

ORDINANCE NO. 47-919

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. ZON2008-00023

Zone change from SF-5 single-family Residential ("SF-5") to GC General Commercial ("GC") on property described as:

That portion of the Southeast Quarter of Section 22, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, lying between the Wichita-Valley Center Flood Control and Interstate Highway 235.

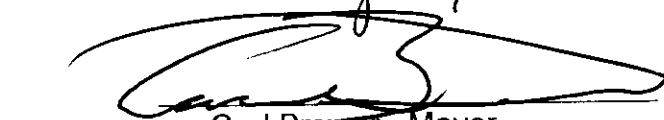
AND

Vacated Second Street lying adjacent to the South line of Lot 1, Block A, West Substation Addition, Wichita, Sedgwick County, Kansas, except the east 43 feet thereof, situated in the Northeast Quarter of Section 22, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located at the termination of Gilda Street 1/2 mile south of Central and west of I-235.

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, July 1, 2008


Carl Brewer - Mayor

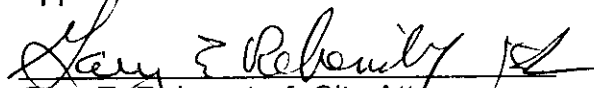
ATTEST:


Karen Sublett, City Clerk



(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
June 24, 2008

TO: Mayor and City Council

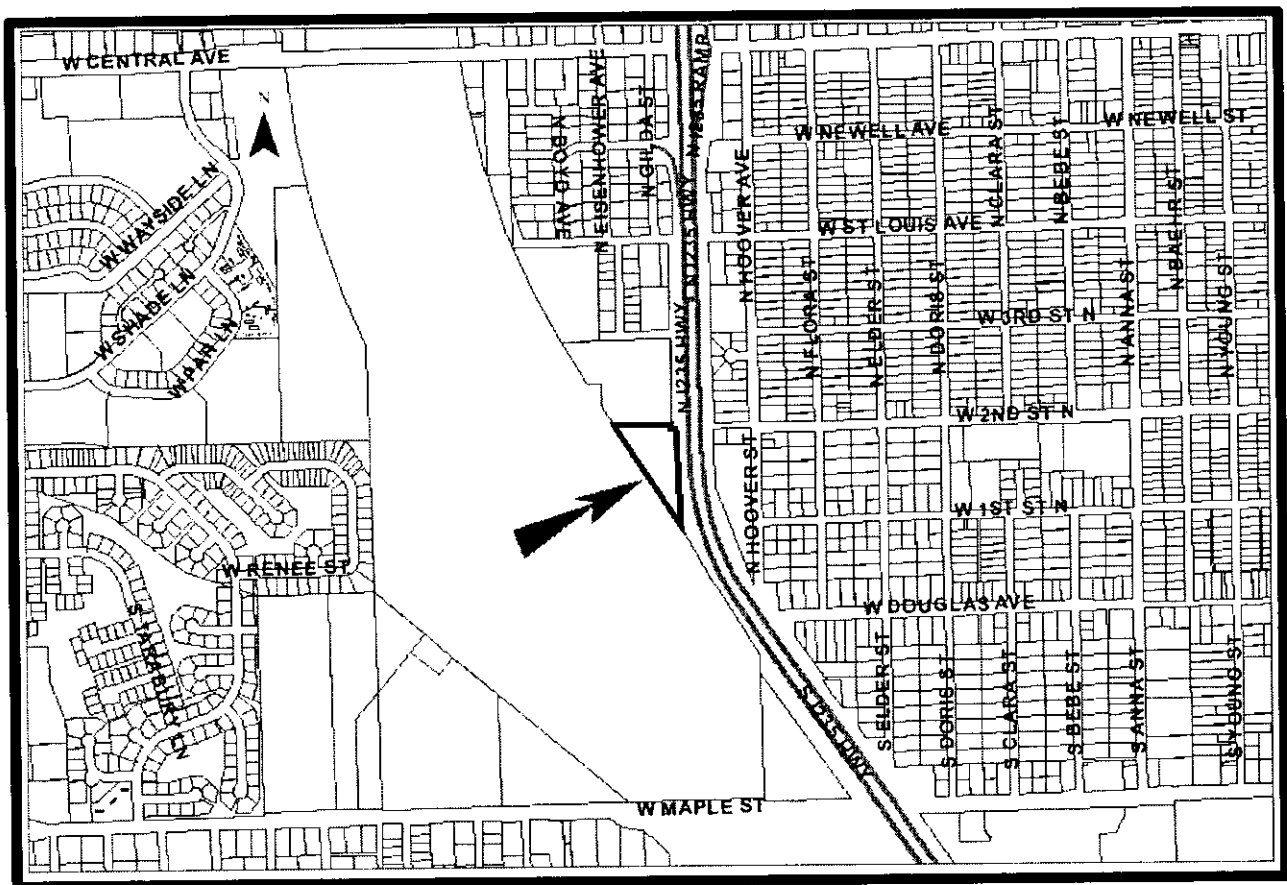
SUBJECT: ZON2008-00023 – City zone change from SF-5 Single-family Residential (“SF-5”) to GC General Commercial (“GC”), generally located at the termination of Gilda Street 1/2 mile south of Central and west of I-235. (District V)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, without the platting recommendation, vote 7-3.

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



Background: The subject property is located a half mile south of Central with I-235 running along the east property line. The subject property is unplatted and contains 3.4 acres, currently zoned SF-5 Single-Family Residential ("SF-5"). The applicant has applied for a zone change to GC General Commercial ("GC") on the subject site and the uses he proposes include elements of outdoor storage, vehicle storage yard and nursery and garden center type uses. The subject property is currently undeveloped, and is currently being used for outdoor storage and as a vehicle storage yard. A review of aerial photographs indicates that the site has been used for similar type uses as to what is being proposed over the past 10 – 15 years.

Use of the subject property for outdoor storage, vehicle storage and nursery and garden center is illegal under the property's current zoning; however, no complaints have been received by the Office of Central Inspection regarding the illegal use of the property. The applicant has requested GC zoning, which is the first zoning district that permits the vehicle storage yard use of the property.

In addition to receiving GC zoning, the applicant will need to comply with the screening standards of the Unified Zoning Code and the Landscape Ordinance requirements. The screening standards for outdoor storage areas require a decorative fence, evergreen vegetation, or landscaped earth berms where adjacent to a residential zoning district or public street right-of-way. For the subject property, screening would be required along the north and east property line.

The character of the surrounding area is mixed with the City of Wichita's Public Works substation to the north and major barriers to the west (Wichita-Valley Center Floodway) and east (I-235). The subject property is triangular in shape, with just north, east and west property lines. The substation (CON2001-00062) to the north is zoned SF-5 and the right-of-way for I-235 along the east property line provides a 270-foot buffer between the subject property and an electrical substation zoned SF-5. The Wichita-Valley Center Floodway runs along the west property line providing a 1,800-foot buffer between the subject site and SF-5 zoned property.

Analysis: At the MAPC meeting held May 22, 2008, the MAPC voted (7-3) to recommend approval of the request for GC zoning without the platting recommendation. The applicant and a nearby property owner spoke in favor of the application and there was no opposition.

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. Concur with the findings of the MAPC, approve the zone change and place the ordinance establishing the zone change on first reading; 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.)