(150004) Published in The Wichita Eagle on _____

ORDINANCE NO. _____

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. ZON2004-00041

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

The Southwest Quarter of the Southeast Quarter of Section 31, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located north of the 29th Street North and Parkdale intersection.

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

City of Wichita
City Council Meeting
October 12, 2004

Agenda Report No. 04-1011

TO: Mayor and City Council

SUBJECT: ZON2004-41 – Zone change from "SF-5" Single-family Residential to "GO" General Office. Generally located north of 29th Street North and 1/4 mile west of Maize Road. (District V)

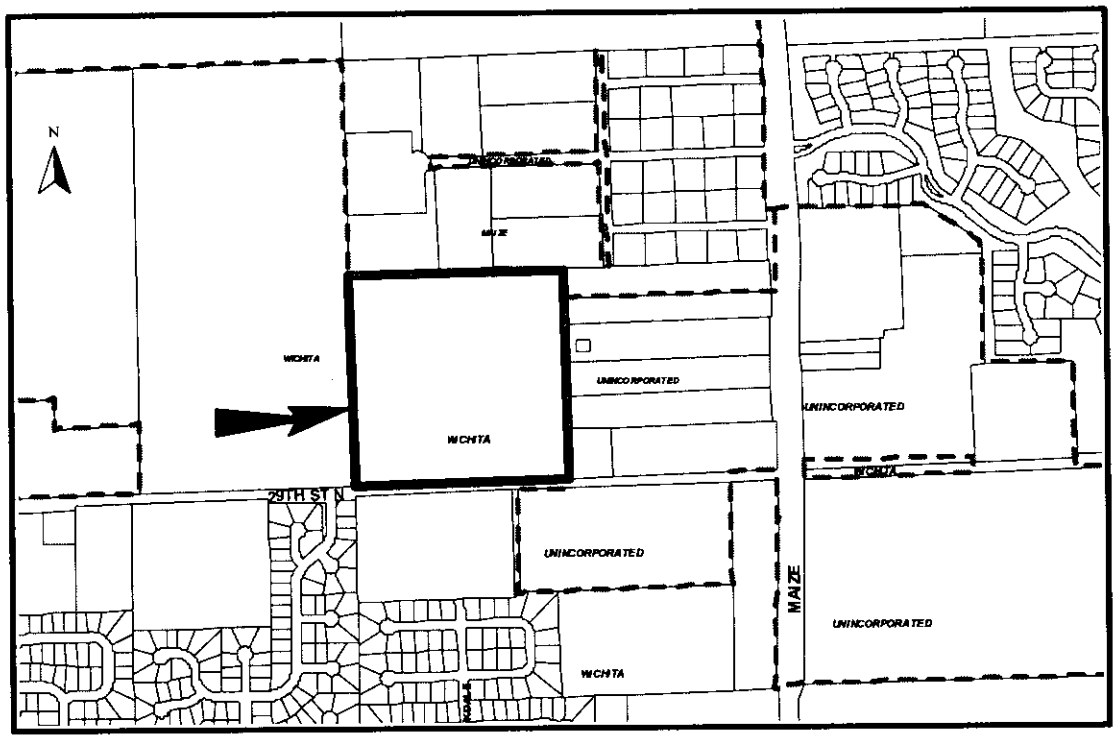
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approve, subject to platting within one year, vote (11-0).

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

DAB Recommendations: Not applicable.



BACKGROUND: The applicant requests "GO" General Office zoning on a 40-acre unplatted site, currently zoned "SF-5" Single-Family Residential, for an office park development. The application area is north of 29th Street North and ¼ mile west of Maize Road.

North of the application area are several large lot suburban single-family homes within the City of Maize. Southeast of the application area, across 29th Street North is an approved commercial CUP (Spencer's Cove, DP-269). Due south of the application, across 29th Street North is undeveloped SF-5 zoned property, recently platted as the residential Evergreen 5th Addition. East of the application area are several large lot, SF-20 zoned, suburban residences, several of which are proposed for a health club development. West of the application area is SF-5 zoned property, in the process of platting as the Fontana Addition. South of 29th Street North, the entire west side of Maize to 21st Street North is either under commercial development, or in the process of requesting commercial development. Development patterns would lead one to believe that the northwest corner of Maize and 29th will develop with commercial uses as well. The US Army Corps of Engineers has notified staff that the application area, as well as surrounding areas, is classified as a jurisdictional wetland, requiring a permit for development.

Analysis: The MAPC heard this request on September 9, 2004, and recommended approval (11-0). One residential neighbor from the subdivision southwest of the site spoke against the application with traffic concerns. Staff has received 20 protest petitions on this case. Only one of those petitions falls within the legal protest area, resulting in a 3.96% protest area. See the attached protest petitions and 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

ZON 2004 – 41

1. Adopt the findings of the MAPC and approve the zone change subject to the condition of platting within one year and the recommended condition; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; 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.)