(OCA150004 BID 37529-009 CID #76383)

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ORDINANCE NO. 48-196

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 2008-37

Zone change request from SF-5 Single-family Residential to LI Limited Industrial, on property described as:

Lots 1 and 2, Block 1, West Towne Industrial 2nd Addition, Wichita, Sedgwick County, Kansas

Generally located on the east side of Hoover Road and south of Kellogg.

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 3 **day of** March, **200**__.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law

Agenda Item No. _____

City of Wichita
City Council Meeting
September 9, 2008

TO: Mayor and City Council

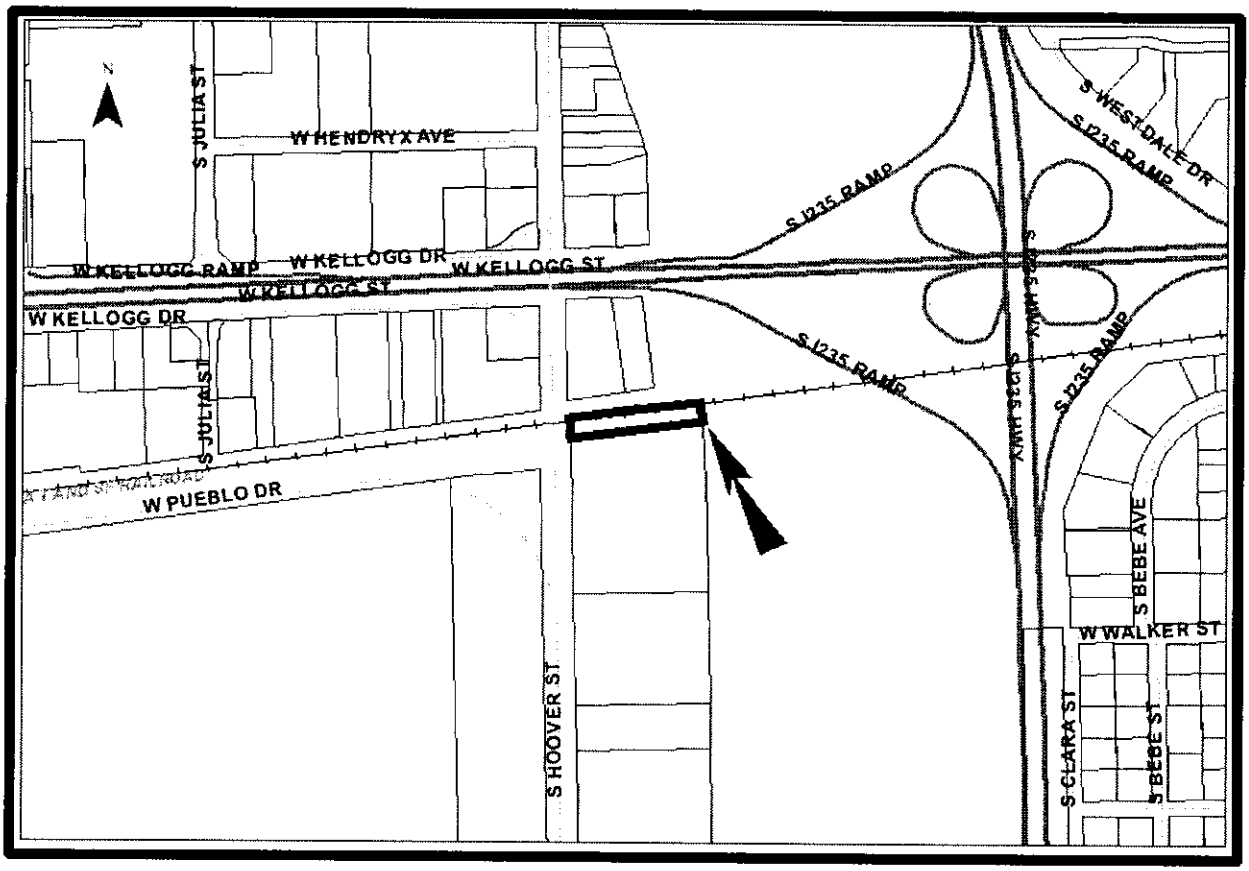
SUBJECT: ZON2008-00037 – Zone change from SF-5 Single-family Residential ("SF-5") to LI Limited Industrial ("LI"); generally located east of Hoover Road, one block south of Kellogg and north of 1330 S. Hoover Road. (District IV)

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to platting within one year and dedication of maintenance access easement (8-0).

MAPD Staff Recommendations: Approve, subject to platting within one year and dedication of maintenance access easement.



Background: The applicant is requesting a zone change to LI Limited Industrial ("LI") for a 0.89-acre parcel of land located east of Hoover Road at the terminus of Pueblo Drive, one block south of Kellogg and near the Kellogg/I-235 interchange. The eastern boundary of the tract is the Wichita-Valley Center Flood Control Project (the "Big Ditch").

The subject property is abandoned railroad right-of-way. Upon abandonment, the zoning of land is designated as SF-5 Single-family Residential ("SF-5"). The applicant is requesting the LI zoning to incorporate the tract with the adjoining 7-acre tract for industrial warehouse type of development.

The area to the south is zoned LI and is developed with industrial-type uses, including a truck rental business and FedEx. The Wichita Mid-Continent Airport is located to the southwest on property zoned LI. The property to the northwest is zoned GC General Commercial ("GC") and used for vehicle repair. The property to the north also is zoned GC and is occupied by a restaurant use and a hotel. The property to the east is the Big Ditch and is not zoned. The property is a former railroad right-of-way and has been an access point for the City for maintenance of the Big Ditch.

Analysis: At the MAPC meeting held August 7, 2008, the MAPC voted (8-0) to recommend approval of the zone change request for LI subject to staff recommendation of platting within one year and dedication of a maintenance access easement agreed to between the applicant and the city for maintaining the flood control project to the east. No protest petitions have been received.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Affordable Living.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change subject to platting within one year and dedication of the maintenance access easement; withhold the publication of the ordinance until the plat and easement are recorded; or

2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)