

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Nov. 23, 2018

ORDINANCE NO. 50-887

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. ZON2018-00039**

City zone change from SF-5 Single-Family Residential District to LI Limited Industrial District and described as follows:

The east 10 acres of that part of the North half of the Northwest Quarter of Section 20, Township 28 South, Range 1 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, lying West of the right-of-way of the Midland Valley Railroad.

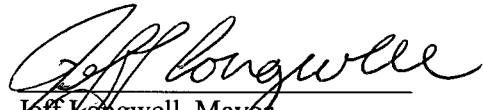
Subject to the following Protective Overlay (**PO #334**):

1. All uses permitted by right in the "LI" zoning district except the following uses: Correctional Facility; Correctional Placement Residence, Limited and General; Day Reporting Center; Animal Care, General; Kennel, Boarding/Breeding/Training; Night Club in the City or the County; Sexually Oriented Business in the City or the County; Tavern and Drinking Establishment; Vehicle Storage Yard; Construction Burn Site; Asphalt or Concrete Plant, Limited and General; Recycling Processing Center; Mining or Quarrying; and Grain Storage.
2. The site shall develop in conformance with all other development standards of the Unified Zoning Code for the "LI" Limited Industrial district.

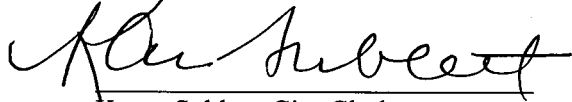
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**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 20<sup>th</sup> day of Nov, 2018.

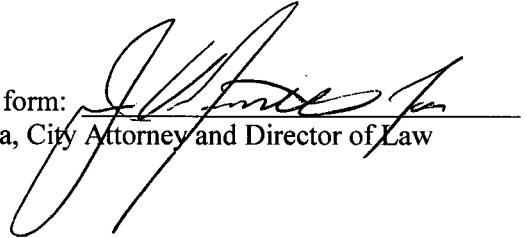
  
Jeff Longwell, Mayor

ATTEST:

  
Karen Sublett, City Clerk



Approved as to form:  
Jennifer Magaña, City Attorney and Director of Law





AGENDA ITEM NO. \_\_\_\_\_

## STAFF REPORT

MAPC September 20, 2018  
DAB IV October 1, 2018

AP: 9-1  
DAB IV  
10/1/18

**CASE NUMBER:** ZON2018-00039

**APPLICANT/AGENT:** TCRS, LLC – Jeff Lange (Owner) / Baughman Company, P.A. – Phil Meyer (Agent)

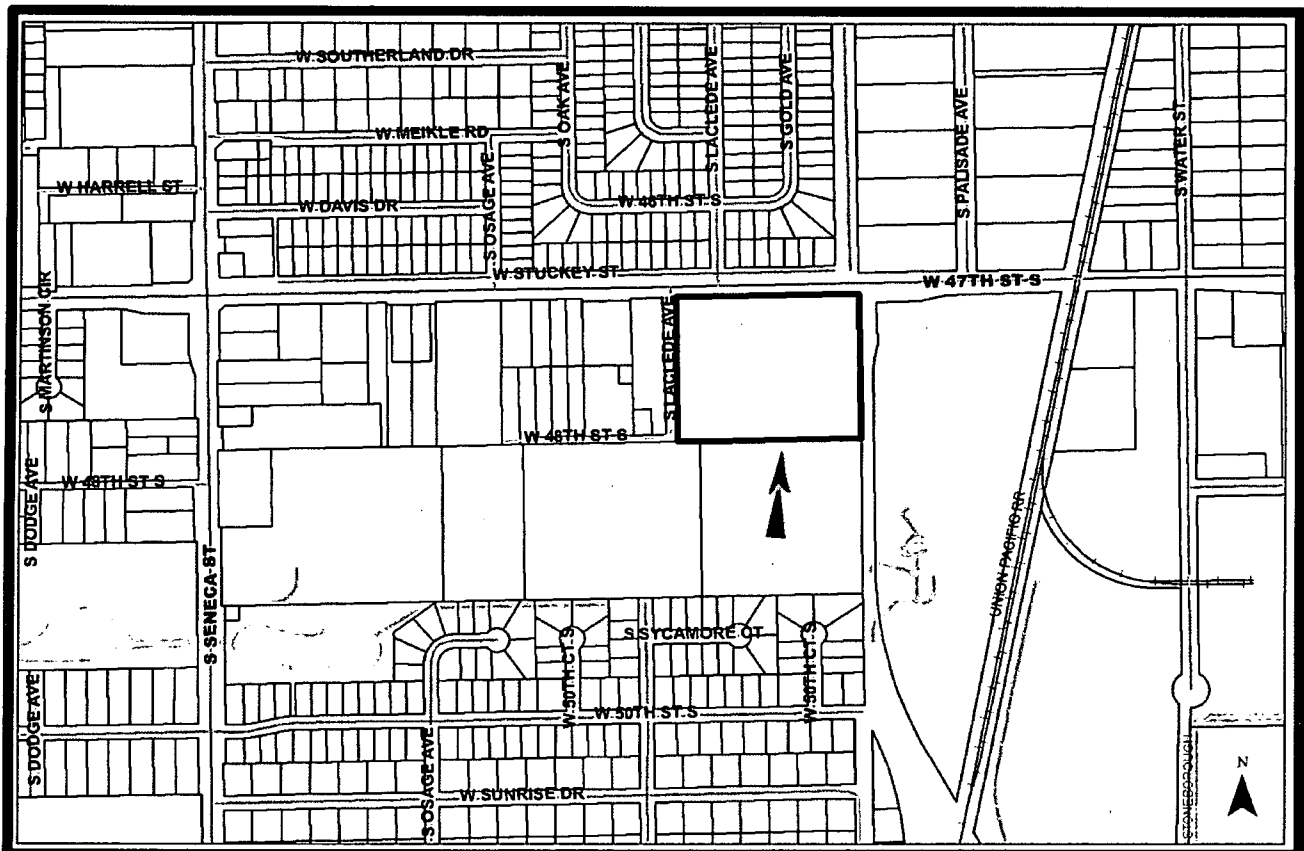
**REQUEST:** LI Limited Industrial

**CURRENT ZONING:** SF-5 Single-Family Residential

**SITE SIZE:** 10.5 acre

**LOCATION:** Located on the south side of West 47<sup>th</sup> Street South and approximately ½-mile east of South Seneca Street (533 West 47<sup>th</sup> Street South)

**PROPOSED USE:** Limited industrial development



ZON2018-00039

**BACKGROUND:** The applicant is requesting the rezoning of the subject property from SF-5 Single-Family Residential (SF-5) to LI Limited Industrial (LI) in order to allow future industrial development of the property. The subject property is presently unplatted and occupied by some agricultural buildings according to the Sedgwick County Appraiser's Office records.

The 10.5-acre property is presently zoned SF-5 Single-Family Residential (SF-5). The zone change to LI Light Industrial (LI) is requested to allow future redevelopment of the property for limited industrial uses.

Mr. Lange has interests in the industrial development that exists to the east on the south side of 47<sup>th</sup> Street South. The existing right-of-way for McLean Boulevard that exists to the east of the subject property is also used for drainage purposes and there have been interests shown in vacating the public right-of-way but that is presently on hold. The subject property is unplatted and will have to be platted in order for development and construction to occur. The property to the east is included within the Georgia Pacific Addition, which was platted in 1973 and established the right-of-way for McLean Boulevard and the drainage ditch that presently exists.

The surrounding neighborhood is a mixture of industrial and commercial uses on the south side of 47<sup>th</sup> Street; with predominantly residential uses to the north and to the east of the subject property. There is also a church use to the immediate east of the property on the east side of Laclede Street.

The land on the north side of East 47<sup>th</sup> South is predominantly zoned and used residentially on the west side of the drainage ditch. East of the drainage ditch on the north side of 47<sup>th</sup> Street South is a church and the call center of Royal Caribbean Cruise Lines, which are both zoned LI Limited Industrial.

**CASE HISTORY:** As noted above, the property is unplatted. There have been no other zoning cases on this property.

**ADJACENT ZONING AND LAND USE:**

|        |            |                           |
|--------|------------|---------------------------|
| NORTH: | SF-5       | single-family residential |
| SOUTH: | SF-5       | vacant                    |
| EAST:  | LI         | industrial                |
| WEST:  | SF-5 and B | residential and church    |

**PUBLIC SERVICES:** The primary access to the subject property is from 47<sup>th</sup> Street South, a four-lane arterial street with full services in place at this location. City water is along 47<sup>th</sup> Street South and sanitary sewer lines have been extended to the western edge of this property but have not been further extended into the subject property. Laclede Street is an unimproved public street on the west side of the property, and McLean Boulevard right-of-way exists on the east side of the subject property but has never been constructed and may be requested for vacation in the future. All other utility services are available to the subject property and the extension of those would be addressed at such time platting of the subject property occurs.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies general area as being between future residential and new employment on the Future Growth Map Concept Map. This location is also within the South Wichita/Haysville Plan area. Given the location along 47<sup>th</sup> Street South adjacent to existing industrial uses on the east and industrial uses to the north and east, transitioning the subject site to industrial is within the spirit and intent of the Comprehensive Plan for this area.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** the request as submitted. This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The area is of a mixed nature with industrial uses to the east and northeast. The uses to the west are older residential and the impact of 47<sup>th</sup> Street South makes the subject property reasonable for transition to an industrial use.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned SF-5 Single-Family Residential but, as noted above, is suitable for conversion to industrial uses, subject to the platting needed for future development. The likelihood of new residential development on this site is not reasonable.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The rezoning of this property to LI Limited Industrial is not deemed to have any detrimental impact on surrounding properties. Adequate provisions and standards exist within the Unified Development Code provide mitigation provisions to protect the residential uses to the east. The property to the south is presently vacant but is protected by the same development standards applicable as noted above.
4. **Length of time the property has been vacant as currently zoned:** The property has been used agriculturally under the current zoning classification. The rezoning will permit expansion of the tax base and employment opportunities within the portion of the City.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies general area as being between future residential and new employment on the Future Growth Map Concept Map. This location is also within the South Wichita/Haysville Plan area. Given the location along 47<sup>th</sup> Street South adjacent to existing industrial uses on the east and industrial uses to the north and east, transitioning the subject site to industrial is within the spirit and intent of the Comprehensive Plan for this area.
6. **Impact of the proposed development on community facilities:** Rezoning of the property would not have any impact on community facilities or resources. Public utilities are available to the site and, all necessary extension requirements will be addressed through the platting process.