

Planning Agenda Item # _____

City of Wichita
City Council Meeting
December 15, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3074 - ZONE CHANGE FROM THE "AA" ONE-FAMILY DWELLING DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT LOCATED ONE HUNDRED FIVE FEET EAST OF RIDGE ROAD, ON THE SOUTH SIDE OF MAPLE. (District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to replatting and volunteered covenants (8-1).

Staff Recommendation: Approve, subject to replatting and volunteered covenants.

CPO Recommendation: CPO Council "Northwest 5" recommended denial (6-3).

Background: On November 19, 1992, the MAPC held a public hearing to consider a zone change from the "AA" One-Family Dwelling District to the "LC" Light Commercial District for two platted lots located west of Ridge Road, on the south side of Maple. The two lots contain approximately .9 of an acre. The application area is currently vacant. The applicant has not indicated a specific plan or use for the property.

The property to the north is zoned "LC" and is developed with a strip commercial center. A single-family residential development surrounds the "LC"-zoned corner to the north and east. All remaining surrounding property is zoned "AA". A legal nonconforming vacant commercial building exists on the lot directly west of the application area. The northwest and southwest corners of Maple and Ridge are zoned "LC"; however, only the northwest corner is currently developed. The Land Use Elements of the 1978 and the proposed 1992 Comprehensive Plans depict this area for low-density residential uses.

Two previous zone change requests (Z-1619, "AA" to "LC" in 1974 and Z-2715, "AA" to "LC" in 1985) were not supported by staff or the Planning Commission because of large amounts of vacant light commercially-zoned property in the area and an incompatibility of

uses permitted in "LC" with the existing residential neighborhood. In 1981, a use exception for a child day care center (BZA 13-81, filed by a previous owner) was approved, subject to conditions. However, the conditions of approval were not met and the case was closed.

The proposed Comprehensive Plan indicates that enough vacant commercially-zoned property (1,130 acres) exists in the city as a whole to meet commercial development needs for 20 years. The December 1991 Land Use Technical Report prepared by MAPD staff indicates that 305 acres of vacant commercially-zoned property exists in the western section of Wichita. In the immediate area, light commercial property at the southwest corner of Maple and Ridge has remained undeveloped since approximately 1974. This supports the conclusion drawn by the proposed Comprehensive Plan that additional commercial property is not needed to meet current demands.

The applicant's property was platted as part of the Westerlea Village Addition in 1949. It has been zoned "AA" since entering the city limits in the 1960s. The property has remained vacant, which may indicate that it is not best suited for the uses to which it has been restricted. However, the requested zoning district allows uses such as drive-through facilities, fast food restaurants, 24-hour convenience stores, filling stations and auto tire stores/repair businesses "by right", plus other uses with BZA approval which are not compatible with adjacent residential uses.

RECOMMENDATIONS/ACTIONS:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration, stating reasons; or
3. Override the Planning Commission's recommendation by a 2/3rd majority vote of the membership of the governing body.

() 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-3074
Zone change from the "AA" One-Family Dwelling District
to the "LC" Light Commercial District.

Lots 1 and 2, Block 1, King's Maple Street Addition

Generally located south of Maple and east of Ridge

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:

(SEAL) Pat Burnett, Deputy City Clerk

Elma Broadfoot, Mayor

Approved as to form:

Gary E. Rebenstorf, City Attorney