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ORDINANCE NO.

49-826

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. ZON2013-00031

Zone change request from SF-5 Single-family Residential to MH Manufactured Housing on property described as:

Silver Spur 5th Addition, Wichita, Sedgwick County, Kansas.

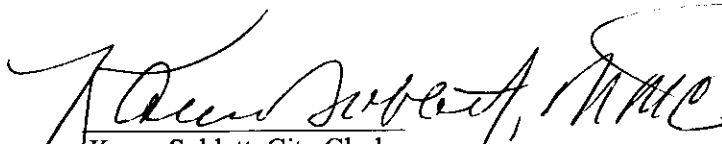
Generally located on the South Side of MacArthur Road, East of Meridian.

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 16 day of Sept, 2014.

ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor

(SEAL)

APPROVED AS TO FORM:


Sharon L. Dickgrafe, Interim Director of
Law & City Attorney

City of Wichita
City Council Meeting
December 10, 2013

TO: Mayor and City Council

SUBJECT: ZON2013-00031 – Zone change from SF-5 Single-Family Residential to MH Manufactured Housing on property generally located on the south side of MacArthur Road and a half-mile west of Seneca Street. (District IV)

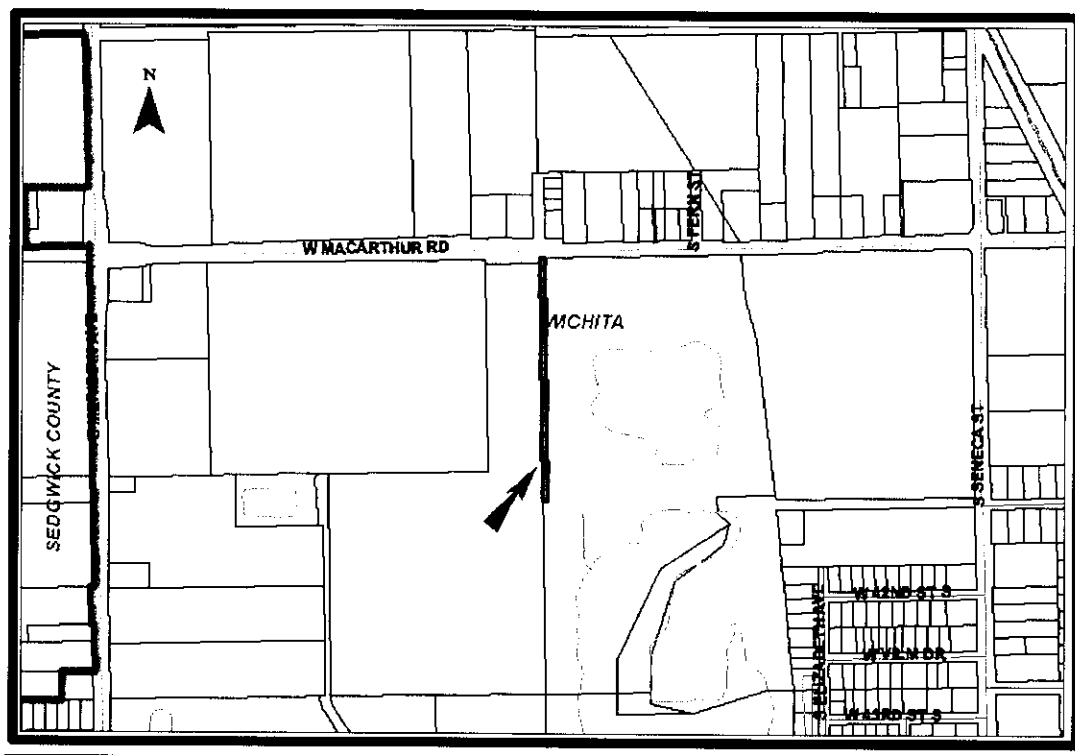
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommends approval (13-0).

DAB IV Recommendation: DAB IV recommends approval (10-0).

MAPD Staff Recommendation: The MAPD staff recommends approval.



Background: The applicant requests MH Manufactured Housing zoning on the SF-5 Single-Family Residential zoned unplatted tract. The SF-5 zoned tract is a narrow and long (+/- 30-foot x 1,501-foot) strip of land that runs along a north portion of the east side of a west abutting, platted MH zoned manufactured home park. The abutting MH zoned manufactured home park has numerous accessory structures (sheds) and a deck encroaching into the SF-5 zoned subject site. An accessory structure of a MH zoned manufactured home is not allowed in SF-5 zoning, thus the requested MH zoning. The MH zoning district has a 20-foot interior side yard and rear yard setback, as well as a 25-foot setback from all public streets.

The Wichita-Sedgwick County Unified Zoning Code (UZC), Article II, Section II.B.8.c. defines a manufactured home park as a parcel of land that has been planned and improved in some manner, and used or intended to be used by occupied Manufactured Homes not placed on permanent foundations.

The subject site is part of a large (+/- 61.84-acres) SF-5 zoned unplatted tract that contains at least one single-family residence, trailers, a Recreational Vehicle, other assorted vehicles and a nonconforming night club in the city (Step-N-Out) all clustered around the north end of a spent sand pit. Located further east is undeveloped SF-5 land and a vacant LC Limited Commercial zoned convenience store. North of the site, across MacArthur Road, are SF-5 zoned single-family residences (built, 1906, 1930s and 1950s), a GO General Office and LC zoned church and a small retail strip. There is a small GC General Commercial zoned area located within the LC and GO zoned church. There is also LC, MH and SF-5 zoned manufactured home parks. West of the site is the already mentioned MH zoned manufactured home park, another MH zoned manufactured home park and undeveloped SF-5 zoned land. South of the site is another SF-5 zoned spent sand pit with a MF-29 Multi-Family Residential zoned apartment complex developed around its east side.

Analysis: At the District Advisory Board IV (DAB IV) meeting held November 4, 2013, DAB IV voted, 10-0, to approve the requested MH zoning subject to a boundary shift and the dedication of 35 feet of public street right-of-way to MacArthur Road.

At the Metropolitan Area Planning Commission (MAPC) meeting held November 7, 2013, the MAPC voted, 13-0, to approve the requested MH zoning subject to a boundary shift and the dedication of 35 feet of public street right-of-way to MacArthur Road. There were no citizens who spoke against the request at the MAPC or DAB meetings. Planning has received no phone calls protesting the request. There have been no valid protest petitions filed with the City Clerk.

Financial Considerations: There are no financial considerations in regards to the zoning request.

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 adopt the findings of the MAPC, approve the zone change subject to a boundary shift and dedication of 35 feet of public street right-of-way, and instruct the Planning Department to forward the ordinance for first reading when the boundary shift is complete (simple majority required).

Attachments:

- Ordinance
- MAPC minutes
- DAB memo