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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.

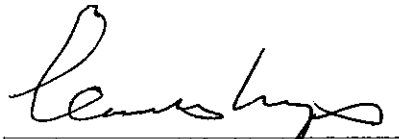
Generally located West of Tyler and south of Kellogg.

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.

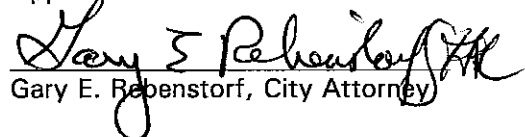
ATTEST:


Carlos Mayans, Mayor

Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney

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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 *JWS*

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.

