ORDINANCE NO. 48095

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. ZON2008-00036

Request to amend Protective Overlay 130 on property described as:

Lot 1, Block 1 and Reserve A, Auburn Hills Commercial 4th Addition to the City of Wichita, Sedgwick County, Kansas. Generally located south of Maple and 800 feet east of South 135th Street West.

THE AMENDED PROVISIONS OF PROTECTIVE OVERLAY DISTRICT 130:

(1) 35-foot building setbacks along the site's south, north and east sides.
(2) Monument sign with a maximum sign face of 132 square-feet and a height of 16.5 feet. No flashing, rotating, moving signs or portable signs. Window display is limited to 25% of the window area. No signs allowed on the rear or any side facing the residential zoning to the east or the south of the site.
(3) A plan for a pedestrian walk system linking proposed buildings to the sidewalk along Maple and the sidewalks on the abutting DP-219 AUBURN HILLS C.U.P. shall be submitted for review and approval by the Planning Director.
(4) Shared internal access and shared access onto Maple Street with DP-219 AUBURN HILLS C.U.P.
(5) All exterior lighting shall be shielded to prevent light disbursement in a southerly or eastern direction. Lighting shall be similar to lighting provided in the DP-219 AUBURN HILL C.U.P. Lighting elements shall be no higher than 14-foot when within 100-feet abutting residential zoned properties, behind the 35-foot setback along the south and east sides of the property and 20-feet high on the remainder of the site. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
(6) All utilities shall be installed underground.
(7) Landscaping plan shall show location, type and specifications of all plant material, to be reviewed and approved by the Planning Department. Evergreen trees may be planted along the south and east sides of the property at a spacing of 10 feet. The required front yard landscaping may be reduced by 50% if 50% of the landscaping materials are placed along the west side yard area. Landscaping shall be required prior to the issuance of any occupancy permit.
(8) A 6-foot masonry wall, constructed of similar materials to the masonry wall on DP-219 AUBURN HILLS C.U.P. shall be provided along the site's east and south sides.

(9) All trash receptacles shall be screened from ground view.
(10) Rooftop mechanical equipment shall be screened from ground level view per the Code of Wichita.
(11) A metal east façade is permitted for the building on the current approved site plan. All future buildings shall share uniform architectural character, color, texture and the same predominate exterior building materials.
(12) A 10-foot landscape easement shall be provided along the south and east sides of the tract. Austrian pine trees 14-feet in height shall be provided at a spacing of 12 feet along the east property line for the building on the current approved site plan. Elsewhere, evergreen trees shall be provided at a spacing of 10 feet.
(13) Prohibited uses include group residences, correctional placement residences, group homes, multi-family, asphalt and concrete plant, limited.
(14) Animal Care Limited is the only allowable "LC" Limited Commercial use permitted. Restaurants of up to 5,000 square feet shall be permitted. One drive-through coffee service shall be permitted, subject to circulation plan approval by the Traffic Engineer. All other uses shall conform to that of "NR" Neighborhood Retail Zoning District, excepting the conditions listed above. This property will require an Amendment to this Protective Overly should the present or future owner's and or their agent(s) request any additional "LC" Limited Commercial Zoning District use(s) not permitted within the "NR" Neighborhood Retail Zoning District. The Amendment shall be a public process requiring notification of surrounding owners and the approval of The Wichita City Council.

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, October 21, 2008

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney