

May 23, 2008

ORDINANCE NO.

47-898

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 2008-14

Zone change request from LC Limited Commercial to OW Office Warehouse on property described as:

Parcel 1:

The north 30 feet of the east 140 feet of Lot 44 and the east 140 feet of Lot 45, East Urbandale Addition, Sedgwick County, Kansas.

Parcel 2:

Lot 41, except the east 282.46 feet and & Lot 42, except the east 282.46 feet, East Urbandale Addition, Sedgwick County, Kansas.

Parcel 3:

Lot 43, except the east 210 feet, & East Urbandale Addition, Sedgwick County, Kansas.

Parcel 4:

The east 210 feet of Lots 43, 44 and 45, except the north 30 feet of the east 140 feet of Lots 44 and except the east 140 feet of Lot 45, & East Urbandale Addition, Sedgwick County, Kansas.

Parcel 5:

Lot 44, except the east 210 feet and Lot 45, except the east 210 feet, East Urbandale Addition, Sedgwick County, Kansas.

Parcel 6:

Lot 46, and the east 25 feet of Lot 47, except the north 5 feet for road; East Urbandale Addition, Sedgwick County, Kansas.

Generally located south 53rd Street North and west of Arkansas Avenue.

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 20th day of May, 2008.

ATTEST:

Karen Sublett, cmc
Karen Sublett, City Clerk

Carl Brewer
Carl Brewer, Mayor

(SEAL)



Approved as to form:

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

City of Wichita
City Council Meeting
May 13, 2008

TO: Mayor and City Council

SUBJECT: ZON2008-14 – Zone change from LC Limited Commercial to OW Office Warehouse; generally located south of 53rd Street North and west of Arkansas. (District VI)

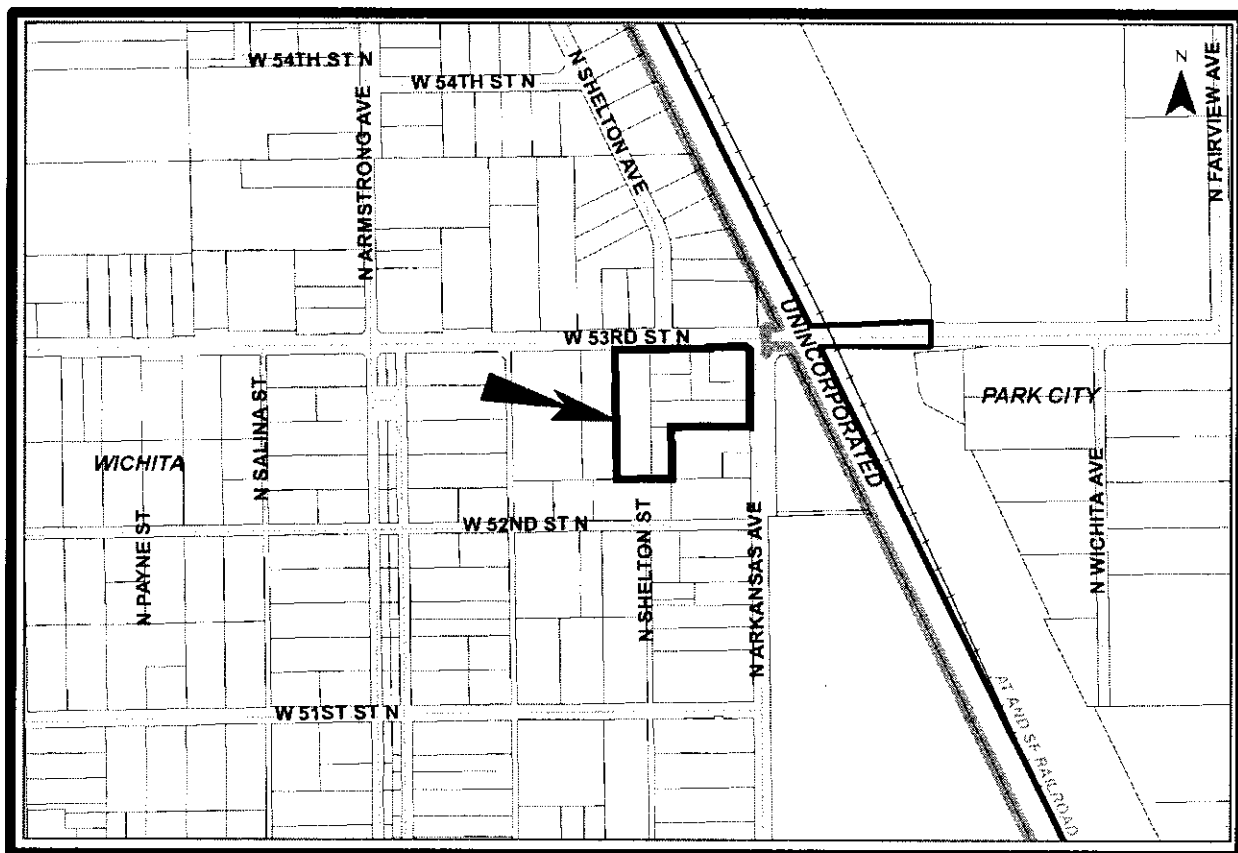
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve (12-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve.



Background: The application area is zoned LC Limited Commercial (“LC”) and is used for medical equipment warehousing and distribution. Warehousing is not a permitted use in the LC district; therefore, the applicant requests OW Office Warehouse (“OW”) zoning. The platted site is located at the southwest corner of West 53rd Street North and Arkansas. The northeast half acre of this site is developed with a commercial/warehouse building; the remainder of the five-acre site is undeveloped. The site has significant vegetation along the west property line and at the southwest corner. No screening fences exist on the site, and the south property line is not as well landscaped. Loading areas on the site are screened from the south neighbors by the building.

North of the site, across 53rd Street North, are SF-5 Single-family Residential (“SF-5”) zoned residences, a legal non-conforming nursery/garden center and a church. South and west of the site are SF-5 zoned single-family residences. East of the site, across Arkansas, is vacant LI Limited Industrial (“LI”) zoned property under Protective Overlay PO-85. Further east is a rail corridor and industrial uses within Park City.

Analysis: MAPC heard this request on April 10, 2008, and DAB VI heard this request on April 7, 2008. Both bodies approved unanimously; no one spoke against the request at the public hearings and no protest petitions were filed.

Financial Considerations: None.

Goal Impact: 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, publish the zone change ordinance; 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.)