

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

City of Wichita  
City Council Meeting  
June 19, 1990

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

TO: Mayor and City Council Members

SUBJECT: DP-169 AMENDMENT #1 - SPENCER GARDENS COMMERCIAL COMMUNITY  
UNIT PLAN, AND

Z-2994 - ZONE CHANGE FROM THE "LC" LIGHT COMMERCIAL DISTRICT  
TO THE "C" COMMERCIAL DISTRICT, LOCATED WEST OF OLIVER, IN  
AN AREA SOUTH OF PAWNEE. (District #3)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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MAPC Recommendation: Approve (6-0).

Staff Recommendation: Approve.

CPO Recommendation: CPO Council "3B" voted 6-2 to recommend approval of the requests.

Background: On May 24, 1990, the MAPC held a public hearing to consider approval of an amendment and an associated zoning change from the "LC" Light Commercial District to the "C" Commercial District for the southern portion of Parcel No. 5 of the Spencer Gardens Commercial C.U.P. The application area is located adjacent to a drainage channel on the west side of Oliver in an area south of Pawnee. The application area for the zone change request is 1.68 acres in size. It is the site of an existing pawn shop business.

The applicant desires to expand the uses permitted on the southern portion of Parcel No. 5 to include the outdoor storage of motorized vehicles and equipment, including riding lawn mowers, boats and display items for sale. A BZA exception has previously been granted to permit the sale of motor vehicles and motorcycles from the "LC" zoned property in accordance with the provisions of the City Zoning Ordinance. The storage of other items for sale on portions of the property greater than 10 feet away from the building cannot be accomplished by a BZA exception. Outdoor storage of this nature may occur only on property zoned the "C" Commercial District or a district less restrictive than "C". In this instance, the uses of the subject property are further restricted by the provisions of the adopted

commercial community unit plan which require amendment to include outdoor storage of sales items.

The adopted C.U.P. requires a screening wall to be constructed along the west property line at the time residential development occurs on the vacant property zoned the "R-6" General Residence District to the west. The construction of the screening wall has been guaranteed through the platting process and is not proposed to be waived or affected in any other way by this amendment request.

The property is separated from the rear of a large commercial building to the south by a 250-foot- to 300-foot-wide drainage right-of-way. A used car lot on the east side of Oliver faces the property and the side of a furniture store is adjacent to the property on the north. Outdoor storage of motorized vehicles and equipment, including riding lawn mowers, boats and other display items for sale, would not appear to be incompatible with the type of uses in the area. The screening of potential residential areas to the west has been guaranteed through the platting process. Approval of the requested zone change and C.U.P. amendment would in no way relieve the applicant from providing adequate off-street parking for customers in conformance with City Code requirements.

RECOMMENDATIONS/ACTIONS:

1. Concur in the findings of MAPC and approve the C.U.P. and associated zone change request subject to the recommended conditions and place the ordinance establishing the zone change on first reading; or
2. Return the applications to the MAPC for reconsideration stating reasons.

( \_\_\_\_\_ ) Published in The Daily Reporter on \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

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-2994  
Zone change request from the  
"LC" Light Commercial District  
to the "C" Commercial District

Lot 5, Block 1, Spencer Gardens Second Addition  
to Wichita, Sedgwick County, Kansas, except the  
north 314.81 feet thereof. Generally located  
south of Pawnee on the west side of Oliver.

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.