

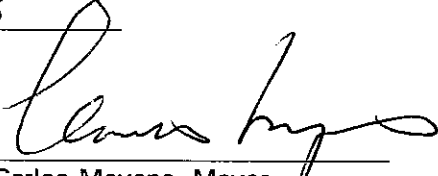
improvements shown on the plan shall be completed prior to use of the subject property for the storage of concrete products.

8. The height of stored concrete products shall be limited to 10 feet within 100 feet of the wall and 15 feet elsewhere on the property.
9. The existing fence, trash, and debris along the south and west property lines shall be removed prior to use of the subject property for the storage of concrete products.
10. Upon development of subject property any blowing dust shall be minimized by routinely spraying water on unpaved surfaces.
11. No off-site or portable signs shall be permitted.
12. At the time of platting the applicant shall submit a No Protest Agreement for the future paving of 35<sup>th</sup> Street North.
13. The subject property shall be platted within one year but prior to use of the subject property for storage of concrete products. The plat shall include an approved drainage plan that prevents the run-off of any concrete products or materials into the adjacent creek on the west.
14. Within 60 days of approval of the zone change request, a voluntarily-offered restrictive covenant shall be submitted that places requirements A-G as stated in the letter from the applicant's agent dated April 4, 2005 and revised April 14, 2005 on the applicant's existing property to the east.

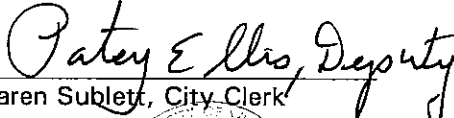
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**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,** 9-20-05

  
Carlos Mayans, Mayor

**ATTEST:**

*For*   
Karen Sublett, City Clerk

(SEAL)



Approved as to form:

  
Gary E. Rebenstorf, City Attorney

ORDINANCE NO. 46-660

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. ZON 2005-15**

Zone change from "SF-5" Single-family Residential District to "LI" Limited Industrial District, on property described as:

All of Reserve "B", Wichita Concrete Pipe Addition, Wichita, Sedgwick County, Kansas, together with that part of Reserve "A", Reserve "C", and Lot 1, Block A, in said Wichita Concrete Pipe Addition lying in the NW ¼ of the NE ¼ of Sec. 32, Twp. 26-S, R-1-E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas.

Generally located south of 37th Street North and west of Broadway.

**SUBJECT TO THE PROVISION OF PROTECTIVE OVERLAY DISTRICT #156:**

1. The subject property shall be limited to the following uses: (a) Outdoor storage of concrete products and materials related to the manufacturing of concrete products; and (b) Accessory structures and uses related to the storage and/or maintenance of stored materials and products. This condition specifically prohibits the use of the subject property for the following uses: Asphalt or Concrete Plant, Manufacturing, Mining or Quarrying, and/or Rock Crushing.
2. A concrete/masonry wall at least eight feet in height shall be constructed parallel to the south and west property lines of the subject property. Said wall shall be set back a minimum distance of 50 feet from the west property line and 30 feet from the north right-of-way line of 35<sup>th</sup> Street North.
3. There shall be a 50-foot landscape buffer maintained along the west and south line of the subject property in conjunction with the solid screening wall. This buffer shall provide the equivalent of, at minimum, one tree per 20 feet. The existing tree rows may be used to meet the condition of one tree per 20 feet if the existing trees are located on the subject property. Where there are gaps, a double staggered row of a mixture of evergreen and deciduous trees shall be installed with one tree per 40 feet in each row with the planting size of the trees meeting the requirements of the landscape ordinance.
4. At the time of platting the applicant shall dedicate a 50-foot wide bike path easement along the west line of the subject property.
5. The detention pond required by the plat shall be located at the north end of subject property.
6. Storage of concrete products and materials shall commence at the north end of the subject property and work southwards.
7. A site/landscaping plan for the screening wall and landscape buffer shall be submitted for approval by the Planning Director within 60 days of approval of the zone change request. The subject property shall be developed in general conformance with site/landscaping plan, and all

**Recommendation/Actions:**

1. Adopt the findings of the MAPC and approve the zone change subject to the additional provisions of Protective Overlay District #156; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration.

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

City of Wichita  
City Council Meeting  
June 21, 2005

Agenda Report No. \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** ZON2005-00015 – Zone change from “SF-5” Single-family Residential to “LI” Limited Industrial with a Protective Overlay District to limit permitted uses and provide screening/buffering. Generally located south of 37th Street North and west of Broadway. (District VI)

**INITIATED BY:** Metropolitan Area Planning Department *JLS*

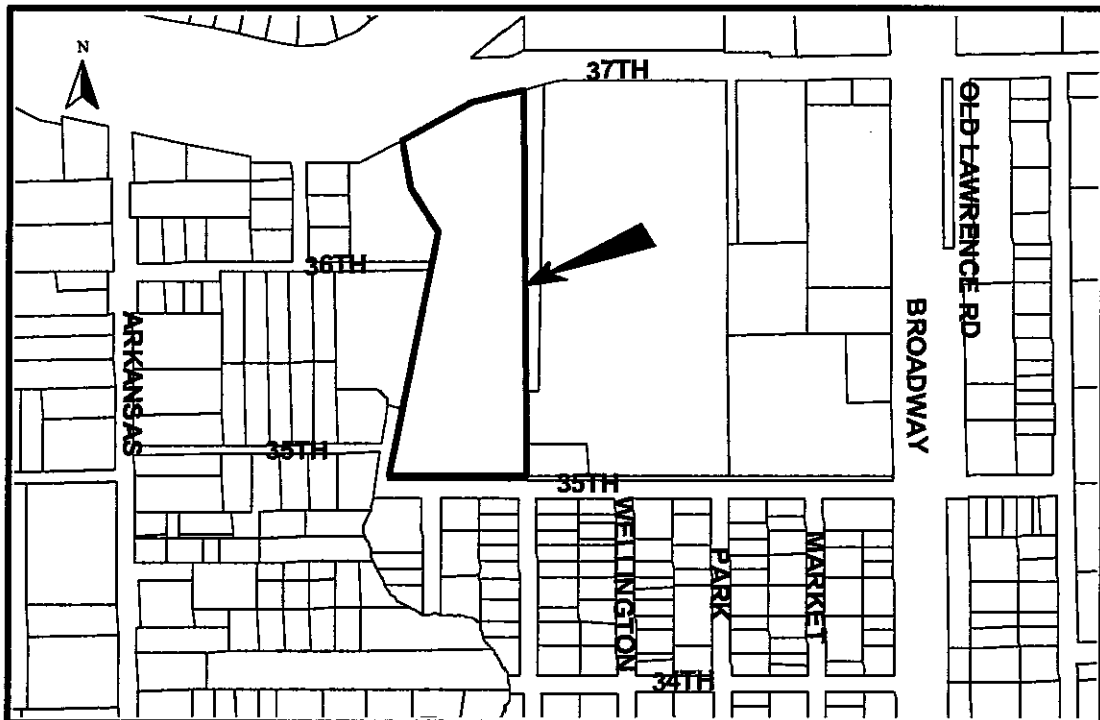
**AGENDA:** Planning (non-consent)

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**MAPC Recommendations:** Approve, subject to conditions, vote (9-1).

**MAPD Staff Recommendations:** Approve, subject to conditions.

**DAB Recommendations:** Approve, subject to conditions, vote (9-0).



**Background:** The applicant requests a zone change from “SF-5” Single-Family Residential to “LI” Limited Industrial with a Protective Overlay District to limit permitted uses and provide screening/buffering on a 10.1-acre unplatted tract located south of 37<sup>th</sup> Street North and west of Broadway. As stated in the attached letter, the applicant proposes that the subject property be limited to the following uses: outdoor storage of concrete products and materials related to the manufacturing of concrete products, and accessory structures and uses related to the storage and/or maintenance of stored materials and products. The applicant also proposes that an eight-foot high concrete/masonry wall be provided along the south and west property lines and that a 50-foot deep landscape buffer with trees planted every twenty feet (including existing trees) be provided along the south and west property lines. The applicant also proposes to permit a bike path to be located through the western portion of the landscape buffer. The applicant proposes to limit the height of stored materials and to provide a maintenance program for limiting blowing dust. Similar conditions also are proposed through a voluntarily offered restrictive covenant for the applicant’s industrially zoned property that is located immediately east of the subject property.

The surrounding area is characterized by a mixture of industrial and residential uses, with the industrial uses primarily located to the east. Most of the properties to the north, south, and west are zoned “SF-5” Single-Family Residential and are developed with single family residences, but are separated from the subject property by drainage ditches on the north and west. Most of the properties to the east are zoned “LI” Limited Industrial and are developed with various industrial uses.

Since adjacent properties have residential zoning, the Unified Zoning Code (UZO) requires screening along the south and west property lines. The proposed eight-foot high concrete/masonry wall meets the UZO screening requirement. The Landscape Ordinance requires landscape buffering along the south and west property lines and a landscaped street yard along the north property line. The proposed 50-foot deep landscape buffer with trees every 20 feet far exceeds the buffering requirements of the Landscape Ordinance.

**Analysis:** At the DAB meeting on May 2, 2005, several surrounding property owners spoke in opposition to the request and cited concerns that the request was not in keeping with the character of the neighborhood, would be a visual blight on the area, would decrease property values, would generate dust and noise and should be located in an area where industrial uses are already an established use. The DAB voted (9-0) to recommend approval of the request subject to the conditions stated in the attached document. At the MAPC meeting on May 12, 2005, surrounding property owners again spoke in opposition to the request and cited the same concerns as expressed at the DAB meeting. The MAPC voted (9-1) to recommend approval of the request subject to the conditions stated in the attached document. The MAPC recommendation contains several changes to the conditions of approval recommended by staff and the DAB. The MAPC recommends reducing the landscaped buffer along the south property line from 50 feet to 30 feet, not requiring a doubling of the number of trees or evergreen trees in the landscape buffer, locating the detention pond at the south end of the property and requiring storage of materials to begin at the north end of the property.

Written protest petitions have been received from property owners representing 40.09 percent of the land area within 200 feet of the subject property as well as from numerous other property owners that own land located more than 200 feet from the subject property. Since the area of land owned by protestors exceeds 20 percent of the land area within 200 feet of the subject property, approval of the zone change request will require a three-fourths majority vote of the City Council (6 affirmative votes).

**Financial Considerations:** None.

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