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ORDINANCE NO. 46-400

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. ZON2004-00046

Request for zone change from "SF-5" Single-family Residential to "OW" Office Warehouse on property described as:

Lots 4 and 5, Block B, Halford Homesites, Sedgwick County, Kansas. Generally located at the intersection of South Exchange and West MacArthur.

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 AT WICHITA, KANSAS, Nov. 9, 2004

Carlos Mayans, Mayor

ATTEST:

Patsy Ellis, Deputy for Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

BACKGROUND: The applicant requests "OW" Office Warehouse zoning on a 1-acre platted site, currently zoned "SF-5" Single-Family Residential, for an office and warehouse use at a converted fire station. The application area is North of West MacArthur and west of Exchange (600 West MacArthur), approximately ¼ mile west of I-235. The application site is a former City of Wichita fire station, built in 1967, and last used in February of 2003.

North of the application area is a large mobile home park; south of the application area, across MacArthur are several single-family residences and an apartment complex (DP 72). East of the application area are several single-family residences, vacant land, and I-235. West of the site is vacant GC zoned property and a GI zoned natural gas facility.

Analysis: The MAPC heard this request on October 10, 2004, and recommended approval (11-0) without the staff recommended right of way dedication. Three residential neighbors from spoke against the application with truck traffic concerns. Staff has received four protest petitions on this case, resulting in an 11.56% protest area, which does **not** require a three-fourths majority vote to override. See the attached protest calculation diagram.

Financial Considerations: None

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

Recommendation/Actions: It is recommended that the City Council

1. Concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change; or
2. Return the application to MAPC for reconsideration.

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

Agenda Item No. _____

City of Wichita
City Council Meeting
November 2, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: **ZON2004-00046 – Zone change from "SF-5" Single-family Residential to "OW" Office Warehouse. Generally located at the intersection of South Exchange and West MacArthur. (District IV)**

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approve, without dedication of 20 feet of right-of-way on West MacArthur Road. (11-0)

MAPD Staff Recommendations: Approve subject to dedication of 20 feet of right-of-way on West MacArthur Road.

DAB VI Recommendations: Approve, without dedication of 20 feet of right-of-way on West MacArthur Road. (10-0).

