

Published in The Wichita Eagle on

8-17-12

ORDINANCE NO.

49-328

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. ZON2012-00004

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

Dugan Industrial 4th Addition, Wichita, Sedgwick County, Kansas.

Generally located east of Maize Road, North of MacArthur 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

14th day of August, 2012.

ATTEST:

Karen Sublett, MME

Karen Sublett, City Clerk



Carl Brewer

Carl Brewer, Mayor

APPROVED AS TO FORM:

Gary E. Rebenstorf
Gary E. Rebenstorf, Director of Law

Background: The applicant requests a zone change from SF-5 Single-Family Residential ("SF-5") to LI Limited Industrial ("LI") on a 1.51-acre unplatted tract located 800 feet east of South Maize Road, along the north side of K-42. According to county records, the subject property is currently developed with a single-family residence; however, a site visit did not reveal any residential structures. Currently, there are structures accessory to the industrial use abutting the west side of the site.

The surrounding area is characterized primarily by industrial uses, although four single-family residences remain along K-42 east of the subject site on property zoned SF-5. The property north of the subject site is zoned LI, and is developed with a transit warehouse facility (Fed-Ex). Property south of the subject site, across K-42, is zoned LI, and is developed with a manufacturing operation. Property west of the subject site is zoned LI, and is developed with a plastic manufacturing facility.

Since the property east of the subject site is zoned SF-5, the Unified Zoning Code ("UZC") screening, lighting and noise standards and the Landscape Ordinance landscaped street yard, parking lot landscaping and buffering requirements will apply. The UZC compatibility setback standards also apply unless a Zoning Adjustment is requested and granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback.

Analysis: At the Metropolitan Area Planning Commission (MAPC) meeting held March 15, 2012, the MAPC voted (7-0-1) to recommend approval of the request. The case was approved by consent. There were not any commission members or citizens present to speak for or against the case.

On March 5, 2012, the District Advisory Board (DAB) IV heard the rezone request. The DAB voted (10-0) to approve the request. There were not any critical comments from the DAB or the public.

Staff did not receive any protests during the subsequent two-week protest period following the MAPC meeting.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Goal Impact: The application will promote Economic Vitality.

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 request, subject to platting within one year, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

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

Attachments:

- Ordinance
- MAPC Minutes
- DAB Memo