

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. ZON2007-69

Zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial with Protective Overlay #206, and subject to platting the entire property described as:

The south 225 feet of the north 455 feet of the Northwest Quarter, of the Southwest Quarter, Section 2, Township 27 South, Range 1 West, of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas; and the North 220.5 feet of the Northwest Quarter of the Southwest Quarter of said Section 2, Wichita, Sedgwick County, Kansas. Generally located east of North Hoover and south of 25th Street North (2530 N Hoover).

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #206:

1. The site shall be limited to those land uses permitted by right under the SF-5 zoning district, and limited to the LC uses of Nurseries and Garden Centers, and Outdoor Storage, Commercial Parking Area, and Ancillary Drive as accessory uses to the nursery and garden center.
2. Signage on this site shall be one monument sign, shall conform to the location on the approved site plan, shall be perpendicular to Hoover, shall be illuminated only during business hours, and shall be restricted to the Sign Code regulations for the NR zoning district.

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, _____

OCA 150004

CORRECTED AND REPUBLISHED IN THE WICHITA EAGLE ON Jan. 19, 2018

ORDINANCE NO. 47-999

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. ZON2007-00069

Zone change from SF-5 Single-Family Residential to LC Limited Commercial on property generally located north of 21st Street North and east of Hoover Road described as:

Lot 1, Block 1, Johnson's Nursery Addition, Wichita, Sedgwick County, Kansas

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY
DISTRICT #206:**

1. The site shall be limited to those land uses permitted by right under the SF-5 zoning district, and limited to the LC uses of Nurseries and Garden Centers, and Outdoor Storage, Commercial Parking Area, and Ancillary Drive as accessory uses to the nursery and garden center.
2. Signage on the site shall be one monument sign made of natural limestone materials, shall conform to the location on the approved site plan, shall be perpendicular to Hoover, shall be non-illuminated, and shall otherwise be restricted to the Sign regulations for the NR zoning district.

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 16th day of January, 2018.

Jeff Longwell
Jeff Longwell, Mayor

ATTEST:

Karen Sublett
Karen Sublett, City Clerk



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

**City of Wichita
City Council Meeting
April 1, 2008**

TO: Mayor and City Council

SUBJECT: ZON2007-69/CON2008-03 – Zone change from “SF-5” Single-family Residential to “LC” Limited Commercial zoning with a Conditional Use for a nursery and garden center; generally located east of Hoover Road and south of 25th Street North (2530 N. Hoover Road). (District V)

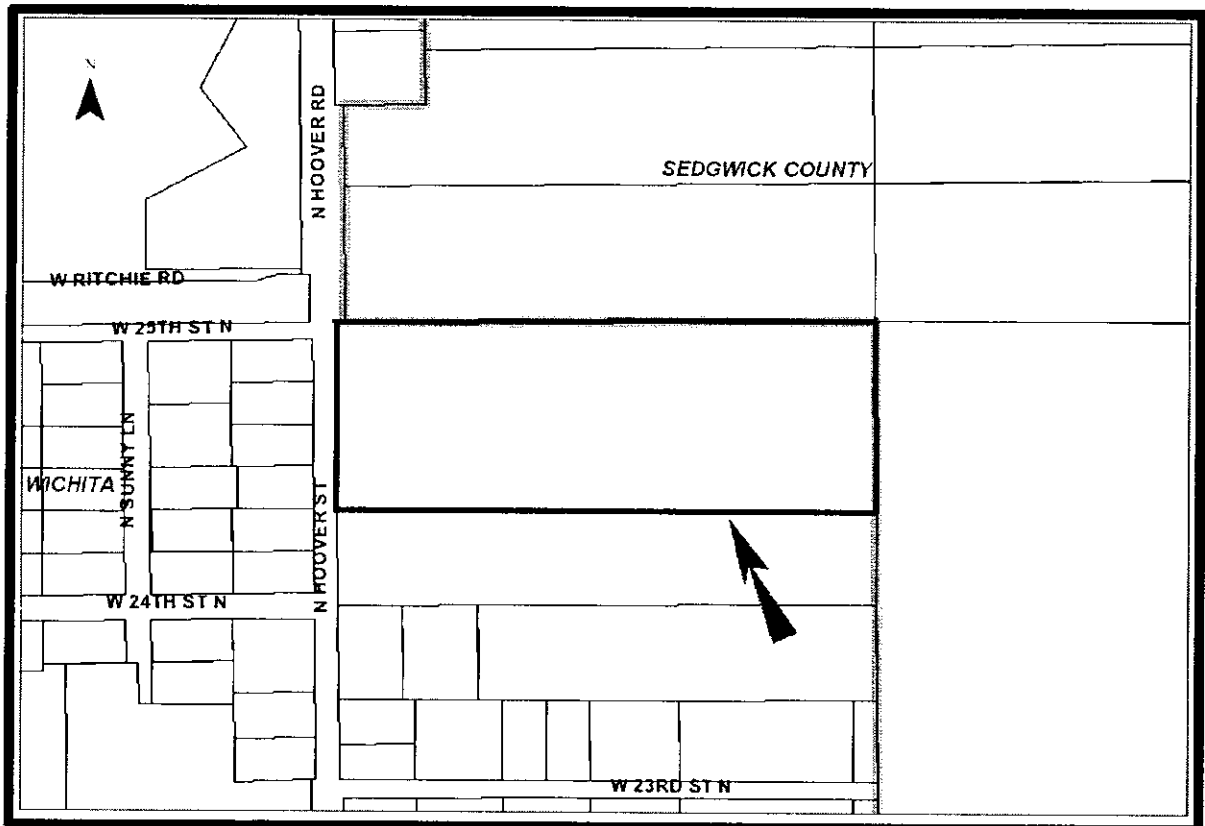
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Non-consent)

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

MAPD Staff Recommendations: Approve the zone change and Conditional Use, subject to platting within one year, a zoning Protective Overlay, and Conditional Use conditions.

DAB Recommendations: Approve the zone change and Conditional Use, subject to staff recommendations with additional Conditional Use and Protective Overlay conditions (6-1).



Background: The applicant requests a zone change from “SF-5” Single-family Residential to “LC” Limited Commercial with a Conditional Use for a nursery and garden center on 13.26 acres. The site is located east of Hoover road and south of 25th Street. The unplatted site is developed with a single-family house (built in 1969) and accessory structures; the tax assessor’s database classifies the property as a farmstead. The applicant intends to develop a nursery and garden center on the site. Proposed outdoor storage and display exceeds that permitted by right in LC zoning (see the attached site plan), therefore a Conditional Use request is required.

Because the site is greater than 6 acres in size, the Unified Zoning Code (UZC) requires a Community Unit Plan (CUP) for developments in LC zoning. The UZC provides the option of a Protective Overlay (PO) in place of the CUP; the applicant has chosen to file for a PO which would restrict uses on the site to: nursery and garden center, outdoor storage, commercial parking area and ancillary accessory drive. The PO would also restrict signage within Sign Code regulations for “NR” Neighborhood Retail zoning.

North and east of this site is “SF-20” Single-family Residential zoned property in the county. The property north of the site is agricultural, but is approved for a sand extraction Conditional Use. Property east of the site is a former sandpit with a sandpit lake and manufactured home land use. Northwest of the site is the SF-5 zoned Barefoot Bay lake and residential development. South of the site is an SF-5 zoned farmstead on five acres. Over 800 feet south of the site is “LI” Limited Industrial and “IP” Industrial Park zoning, with warehousing, office and manufacturing land uses. West of the site are SF-5 zoned single-family residences and a legal non-conforming manufactured home.

Analysis: DAB V heard this request on March 3, 2008. Area residents and the DAB spoke about commercial development concerns. DAB V voted (6-1) to approve the request, subject to staff recommendations, with the additional Protective Overlay and Conditional Use conditions of:

1. No commercial activity on Sunday.
2. Limit hours to 7:00 a.m.-6:00 p.m. Monday-Friday, 7:00 a.m.-1:00 p.m. Saturday.
3. No lighted signage.
4. Use natural limestone material for signage.

MAPC heard this request on February 21, 2008 and approved, subject to staff recommendations (12-0). One neighboring property owner spoke in opposition to the request with commercial development concerns.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality.

Legal Considerations: The ordinance and resolution have been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change and Conditional Use subject to platting within one year and PO #206; withhold publishing the ordinance and implementation of the resolution until the plat is recorded; or
2. Adopt the findings of the MAPC and approve the zone change and Conditional Use subject to platting within one year and PO #206 with changes recommended by DAB V; withhold publishing the ordinance and implementation of the resolution until the plat is recorded; or
3. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)