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

Legal Consideration: Protest petitions have been submitted by 23 percent of the property owners within 200 feet of the zone change application area. This is sufficient to require a 4/5ths vote for approval.

Actions:
1. Concur with the findings of the MAPC and approve the zone change and C.U.P. subject to the recommended conditions; 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
10-2-86 MAPC Minutes
CPO Memorandum
DP-161 site plan

Planning Agenda Item #_____

City of Wichita
City Commission Meeting
October 28, 1986

Agenda Report #_____

TO: Mayor and City Commissioners

SUBJECT: DP-161 - REQUEST FOR APPROVAL OF THE EXPRESSWAY CENTER COMMERCIAL COMMUNITY UNIT PLAN; AND

Z-2803 - REQUEST FOR ZONE CHANGE FROM "AA" ONE-FAMILY DWELLING TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED ON THE SOUTHEAST CORNER OF OLIVER AND 37TH STREET NORTH. (McArthur Beach Properties)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

- -

MAPC Recommendation: Approve (7-0)

Staff Recommendation: Approve

Background: On October 2, 1986, the MAPC held a public hearing to consider a request for approval of a C.U.P. proposal for a 13.7-acre unplatted and undeveloped site at the southeast corner of Oliver and 37th St. North. Concurrently, the applicant is requesting a zone change for an 8.1-acre portion of the C.U.P. proposal from "AA" single-family dwelling to the "LC" Light Commercial District. One person spoke in opposition to the applications. The MAPC unanimously recommended approval of the requests subject to platting the property.

CPO Council "I" voted 5-0 to recommend approval of the requests.

Analysis: The properties to the north are in Bel Aire and are developed with apartments, single-family houses and a church. The property to the west is undeveloped on the corner and has two single-family houses further south. To the east across the railroad right-of-way is a church. The Goodwill Building is located to the south between this property and the railroad.

The proposed Development Plan divides the 13.7-acre site into five (5) parcels. All of the parcels propose light commercial uses such as financial institutions, offices, personal services, restaurants (that do not include carryout food services as their principal business), car wash (if first approved by the BZA) and retail sales. Service stations (including convenience sales) are additional proposed uses in two of the parcels. An associated zone change request for "LC" Light Commercial has been filed for that part of the property that is zoned "AA" One-family Dwelling. Information regarding building setbacks, access control, and screening/landscaping, is specified on the plan, and an acceleration/deceleration lane is planned along the north line of Parcels 2, 3, 4 and the west 391 feet of 5, and shall be guaranteed at the time of platting.

(1864) Published in The Daily Reporter on February 10, 1989

ORDINANCE NO. 40-544

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-2803

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

Beginning at a point 50-feet south and 600-feet east of the northwest corner of the NW 1/4 of Section 36, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence east, parallel to and 50 feet south of the north line of said 1/4 Section, 1241.49-feet to the north R/W line of the MOPAC R.R.; thence southwest, along the north line of the MOPAC R.R., 889.56-feet to the north line of Richland Heights Addition; thence west along the north line of Richland Heights Addition, 453.83-feet; thence north 414-feet to the point of beginning. (Now platted as the east 250' of Lot 2, Lot 3 and Lot 4, Block 1 Expressway Center Addition, Wichita, Kansas).

Generally located south of 37th Street North in an area east of Oliver.

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) City Clerk Mayor

Approved as to form:

_____
City Attorney