

Agenda Item # _____

City of Wichita
City Council Meeting
July 2, 2002

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2002-00025 – Zone change from “LC” Limited Commercial to “OW” Office Warehouse. Generally located south of 13th Street North and east of Edwards. (DISTRICT VI)

INITIATED BY: Metropolitan Area Planning Department

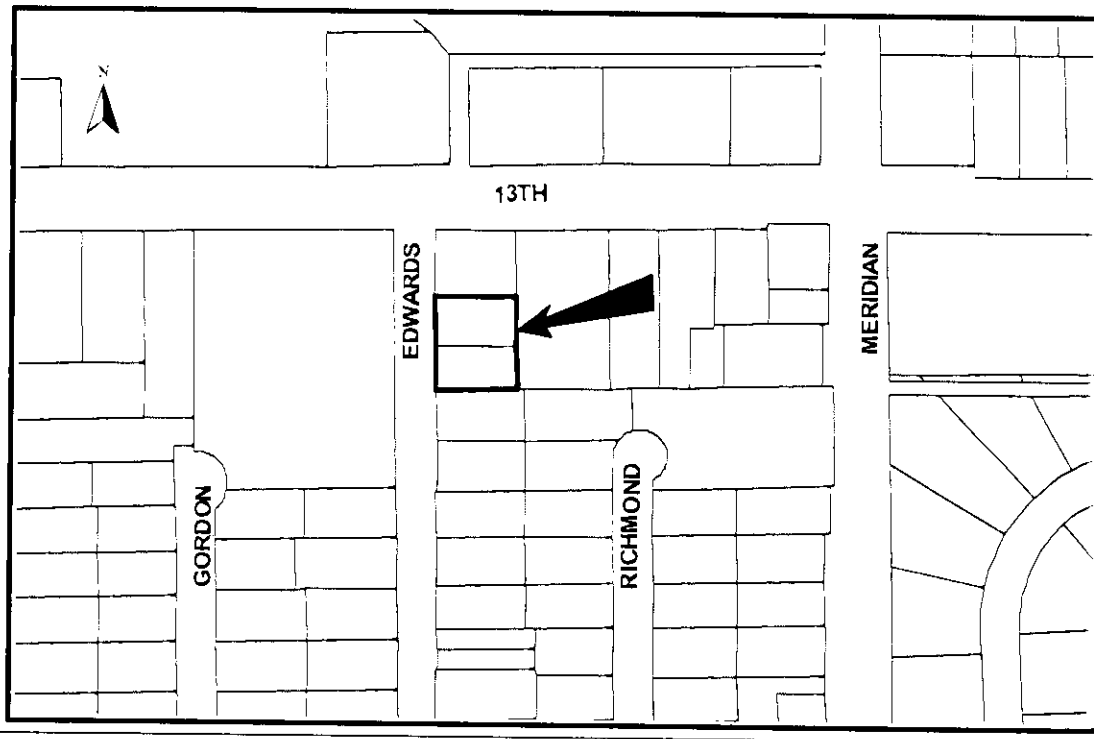
AGENDA ACTION: Planning

*Marvin Grant
By Donna Sattag*

MAPC Recommendation: Approve, subject to staff recommendations. (12-0)

D.A.B Recommendation: Approve, subject to staff recommendations. (9-0).

Staff Recommendation: Approve, subject the condition of a Lot Split.



BACKGROUND: The applicant requests a zone change from “LC” Limited Commercial to “OW” Office Warehouse on a 0.38 acre platted tract located south of 13th Street North and east of Edwards. The subject property is the former home of Tiemeyer Meat Company, and the structure that housed that business was recently razed.

The character of the surrounding area is that of a commercial arterial corridor that is developed with a variety of commercial, office, and multi-family uses. The properties adjacent to the subject property in all directions are zoned “LC” Limited Commercial.

The proposed use of the subject property is a 9,180 square foot general warehousing and distribution center for the all of the Johnson’s Garden Centers, including the one that has been located across Edwards to the west since 1947. The proposed use is defined by the Unified Zoning Code as Construction Sales and Service, which is first permitted by-right in the “OW” Office Warehouse zoning district if the business is not primarily a retail establishment. Since the proposed use will serve multiple Johnson’s Garden Centers and is not located on the same zoning lot as the Johnson’s Garden Center to the west, the proposed use cannot be considered accessory to the retail garden center and is not permitted in “LC” Limited Commercial zoning.

The “OW” Office Warehouse zoning district is primarily intended to accommodate office and warehousing activities for the building trades and similar businesses with operating characteristics that do not require highly visible locations or the type of vehicular access needed for retail and high-intensity office development. The “OW” Office Warehouse zoning district permits outdoor storage; however, the outdoor storage area is limited to an area equal to the size of the warehouse building and must be screened from any adjacent lot, regardless of its zoning. Since the subject property is along a local street and is adjacent to commercial zoning on sides, none of the provisions of the Landscape Ordinance will apply to the subject property.

At the DAB VI hearing on June 3, 2002, there were no speakers in favor of or in opposition to the request. DAB VI expressed concerns regarding the storage of chemicals in the warehouse and the lack of required landscaping. DAB VI voted (9-0) to approve the request subject to the recommendation of staff. At the MAPC hearing on June 6, 2002, there were no speakers in favor of or in opposition to the request. MAPC voted (12-0) to approve the request subject to the recommendation of staff.

Recommended action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of a Lot Split; place the ordinance establishing the zone change on first reading; instruct the Clerk to withhold publication until the Lot Split is recorded with the Register of Deeds; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

First Read 7-2-02 WH
(150004) Published in the Wichita Eagle on August 6 2002

ORDINANCE NO. 45-353

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. ZON2002-00025

Zone change from "LC" Limited Commercial to "OW" Office Warehouse, described as:

The South 72.7 feet of Lot 1; all of Lot 2, together with vacated 20 foot vacated East-West alley adjoining on the South of and adjacent to said Lot 2; Block A, in Sandlian Addition to Wichita, Sedgwick County, Kansas. Generally located south of 13th Street North and east of Edwards.

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, JUL -9 2002

ATTEST:

Kathy Lewewardy Deputy
Pat Burnett, City Clerk

Bob Knight
Bob Knight, Mayor

(SEAL)

Approved as to form:



Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney