

be maintained between structures on the site to accommodate on site circulation for fire protection purposes. The proposed C.U.P. indicates a reduction to zero of what normally would be a 35-foot setback along Courtleigh Street to provide for the future expansion of an existing parking garage. The C.U.P. also indicates that two of the existing structures fronting on Kellogg Drive extend into the 35-foot building setback area.

Future expansion of the parking garage as proposed on the C.U.P. will require approval of a variance by the Board of Zoning Appeals of the 35-foot setback along Courtleigh Drive previously established in Condition No. 6 of BZA Resolution No. 26-86 adopted on September 23, 1986. The 35-foot building setback line along Kellogg Drive should be maintained and extended through the existing buildings.

The importance of maintaining proper screening and landscaping from the residents to the south has also been emphasized. On site observation reveals that the plant materials to be installed along Eilerts and Fabrique Streets in conformance with a landscape plan dated January 15, 1985 associated with a previously approved Board of Zoning Appeals case BZA No. 27-84 have not been planted. The required landscaping should be completed prior to the issuance of additional building permits on the property covered by the current Community Unit Plan.

The C.U.P. proposes a 35-foot maximum building height limitation for the site except for the proposed parking garage. The parking garage is proposed to have a 50-foot height limitation for the purpose of constructing a roof over the existing structure. Upon further review of the actual height of the existing structure, the architect associated with the project has indicated that a 40-foot maximum building height limitation will be adequate to construct a roof over the existing structure. A 40-foot maximum building height limitation would be more in scale with the residential structures adjacent to the property. No one spoke in opposition to the case.

- 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.

City of Wichita  
City Council Meeting  
March 29, 1988

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

SUBJECT: DP-183 - DAVIS-MOORE COMMERCIAL COMMUNITY UNIT PLAN,  
LOCATED ON THE SOUTH SIDE OF KELLOGG, BETWEEN LIGHTNER  
AND FABRIQUE; AND

Z-2904 - ZONE CHANGE FROM THE "A" TWO-FAMILY DWELLING  
DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED  
ON THE SOUTH SIDE OF KELLOGG, BETWEEN LIGHTNER AND  
LEXINGTON. (District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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MAPC Recommendation: Approve (7-0).

Staff Recommendation: Approve.

CPO Recommendation: Council 2B recommended approval (7-0).

Background: On March 3, 1988, the MAPC held a public hearing to consider a commercial community unit plan and associated zone change request for an 11-acre tract of land on the south side of Kellogg between Lightner and Fabrique streets. The property is an assemblage of blocks, lots and parts of lots of five platted additions which are developed primarily for automotive sales and associated services. A restaurant also exists on the site. The "LC" rezoning request is for two residential lots that are currently zoned the "A" Two-family Dwelling District. The area proposed for rezoning is 0.3 acres in size.

The C.U.P. proposal groups all the properties into one parcel with a maximum gross floor area of 395,881 square feet and a maximum proposed building coverage of 40 percent or 190,825 square feet. The proposed uses for the parcel include new and used automotive sales, leasing, service and other associated uses including a non-public parking garage. These uses currently exist on the property and are proposed to be continued and expanded in the future. The proposed C.U.P. also indicates the intent to continue operation of an existing restaurant until the current lease expires. The proposed C.U.P. also indicates a significant expansion of a parking garage existing on the site. The applicant has been advised of the desirability of maintaining a consistent 35-foot building setback from the property line along Kellogg Drive and Courtleigh Streets. Adequate separation should also

( 1267 ) Published in The Daily Record on October 7, 1988

ORDINANCE NO. 40-406

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-2904

Zone Change from the "A" Two-Family Dwelling District  
to the "LC" Light Commercial District

Lots 11 and 20, Driver's Addition, Wichita, Sedgwick County, Kansas. (Now platted as the south 60 feet of the west 240 feet of Lot 1, Davis-Moore 5th Addition, Wichita, Kansas).

Generally located in an area south of Kellogg between  
Lightner and Lexington.

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.

ADOPTED AT WICHITA, KANSAS, Sept 20, 1988

ATTEST:

(SEAL) \_\_\_\_\_  
City Clerk

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Mayor

Approved as to form:

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City Attorney