

ORDINANCE NO. 47-957 150006

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. ZON2008-00029**

Zone change from SF-5 single-family Residential ("SF-5") to LI Limited Industrial ("LI") subject to Protective Overlay #215 on property described as:

The E1/2 of the NW1/4 of Section 35, T26S, R1E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, EXCEPT Railroad right of way, AND EXCEPT the north 40 feet for Road right of way, AND EXCEPT Koch Office Park, An addition to Sedgwick County, Kansas; Together with the E1/2 of the SW1/4 of said Section 35 lying north of the Highway right of way, EXCEPT Railroad right of way. Generally located east of North Hillside, on the south side of East 37<sup>th</sup> Street North.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #215:**

1. A platting exemption for this parcel has been approved by the Wichita-Sedgwick County Metropolitan Area Planning Department which will allow the development of a single site product testing facility, generally located south and west of the southwest corner of Lot 1, Koch Office Park Addition, more specifically described as:

That part of the NW1/4 of Section 35, T26S, R1E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, described as beginning at the southwest corner of Lot 1, Block 1, Koch Office Park, an Addition to Sedgwick County, Kansas; thence North along the west line of said Lot 1, 190.00 feet; thence West with a deflection angle of 90°00'00" to the left, 450.00 feet; thence South with a deflection angle of 90°00'00" to the left, 425.00 feet; thence East with a deflection angle of 90°00'00" to the left, 450.00 feet; thence North with a deflection angle of 90°00'00" to the left, 235.00 feet to the place of beginning.

The product testing facility site shall include structures, parking, and fencing in compliance with a site plan to be approved by the Office of Central Inspection, Wichita, Kansas.

2. The Office of Central Inspection, Wichita, Kansas, agrees to issue a building permit for the product testing facility site subject to the following conditions:

- a) The proposed building site is not landlocked, i.e., has proper access by way of a public or private road to a city, county, township, or state highway system.
  - b) The proposed building site has access to all utility and telephone services by way of a recorded easement dedicated to the public. The easement serving the property shall not be less than 20 feet in width adjacent to a rear property line or 10 feet in width adjacent to a side property line. The easement shall extend continuously to a service entrance point and exit point for all the utilities and telephone services.
  - c) Provision for sanitary sewer service has been obtained.
  - d) Provision for water services has been obtained.
  - e) All required permits from the State such as, but not limited to, the creation of dams and lakes have been obtained for the site being developed.
  - f) The proposed building site, as designated on a plot plan submitted for building permit review, is not located on land subject to flooding as described in Section 7-103 of these Regulations.
  - g) If any portion of the proposed building site lies in a flood hazard area as shown on the Flood Boundary and Floodway Map published by the Federal Emergency Management Agency, or if drainage channels and waterways exist on the site being developed that carry runoff from adjacent property or public roads, the flood hazard area or drainage channel shall be protected by grant of easement, dedication or other similar devise as may be required by the City of Wichita.
  - h) If the proposed building site is located adjacent to a public road right-of-way that does not conform to the requirements of Section 7-201, additional right-of-way shall be granted by dedication or easement as may be required to conform to Section 7-201.
3. Other than the building site for the product testing facility, no other structure requiring a building permit from the Office of Central Inspection, Wichita, Kansas, will be allowed to be constructed on the property subject to this zone change and protective overlay without platting of the entire property subject to this zone change and protective overlay.

**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,** August 19, 2008.

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Carl Brewer - Mayor

**ATTEST:**

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Karen Sublett, City Clerk

(SEAL)

Approved as to form:

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Gary E. Rebenstorf, City Attorney