

Planning Agenda Item # _____

City of Wichita
City Council Meeting

August 1, 1995

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3171-ALICE BARSAMIAN REQUESTS ZONE CHANGE FROM THE 'AA' ONE FAMILY DWELLING DISTRICT TO 'LC' LIGHT COMMERCIAL, LOCATED 1/4 MILE SOUTH OF CENTRAL ON THE WEST SIDE OF TYLER ROAD.
(District #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

MAPC Recommendation: Approved, subject to platting and filing restrictive covenant. (10-1)

Staff Recommendation: Approved, subject to platting and filing restrictive covenant.

CPO Recommendation: Approved, subject to platting and filing restrictive covenant. (7-1)

Background: The applicant requests a zone change from the 'AA' One Family Dwelling District to the 'LC' Light Commercial District for a 0.5 acre unplatted tract located 1/4 mile south of Central on the west side of Tyler Road. The applicant requests the change in zoning classification to conform with the surrounding zoning and for potential future commercial development.

The subject property is currently developed with a single family home and bordered by three single family homes to the north. The site is surrounded by a multiple family complex to the west (zoned 'LC'), several fast food restaurants and businesses on the east side of Tyler Road, and an undeveloped parcel to the south. The property to the south was rezoned to 'LC' in 1980 and included in the Westlink Commercial Community Unit Plan (DP-9), which permits the following uses: offices, restaurants, private clubs, medical offices and clinic, retail and service commercial (not including storage garage mini warehouse or hotel/motel).

This segment of Tyler Road is projected by the 2020 Transportation Plan to require road improvements to accommodate anticipated traffic volumes. In order to address concerns about traffic congestion along Tyler Road if the remaining unplatted residential area is rezoned and developed with high traffic generating uses, the applicant has volunteered to submit a restrictive

covenant that would prohibit restaurants, financial institutions, convenience stores, and service stations on the subject property. If this zone change request is approved with the volunteered use restrictions, staff will ask for similar restrictions in the future for the properties to the north if / when they apply for rezoning.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting and subject to filing the voluntary restrictive covenant; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; 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.)

**WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT**

August 26, 1996

TO: Pat Burnett, Deputy City Clerk
FROM: Russ Ewy, Associate Planner, Current Plans Division
SUBJECT: Zoning Ordinance for Z-3171

On November 21, 1996, the Wichita City Council approved the plat of Landwehr's Glen Addition and placed on first reading the associated zone change ordinance. Publication of the zoning ordinance was to be withheld until the plat was recorded.

The plat was recorded with the Register of Deeds on June 25, 1996, and therefore, the Ordinance establishing the zone change may now be published.

() Published in The Daily Reporter on 8/30/96

ORDINANCE NO. 42-957

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-3171

Zone change from the "AA" One-Family Dwelling District to the "LC" Light-Commercial District.

Lot 1, Landwehr's Glen Addition to Wichita, Sedgwick County, Kansas

Generally located south of Central and west of Tyler Road.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning change 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, _____.

ATTEST:

(SEAL) Pat Burnett, Deputy City Clerk

Bob Knight, Mayor

Approved as to form:

Gary E. Rebenstorf, City Attorney

STAFF REPORT

June 29, 1995

CASE NUMBER: Z-3171

APPLICANT: Alice M. Barsamian (property owner)

REQUEST: Zone change to 'LC' Light Commercial

CURRENT ZONING: 'AA' One Family Dwelling District

SITE SIZE: 0.5-acre

LOCATION: ¼ mile south of Central on the west side of Tyler Road.

PROPOSED USE: None.

