

City of Wichita
City Commission Meeting
April 1, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: Z-2742 - REQUEST FOR ZONE CHANGE FROM "AA" ONE-FAMILY DWELLING TO "BB" OFFICE , LOCATED ON THE WEST SIDE OF TYLER IN AN AREA NORTH OF ROLLING HILLS DRIVE.
(Robert C. Nelson and Wendell H. Force)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

MAPC Recommendation: Approve "BB" (5-3)

Staff Recommendation: Staff had mixed feelings regarding this application, thinking "BB" somewhat appropriate due to the "LC" to the north and the institutional use to the east but stated they would not support additional rezoning requests to the south unless the policy was changed.

Background: On January 23, 1986, the MAPC held a public hearing to consider a zone change request from "AA" to "BB" for a one-half-acre unplatted tract of land located on the west side of Tyler in an area north of Rolling Hills Drive. The property currently has a single family structure on it. Property owners of the land directly south were present to speak in opposition to the request. The MAPC voted 6-3 to recommend approval of the zone change subject to platting the property within one year.

The City Commission reviewed the request on February 18, 1986 and returned the case to MAPC for reconsideration. On March 6, 1986, the Planning Commission once again recommended approval of "BB" zoning, this time by a 5-3 vote. The approval is subject to platting the property within one year.

CPO Council "A" reviewed this rezoning request on January 29th. A motion to oppose the rezoning resulted in a moot vote (4-4). A special meeting was held on Saturday, March 22, 1986, at which time Council "A" voted 5-1 to support the request for "BB" zoning.

Analysis: All properties surrounding this site are zoned "AA". The tract to the north is undeveloped; east of Tyler is the soccer and softball field for Wilbur Junior High; to the south are one-family dwellings while to the west is a drainage channel. The existing policy for this portion of Tyler Road, adopted in 1979, reads as follows: "Look with favor on the retention of existing and approved zoning classifications from Maple north to Central Avenue on both the east and west sides of Tyler

Road with the exception that the west side of Tyler Road for a depth of approximately 1400 feet south of Central be favored for the "LC" Light Commercial District." Subject property begins approximately 1500 feet south of Central. In the past two years, a request for "B" zoning at the southeast corner of Tyler and Second, just south of the junior high school, was granted but a request for "BB" at the southwest corner of Tyler and Douglas was denied. The Planning Commission found that the character of the neighborhood and the location on a major street; the zoning and uses of properties nearby, especially the light commercial to the north and the institutional use to the east; and the suitability of subject site for the office use proposed which is a transition between the commercial to the north and the residential to the south, justified the zone change.

Legal Consideration: One protest petition amounting to 13.7% of the area within 200 feet was filed. This does NOT require a 4/5ths vote of the Commission to grant the zone change.

- Actions:
1. Concur with the findings of the MAPC and approve the zone change subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or
 2. Take appropriate action stating reasons.

Attachments: Area map
1-23-86 & 3-6-86 MAPC Minutes
CPO Memorandum

April 2, 1986

Robert C. Nelson, O.D.
8937 West Central
Wichita, Kansas 67212

RE: Z-2742 "AA" to "BB". West side of Tyler in an area north of Rolling Hills Drive.

Dear Dr. Nelson:

On April 1, 1986, the Board of City Commissioners reviewed the the above-referenced zone change for the second time. Their action was to deny the rezoning, based on neighborhood opposition, potential increase in traffic from the proposed use, and the change in the character of the neighborhood which would result from this change in land use. Based on their action, zone case Z-2742 has been marked "denied and closed".

If you have any questions regarding this matter, please call our office at 268-4421.

Sincerely,

Louise Olivarez
Senior Planner

LO/lw

cc: Dan Wilson, Wilson-Darnell Associates, P.A., 128 N. Oliver, Wichita, KS 67208