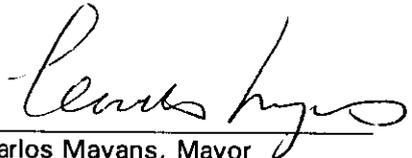
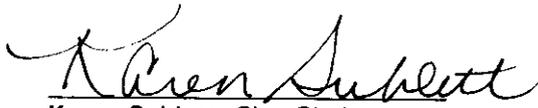


ADOPTED this 8<sup>th</sup> day of March 2005.

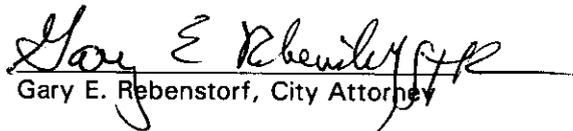
  
Carlos Mayans, Mayor

**ATTEST:**

  
Karen Sublett, City Clerk



Approved as to form:

  
Gary E. Rebenstorf, City Attorney

**ORDINANCE NO. 46-547**

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 2003-61**

Request for zone change from "GC" General Commercial to "SF-5" Single-family Residential on property described as:

All of Lots 46, 47, and 48, Block B, Auburn Hills 15<sup>th</sup> Addition, Wichita, Sedgwick County, Kansas, TOGETHER with Lot 49 in said Block B, except that part of said Lot 49 described as follows: Beginning at the front corner common to said Lot 49 and Lot 50 in said Block B; thence S64°00'26"E along the lot line common to said Lots 49 and 50, 21.12 feet; thence N89°34'17"W, 23.96 feet to a point on the front line of said Lot 49, said front line being a curve to the left; thence northeasterly along said curve, having a central angle of 05°26'36" and a radius of 109.00 feet, an arc distance of 10.36 feet, (having a chord length of 10.35 feet bearing N28°42'52"E), to the point of beginning, TOGETHER with that part of said Lot 50 described as follows: Commencing at the front corner common to said Lots 49 and 50, thence S64°00'26"E along the lot line common to said Lots 49 and 50; 21.12 feet for a point of beginning; thence continuing S64°00'26"E along said common lot line, 178.82 feet to the rear corner common to said Lots 49 and 50; thence N00°10'04" along the rear line of said Lot 50, 20.54 feet to the P.C. of a curve to the left in said rear line; thence northerly along said curve, having a central angle of 21°01'06" and a radius of 158.00 feet, an arc distance of 57.96 feet, (having a chord length of 57.64 feet bearing N10°20'29"W); thence N89°34'17"W, 150.45 feet to the point of beginning, TOGETHER with that part of Lot 45 in said Block B described as follows: Beginning at the front corner common to said Lots 45 and 46; thence N81°45'14"W along the lot line common to said Lots 45 and 46, 131.80 feet to the rear corner common to said Lots 45 and 46; thence S89°34'17"E, 136.66 feet to a point on the front line of said Lot 45, said front line being a curve to the left; thence southerly along said curve, having a central angle of 21°49'26" and a radius of 50.00 feet, an arc distance of 19.04 feet, (having a chord length of 18.93 feet bearing S19°09'29"W), to the point of beginning, TOGETHER with that part of Reserve "I" as platted in said Auburn Hills 15<sup>th</sup> Addition described as follows: Beginning at the SE corner of said Lot 49, said SE corner also being on the west line of said Reserve "I"; thence N00°10'04"E along the west line of said Reserve "I", 133.34 feet to the P.C. of a curve to the left in said west line; thence northerly along said curve, having a central angle of 21°01'06" and a radius of 158.00 feet, an arc distance of 57.96 feet, (having a chord length of 57.64 feet bearing N10°20'29"W); thence S89°34'17"E, 10.68 feet to a point on the east line of said Reserve "I"; thence southerly along the east line of said Reserve "I", being a curve to the right, having a central angle of 19°41'45" and a radius of 168.00 feet, an arc distance of 57.75 feet, (having a chord length of 57.47 feet bearing S09°40'49"E), to the P.T. of said curve; thence S00°10'04"W along the east line of said Reserve "I", 133.28 feet to the

intersection with the easterly extension of the south line of said Lot 49; thence S89°50'01"W along said extended south line, 10.00 feet to the point of beginning, TOGETHER with that part of Reserve "J" as platted in said Auburn Hills 15<sup>th</sup> Addition described as follows: Beginning at the NW corner of said Reserve "J"; thence S89°49'56"E along the north line of said Reserve "J", 8.00 feet to the NE corner of said Reserve "J"; thence S00°10'04"W along the east line of said Reserve "J", 124.00 feet to the intersection with the easterly extension of the south line of said Lot 49; thence S89°50'01"W along said extended south line, 8.00 feet to a point on the west line of said Reserve "J"; thence N00°10'04"E along the west line of said Reserve "J", 124.04 feet to the point of beginning, TOGETHER with that part of Reserve "K" as platted in said Auburn Hills 15<sup>th</sup> Addition described as follows: Beginning at the most southerly corner of said Reserve "K"; thence northerly along the west line of said Reserve "K", being a curve to the left, having a central angle of 18°40'21" and a radius of 232.00 feet, an arc distance of 75.61 feet, (having a chord length of 75.27 feet bearing N09°10'07"W); thence S89°34'17"E, 12.21 feet to a point on the east line of said Reserve "K"; thence S00°10'04"W along the east line of said Reserve "K", 74.22 feet to the point of beginning, TOGETHER with that part of Auburn Hills Ct. as dedicated in said Auburn Hills 15<sup>th</sup> Addition described as follows: Beginning at the P.C. of a curve to the left in the front line of said Lot 48; thence easterly and northeasterly along the southerly right-of-way line of said Auburn Hills 15<sup>th</sup> Addition, being a curve to the left, having a central angle of 58°23'51" and a radius of 109.00 feet, an arc distance of 111.10 feet, (having a chord length of 106.35 feet bearing N60°38'06"E); thence N89°34'17"W, 221.19 feet to a point on the westerly right-of-way line of said Auburn Hills Ct.; thence southerly, southeasterly, easterly, and northeasterly along the westerly and southerly right-of-way line of said Auburn Hills Ct., being a curve to the left, having a central angle of 174°47'08' and a radius of 50.00 feet, an arc distance of 152.53 feet, (having a chord length of 99.90 feet bearing S57°19'23"E), to the end of said curve; thence N89°50'01"E along said southerly right-of-way line, 44.41 feet to the point of beginning, and TOGETHER with that part of Auburn Hills as dedicated in said Auburn Hills 15<sup>th</sup> Addition described as follows: Beginning at the intersection of the west right-of-way line of said Auburn Hills with the easterly extension of the south line of said Lot 49; thence N00°10'04"E along said west right-of-way line, 133.28 feet to the P.C. of a curve in said west right-of-way line; thence northerly along said curve, having a central angle of 19°41'45" and a radius of 168.00 feet, an arc distance of 57.75 feet, (having a chord length of 57.47 feet bearing N09°40'49"W); thence S89°34'17"E, 81.62 feet to a point on the east right-of-way line of said Auburn Hills, said east right-of-way being a curve to the right; thence southerly along said curve, having a central angle of 18°40'21" and a radius of 232.00 feet, an arc distance of 75.61 feet, (having a chord length of 75.27 feet bearing S09°10'07"E), to the P.T. of said curve; thence S00°10'04"W along said east right-of-way line, 114.77 feet to the intersection with the easterly extension of the south line of said Lot 49; thence S89°50'01"W along said extended south line, 84.00 feet to the point of beginning, except that part of said Reserve "J" lying within the last described tract.

Generally located west of 135<sup>th</sup> Street West and on the north side 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.

**BACKGROUND:** The application area is located north of Kellogg approximately 330 feet, and ¼ mile west of 135<sup>th</sup> Street West. It is a 2.8 acre tract that is part of the proposed Auburn Hills 15<sup>th</sup> Addition. Based on that plat, the application area will be developed with four platted single-family lots. However, the property is currently zoned “GC” General Commercial. Since the property is intended for single-family use, one of the conditions of plat approval is to downzone the property to “SF-5” to match the intended use. The site is undeveloped today. Access to the site is via a new street that will connect the application area to Kellogg Drive, a frontage road to be constructed along the north side of US Highway 54 or from a new street that will be an extension of a street running south from an existing portion of Auburn Hills.

Surrounding property is a mix of undeveloped, vacant or developing residential, church or farm ground uses. Zoning for these adjacent properties is either “GC” General Commercial or “SF-5” Single-family residential.

The Metropolitan Area Planning Commission (MAPC) reviewed this case on December 11, 2003, and recommended approval (9-0-1), subject to platting within one year. One MAPC member has ownership interests within the area and abstained. No one spoke in opposition, and no protest petitions have been filed.

**RECOMMENDATION:**

1. Concur with the findings of the MAPC and approve the zone change subject to the condition of platting within a year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; 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 the first hearing.)

City of Wichita  
City Council Meeting  
January 6, 2004

Agenda Report No.

TO: Mayor and City Council

SUBJECT: ZON2003-00061 – Zone change from “GC” General Commercial to “SF-5” Single-family Residential. Generally located north of Kellogg, 1/4 mile west of 135<sup>th</sup> Street West. (District V)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

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MAPC Recommendation: Approve, subject to plat within one year. (9-0-1)

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

