

CONSENT AGENDA ITEM REQUEST

☒ Approved by County Manager for Consent Agenda

Proposed Agenda Item:

ZON2003-00003 – Sedgwick County Zone change from “LI” Limited Industrial to “SF-5” Single-family Residential, Generally located northwest of the Kansas State Highway 42 – Maize Road intersection. (District II)

Submitted by:

Dale Miller, Acting Planner Director 

Recommended Action:

Approve the zone change subject to platting within one year, direct staff to prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution

Proposed Agenda Date:

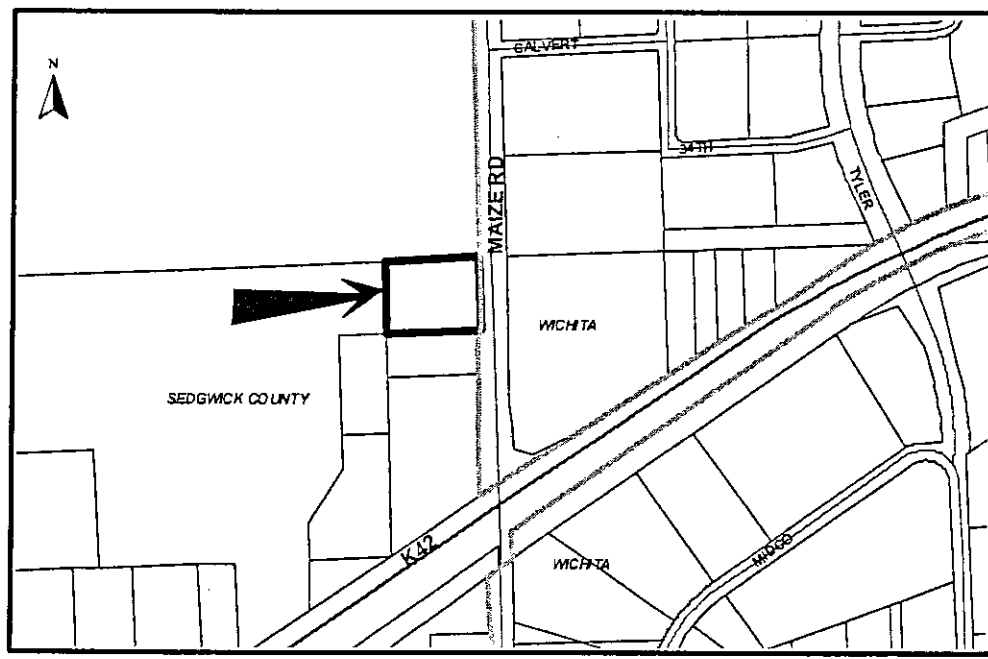
March 19, 2003

Multimedia Presentation:

PowerPoint

Donations:

Not applicable



Background: The applicant is requesting that the 3.14 acre site currently zoned "LI" Limited Industrial be rezoned to "SF-5" Single-Family Residential. The site is located west of Maize Road and is part of the 55.6-acre Harvest Ridge Addition plat. The preliminary plat for Harvest Ridge Addition, SUB2002-126, was approved by the MAPC at their February 6, 2003 meeting. The remainder of the Harvest Ridge Addition is currently zoned "SF-20" Single-Family Residential. Prior to the site becoming part of the Harvest Ridge Addition it was part of Lot 1, Block 2, Dugan Industrial 3rd Addition. The vacant site's intended use is residential; residential uses are not permitted in the "LI" zoning district.

The surrounding area is primarily rural and used for agriculture, with any non-agricultural uses located around the K-42 – Maize Road intersection. The site is approximately 900-feet northwest of the intersection. The area east of Maize Road (and east of the site) and north and south of the intersection is located in the City of Wichita and is zoned "LI". There are scattered warehouses, manufacturing facilities and a truck terminal in this area, but most of the area is not developed. The area abutting the south side of the site is part of the Dugan Industrial 3rd Addition, is zoned "LI" and has a restaurant on part of it while the rest of the addition vacant. North and west of the site the area is zoned "SF-20" and is used for agriculture, but 55.6 acres of it is in the Harvest Ridge Addition single-family residential development. Approximately ¾ southwest of the site is the small-unincorporated town of Schulte, which consist of a few single-family homes and a church with some church related buildings.

Analysis: At the February 20, 2003 MAPC public hearing no one spoke in opposition to the zoning change request. Staff recommended approval of the request subject to platting within a year. The MAPC voted (9-0) to approve the request subject to platting within a year. There have been no phone calls protesting the request and there have been no written protest opposing the request.

Alternatives:

1. Concur with the findings of the MAPC, approve the zone change subject to platting within one year, direct staff to prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution.
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3-majority vote of the membership of the governing body on the first consideration.)

Financial Considerations: Not applicable.

Policy Considerations: The MAPC recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: There are two distinct areas around this site with Maize Road acting as the boundary between them. The land west of Maize Road and to the north, southwest and west of the site is zoned "SF-20". Currently, the majority of this area is in agricultural use. However the area is in transition to urban scale single-family residential development northwest of the K-42 – Maize Road intersection. The 55.6-acre preliminary plat for the Harvest Ridge Addition (single-family residential), where the site is located, has been approved by the MAPC. There is another large, low-density single-family residential subdivision being planned that will abut the Harvest Ridge Addition's north side. The unincorporated town of Schulte, southwest of the site, has some single-family residential development in it and there is expansion of the Catholic Church's facilities in the town. The area east of Maize Road, which is zoned "LI", represents the western boundary of a large industrial development that is west of I-235, south of Kellogg, on either side of K-42 and anchored by the Wichita Mid-Continent Airport, Lear Jet and Cessna Aircraft. There is vacant land within the industrial area that can be developed.
2. The suitability of the subject property for the uses to which it has been restricted: The site is approved for "LI" use and could be developed accordingly, however the site had been vacant prior to its platting as the Dugan Industrial 3rd Addition in 1990 and is currently vacant. The recent approval by the MAPC of the preliminary plat for the Harvest Ridge Addition (single-family residential), where the site is located, makes its use as industrial property extremely doubtful.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Low density residential development is the best use for this site/area and the zoning change from "LI" to SF-5" on the site will begin to eliminate a misplaced area of "LI" zoning on the west side of Maize Road. Extensive undeveloped properties zoned "LI" are east of Maize Road.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The downzoning request conforms to the recommended usage for the property as "low density residential".
5. Impact of the proposed development on community facilities: The proposed down zoning of the 3.14-acre site to "SF-5" when considered as part of the 55.6-acre low density single-family Harvest Ridge Addition will increase traffic and act as the catalyst for extension of municipal water and sewer into the area.

Legal Considerations:



Approved as to form and signed by County Counselor's

Office

First
Read
7-15-03
W H pub

(150604) Published in The Derby Reporter on

9-15-03

ORDINANCE NO. 45-770

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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 The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2003-03

Request for zone change from "LI" Limited Industrial District to "SF-5" Single-Family Residential District on property described as:

Lots 1-5 (inc.) and the east 58 feet of Lot 6, Block A; and Lots 1-5 (inc.) and the east 58 feet of Lot 6, Block B, Harvest Ridge Addition, Wichita, Sedgwick County, Kansas.

Generally located on the south side of 31st Street South, on the west side of Maize Road.

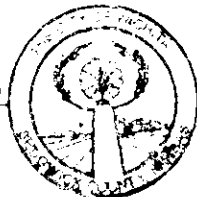
SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 this 5th day of August, 2003.

ATTEST:

for Patsy Ellis, Deputy
Pat Graves, City Clerk



Carlos Mayans
Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney