

Published in The Wichita Eagle on January 11, 2013
ORDINANCE NO. 44-425

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. ZON2012-00023

Zone change request from SF-5 Single-family Residential to LI Limited Industrial on property described as:

DeWitt 5th Addition, Wichita, Sedgwick County, Kansas.

Generally located ½ mile north of Pawnee, on the east side of Hoover 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 this 8 day of January, 2013.

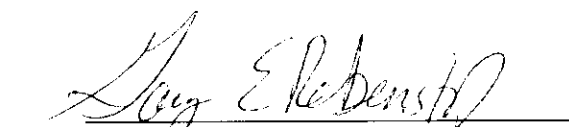
ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor

(SEAL)

APPROVED AS TO FORM:


Gary E. Rebenstorf, Director of Law
by SLD

CASE NUMBER: ZON2012-00023

APPLICANT/AGENT: DeWitt Land Co., Inc. (Mike DeWitt) / Baughman Company, P.A. (Phil Meyer)

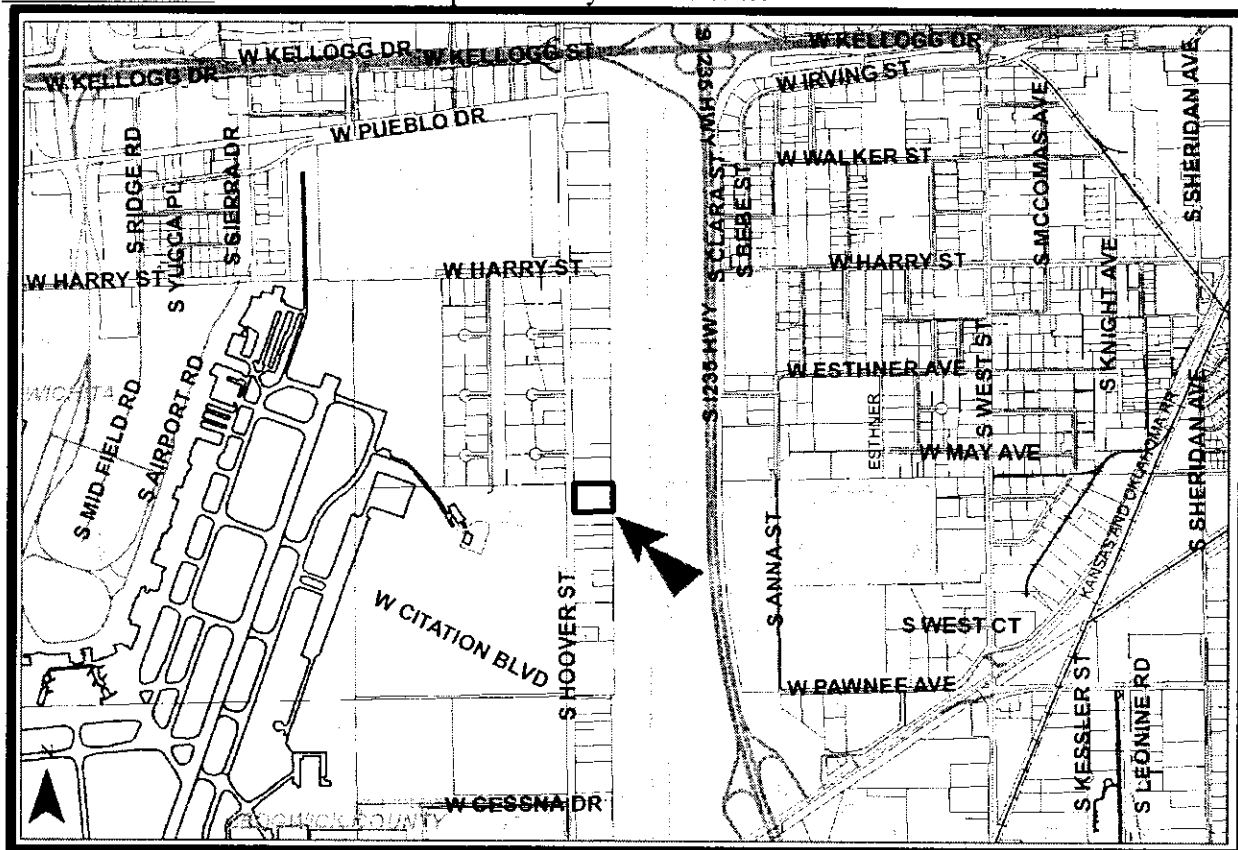
REQUEST: LI Limited Industrial ("LI")

CURRENT ZONING: SF-5 Single-family Residential ("SF-5")

SITE SIZE: 3.84 acres

LOCATION: On the east side of Hoover Road, approximately one-half mile south of Harry Street (1948 South Hoover Street)

PROPOSED USE: Uses permitted by the LI district



BACKGROUND: The application area is located on the east side of South Hoover Street, approximately one-half mile south of West Harry Street, contains approximately 3.84 unplatted acres and is zoned SF-5 Single-family Residential (“SF-5”). The applicant has requested the site be rezoned to LI Limited Industrial (“LI”). The property currently has a vacant residential structure and some accessory buildings; however, when staff visited the site it appeared that the residential structure was being prepared to be moved.

Land located to the north is currently zoned SF-5 but has been approved for LI zoning, and is developed with an industrial warehouse. Two parcels of land located south of the subject site are zoned SF-5, and appear to be used for residential and agricultural purposes. The Wichita-Valley Center Floodway is located east of the subject property, and is unzoned. Land to the west is zoned LI and is used for warehousing or airport or aircraft related facilities. Except for the two parcels located south of the application area, all of the land fronting Hoover, between K-42 Highway on the south and Pueblo Drive located to the north are zoned or are approved for LI zoning.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: SF-5, approved for LI; Cessna warehouse
SOUTH: SF-5; outside storage
EAST: Unzoned; the Wichita-Valley Center Floodway
WEST: LI; airport/aircraft related facility

PUBLIC SERVICES: Hoover Street has 100 feet of full right-of-way, and is a paved four-lane arterial. The property is served by public services or they can be extended from nearby locations.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as being appropriate for “employment/industry center,” which is defined as areas with uses that constitute centers or concentrations of employment or an industrial, manufacturing, service or non-institutional nature.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Land located to the north is currently zoned SF-5 but has been approved for LI zoning, and is developed with an industrial warehouse. Two parcels of land located south of the subject site are zoned SF-5, and appear to be used for residential and agricultural purposes. The Wichita-Valley Center Floodway is located east of the subject property, and is unzoned. Land to the west is zoned LI and is used for warehousing or airport or aircraft related facilities. Except for the two parcels located south of the application area, all of the land fronting Hoover, between K-42 Highway on the south and Pueblo Drive located to the north are zoned or are approved for LI zoning.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is currently zoned SF-5. Given the extensive LI zoning that already exists along the Hoover Road corridor between K-42 Highway and Pueblo Drive, the site’s SF-5 zoning is out of character with the larger neighborhood and is not a preferred zoning pattern.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The vast majority of the property fronting Hoover, between K-42 Highway and Pueblo Drive, is zone LI; therefore, approval of LI zoning on this site will not introduce zoning or uses not already present or potentially allowed on nearby properties.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would probably represent a loss of economic return or limit the applicant's ability to use the site as planned.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as being appropriate for "employment/industry center," which is defined as areas with uses that constitute centers or concentrations of employment or an industrial, manufacturing, service or non-institutional nature.
6. Impact of the proposed development on community facilities: Existing community facilities are in place or will be guaranteed during platting.