration citing as reasons the adopted zoning policy and the CPO recommendation for denial. The MAPC action on October 2, 1986, during reconsideration of this matter, was to defer the case for six weeks and instruct staff to review the existing policy and prepare recommendations for a revised zoning policy on this portion of east Central.

Analysis:

The established zoning policy on Central as it relates to the property involved in zone case Z-2793 reads as follows:

"Look with favor on "BB" zoning along east Central as far east as Clifton."

This policy was adopted by MAPC in 1968 and by the City Commission in 1975. It is assumed the west boundary of this policy area is Hillside as land on both sides of Central west of Hillside already has a higher (less restrictive) zoning category than the "BB" Office District.

A reconsideration of this policy is best reviewed on a block-by-block basis. The block between Hillside and Rutan on the south side of Central now contains "C" and "B" zoning and is developed with offices, retail stores, and parking lots. The "C" zoning has existed since 1959 and before. If additional zone changes are to be granted in this block, the "LC" district would be more appropriate. "C" zoning is more of a highway-oriented use where outdoor storage of materials is permitted and is not necessary for the existing uses in this block.

The block between Rutan and Vassar on the south side of Central is already zoned "LC" and a policy favoring that district would be appropriate.

The block between Vassar and Clifton on the south side of Central is zoned "BB" and developed with a parking lot and a dentist's office. A "BB" zoning policy is appropriate here.

The north side of Central between Hillside and Rutan is mostly "BB" with small areas of "B" and "LC". Most of the block is part of the Wesley Medical Center complex. "LC" zoning would be appropriate for this entire block as it is well isolated from residential areas and is at the intersection of two major arterials.

The north side of Central between Rutan and Vassar contains the last remaining "B" zoning which is the subject of zone case Z-2793. The balance of the block is "BB", having been changed from "A" and "B" to "BB" in 1959, 1972, and 1982. The four lots included in Z-2793 were approved for "BB" zoning in 1966 but never received that zoning due to failure to replat. With "LC" zoning to the south and to the west, and with no residences located to the north, "OC" or "LC" zoning in this block would now seem appropriate. Vassar is already a four-lane street between Central and Murdock but the first two east-west streets north of Central do not intersect with Vassar thus protecting the residential neighborhood to the east from potential commercial traffic.

Clifton, which is the east boundary of this segment of the Central zoning policy, does not intersect Central on the north side of the street and therefore, this block between Vassar and Yale is covered by two separate policies. These policies favor "BB" for approximately the west half of the block and retention of the existing zoning ("A") on the east half of the block. All of the homes on approximately the west half of the block are for sale at the present time. Most of these structures are in a state of disrepair and their demolition would be beneficial to the neighborhood. As all five structures are for sale by one realtor, the possibility exists that the entire west 250 feet could be redeveloped as one use. The Central/Vassar intersection is signalized and there is a raised median east of Vassar for approximately 150 feet. Access would be available from four-lane Vassar without unduly affecting the residences to the north since Edgemont and Elm do not intersect Vassar. Therefore the existing policy favoring "BB" zoning on the west half (M/L) of this block still is appropriate. The east half, which is zoned "A" Two-family dwelling, is across Central from "AA" and "A" zoning and has residential structures which are still viable as residences. A school cross-walk is in the middle of this area on Central. The east half of this block should remain residential in accordance with existing policy.

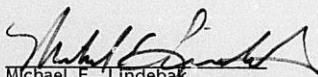
The policy which covers the east half (M/L) of the block east of Vassar on the north side of Central extends from Clifton to east of Terrace and covers both sides of the street. That policy now states that no zone change should occur from Clifton to "where the "B" zoning is east of Terrace". A recent

field check of the uses and conditions of properties in this area revealed three duplexes at the northeast corner of Central and Terrace just west of the "B" zoning referred to in this portion of the zoning policy. Due to the condition of these structures and the fact that the next segment of the east Central zoning policy favors "BB" office zoning east and south of these duplexes, the Commission may wish to consider a revision of the policy to favor "BB" zoning on both sides of Central from Terrace to where the "LC" zoning now exists.

Recommendation:

It is recommended that the east Central zoning policy between Hillside and Oliver be revised to read as follows:

1. Central Avenue between Hillside and Vassar -
Look with favor on "LC" Light Commercial zoning on both sides of Central.
2. Central Avenue between Vassar and Clifton -
Look with favor on "BB" Office District zoning on both sides of Central.
3. Central Avenue between Clifton and Terrace -
Retain existing zoning classifications ("AA" and "A") on both sides of Central.
4. Central Avenue between Terrace and Oliver -
 - a. On the north side of Central, look with favor on "BB" Office District zoning from Terrace to Pershing and "LC" Light Commercial zoning from Pershing to Oliver.
 - b. On the south side of Central, look with favor on "BB" Office District zoning from Terrace to where "LC" Light Commercial now exists (approximately midway between Terrace and Pershing) and "LC" zoning from there to Oliver.


Michael E. Lindebak
Interim Director of Planning

MEL/JHG/LO:blw

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services

DATE September 29, 1986

TO Jack Galbraith, Chief Planner-Current Plans

FROM Annie K. Montgomery, CRS Director

SUBJECT Z-2793: North Side of Central
between Rutan and Vassar

On Thursday, September 25, CPO Council "I" reconsidered the above captioned case, a request for a zone change from the "B" Multiple-Family Dwelling District to the "LC" Light Commercial District. Council members were provided the notice to adjoining property owners, a map of the area and MAPD comments.

After extensive discussion, the Council voted 5-0 to recommend disapproval of the request.

Although invited, neither the applicant nor the agent were present.

The Council reiterated their concern about the "stripping out" of Central should this "LC" request be granted. Furthermore, Council members suggested that a moratorium regarding zone change requests on Central from Clifton to Pershing be instituted in order to preserve the residential integrity of the neighborhood.

Please provide this information to the MAPC and Board of City Commissioners when case Z-2793 is reconsidered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

AKM:BLC:dm

Noted

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

SEP 29 1986

METROPOLITAN PLANNING

ROUTE _____

AGENDA ITEM # 5

October 2, 1986

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

Case No. Z-2793 - "~~EB~~" to "LC"

Referred back to the Metropolitan Area Planning Commission
for reconsideration.

Location

North side of Central between Rutan and Vassar.

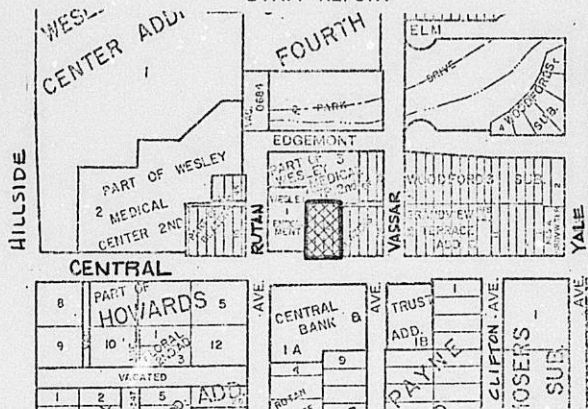
Case History

MAPC - 8-21-86: Planning Commission Recommendation:
Approve 9-0 subject to replatting into one lot within one year.
Conlee was absent.

BCC - 9-16-86: Board of City Commissioners Recommendation:
Return to MAPC for reconsideration, citing the CPO recommenda-
tion and the adopted policy. (4-0)

AUGUST 21, 1986

STAFF REPORT



Z-2793 - REQUEST FOR ZONE CHANGE FROM "B" MULTIPLE-FAMILY DWELLING TO "LC" LIGHT COMMERCIAL, LOCATED ON THE NORTH SIDE OF CENTRAL BETWEEN RUTAN AND VASSAR.

Applicant: Sammy H. Kouri, 619 Armour, Wichita, KS 67208.

| | Land Use | Zoning | Size |
|------------------|-----------------------|--------|-----------|
| Application Area | apartment building | "B" | 100'x148' |
| North | parking lot | "BB" | |
| South | bank and parking lot | "LC" | |
| East | parking lot | "BB" | |
| West | Ronald McDonald house | "BB" | |

History: Z-0801 "B" to "LC" 9/7/66 MAPC approved "BB" subject to replatting
4/16/73 File closed. Failure to plat.

BZA 10-78 Variance of front yard setback from 20' to 0' for the east 56' of Lots 18, 19, 20 and 21 for off-street parking purposes only.

Background: The applicant is requesting a zone change from "B" to "LC" for a 0.3-acre site consisting of four narrow platted lots and half of a vacated alley adjacent to the north, located on the north side of Central between Rutan and Vassar. An apartment building now occupies the site. In 1966, application was made to rezone this property "LC". The Planning Commission recommended "BB" subject to replatting but the property was never replatted and the file was closed in 1973.

Analysis: Properties to the north, east and west are all zoned "BB". North and east are parking lots while a Ronald McDonald house is located to the west. On the south side of Central, a bank and parking lot have been developed in the "LC" district that was approved by the City Commission at this location in 1964. Twenty-five additional feet of "LC" at the southwest corner of Central and Vassar was granted in 1979. However, a request for "LC" zoning east of Vassar on the south side of Central was denied in 1979. "BB" zoning was granted instead. The Planning Commission in 1968 and the City Commission in 1975, adopted a zoning policy favoring "BB" zoning on Central as far east as Clifton.

A recommendation of approval should be subject to replatting the property into one lot within one year after City Commission approval of the zone change in order to obtain adequate street right-of-way, building setbacks and access control or the case be considered denied and closed. The rezoning ordinance shall not be published until the plat is recorded.

Document Name:
MAPC FROM JHG RE DR 86-10

Requestor's ID:
OP4PLAN

Author's Name:
RAL:rme

Document Comments:

*Save for purposes
of preparing the
policy in policy format*

Central Avenue between Hillside and Oliver

1. North side of Central:

- a. Hillside to Rutan - Look with favor on the "LC" Light Commercial District.
- b. Rutan to Vassar - Renew the existing policy of looking with favor on the "BB" Office District.
- c. Vassar to $\frac{1}{2}$ -block east of Terrace (130') - Retain the existing "A" Two-family Dwelling District.
- d. One-half block east of Terrace to Pershing - Renew the existing policy of looking with favor on the "BB" Office District.
- e. Pershing to Oliver - Renew the existing policy of retaining the "LC" Light Commercial District.

2. South side of Central:

- a. Hillside to Vassar - Look with favor on the "LC" Light Commercial District.
- b. Vassar to Clifton - Renew the existing policy of looking with favor on the "BB" Office District.
- c. Clifton to Terrace - Renew the existing policy of retaining the existing zoning districts ("AA" One-Family Dwelling and "A" Two-Family Dwelling).
- d. Terrace to $\frac{1}{2}$ -block east of Terrace (142.5') - Renew the existing policy of looking with favor on the "BB" Office District.
- e. One-half block east of Terrace to Oliver - Renew the existing policy of retaining the "LC" Light Commercial District.

Document Name:
BCC ACTION FOR ZONING POLICY

Requestor's ID:
OP4PLAN

Author's Name:
blw

Document Comments:
Central Avenue between Hillside and Oliver

Save

Kamen Casado -

Appears yielding to retain strike,
going from Vassar to 125'
East of Terrace - 4-1 Brown
North side of Central

Kamen Casado

Support "LC" Hillside to Ruten
North side of Central
4-1 Knight

Substitute notes:

LC Hillside to Vassar.

2-3 Bell Kamen Knight

Kamen - South side of Central
LC Hillside to Vassar -
4-1 Knight

Casado - Brown - Common with
MAPC on South side of Central

Jouise: My notes get lost
after this. JTS

EAST CENTRAL ZONING POLICY HILLSIDE TO OLIVER

E. Central

for: Casado

Bayouth
Donley

against: Knight

~~Kamen~~

~~Bell~~

Casado's motion:

LC Hillside to Vassar n. side

A n. side Vassar east

leave e of Terrace as is (as is zoned
or as is the
old policy?)

LC Hillside to Vassar s. side

BB Vassar to Clifton

Bell seconded

~~3~~

Kamen wants BB ^{not LC} on n. side Vassar to ~~Terrace~~ ^{Parkway} as buffer

substitute
of motion

Kamen - amended motion to say something about Terrace + Parkway
↳ keep A zoning on n. side from Vassar to 1/2 way
between Terrace + Parkway
(this is same thing Casado said !!)

H. (Brewer) in favor of retaining A zoning from Vassar to
1/2 blk e of Terrace on n. side

second segment

LC from Hillside to Ruten on n. side

Kamen moved
Casalo seconded (alcks he wanted it to Vassar)

FAILED Substitute motion Casalo amended motion to go to Vassar with LC
Brown seconded

CARRIED

(Knight wonders why LC in Wesley's block since there is no request for zone change)

Vote of Kamen's ~~substitute~~ motion of LC for Hillside to Ruten
4-1 Knight

CARRIED

Kamen moved to ^{from LC} Hillside to ~~LC~~ Vassar S side
Casalo seconded 4-1 Knight

~~Kamen moved to favor LC Olmer to Pershing both sides~~

~~Kamen moved Clifton to Vassar S. side~~

Casalo moved for LC Ruten to Vassar (n. side)
? seconded

Subs. motion

Knight; retain existing zoning in this blk
Kamen seconded for discussion (Kamen wants BB on whole block) (Did he amend motion to BB?)

CARRIED

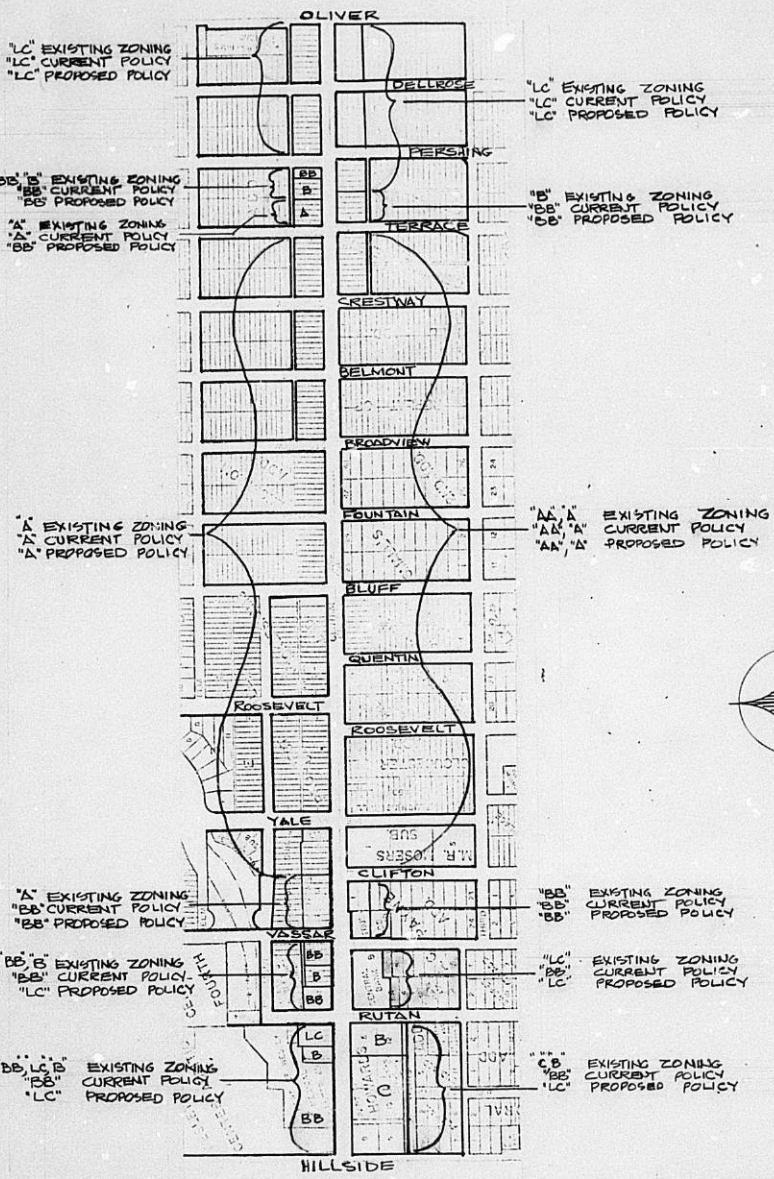
Vote for "BB" bet Ruten & Vassar 3-2 ^{Casalo} ~~Brown~~

CARRIED

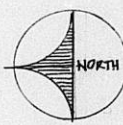
Casalo - retain BB S. side Vassar & Clifton 5-0

CARRIED

Kamen - BB on W 1/2 blk Terrace/Pershing S. side 4-1 ^{Knight}
? seconded

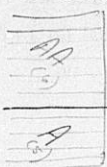


*Original
as presented
to B.C.C.
They made
some
changes*



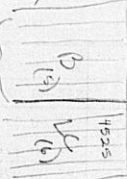
Crestway

4525 Total Petroleum



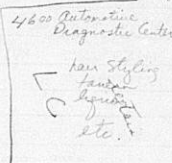
Fence

4525



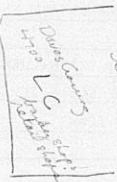
Pushing

4600
4605
4605



Dellinger

4725
4725
4725



Oliver

West of West Tower on S side
to AA until SW corner
Central / Yale at this pt.
50' on Central / Clayton AA.

West of West Tower on
N side to A until
Vander

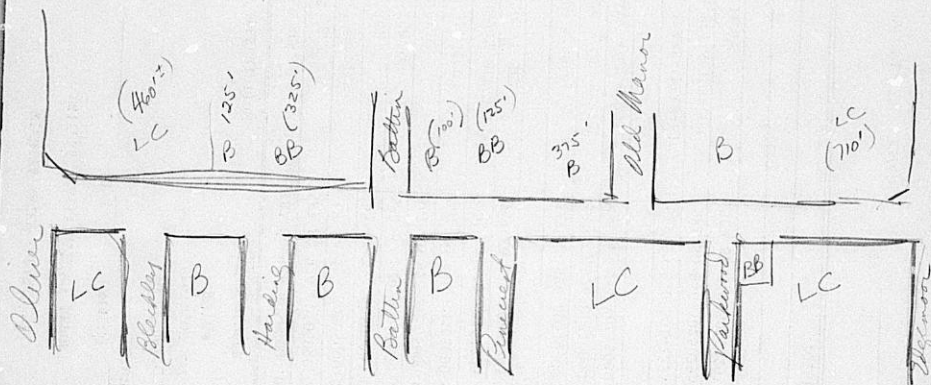
S Side

4600 Patonistic Diagnostic Center

hair styling
tandem
liquor
etc.

Doug Gorman
4725
4725

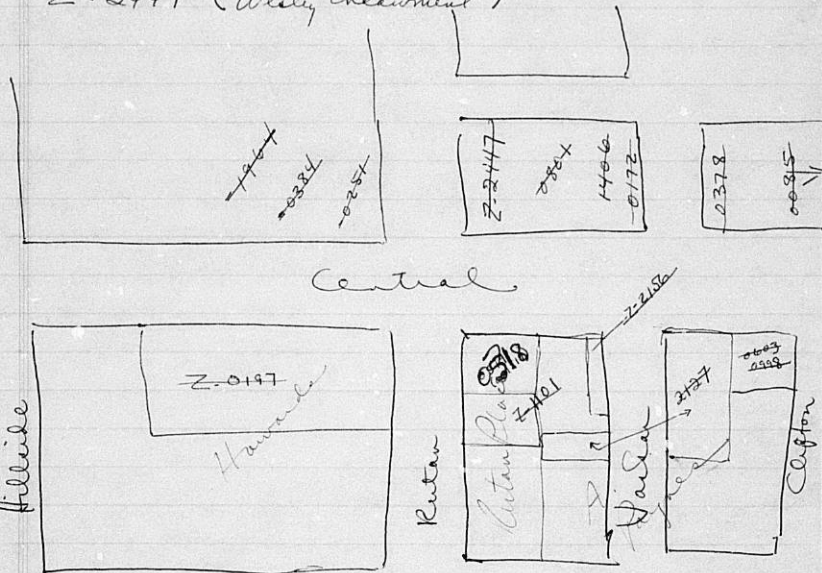
(N. side policy favors BB except for existing LC at Oliver and Dugmore)



(S. side: retain "B" between Bleckley + Parcels; balance for LC)

De Kelling

Z-2447 (Weekly Enforcement)



| | | | |
|--------|-----------------------|------|--------------------------------|
| Z-0085 | A to B | 1958 | deny |
| Z-0172 | B to BB | 1959 | |
| Z-0197 | A+LC to C | 1959 | |
| Z-0251 | A to B to LC | 1960 | |
| Z-0378 | A to BB | 1962 | deny |
| Z-0384 | B to LC | 1962 | deny |
| Z-0801 | B to BB (AA) BB | 1966 | app but closed failure to plat |
| Z-1101 | AA to A to BB to LC | 1969 | MAPP and BCC app |
| Z-1406 | A to B to BB | 1972 | |
| Z-1964 | AA, A, B, to BB to BB | 1977 | |
| Z-2127 | AA to A to BB | 1979 | |
| Z-2156 | BB to LC | 1979 | MAPP + BCC app |
| Z-2447 | A to B to BB | 1982 | |
| Z-0603 | A to BB | 1964 | deny |
| Z-0998 | A to B to B | 1968 | approve (July) |