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OCA 150004

ORDINANCE NO. 50-584

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. ZON2017-00024

City zone change from LC Limited Commercial District and General Office District to Office Warehouse District with a Protective Overlay described as follows:

Lots 1 and 2, Caler Addition, Wichita, Sedgwick County, Kansas.

Protective Overlay #318

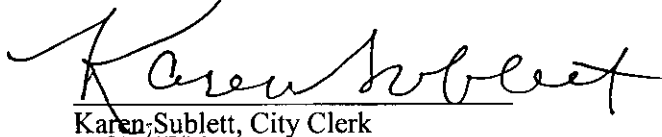
1. All uses permitted in the OW Office Warehouse District except the following uses prohibited by this overlay: community assembly, government service, recycling public and private, car wash, construction sales and service, tattooing and body piercing, vocational school, self-storage warehouse, wireless communication facility, asphalt or concrete plant, research services

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.

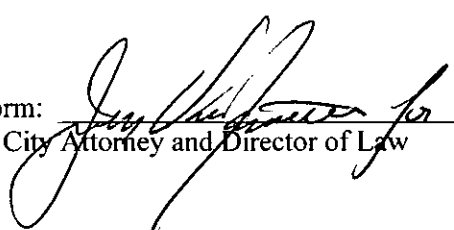
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

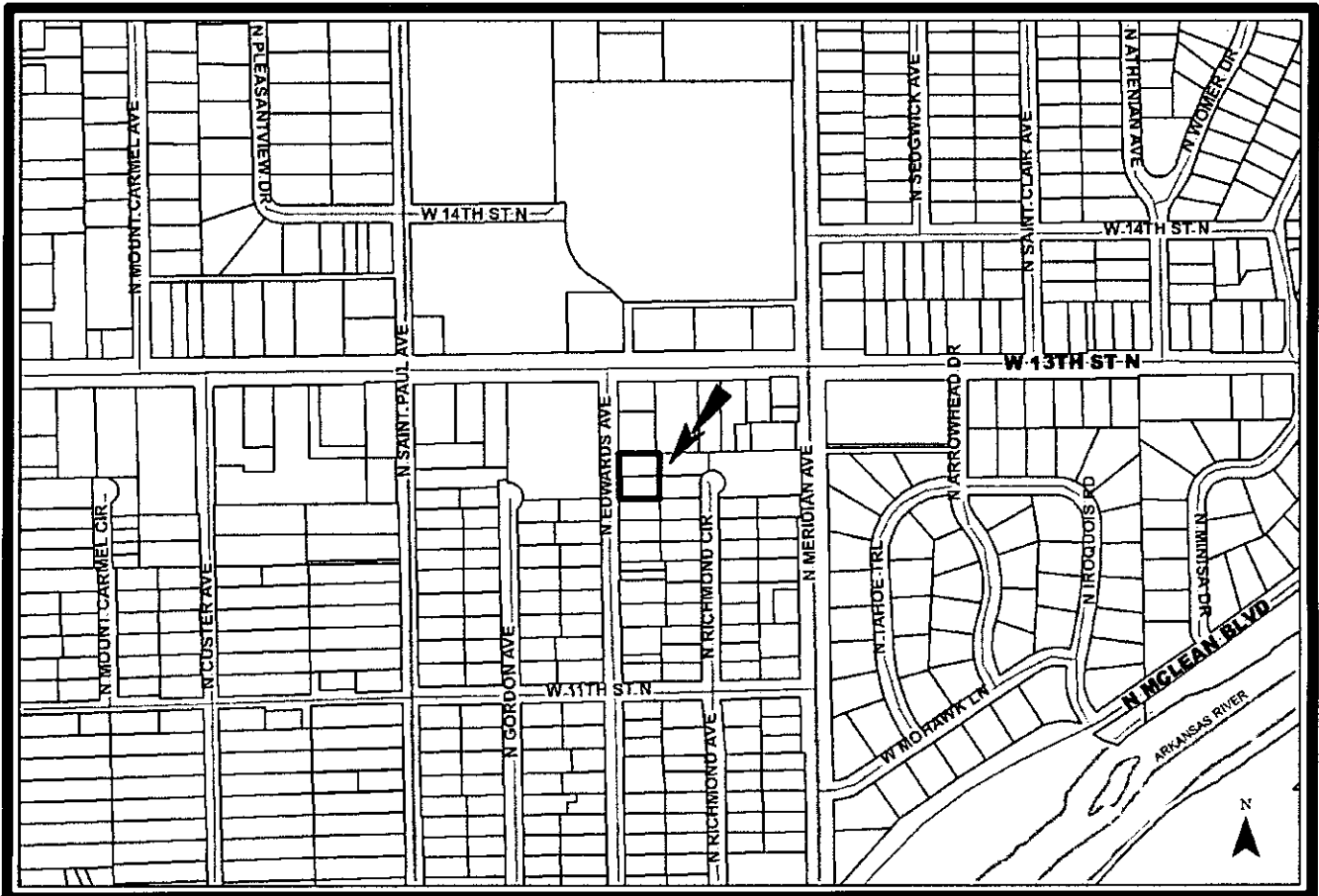
ATTEST:


Karen Sublett, City Clerk



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

W.S.C.
**METROPOLITAN AREA PLANNING
COMMISSION**



BACKGROUND: Johnson Garden Center is requesting a zone change from the existing LC Limited Commercial and GO General Office zoning districts for the property located on the east side of North Edwards Avenue, 300 feet south of West 13th Street North. The applicant owns two lots at this location. The northernmost lot is zoned LC, and the southern lot is zoned General Office. The property is vacant.

The zone change was requested to allow for the development of a new building for Johnson Garden Center that will serve as a food-processing facility for packaging and canning of fruit and vegetables for retail sales at their stores.

Johnson Garden Center is a long-time, well established business that specializes in indoor and outdoor garden supplies, trees and shrubs, fruit and vegetables and related equipment and accessories. There are two Johnson Garden Centers in the area.

The surrounding neighborhood is characterized primarily by commercial uses. North of the site is a warehouse facility owned by the applicant. South of the subject property is a single-family home along North Edwards Avenue, typical of residential housing in the interior neighborhood. East and west of the property are commercial, retail and service uses along the West 13th Street North corridor.

CASE HISTORY: The site is vacant, and is platted as Lots 1 and 2 of Caler Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	OW	commercial/warehouse
SOUTH:	TF-3	single-family
EAST:	LC/GO	commercial
WEST:	LC	Johnson Garden Center

PUBLIC SERVICES: West 13th Street North is a four-lane arterial street. North Edwards Avenue is a local residential street. Municipal utilities are available to serve the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as commercial. The commercial land-use classification includes the full diversity of commercial development typically found in a large urban municipality. The proposed food processing use is intended to increase products and services at the adjoining garden supply store, and would comply with the land use designation of the plan

RECOMMENDATION: Based upon 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 neighborhood is characterized primarily by commercial uses. North of the site is a warehouse facility owned by the applicant. South of the subject property is a single-family home along North Edwards Avenue, typical of residential housing in the interior neighborhood. East and west of the property are commercial, retail and service uses along the West 13th Street North corridor.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** As explained, the subject property is two lots, zoned LC and GO. It would be difficult to develop the two lots with the existing zoning due to their small size. The applicants plan to rezone the lots to one zoning district will provide a better development opportunity than possible with the existing zoning.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal. The area is characterized by a variety of commercial uses similar to the proposed use. Development that complies with required setbacks, landscaping and an attractive building design can achieve a result that meets the needs of the applicant and have no detrimental impact on nearby properties.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as commercial. The commercial land-use classification includes the full diversity of commercial development typically found in a large urban municipality. The proposed food processing use is intended to increase products and services at the adjoining garden supply store, and would comply with the land use designation of the plan.
- (5) **Impact of the proposed development on community facilities:** Municipal utilities are available to serve the site

Staff Report Attachments:

1. Zoning Exhibit