

**City of Wichita  
City Council Meeting  
May 11, 2004**

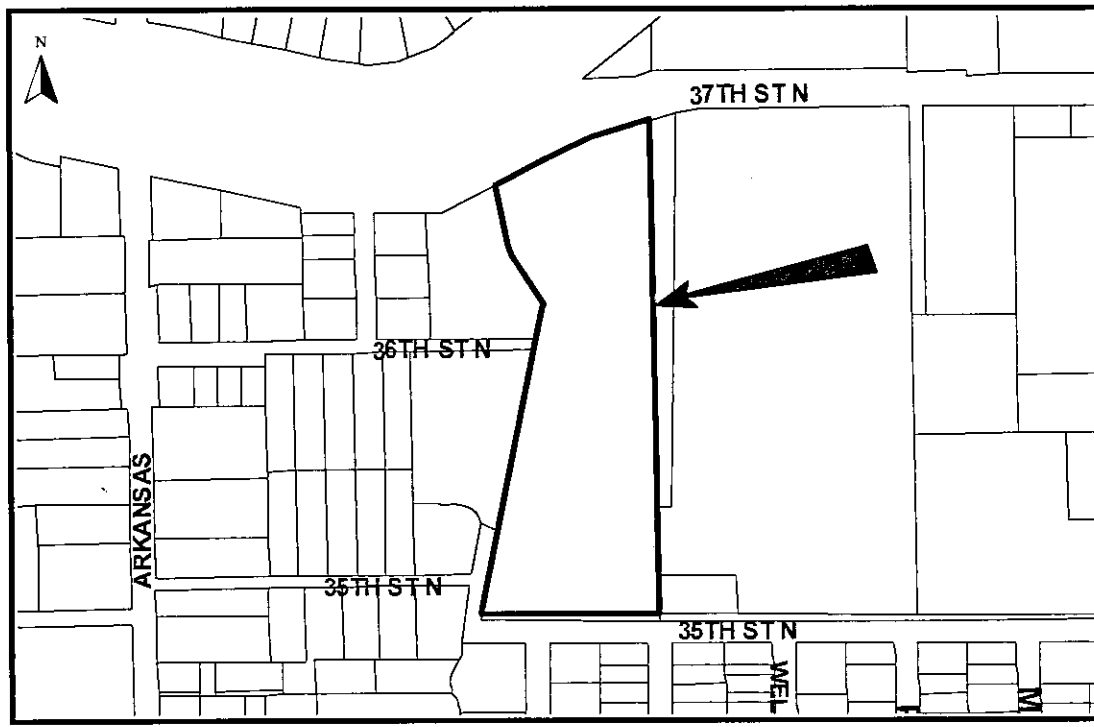
**Agenda Report No.** \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** ZON2004-00006 – Findings of fact to support denial of a request to change zoning from “SF-5” Single-Family Residential to “LI” Limited Industrial. Generally located south of 37th Street North and west of Broadway. (District VI)

**INITIATED BY:** Metropolitan Area Planning Department *LS*

**AGENDA:** Planning (Consent)



**Recommendation:** Adopt the findings of fact.

**Background:** On May 4, 2004, the City Council voted to deny ZON2004-00006, a request to change zoning from “SF-5” Single-Family Residential to “LI” Limited Industrial for 10 acres generally located south of 37th Street North and west of Broadway. The City Council indicated that findings of fact to support the vote to deny the request would be adopted by the City Council at the May 11, 2004, meeting.

**Analysis:** The record established during the public hearing process contains the following findings of fact to support the City Council action to deny the zone change request.

1. The zoning, uses, and character of the neighborhood: Adjacent properties to the north, south, and west are zoned “SF-5” Single Family Residential and are developed with single family residences; therefore, the requested zone change is inconsistent with the zoning and uses of most adjacent properties. Since nearly all of the adjacent properties are zoned and used for residences,

the character of the neighborhood is low-density residential. The requested zone change would allow the expansion of an industrial use and would compromise the low-density residential character of the neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single Family Residential, and is suitable for development with residential uses or other uses such as a church or school that are permitted by the zoning district.
3. The extent to which removal of restrictions will detrimentally affect nearby property: The requested zone change would allow expansion of an industrial use that has significant detrimental affects on nearby residential properties. Nearby residents attested that the existing industrial use creates noise and blowing dust, is an eyesore in the community, and detrimentally affects the use and desirability of nearby residential properties.
4. The conformance of the request to the adopted or recognized plans or policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The requested zone change does not conform to the Land Use Guide of the Comprehensive Plan.
5. Opposition or support of neighborhood residents: Written protest petitions representing 35.84 percent of the land area within 200 feet to the area proposed for rezoning were received. Numerous neighborhood residents whose properties are located more than 200 feet from the area proposed for rezoning also submitted written protest petitions. Numerous letters of opposition were received from neighborhood residents. Numerous neighborhood residents spoke in opposition to the request at the hearings.

**Financial Considerations:** None.

**Legal Considerations:** None.

**Recommendation/Actions:** Adopt the findings of fact contained in the "Analysis" section of this report to support the May 4, 2004, vote of the City Council to deny the requested zone change.



FILE COPY

**Wichita-Sedgwick County Metropolitan Area Planning Department**

May 12, 2004

Brad Werth  
Wichita Concrete Pipe, Inc.  
221 W. 37<sup>th</sup> N.  
Wichita, KS 67204

**RE: ZON2004-06 – Zone change from “SF-5” Single-family Residential to “LI” Limited Industrial with a Protective Overlay District to limited permitted uses and provide screening/buffering. Generally located south of 37<sup>th</sup> Street North and west of Broadway. (District VI)**

Dear Ladies and Gentlemen:

At its regular meeting on May 4, 2004, the Wichita City Council DENIED the above-captioned request.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Scott Knebel  
Senior Planner

SK/rms

Cc: Wade Wentling, Wichita Concrete Pipe, Inc., 221 W. 37<sup>th</sup> St. N., Wichita, KS 67204  
Russ Ewy, Baughman Company, P.A., 315 Ellis, Wichita, KS 67211  
Cliff W. Ratner, Margaret E. Ratner, 330 W. 36<sup>th</sup> St. N., Wichita, KS 67204  
Leroy Lehman, Pat Lehman, 515 Manlo Drive, Wichita, KS 67204  
Carol Lee Rail, 432 W. 35<sup>th</sup> N., Wichita, KS 67204  
Phillip Fitzmaurice, 433 W. 35<sup>th</sup> St. N., Wichita, KS 67204  
T. J. Myshka, 3557 N. Fairview, Wichita, KS 67204  
Norman Hall, 327 W. 36<sup>th</sup> St. N., Wichita, KS 67204  
Linda Malcom, Harvey Malcom, 3551 Wellington Place, Wichita, KS 67204  
Floyd L. Simmons, 3544 Wellington Place, Wichita, KS 67204  
Sharon Fearey, WCC VI, Mail Stop, 1-13