

(150004) Published in The Wichita Eagle on

July 19, 2006

ORDINANCE NO. 46-646

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 2004-62

Request for zone change from SF-5, Single-Family Residential District to LI, Limited Industrial District, described as:

Lots 1-5, Block A, Osbeck Addition, Wichita, Sedgwick County, Kansas.

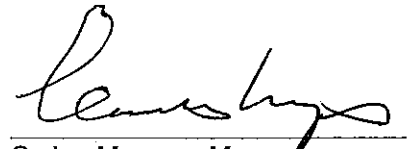
Generally located West of Tyler and south of Kellogg.

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 16th day of August 2005.

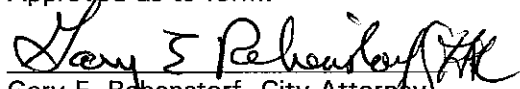
ATTEST:


Carlos Mayans, Mayor

Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney

RECEIVED

JUL 20 2006

METROPOLITAN PLANNING
ROUTE ☐

Background:

The application area is nine unplatted acres located at the northeast corner of Harry and Seville. As early as 1960, the site has been used for industrial or construction uses, such as a concrete plant. A significant portion of the site is paved, and there are a number of storage or warehouse type buildings along with vertical walls that appear to be used to segregate different materials out in the open. The site is currently zoned "SF-5" Single-family Residential, which makes the current uses non-conforming or illegal. The applicant's application states only they are seeking "LI" Limited Industrial zoning so the site can be used for uses permitted in the "LI" district.

Access to the site is provided by a drive off of Seville that is located at the northwest corner of the site, and another drive is located off of Harry that is located at the southeast corner of the tract. Both Seville and Harry are sand and gravel roadways. Seville provides a connection to the Kellogg commercial corridor located to the north, and Harry provides a connection to the industrial area located to the east along Tyler Road.

An abandoned railroad right-of-way, that has been or is being converted to a recreational trail, is located immediately north of the application area. North of the abandoned railroad right-of-way there are a variety of "GC" General Commercial uses such as car sales, agricultural supplies and other retail uses. East of the site are single-family residential homes located on SF-5 Single-family Residential zoning. Approximately 750 feet further to the east are industrially zoned properties fronting Tyler. The Airport Authority and the Park Board own property located to the south and west of the site; some of which is used for the Pawnee Prairie Park golf course.

Analysis: The Metropolitan Area Planning Commission (MAPC) heard this request on December 23, 2004, and unanimously (11-0) recommended approval, subject to platting within one year. No one was present to speak in opposition, nor have there been any written protests received.

Financial Considerations: None identified.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

Adopt the findings of the MAPC and approve the zone change subject to platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds.

Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of all the members of the governing body on the first reading.)

City of Wichita
City Council Meeting
February 8, 2005

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2004-00062 – Zone change from “SF-5” Single-family Residential to “LI” Limited Industrial. Generally located at the northeast corner of Harry and Seville. (District IV)

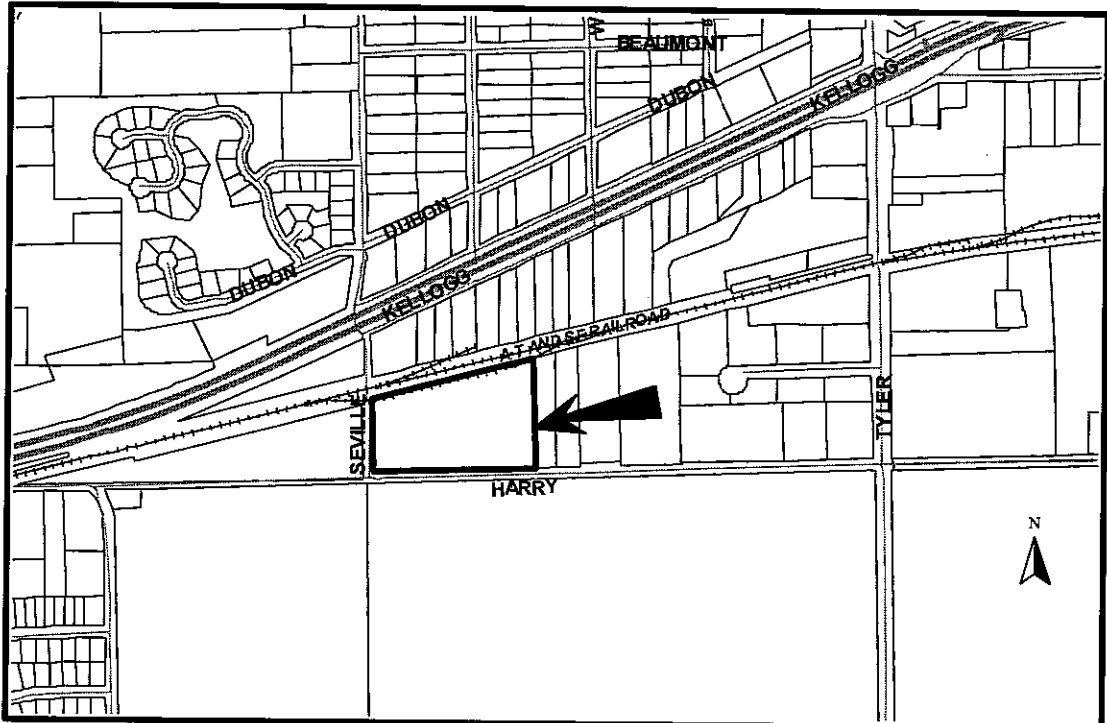
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to platting within one year.

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

DAB Recommendations: Not applicable.



SW Corner SE 1/4
Section 28, Twp. 27S,
Range 1W

LEGAL DESCRIPTION

Beginning at the Southwest Corner of the Southeast Quarter of Section 28, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence East on the South line of said Southeast Quarter, 875.5 feet; thence North parallel to the West line of said Southeast Quarter, 593 feet, more or less, to the South line of the A.T. & S.F. Railroad Right of Way; thence West on said South line 897.5 feet, more or less, to the West line of said Southeast Quarter; thence South 402.5 feet to the Point of Beginning

State of Kansas

County of Sedgwick

April 25, 2000

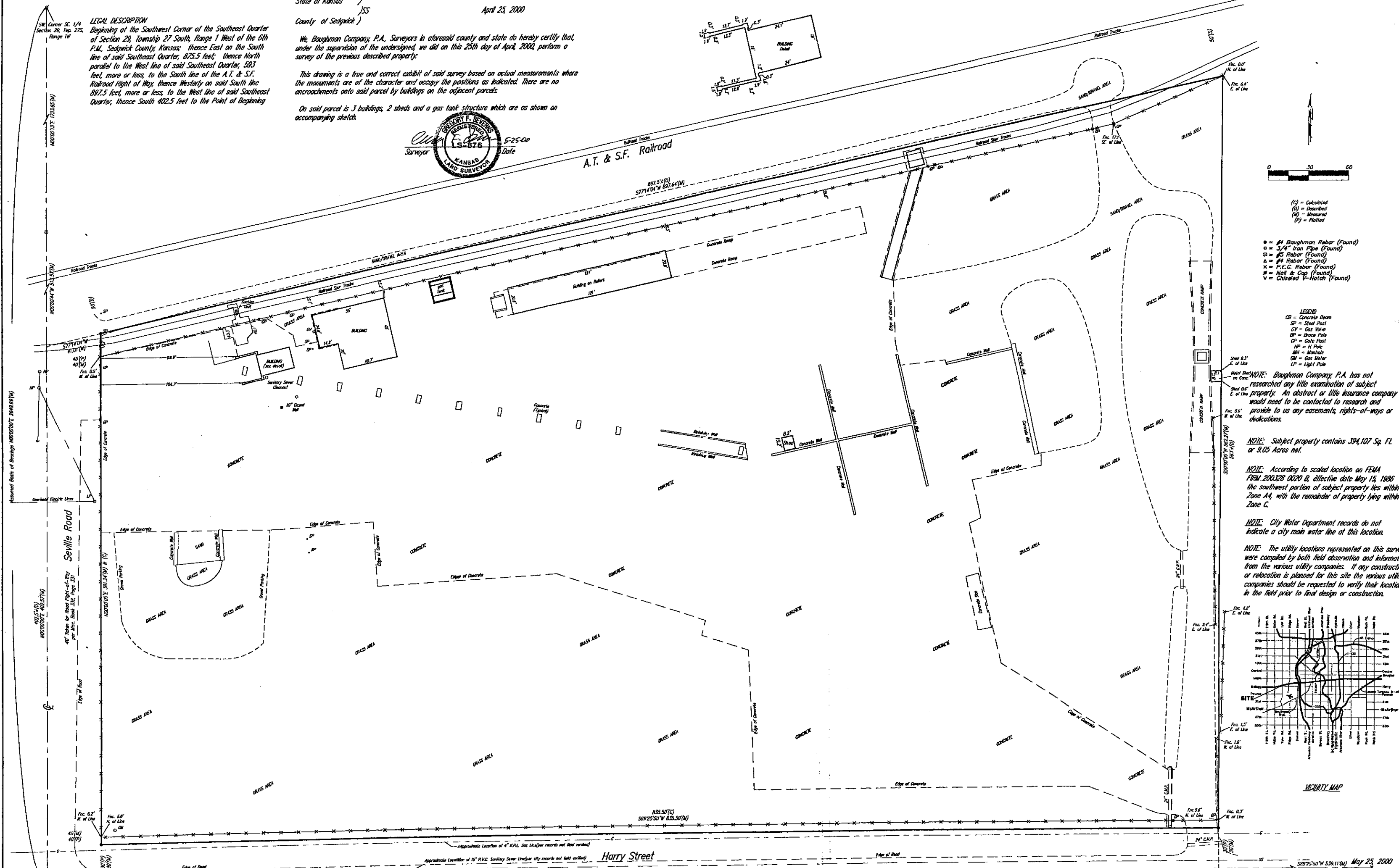
We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that, under the supervision of the undersigned, we did on this 25th day of April, 2000, perform a survey of the previous described property.

This drawing is a true and correct exhibit of said survey based on actual measurements where the monuments are of the character and occupy the positions as indicated. There are no encroachments onto said parcel by buildings on the adjacent parcels.

On said parcel is 3 buildings, 2 sheds and a gas tank structure which are as shown on accompanying sketch.



A.T. & S.F. Railroad



(C) = Calculated
(D) = Described
(W) = Measured
(P) = Plotted

■ = #4 Baughman Rebar (Found)
○ = 3/4" Iron Pipe (Found)
□ = #5 Rebar (Found)
△ = #4 Rebar (Found)
× = P.E.C. Rebar (Found)
■ = Nail & Cap (Found)
V = Chiseled V-Notch (Found)

LEGEND
CB = Concrete Beam
SP = Steel Post
GV = Gas Valve
BP = Brass Pole
CP = Gate Post
HP = H Pole
MP = Manhole
GP = Gas Meter
LP = Light Pole

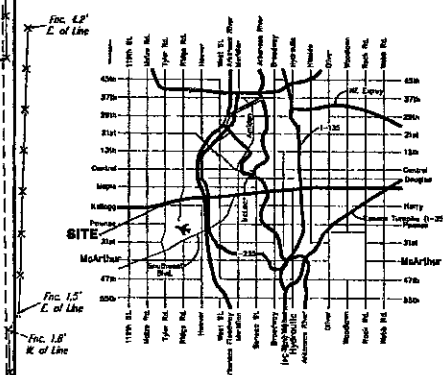
NOTE: Baughman Company, P.A. has not researched any title examination of subject property. An abstract or title insurance company would need to be contacted to research and provide to us any easements, rights-of-ways or dedications.

NOTE: Subject property contains 394,107 Sq. Ft. or 9.05 Acres net.

NOTE: According to scaled location on FEMA FIRM 200328 0020 B, effective date May 15, 1986 the southwest portion of subject property lies within Zone AA, with the remainder of property lying within Zone C.

NOTE: City Water Department records do not indicate a city main water line at this location.

NOTE: The utility locations represented on this survey were compiled by both field observation and information from the various utility companies. If any construction or relocation is planned for this site the various utility companies should be requested to verify their locations in the field prior to final design or construction.



VICINITY MAP

Drawing File: SURVEY\ALTA\ALTA2.DWG