

The Planning Commission determined that the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff justified the approval of the zone change.

- 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 stating reasons.

Attachments: Area map  
9-4-86 MAPC Minutes  
CPO Memorandum

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Commission Meeting  
September 30, 1986

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

TO: Mayor and City Commissioners

SUBJECT: Z-2795 - REQUEST FOR ZONE CHANGE FROM "AA" ONE-FAMILY DWELLING TO "OC" OFFICE COMMERCIAL DISTRICT, LOCATED ON THE WEST SIDE OF SENECA IN AN AREA SOUTH OF 48TH STREET SOUTH. (Allan and Gladys Hillman)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

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MAPC Recommendation: Approve (8-0)

Staff Recommendation: Approve

Background: On September 4, 1986, the MAPC held a public hearing to consider a zone change from "AA" to "OC" for a 0.8-acre platted lot located on the west side of Seneca in an area south of 48th Street South. The lot currently has a beauty shop and a single-family house on it. The lot has a 30-foot platted setback from Seneca which has 50 feet of half-street right-of-way. No one appeared in opposition to the zone change and the MAPC recommended unanimously that the zone change be approved.

CPO Council "C" voted 7-0 to recommend that the request be approved.

Analysis: To the north and west are single-family homes in the "AA" district; to the east is a mobile home park in the "G" district and undeveloped land in the "AA" district; to the south is a temporary sand extraction operation in the "R-5" district. The sand extraction is for the purpose of creating a drainage detention lake.

The zoning policy for Seneca between 47th and 55th Streets South, adopted in 1978, states that requests for nonresidential classifications will not be looked upon with favor and that residential categories not exceeding the density permitted in the "A" district will be favored. However, since that time, three separate cases for zone changes to the "RB", "R-5", "R-6", "BB", and "LC" districts have been approved in this mile of south Seneca.

Inasmuch as there has been some type of commercial use on this property since prior to its annexation in 1963 and even prior to the adoption of County zoning in 1958, the granting of "OC" zoning would not necessarily change the use of the property but would make the existing use conforming. It is now a legal, nonconforming use.

( 2877 ) Published in The Daily Record on October 10, 1986

ORDINANCE NO. 39-671

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-2795

Zone Change from the "AA" One-Family Dwelling District to the "OC" Office Commercial District

Lot 1, Hillman Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Seneca in an area south of 48th Street South.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning changes shall be entered and shown on the 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:

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Mayor

\_\_\_\_\_  
City Clerk

(SEAL)

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Approved as to form City Attorney