

Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
January 14, 2003

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** ZON2002-00065 – Zone change from “SF-5” Single-family Residential to “LI” Limited Industrial. Generally located north of 21<sup>st</sup> Street North and west of Hoover. (District V) DM

**INITIATED BY:** Metropolitan Area Planning Department

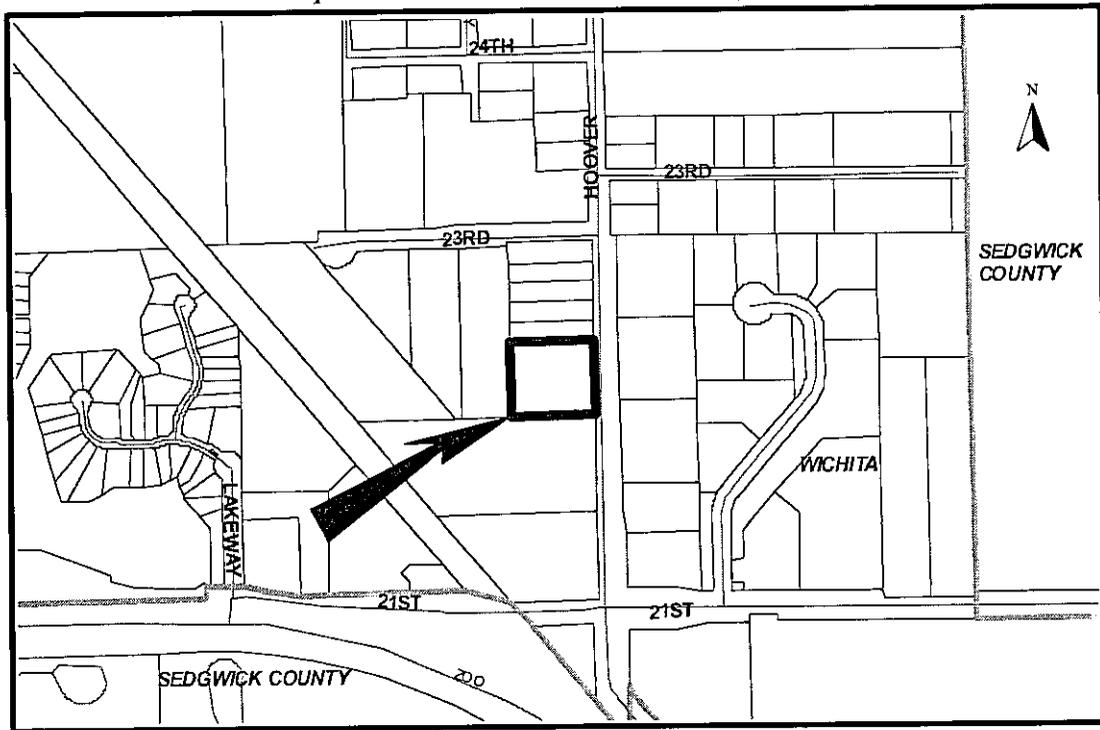
**AGENDA ACTION:** Planning

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**MAPC Recommendation:** Approve, subject to staff recommendation. (13-0)

**D.A.B. V Recommendation:** Will hear 1-6-2003.

**Staff Recommendation:** Approve, subject to platting within one year and subject to the provisions of a Protective Overlay District.



**BACKGROUND:** The applicant requests a zone change from “SF-5” Single Family Residential to “LI” Limited Industrial on a 1.84 acre unplatted tract located north of 21<sup>st</sup> Street North and west of Hoover. The subject property is currently developed with a single family residence, a mobile home, and various accessory structures associated with equestrian activities. The applicant proposes to redevelop the subject property for use by the Sealpak Company, a manufacturing business that is being relocated by the City from 2614 S. Hoover due to a drainage project at their current location.

The surrounding area is characterized by mixed-use suburban-density residential and commercial/industrial development. Property to the north is zoned “SF-5” Single Family Residential and is developed with single family residences and mobile homes. Property to the south is zoned “LC” Limited Commercial and “SF-5” Single Family Residential and is developed with single family residences and mobile homes. West of the subject property is a mixture of commercial/industrial businesses on property zoned “LI” Limited Industrial and “GC” General Commercial. East of the subject property across Hoover is undeveloped land that is zoned “LI” Limited Industrial.

The undeveloped industrial property located to the east across Hoover was approved for rezoning a couple of years ago with a Protective Overlay to limit uses and increase setbacks and screening standards. To maintain consistency with development approvals, planning staff recommends that the subject property be developed under the same Protective Overlay provisions as the property to the east.

At the MAPC hearing on December 19, 2002, there were no speakers, other than the applicant, either in support of or in opposition to the request. The MAPC voted (13-0) to recommend approval of the request subject to platting the property within one year and subject to the following provisions of a Protective Overlay District:

1. The following uses permitted in the “LI” Limited Industrial District shall not be permitted on the subject property: funeral home, hotel or motel, kennel (boarding/breeding/training), marine facility (recreational), microbrewery, night club, parking area (commercial), pawnshop, recreation and entertainment (outdoor), tavern and drinking establishment, vehicle and equipment sales (outdoor), asphalt and concrete plant (general), gas and fuel storage and sales, landfill, mining or quarrying, oil or gas drilling, rock crushing, solid waste incinerator, transfer station, vehicle storage yard, and agricultural processing.
2. The subject property shall have an increased front building setback of 35 feet.
3. All outdoor storage uses on the subject property shall be screened on all sides by a solid screening wall or fence constructed of standard building materials customarily used for wall and fence construction such as brick, stone, concrete masonry, stucco, concrete, or wood.

**Recommended Action:**

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District and

subject to the condition of platting within one 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 2/3 majority vote of the membership of the governing body on the first hearing.)

WH

(150004) Published in The Derby Reporter 2-11-04

**ORDINANCE NO. 45-932**

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 2002-65**

Zone change from "SF-5" Single-family Residential District to "LI" Limited Industrial District and to P-O #119 - Protective Overlay District, on property described as:

Lot 1, Block A, Sealpak Second Addition, Wichita, Sedgwick County, Kansas.

Generally located on the west side of Hoover, north of 21<sup>st</sup> Street North.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #119:**

1. The following uses permitted in the "LI" Limited Industrial District shall not be permitted on the subject property: funeral home, hotel or motel, kennel (boarding/breeding/training), marine facility (recreational), microbrewery, night club, parking area (commercial), pawnshop, recreation and entertainment (outdoor), tavern and drinking establishment, vehicle and equipment sales (outdoor), asphalt and concrete plant (general), gas and fuel storage and sales, landfill, mining or quarrying, oil or gas drilling, rock crushing, solid waste incinerator, transfer station, vehicle storage yard, and agricultural processing.
2. The subject property shall have an increased front building setback of 35 feet.
3. All outdoor storage uses on the subject property shall be screened on all sides by a solid screening wall or fence constructed of standard building materials customarily used for wall and fence construction such as brick, stone, concrete masonry, stucco, concrete, or wood.

**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.

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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 NOV 18 2003, 2003.

ATTEST:

*Karen Schofield*  
for Patsy Ellis, Deputy  
Karen Schofield, City Clerk

*Carlos Mayans*  
Carlos Mayans, Mayor

(SEAL)

Approved as to form:



*Gary E. Rebenstorf*  
Gary E. Rebenstorf, City Attorney

RECEIVED

FEB 18 2004

METROPOLITAN PLANNING  
ROUTE