

ORDINANCE NO. 48-107

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. ZON2008-00047

Zone change from SF-5 Single-family Residential ("SF-5") to LI Limited Industrial ("LI") on property described as:

Lot 11, Windover Addition, Wichita, Sedgwick County, Kansas; generally located south and east of the intersection of W. Walker Street and S. Sabin Avenue (1426 S. Sabin)

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 AT WICHITA, KANSAS,

November 4, 2008.



Carl Brewer - Mayor

ATTEST:



Karen Sublett, City Clerk

(SEAL)



Approved as to form:



Gary E. Rebenstorf, City Attorney

BACKGROUND: The applicant requests a zone change from SF-5 Single-Family Residential (“SF-5”) to LI Limited Industrial (“LI”) on a 0.36-acre platted lot located approximately 1,000 feet north of Harry on the east side of Sabin. The subject property is currently developed with a single-family residence. The applicant proposes to match the zoning of the property surrounding the subject site. The applicant has also been made aware that this rezone would cause his residence to become a non-conforming use since single-family residential is not a permitted use in the LI zone district. The applicant will have to abide to the regulations set forth in Article VII of the Wichita-Sedgwick County Unified Zoning Code (“UZC”).

The surrounding area is characterized primarily by industrial uses, although about ten single-family residences remain along Sabin on property zoned SF-5. The abutting property to the south is zoned LI and is currently vacant, but the next two properties to the south are single-family residences. The properties farther south and east are zoned LI and are developed with contractor businesses, a machine shop and a steel fabricator. The properties to the northeast include more LI zoned property developed with warehouses and a plumbing contractor. The properties to the west are zoned SF-5, owned by the city and are instrumental for storm water drainage and retention. These properties were acquired by the City in 1984.

The subject site is in Flood Zone X, which identifies the area being in a flood insurance rate zone that corresponds to areas outside the 100-year floodplain, and by areas protected from the 100-year flood by levees.

CASE HISTORY: The property is platted as Lot 11, Windover Addition, recorded on April 28, 1954.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Contractors Office
SOUTH:	LI	Vacant
EAST:	LI	Steel Fabrication
WEST:	SF-5	Storm Water Retention Area

PUBLIC SERVICES: The subject property has frontage along Sabin, an unpaved local street. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “employment/industry center.” This category encompasses areas with uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses include: manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding area is characterized primarily by industrial uses, although about ten single-family residences remain along Sabin on property zoned SF-5. The abutting property to the south is zoned LI and is currently vacant, but the next two properties to the south are single-family residences. The properties farther south and east are zoned LI and are developed with contractor businesses, a machine shop and a steel fabricator. The properties to the northeast include more LI zoned property developed with warehouses and a plumbing contractor. The properties to the west are zoned SF-5, are owned by the city and are instrumental for storm water drainage and retention. These properties were acquired by the City in 1984.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property is zoned SF-5 and is currently developed with a single-family residence. Given the long-standing recommendation provided by the adopted land use plan that this area is appropriate for industrial uses, further residential development of the subject property would not be suitable, and would be contrary to the community's goal of converting the area from residential to industrial use.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Detrimental effects on remaining residential properties in the area are reduced by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscape street yard, parking lot screening, buffer landscaping requirements of the Landscape Ordinance. These ordinances help limit noise, lighting, and other activity from adversely impacting the surrounding residential properties.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "employment/industry center." This category encompasses areas with uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses include: manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices.
5. **Impact of the proposed development on community facilities:** No detrimental impacts on community facilities are anticipated. All services are in place, and any increased demand on community facilities can be handled by current infrastructure.