and fitness center and convenience store. One significant change in the conditions would limit any individual business, except for a grocery store, furniture store or hotel use, to a maximum floor area of 50,000 square feet. This would not permit large department stores and similar uses that tend to serve more of a regional market.

Recommendations/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 Council; or

2. Return the applications to the MAPC for reconsideration, stating reasons.

Planning Agenda Item #_____

City of Wichita
City Council Meeting
April 25, 1989

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: DP-191 - WILSON PROPERTY COMMERCIAL COMMUNITY UNIT PLAN; AND

Z-2886 - ZONE CHANGE FROM THE "AA" ONE-FAMILY DWELLING DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED AT THE SOUTHEAST CORNER OF 21ST STREET NORTH AND ROCK ROAD (District #2).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve subject to conditions (7-0).

Staff Recommendation: Approve subject to conditions.

CPO Recommendation: CPO Council 2A recommended approval by a vote of 6-1.

Background: The applicant is requesting approval of a commercial community unit plan and an associated zone change request for a 9.4-acre unplatted and undeveloped tract of land on the southeast corner of 21st Street North and Rock Road. This property is a portion of the Wilson Estates used as a horse farm. The "LC" rezoning request is for a 2.86-acre portion of the property that is presently zoned the "AA" One-Family Dwelling District.

A development plan proposal (DP-180 - ROCK ROAD WAL-MART COMMERCIAL COMMUNITY UNIT PLAN) and an associated zone change request (Z-2886) were filed on this property on October 26, 1987. After public hearings and recommendations by the Metropolitan Area Planning Commission, the Wichita City Council took action to deny the requests on May 3, 1988. The applicant appealed the City Council's decision on the zone change request to the District Court. The District Court found in favor of the applicant and directed that the zone change request be reconsidered by the Wichita City Council. Both parties agreed to consideration of this new development plan proposal (DP-191 - WILSON PROPERTY COMMERCIAL COMMUNITY UNIT PLAN) for the tract, along with the reconsideration of zone change request. No one spoke in opposition to the case.

The C.U.P. proposal is divided into four (4) parcels proposing a total of 148,500 square feet of maximum gross floor area for commercial and office uses. Some of the proposed uses are financial institutions, service station with associated car wash, retail shops, restaurants, medical or dental offices or clinics, tire/battery/accessory stores, clothing store, hardware stores, applicance stores, furniture stores, shoe stores, barber shops, beauty shops, grocery stores, theaters, hotels, day care

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 Elma Broadfoot, Mayor

Approved as to form:

_____

Gary Rebenstorf, City Attorney

(42-093) Published in The Daily Reporter on 7-29-93

ORDINANCE NO. _____

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-2886

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

Two tracts of land lying in the Northwest Quarter, Section 8, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows:

Beginning at the Southeast corner of Lot 1, Block 2, Wilson Estates Addition; thence S 00°33'34"E, 170.00 feet; thence S89°06'26"W, 90.60 feet; thence N 00°33'34"W, 170.00 feet to the south line of said Lot 1, Block 2; thence N 89°06'26"E along said south line 90.60 feet to the point of beginning, said tract containing 0.35 acres more or less (now being platted as part of Lot 2, Block 1, Bradley Fair, An Addition to Wichita, Sedgwick County, Kansas)

And Also;

Beginning at the Southeast corner of Lot 2, Block 1, Wilson Estates Second Addition; thence N 00°33'34"W, 120.40 feet along the East line of said Lot 2, Block 1; thence N89°06'26"E, 40.00 feet; thence S 00°33'34"E, 120.40 feet; thence S 89°06'26"W, 40.00 feet to the point of beginning, said tract containing 0.11 acres more or less (now being platted as a part of Lot 3, Block 1, Bradley Fair, An Addition to Wichita, Sedgwick County, Kansas).

Generally located at the southeast corner of 21st Street North and Rock 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.

sent to be published 1-21-93