Planning Agenda Item #_____

City of Wichita
City Council Meeting
August 28, 1990

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-2999 - ZONE CHANGE FROM THE "B" MULTIPLE-FAMILY DWELLING DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF PAWNEE AND ST. CLAIR. (District #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (8-1) subject to replatting and filing of covenant for landscaping and screening.

Staff Recommendation: Deny

CPO Recommendation: CPO Council "4B" recommended approval (7-0) subject to conditions (see memo).

Background: On July 17, 1990, the City Council considered this zone change request. At that meeting they voted 6-0 to return the case to the Planning Commission for reconsideration for the following reasons: 1) Ten percent protest by property owners within 200 feet of application area; 2) recommendations of professional staff; 3) availability of existing light commercially-zoned land in the area; and 4) keeping the area as a buffer between commercial zoning at major street intersection and residential zoning to the east.

On August 2, 1990, the MAPC reconsidered this case. At that meeting the MAPC voted 8-1 to approve the request subject to replatting and voluntary covenant for landscaping and screening.

Legal consideration: Valid protest petitions have been filed by property owners representing 10% of the property within 200 feet of the application area. Since the amount of protest is less than 20%, a 6/7th vote or greater by the Council is not required to approve this zone change request.

RECOMMENDATIONS/ACTIONS: 1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting and filing of voluntary

covenant; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council.

2. Take appropriate action, stating reasons.

(_____) Published in The Daily Reporter on 12/7/90

ORDINANCE NO. 41-231

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-2999

Zone change from the "B" Multiple-Family Dwelling District to the "LC" Light Commercial.

Lot 1, Block 1, Southwest Village 5th Addition, Wichita, Sedgwick County, Kansas.

Located at the southwest corner of Pawnee and St. Clair.

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, on December 7, 1990.

ATTEST:

(SEAL) City Clerk

Mayor

Approved as to form:

City Attorney