

City of Wichita
City Council Meeting
August 30, 1988

TO: Mayor and City Council Members

SUBJECT: Z-2917 - ZONE CHANGE FROM "BB" OFFICE DISTRICT TO "LC" LIGHT COMMERCIAL DISTRICT, LOCATED ON THE SOUTHWEST CORNER OF MORRIS AND OLIVER (District #2).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, except for the north 30 feet (9-0).

Staff Recommendation: Approve, except for the north 30 feet.

CPO Recommendation: Council "2B" recommends approval, except for the north 30 feet, subject to several screening and noise control conditions (7-0).

Background: On August 4, 1988, the MAPC held a public hearing to reconsider a zone change request from "BB" Office District to "LC" Light Commercial District for a .33-acre site at the southwest corner of Morris and Oliver Streets (Taco Grande site). The Council had returned this case to MAPC for rehearing, citing the character of the neighborhood, the zoning and uses of nearby properties, the opposition of neighborhood residents, and the previously adopted zoning policy for this segment of south Oliver.

Prior to the rehearing by MAPC, the owners offered deed restrictions which set forth some promises regarding landscaping, fencing, and the location of the drive-thru order board and trash dumpster. The restrictions have been further refined and a copy of the latest proposal is attached. The restrictions specify that an 8-foot solid wood fence will be constructed along the west property line; the order board will be oriented east-northeast; the trash dumpster will be at least 40 feet from the west property line and screened in accordance with code; and earth berms and a minimum of five trees will be installed along the north side of the property. There will be landscaping along the west and south property lines, also. The MAPC felt that the concerns of the neighbors had been sufficiently addressed and they once again unanimously recommended approval of the zone change, except for the north 30 feet (see minutes for full motion).

Legal Consideration: Protest petitions were submitted by owners of 31.9% of the property within 200 feet of the application area after the first MAPC hearing and are still valid. An affirmative 4/5 vote of the Council will be required to approve the zone change.

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.
2. Take appropriate action, stating reasons.

(1169) Published in The Daily Record on Sept 16, 1988

ORDINANCE NO. 40-401

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-2917

Zone Change from the "BB" Office District to the "LC" Light Commercial District

The South 90 feet of the North 120 feet of Lot 1, Taco Grande Addition, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Morris and Oliver.

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 13, 1988

ATTEST:

(SEAL) City Clerk

Mayor

Approved as to form:

City Attorney