Planning Agenda Item #____

City of Wichita
City Council Meeting
August 10, 1993

Agenda Report #____

TO: Mayor and City Council Members

SUBJECT: Z-4000 (CHANGING NO. TO Z-3100) - ZONE CHANGE FROM THE "LC" LIGHT COMMERCIAL TO THE "C" COMMERCIAL DISTRICT, LOCATED 750 FEET NORTH OF K-96 AND 500 FEET WEST OF ROCK ROAD. **(District #2)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (12-0).

Staff Recommendation: Approve.

CPO Recommendation: CPO East "2" voted 7-0 to recommend approval.

Background: On July 15, 1993, the MAPC considered a zone change from the "LC" Light Commercial district to the "C" Commercial district for a 3.45 acre tract generally located 750 feet north of K-96 and 500 feet west of Rock Road. The application area, which is currently vacant, is located within the Comotara Power Center Commercial CUP (DP-195). The proposed use of the property is retail sales and outdoor storage for Star Lumber Company.

Outdoor storage in the "LC" Light Commercial district is limited to 10% of the floor area occupied by the main use within the building (28.04.090.[A 1.28]). Star Lumber has indicated that their outdoor storage needs exceed the allowed 10%. According to the Legal Department, the Board of Zoning Appeals can not vary this requirement and thus the applicant is requesting a zone change to the "C" Commercial district.

The application area is located in Parcel 2 of the Comotara Power Center Commercial CUP. This parcel allows: shopping center uses, all retail uses, offices, medical and dental clinics, financial institutions, auto related services (body work is prohibited), and convenience stores. The CUP does not prohibit outdoor storage. In addition to establishing uses for the property, the CUP also requires shielding of outdoor lights,

a 6-8 foot solid or semi-solid screening wall along the west property boundary, a site development plan to be submitted to the Director of Planning for approval and prohibits portable, flashing, and moving signs.

Because of the use restrictions established by the CUP, the only additional use gained by the zone change is outdoor storage. In addition to the screening required by the CUP, the applicant has indicated a willingness to screen outdoor storage to the rear from adjacent properties to the north and south. General provision 20 of the CUP requires a site plan to be submitted prior to the issuance of building permits so that compatibility of the proposed use with surrounding properties may be reviewed.

Recommendations/Actions:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading; 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 reading).

(_____) Published in The Daily Reporter on 8-20-93

ORDINANCE NO. 42-139

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-3100

Zone change from the "LC" Light Commercial District to the "C" Commercial District

Commencing at the Northwest Corner of Lot 1, Block 1, Comotara Power Center Addition, an addition to Wichita, Sedgwick County, Kansas; thence North 88° 54' 38" East, 98.20 feet along the North line of said Lot 1; thence South 01° 05' 22" East, 33.20 feet to the point of beginning; thence North 88° 54' 38" East, 378.00 feet; thence South 83° 49' 33" East, 25.00 feet; thence South 01° 05' 22" East, 326.64 feet; thence South 88° 54' 38" West, 462.83 feet; thence North 01° 04' 59" West, 269.81 feet; thence 94.24 feet along a curve to the right, said curve having a delta of 89° 59' 37", a radius of 60.00 feet and a long chord of 84.85 feet, bearing North 43° 54' 49" East to the point of beginning. Generally located 750 feet north of K-96 and 500 feet west of Rock Road.

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