OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Jan. 17, 2020

ORDINANCE NO. 51-172

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. ZON2019-00044

City zone change from SF-5 Single-Family Residential to OW Office Warehouse and described as follows:

A tract in the Southeast Quarter of Section 22, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Beginning at a point 200 feet East of the Southwest corner of said Southeast Quarter; thence East 130 feet; thence North 1320 feet, thence West 130 feet; thence South 1320 feet to the point of beginning, EXCEPT that part platted as Reynolds Addition to Wichita, Sedgwick County, Kansas; AND EXCEPT that part condemned for highway in District Court Case #A- 17549, AND EXCEPT that part dedicated for Lewis Street; AND EXCEPT that part deeded to the City of Wichita on Doc#/Film-Page: 29739303, subject to all road rights-of-way of record; TOGETHER WITH a tract in the Southeast Quarter of Section 22, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Beginning at a point on the South Line of the Southeast Quarter of Section 22, Township 27 South, Range 2 East of the Sixth Principal Meridian and 330.0 feet East of the Southwest Corner of said Southeast Quarter of said Section 22; thence North parallel with the West Line of said Southeast Quarter of said Section 22 a distance of 1320.0 feet; thence East 396.0 feet; thence South 1320.0 feet to point on South Line of said Southeast Quarter of said Section 22; thence West 396.0 feet to the point of beginning; EXCEPT that part condemned for highway purposes in Condemnation Case No. A-17549, subject to all road rights-of-way of record. (Generally located on the North side of East Kellogg Avenue and East of South Zelta Street).

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 14th day of Jan., 2020.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.9

STAFF REPORT

MAPC November 21, 2019
DAB II December 9, 2019

CASE NUMBER: ZON2019-00044

APPLICANT/AGENT: Robert L. & Fleeta A. Jennings (owners) – Baughman Company, P.A. – Russ Ewy (agent)

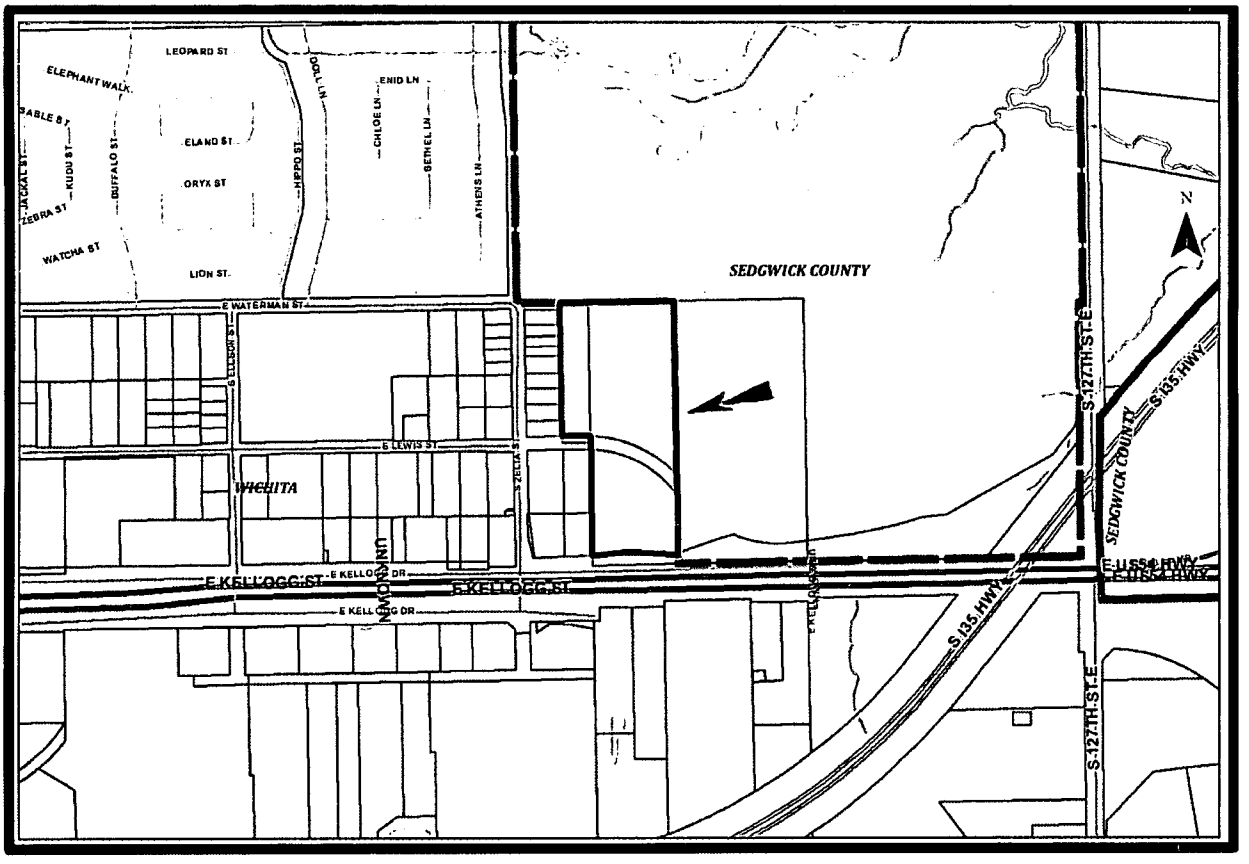
REQUEST: Zone change to OW Office Warehouse

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 12.7 acres

LOCATION: North of East Kellogg Street and East of South Zelta Street

PROPOSED USE: Develop site for a Wholesale Nursery



BACKGROUND: The applicant is seeking to change the zoning classification from SF-5 Single-Family Residential to OW Office Warehouse in order to accommodate the establishment of a wholesale nursery on land located north of east Kellogg Street and east of South Zelta Street. The OW Office Warehouse zoning district will allow both a nursery and garden center and wholesale and service business uses. Under the Unified Zoning Code, those uses are defined as follows:

g. **Nurseries and Garden Center** means a place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock and other garden and farm variety tools and utensils; this use may be subject to the special provisions of Sec. III-D.6.z when located in the LC District.

o. **Wholesale or Business Services** means an establishment primarily engaged in the display, storage and sale of goods or services to other firms.

The other uses permitted in the OW Office Warehouse district are reasonable for the property at this location, which is on the eastern edge of the portion of Wichita in transition from being accessible to US 54/400 Highway frontage with direct access thereto; to lands that need to seek uses compatible with the highway becoming less directly accessible. The office warehouse uses achieve that objective in a reasonable manner. The subject property is unplatted and will require platting prior to any buildings being permitted. The interim use of open plantings for a wholesale nursery without buildings is a reasonable use.

The surrounding neighborhood has a mixture of uses and zoning patterns. The property to the north and east are vacant and used agriculturally. The land to the north is in the county and is zoned SF-20 Single-Family Residential. The land to the east is in the city and zoned SF-5. The property to the west that lies north of Lewis Street is zoned SF-5 Single-Family Residential or TF-3 Two-Family Residential. The properties are occupied residentially, with new duplexes on the TF-3 properties. The property south of Lewis Street on the west is zoned GC General Commercial and occupied with commercial businesses. The properties to the south across Kellogg Street are also zoned GC General Commercial and used commercially.

CASE HISTORY: The subject property is unplatted. There has been no other recent activity on this property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Commercial uses
SOUTH:	GC	Parking Lot
EAST:	SF-5	Commercial uses
WEST:	SF-5, TF-3, GC	Residential and Commercial uses

PUBLIC SERVICES: The subject property currently has access East Lewis Street, which is a newly paved local street. Water and sewer mains have not been extended to the property, which would be necessary to develop the property with buildings and structures; which would be addressed when platting occurs. Other utility services could be extended as needed.

CONFORMANCE TO PLANS/POLICIES: The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as most appropriate *for "residential/employment mix."* That designation is consistent with the intent to support more commercial development. As such, this case is consistent with the Comprehensive Plan.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, staff recommends **APPROVAL** of the application.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding neighborhood has a mixture of uses and zoning patterns. The property to the north and east are vacant and used agriculturally. The land to the north is in the county and is zoned SF-20 Single-Family Residential. The land to the east is in the city and zoned SF-5. The property to the west that lies north of Lewis Street is zoned SF-5 Single-Family Residential or TF-3 Two-Family Residential. The properties are occupied residentially, with new duplexes on the TF-3 properties. The property south of Lewis Street on the west is zoned GC General Commercial and occupied with commercial businesses. The properties to the south across Kellogg Street are also zoned GC General Commercial and used commercially.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-5 Single-Family Residential, which given the location does not seem to be a suitable classification adjacent to a freeway. The proposed changes expand the development opportunities.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed zone change will not detrimentally affect nearby properties. The entire area already has a mixture of uses and there will not be significant changes by reason of this change.

4. **Length of time the property has been vacant as currently zoned:** The subject property has been used agriculturally and the change proposed will allow a transition to higher uses in an appropriate manner.

5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan:** The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as most appropriate *for "residential/employment mix."* That designation is consistent with the intent to support more commercial development. As such, this case is consistent with the Comprehensive Plan.

6. **Relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner:** The proposed changes will create no issues to the public health, safety or welfare.

7. **Impact of the proposed development on community facilities:** There will be no impact on community facilities.