The Planning Commission determined that the character of the neighborhood; the zoning and uses of properties nearby; and the suitability of subject property for the uses proposed justified the approval of the zone change.

Legal Consideration: Valid protest petitions have been submitted by owners of 25.8% of the property within 200 feet of the application area thus requiring 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. Return the application to the MAPC for reconsideration stating reasons.

Attachments:
Area map
9-4-86 MAPC Minutes
CPO Memorandum

Planning Agenda Item #_____

City of Wichita
City Commission Meeting
September 30, 1986

Agenda Report #_____

TO: Mayor and City Commissioners

SUBJECT: Z-2796 - REQUEST FOR ZONE CHANGE FROM "AA" ONE-FAMILY DWELLING TO "C" COMMERCIAL DISTRICT, LOCATED ON THE SOUTH SIDE OF THIRD STREET IN AN AREA BETWEEN WEST STREET AND FLORENCE. (Masterbilt Motors, Inc.)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

- -

MAPC Recommendation: Approve (7-1)

Staff Recommendation: Not Approve

Background: On September 4, 1986, the MAPC held a public hearing to consider a zone change from "AA" to "C" for the rear portion of two platted lots located south of Third Street between West Street and Florence. The property is under the same ownership as Lot 1, Shaver Addition which abuts this property to the east and has frontage on West Street. A number of property owners in the area spoke in opposition to the zone change. Nevertheless, the Planning Commission recommended 7-1 that the application be approved subject to the applicant platting his entire "C"-zoned property into one lot with access only to West Street and replatting the balance of Lots 2 and 4 into residential lots within one year.

CPO Council "N" voted 6-0 to recommend that the application be denied.

Analysis: To the north and south are single-family houses in the "AA" district; to the west is undeveloped land in "AA" which is under this applicant's ownership; to the east in the "LC" and "C" districts are a telephone equipment building and a commercial building recently occupied by Masterbilt Motors. Third Street is unpaved and sewer and water do not serve the site although both are readily available.

Planning staff did not recommend the "C" zoning which was granted for the lot on West Street (Shaver Addition) in 1985. The current request for a deepening of the "C" zoning would be a further encroachment into a residential neighborhood. Although access control to Third Street from the application area could be obtained (access would be through Shaver Addition to West Street), there are no screening requirements to provide protection for the residential uses on the north side of Third Street. Noise generated from heavy commercial uses is also a factor detrimental to the residential neighborhood.

(94) Published in The Daily Record on January 23, 1987

ORDINANCE NO. 39-691

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-2796

Zone Change from the "AA" One-Family Dwelling District to the "C" Commercial District

The east 160 feet of Lots 2 and 4, Block 16, Parkwilde Addition to Wichita, Sedgwick County, Kansas. (Now platted as part of Lot 5, Masterbilt Addition, Wichita, Kansas.)

Generally located on the south side of Third Street, in an area between Florence and West Street.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning changes shall be entered and shown on the 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: _____
Mayor

_____
City Clerk

(SEAL)

_____
Approved as to form City Attorney