

Planning Agenda Item # _____

City of Wichita
City Council Meeting

June 7, 1994

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3130 - ZONE CHANGE FROM THE "AA" ONE FAMILY DWELLING DISTRICT TO THE "E" LIGHT INDUSTRIAL DISTRICT, LOCATED EAST OF LAKEWAY ON THE NORTH SIDE OF 21ST STREET NORTH.

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within one year (11-1).

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

CPO Recommendation: CPO Council Northwest "5" voted 6-0 to recommend approval of the request.

Background: On May 5, 1994, the MAPC considered a zone change from the "AA" One Family Dwelling District to the "E" Light Industrial District for a 0.46 acre unplatted tract, generally located east of Lakeway on the north side of 21st Street North. This area was annexed by the City of Wichita in 1992. The application area is a portion of the Cox Machine Addition which was approved by the MAPC on March 24, 1994. A condition of approval of the plat required the applicant to request a zone change to "E" Light Industrial zoning for the portion of the plat presently zoned "AA". Such a zone change is required to allow parking or storage for the existing use on the site. Cox Machine Inc. currently occupies the portion of the site located to the south of the application area located at 5920 W. 21st Street North. The applicant desires to expand with a 2,400 square foot building addition.

The applicant's property is located in an area which is in transition to non-residential uses. "C" Commercial Zoning has been approved to the north and east although that land is currently undeveloped. Located to the south and west of this application site is a single-family dwelling still in the County's "R-1" Suburban Residential District. This

residential site is the only unannexed tract on the north side of 21st Street in this immediate area. Considering the zoning of adjacent properties and the amount of development activity in this general area, it is expected that the residential classification will change in the near future. Both the single family dwelling and the machine shop were constructed in 1954. The Land Use Guide of the Comprehensive Plan identifies the area north of 21st Street North and east of the platted street, Lakeway, to be developed with commercial uses.

Officials at the Sedgwick County Zoo were contacted about this proposal when the property went through the platting process. At that time, Zoo officials did not raise objections to the proposal, because they did not see the existing use as threatening to groundwater and due to the availability of public sewer. However, last year Zoo officials did raise strong concerns about a proposal for "E" Light Industrial zoning ½ mile further north. Unless/until special protective regulations are placed on commercial/industrial zoned areas up gradient of the Zoo's wells, there is a possibility of hazardous materials used or stored on site spilling and seeping into groundwater.

Recommendations/Actions:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting; place the ordinance establishing the zone change on first reading and instruct the City Clerk to withhold publication until the plat has been recorded with the Register of Deeds; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

() Published in The Daily Reporter on _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

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 Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3130

Zone change from the "AA" One-Family Dwelling District to the "E" Light Industrial District

Beginning 30 feet East and 350 feet North of the SW/c of the E1/2 of the SE1/4 of Section 3, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence North 100 feet; thence East 200 feet; thence South 100 feet; thence West to beginning. Being platted as a portion of Lot 1, Cox Machine Addition, Wichita, Sedgwick County, Kansas.

Generally located on the north side of 21st Street North in an area west of Hoover.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning change 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 Zoning Ordinance 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, _____.

ATTEST:

(SEAL) Pat Burnett, Deputy City Clerk

Elma Broadfoot, Mayor

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA, KANSAS