

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting

January 10, 1995

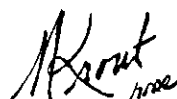
Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** Z-3150 - ZONE CHANGE FROM THE "AA" ONE-FAMILY DWELLING DISTRICT AND THE "R-6" GENERAL RESIDENCE DISTRICT TO THE "B" MULTIPLE FAMILY DWELLING DISTRICT, LOCATED ON THE WEST SIDE OF MAIZE ROAD, APPROXIMATELY 1/4 MILE SOUTH OF CENTRAL.

(District #5)

**INITIATED BY:** Metropolitan Area Planning Department



**AGENDA ACTION:** Planning

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MAPC Recommendation: Approve (9-2).

Staff Recommendation: Approve, subject to recording of the voluntary restrictive covenant.

CPO Recommendation: CPO Council Northwest "5" considered this case on December 14, 1994, and voted 7-0 to recommend approval of "R-6" to "B", and they voted 4-3 to recommend disapproval for the 1.9 acres currently zoned "AA" to "B". On December 28, 1994, the CPO Council informally concurred with the revised staff recommendation.

Background: On December 15, 1994, the MAPC considered a zone change from the "AA" One Family Dwelling District & "R-6" General Residence District to the "B" Multiple Family Dwelling District for 5 acres platted as Lot 4, Block 1, Park West Plaza Addition. The site is currently undeveloped and located on the west side of Maize Road, approximately 1/4 mile south of Central (west of Maize Ct.). Currently, 1.9 acres located in the western portion of the site is zoned "AA" and is identified as part of the Cowskin Creek floodway on the plat for the property. The remaining 3.1 acres is zoned "R-6".

The site is currently undeveloped and located west of several offices that front onto Maize Road. The applicant proposes to develop an adult assisted living care facility on the site. The city zoning code first permits this type of use in the "B" District, under the definition of "home for the aged." The "B" District would permit a number or additional uses, such as medical and dental clinics, hospitals, including alcohol and drug intervention confinement programs, greenhouses, halfway

houses, and child care centers, that are not currently permitted on the site under the existing "R-6" zoning. The "B" District would also permit higher density residential development on the site. For instance, 3.1 acres could be developed with 90 multiple family dwellings under "R-6" zoning, versus "B" zoning, which would permit a total of 233 multiple family dwelling units, if there was a market for that intensive of a use.

It does not appear that this site contains any hydric soils commonly associated with wetlands, according to the most recent information pertaining to wetlands from the Sedgwick County Soil Conservation District and the Soil Survey of Sedgwick County. However, according to the FEMA maps, the entire site is located within the 100-year floodplain, with the western 1.9 acres located within the floodway. Although the applicant would not be permitted to develop any building structures within the floodway, the applicant included that portion of the site in the zone change request to allow the flexibility of using a portion of the floodway for vehicle drives and/or limited amounts of parking. At this time, the applicant does not have a site plan to determine if this area will be used.

Initially, planning staff recommended denial of the request for "B" zoning on the portion of Lot 4 located within the floodway, due to a concern of this area being used for parking purposes (the recorded plat already prohibits any structures from being located in the floodway). The CPO Council "5" concurred with staff's initial recommendation at their meeting on December 14, 1994. However, after the CPO meeting and before the MAPC hearing on Thursday, December 15, 1994, the applicant suggested that the floodway area may be used for a "private park" to serve the future residents of the development to be constructed on this site, and questioned if such a use would be permitted in the "AA" District. The applicant also volunteered to submit a restrictive covenant that would prohibit off-street parking within the floodway area.

After review of the City Zoning Code, planning staff feels that "B" zoning would be the most appropriate zoning district to accommodate the proposed uses on this site. The "B" zoning district would allow the applicant to use the floodway area for park purposes as an accessory use, without question, whereas it may be interpreted differently if the land remains zoned "AA". Also, the "B" district would clearly provide that, if required by the Fire Department, an emergency fire lane could be constructed around the proposed assisted living facility. However, the restrictive covenant would prohibit parking in the floodway, which was staff's primary concern.

At the MAPC hearing, both planning staff and the MAPC recommended approval of "B" zoning for the entire site, subject to the voluntary restrictive covenant submitted by the applicant. Staff forwarded the revised staff recommendation and the MAPC recommendation to the CPO Council for their meeting on December 28, 1994. According to CPO staff, the CPO Council concurred with the revised staff recommendation. However, the Council did not formally reconsider the request and change their initial recommendation.

If the City Council approves the request, the publication of the ordinance should be held until after the filing of the covenant.

Recommendations/Actions:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading, and withhold publication of the ordinance until after the filing of the covenant volunteered by the applicant in a form acceptable to the City Attorney; or
2. Return the application to the MAPC for reconsideration.

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

( ) Published in The Daily Reporter on \_\_\_\_\_

ORDINANCE NO. 42-601

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3150

Zone change request from the "AA" One-Family Dwelling District and the "R-6" General Residence District to the "B" Multiple Family Dwelling District

Lot 4, Block 1, Park West Plaza Addition, Wichita, Kansas. Generally located on the west side of Maize Road, approximately 1/4 mile south of Central.

**SECTION 2.** That upon the taking effect of the Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Zoning Ordinance as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, \_\_\_\_\_

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