OCA150006

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47-530

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. ZON2006-14

Request for Zone change from "LI" Limited Industrial District to "GI" General Industrial District and to P-O #171 Protective Overlay District, on property described as:

That part of Lot 1, Block A, together with that part of Reserve "A", I-135 Power Center 2nd Addition, Wichita, Sedgwick County, Kansas lying east of and abutting the following described line: Commencing at the northwest corner of said Reserve "A"; thence N89°46'40"E along the north line of said Reserve "A", 200.00 feet for a point of beginning; thence S00°00'00"E parallel with the extended west line of said Reserve "A", 938.73 feet to a point on the south line of said Lot 1, said point being 200.00 feet east of the most southerly southwest corner of said Lot 1, and for a point of termination. Generally located southeast corner of 31st Street South and Hydraulic.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #171:

1. The site shall be limited to one concrete or one asphalt batching plant.
2. No asphalt or concrete plant shall be located within 850 feet of Hydraulic Avenue.
3. The applicant shall comply with all landscaping requirements of Chapter 10.32 of the Code of the City of Wichita applicable to GC or LI zoned property.
4. The applicant shall comply with all applicable provisions of the Wichita-Sedgwick County Zoning Code relating to required screening of GI zoned property.
5. No rock crushing shall be permitted on the property.
6. The applicant shall comply with all federal, state and local rules and regulations, health codes, environmental codes, and operational standards for concrete and asphalt production equipment and facilities.

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 7th day of August, 2007.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. _____

City of Wichita
City Council Meeting
June 6, 2006

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2006-00014 – Zone change from "LI" Limited Industrial to "GI" General Industrial for ready mix concrete and asphalt production facilities. Generally located 500 feet south of Tulsa, 500 feet east of Hydraulic, and west of I-135. (District III)

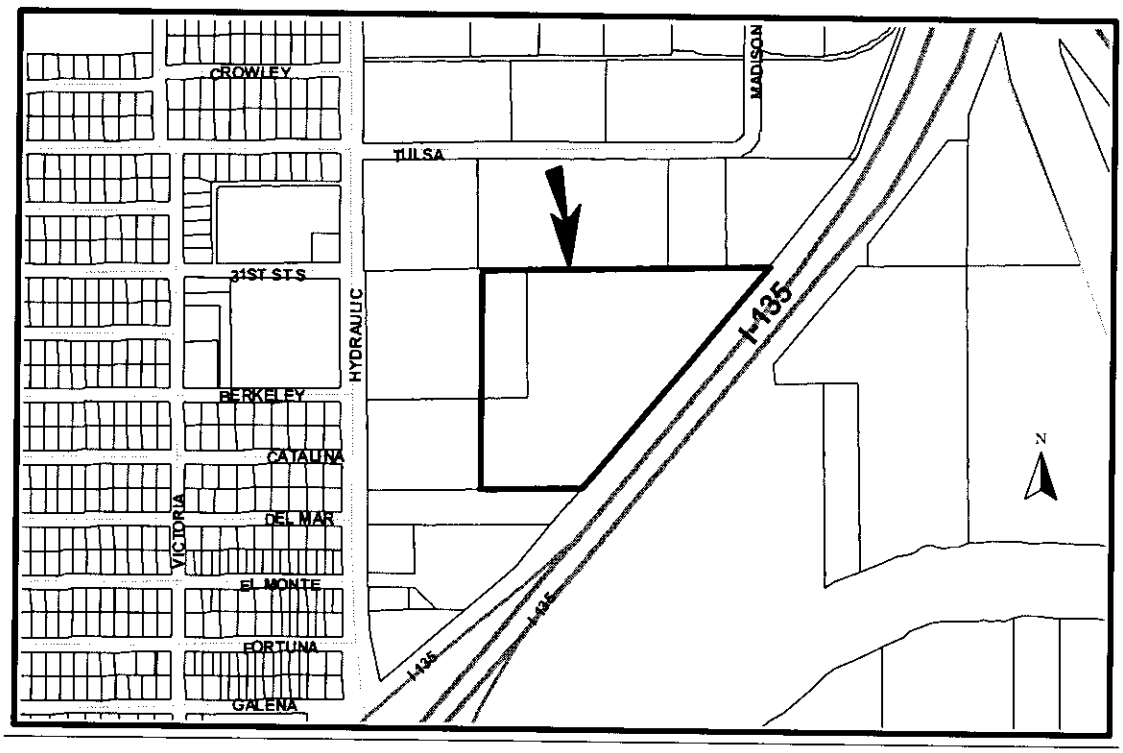
INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approve, subject to re-platting with no Protective Overlay (11-0).

MAPD Staff Recommendations: Approve, subject to re-platting and a Protective Overlay.

DAB Recommendations: Approve, subject to staff recommendations. (8-2).



Background: The application area sists of undeveloped 18.21 acres and a p( )n of two platted lots tht is generally located 500 feet south of Tulsa, 500 feet east of Hydraulic and west of I-135. The contract purchaser wishes to develop the site with ready mix concrete and asphalt production facilities. The contract purchaser owns "LI" zoned property north of this site, which is used for similar production.

All property surrounding the site is zoned "LI" and is vacant or developed with industrial uses. Across Hydraulic, 500 feet west of the site, is "LC" Limited Commercial and "MF-29" Multi-family Residential zoned property, developed with a church, a retail use, a postal facility and single-family residences.

Analysis: DAB III heard this request on April 18, 2006. Both DAB members and citizens raised concerns of permitted uses under "GI" zoning, environmental and dust issues and offers to donate land to the City for a fire station. The DAB recommended approval of the request, subject to staff recommendations, including a Protective Overlay, by a vote of 8-2. Conditions of the Protective Overlay include: landscape buffering along I-135, limiting the site to one plant located at least 850 feet from Hydraulic and limiting access to the site from Tulsa Street (no direct access from Hydraulic would be permitted). MAPC heard this request on April 20, 2006 and no citizens spoke in opposition to the zone change request. The action of the MAPC was to approve the request without the staff recommended Protective Overlay by a vote of 11-0.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Affordable Living.

Legal Considerations: The Ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change subject to re-platting within one year; instruct planning staff to forward the ordinance for first reading when the plat is forwarded to the City Council, instruct staff to withhold publication until the plat is recorded; or

2. 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.)