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ORDINANCE NO.

50-093

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. ZON2013-00028

Zone change request from Single-Family Residential (SF-5) to General Commercial (GC) on property described as:

Campbell's Greenhouse Addition, Wichita, Sedgwick County, Kansas.

Generally located East of Broadway, North of MacArthur Road.

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 13 day of Oct, 2015.

ATTEST:

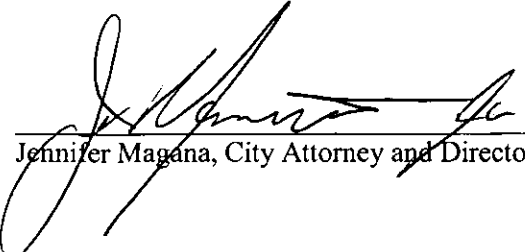


Karen Sublett, City Clerk



Jeff Longwell, Mayor

APPROVED AS TO FORM:



Jennifer Magana, City Attorney and Director of Law

STAFF REPORT

MAPC November 7, 2013

DAB III November 6, 2013

CASE NUMBER: ZON2013-00028

APPLICANT/OWNER: Gene M. and Barbara Campbell (applicants/owners)

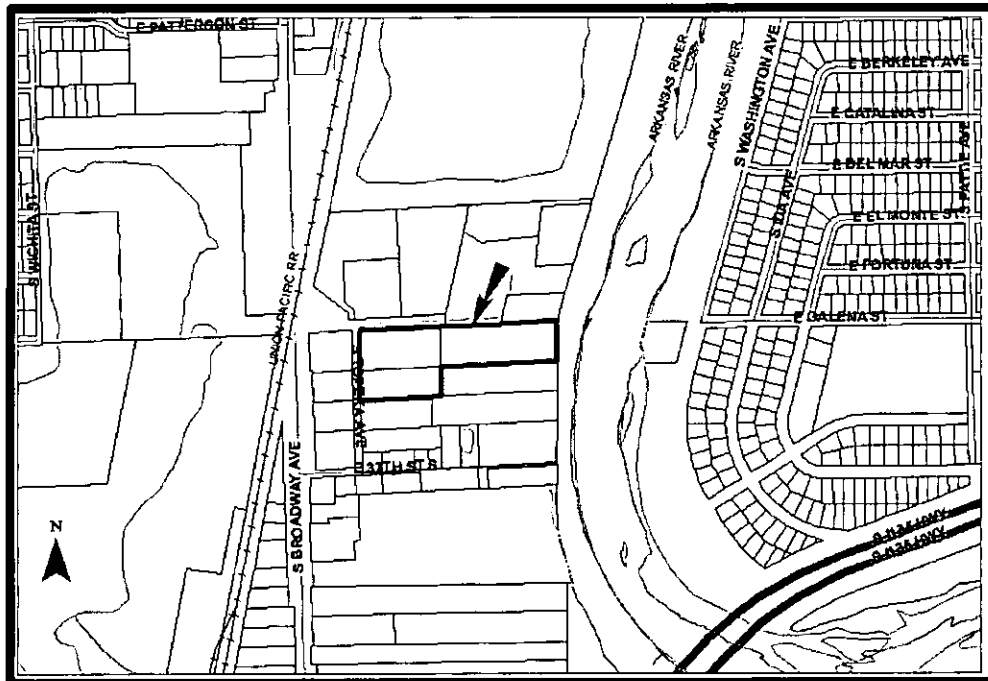
REQUEST: GC General Commercial (GC)

CURRENT ZONING: Single-Family Residential (SF-5)

SITE SIZE: Approximately 6.00-acres

LOCATION: Generally located east of Broadway Avenue, north of 37th Street South, on the southeast corner of Topeka Avenue and Galena Street (3560 S. Topeka)

PROPOSED USE: To expand existing GC General Commercial zoning for a garden center with greenhouses and a Halloween haunted woods



BACKGROUND: The applicants are requesting GC General Commercial (GC) zoning for the unplatted (+/-) 6-acre subject property, located on the southeast corner of Galena Street and Topeka Avenue. The subject property consists of three unplatted tracts. Two of the tracts are zoned GC on the west, Topeka Avenue frontage and SF-5 on the east, interior sides. The applicants have a garden center with greenhouses on these two tracts. A garden center with greenhouses is not permitted in the SF-5 zoning district, but is permitted in the GC zoning district; Wichita-Sedgwick County Unified Zoning Code, UZC, Article III. Section III.D. An undeveloped SF-5 zoned tract abuts the east side of one of the GC/SF-5 zoned tracts. The applicants are requesting the GC zoning to allow them to continue to operate a Halloween haunted woods. Haunted houses and outdoor Halloween maze/woods (forest) have previously been considered by the MAPC as seasonal indoor and outdoor recreation and entertainment and are permitted in the GC zoning district; UZC, Article III. Section III.D. The site does not appear to have any on-site parking.

The site is located east, across Topeka Avenue, from the City of Wichita Paving Project #427-84830. This project is currently in the process of replacing the existing, adjacent Broadway Avenue Bridge and realign Broadway Avenue from 31st Street South to 37th Street South. The current Broadway Bridge goes over the Arkansas River and the Union Pacific Rail Road (RR) track. The new bridge will do the same. GC zoned auto repair and paint shops and a LI Limited Industrial (LI) zoned sand pit are located on the west side of Broadway Avenue. North-northeast of the site, across Galena Street are two GC zoned single-family residences (built 1948 and 1952), two single-family residences that have been converted into apartments, undeveloped land and a LI zoned private recreational lake. Conditional Use CON2013-00001 permitted the excavation and removal of sand from the LI zoned private recreational lake. This sand is being used for fill on the building of the new Broadway Bridge and the realignment of Broadway Avenue. The Arkansas River abuts the north side of the private lake. South of the site are GC and SF-5 zoned single-family residences (built mostly in the 1950s) and undeveloped land. Further south is a LI zoned wrecking and salvage yard; CON2003-00053. East of the site is the Arkansas River. There are maybe a total of 12 residences in this area. There are also some non-conforming outdoor storage/salvage/junk uses in the area. Unimproved portions of Topeka and Galena Streets move this area's vehicular traffic to an unimproved portion of 37th Street South and then to Broadway Avenue. Topeka Avenue, Galena Street and 37th Street South are local streets. Portions of Topeka Avenue and 37th Street South will be paved as part of the Broadway Bridge/Avenue project. Much of the subject site and area is located within a FEMA Flood Zone.

CASE HISTORY: The applicants were directed by the Wichita-Sedgwick County Metropolitan Area Building and Construction Department to come into compliance with the UZC for their Halloween haunted woods.

ADJACENT ZONING AND LAND USE:

NORTH: GC, LI	Single-family residences, apartments, undeveloped land, private recreational lake, Arkansas River
SOUTH: GC, SF-5	Single-family residences, undeveloped land, non-conforming outdoor storage/salvage/junk
EAST: SF-5	Arkansas River, single-family residences

ZON2013-00028

WEST: GC, LI, SF-5

Broadway Avenue, auto repair and paint shops, sand pit

PUBLIC SERVICES: All utilities are available to this site. Unimproved portions of Topeka Avenue and Galena Street take a portion of the site's and all of the area's vehicular traffic to an unimproved portion of 37th Street South then to Broadway Avenue/US 81. Topeka Avenue, Galena Street and 37th Street South are local streets. Portions of Topeka Avenue and 37th Street South will be paved after the Broadway Bridge is completed. Broadway Avenue is an arterial.

CONFORMANCE TO PLANS/POLICIES: The '2030 Wichita Functional Land Use Guide' of the Comprehensive Plan identifies this property as "regional commercial." The regional commercial category encompasses major destination areas that contain concentrations of commercial, office and personal services that have predominately regional market areas and high volumes of regional traffic. Typically they are located in close proximity to freeways or major arterials and include such uses as major retail malls, major car dealerships and big box retail. The site has access to Broadway Avenue, an arterial, from Topeka Avenue and 37th Street South. Topeka Avenue and 37th Street South are local streets. Portions of Topeka Avenue and 37th Street South will be paved after the Broadway Bridge is completed. Many of the uses permitted in the GC zoning district, resemble the Guide's "regional commercial" category. Currently it is a challenge to see this area, with its motley developments, as a regional market area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be approved, subject to platting and having their parking in compliance with the UZC within a year of approval of the governing body.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The area is somewhat isolated, located beneath the current and future Broadway Bridge on its west side, the Arkansas River on its east side and a private recreational lake and the Arkansas River north of the site. The north end LI zoned private recreational lake is a dominate feature, fenced off from the abutting and adjacent southern GC and SF-5 zoned undeveloped lands, single-family residences, small apartments, the subject garden center with greenhouses and some non-conforming outdoor storage/salvage/junk yards. The area's GC and SF-5 zoned 12 residences are mixed in with the non-residential uses. The area is poorly served by three unimproved streets, is hard to get into and appears to be in a long decline. All of these factors, plus having much of this area located in a FEMA Flood Zone, makes maintenance or redevelopment challenging.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject site is split between GC and SF-5 zoning. The site's GC zoning allows the applicants' garden center with greenhouses and the Halloween haunted woods. The site's SF-5 zoning permits neither. If the requested GC is approved, all of the applicants' garden center with greenhouses and the Halloween haunted woods will be in compliance with the UZC and not out of character with the area's current zoning pattern.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** A 1997 aerial shows the garden center with greenhouses. The requested zoning will bring them into compliance with the UZC.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The '2030 Wichita Functional Land Use Guide' of the Comprehensive Plan identifies this property as "regional commercial." The regional commercial category encompasses major destination areas that contain concentrations of commercial, office and personal services that have predominately regional market areas and high volumes of regional traffic. Typically they are located in close proximity to freeways or major arterials and include such uses as major retail malls, major car dealerships and big box retail. Many of the uses permitted in the GC zoning district, resemble the Guide's regional commercial category. Currently it is a challenge to see this area, with its motley developments, as a regional market area.
5. **Impact of the proposed development on community facilities:** The garden center with greenhouses has been present since at least 1997, so no new use is being introduced to the area. A Halloween Haunted forest is a seasonal outdoor recreation and entertainment use that is operated once a year and as such its impact will be minimal, with the exception of parking.