

Planning Agenda Item # _____

City of Wichita
City Council Meeting
November 7, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-2960 - ZONE CHANGE FROM THE "LC" LIGHT COMMERCIAL DISTRICT TO THE "C" COMMERCIAL DISTRICT, LOCATED AT THE NORTHWEST CORNER OF 31ST STREET SOUTH AND WEST STREET. (District #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (6-4).

Staff Recommendation: Approve.

CPO Recommendation: CPO Council "4B" voted to deny the request by a vote of 8-0.

Background: On August 29, 1989, the City Council considered this zone change request. At this meeting they voted 7-0 to return the case to the Planning Commission so additional information could be presented.

On October 12, 1989, the MAPC reconsidered this case. At that meeting, the applicant voluntarily offered to submit covenants which restricted certain uses from occurring on the property, established screening requirements for outdoor storage and established certain noise exposure levels for the subject property at its east line. The MAPC upon reconsidering the case and reviewing the covenants voted 6-4 to recommend approval of the zone change case. The covenants have been reviewed and approved by the Law Department.

Legal consideration: A valid protest petition amounting to 15.8% of the property owners within 200 feet of the application area has been received. Since this percentage of protest is less than 20%, a 6/7 vote by the City Council is not required to approve this zone change case.

RECOMMENDATIONS/ACTIONS:

1. Concur with the findings of the MAPC and approve the zone change, subject to covenants; place the ordinance establishing the zone change on first reading; record the restrictive covenant; or
2. Take appropriate action, stating reasons.

(_____) Published in The Daily Reporter on 1/12/90

ORDINANCE NO. 40-828

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-2960
Zone change request from the "LC" Light Commercial District to the "C" Commercial District

Lot 10, Block 1, Kessler-Koch Addition, Wichita, Sedgwick County, Kansas. Generally located at the north-east corner of 31st St. S. & West St.

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:

City Clerk

Mayor

(S E A L)

FILE COPY

Approved as to form:

City Attorney