OCA150006 BID 37529-009 CID #76383
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ORDINANCE NO. 47-348

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. ZON2006-00051**

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

A tract of land in the NE 1/4 of Sec. 33, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning at a point on the north line of Block A, Ridge Port Commercial Park, Wichita, Sedgwick County, Kansas, said point being 30.00 feet west of the NW corner of Lot 4, in said Block A; thence S89degrees 31'48"W along said north line, 246.99 feet to the SW corner of the E 1/2 of said NE 1/4; thence N00 degrees 01'42"W along the west line of said E 1/2, 514.81 feet; thence S19 degrees 32'21"E, 301.38 feet to the P.C. of a curve to the left; thence easterly along said curve, having a central angle of 61 degrees 39'29" and a radius of 96.00 feet, an arc distance of 103.31 feet, (having a chord length of 98.40 feet bearing S50 degrees 22'06"E) to the P.T. of said curve; thence S81 degrees 11'51"E, 134.58 feet; thence S34 degrees 34'09"W, 109.65 feet; thence S00 degrees 08'04"W, parallel with the extended west line of said Lot 4, 55.11 feet to the point of beginning.

Generally located Midway between 29th Street North and 37th Street North, West of Ridge 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 AT WICHITA, KANSAS,**

Carlos Mayans - Mayor

**ATTEST:**

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. _____

**City of Wichita**
**City Council Meeting**
February 6, 2007

FILE COPY

**Agenda Report No. _____**

**TO:** Mayor and City Council

**SUBJECT:** ZON2006-00051 – Zone change from "SF-5" Single Family Residential to "LI" Limited Industrial. Generally located midway between 29th Street North and 37th Street North, west of Ridge Road. (District V)

**INITIATED BY:** Metropolitan Area Planning Department JVS

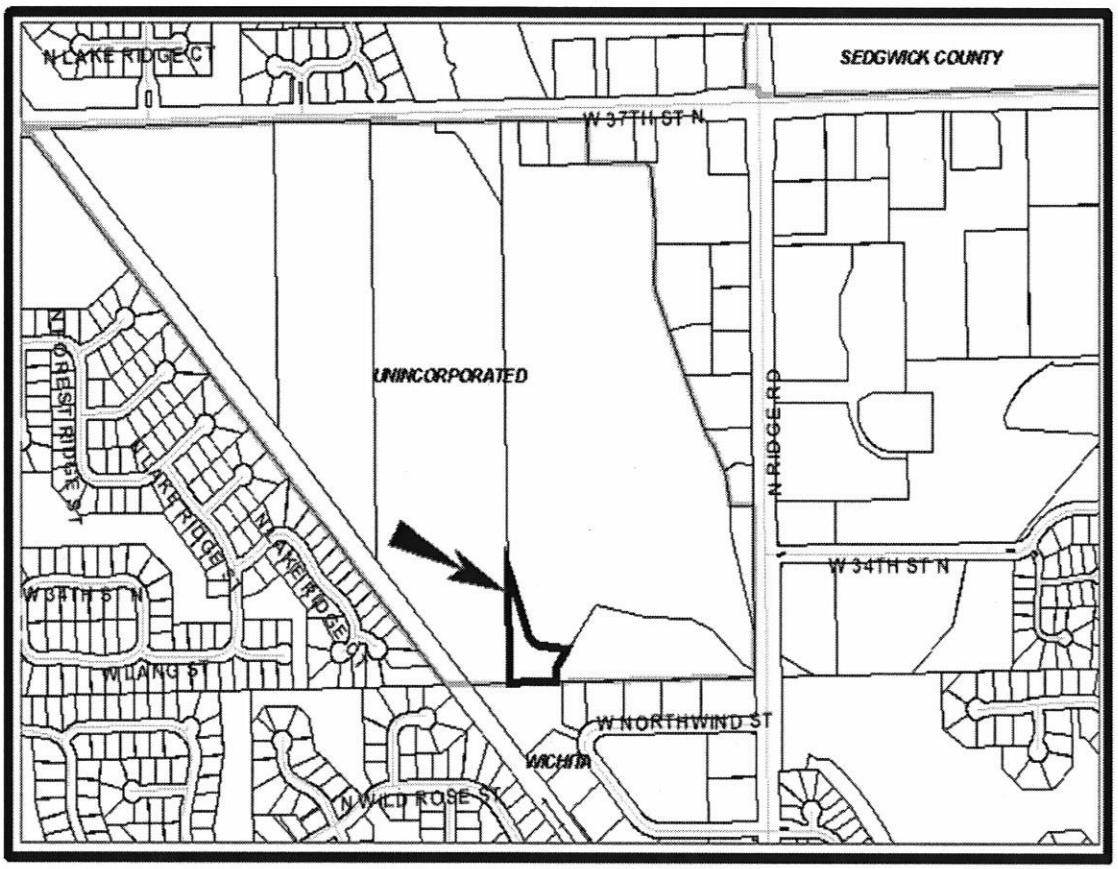
**AGENDA:** Planning (Consent)

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**MAPC Recommendations:** Approve, subject to staff recommendations (13-0).

**MAPD Staff Recommendations:** Approve, subject to platting within one year.

**DAB Recommendations:** N/A



**Background:** The applicant requests a zone change from "SF-5" Single-Family Residential to "LI" Limited Industrial on a 1.50-acre platted tract located midway between 29th Street North and 37th Street North, west of Ridge Road. The subject property was developed as a sand pit, but is now currently undeveloped. The applicant proposes the zone change to allow expansion of the undeveloped existing "LI" zoning abutting the subject's property to the south and west sides. This case was published as a "SF-20" to "LI" request, since the site was located in the county at the time of application. A request to annex the property was filed after the county zone change was filed.

The surrounding area is characterized by The Big Slough North drainage, sandpits and retention ponds/drainage reserves, large undeveloped industrial and single-family residential tracts, commercial and office developments, medical and dental services, mixed with the predominate single-family residential developments and small duplex and multi-family residential development. Nonresidential construction is a recent development, with building beginning in 2000 and continuing to the present. Residential construction appears to have begun in the 1990s and continues to the present. There has not been any industrial development in the area. Railroad right-of-way (ROW) runs northwest to southeast through the area. The undeveloped industrial portion of the area abuts and runs parallel to the railroad ROW.

The large tract abutting the north side of the subject property is zoned "SF-5" and was a large sandpit. The subject site is a part of this tract. An isolated section of the "SF-5" zoned tract, across the sand pit and a drainage channel northeast of the subject site, is also a part of the above-mentioned large tract. The properties south and east of the subject site are zoned "LI". There is currently no development occurring on this eastern property. Property abutting the north side of the subject property is zoned "SF-5" and the property directly west of the subject site is zoned "RR," with both sites not currently developed.

**Analysis:** At the MAPC meeting held December 7, 2006, MAPC voted (13-0) to approve subject to platting within one year. Subject site was annexed into the city by the Wichita City Council on November 14, 2006.

No citizens were present to speak and no protests have been received.

**Financial Considerations:** None.

**Goal Impact:** Promote Economic Vitality.

**Legal Considerations:** The resolution 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; withhold the publication of the ordinance until the plat is 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.)