

ORDINANCE NO. 47-765

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. ZON2007-00059

Request to amend Protective Overlay #4 on property described as:

Lot 1, Cox Machine 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located northeast of the intersection of Zoo Blvd. and N. Lakeway Cir.

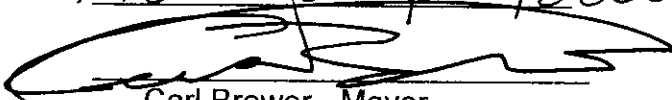
THE AMENDED PROVISION OF PROTECTIVE OVERLAY DISTRICT #4:

1. Allow one (1) off-site sign no larger than 100 square feet and no taller than twelve (12) feet

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, February 12, 2008

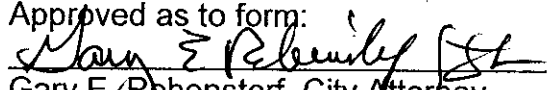

Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)



Approved as to form:

Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
February 5, 2008

TO: Mayor and City Council

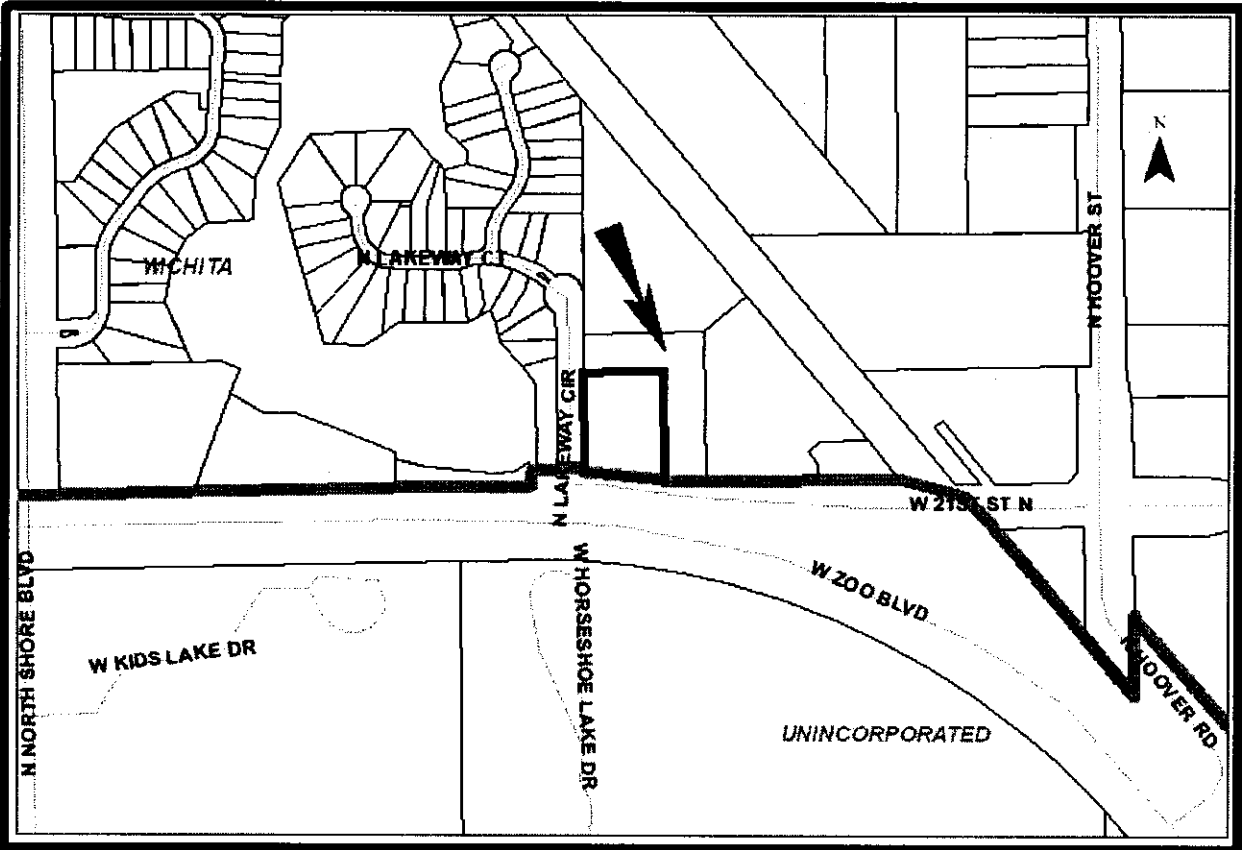
SUBJECT: ZON2007-00059 – Amendment to Protective Overlay #4 (SCZ-0721) to allow placement of one (1) off-site sign. Generally located northeast of the intersection of Zoo Blvd. and N. Lakeway Cir. (5936 W. 21st St N.) (District V)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approval, vote 14-0.

MAPD Staff Recommendation: Approval



Background: The application area is 1.2 acres located north of West 21st Street North, one-quarter mile west of Hoover Road. The application area is zoned "LI," Limited Industrial, but is subject to Protective Overlay P-O #4 that contains a single provision that states the following: "The placement of any off-site sign on this property is prohibited." The applicant is seeking to amend this Protective Overlay to allow an off-site sign to direct parents and others to the Rainbows United facility, which does not have 21st Street frontage, and is located behind the Cox Machine Shop property.

Property surrounding the application area includes the Horseshoe Lake Community Unit Plan, that is located within CUP DP-75, is zoned "GO," General Office, but is developed with single-family residences and is located to the west of the application area. Immediately to the north and east of the application area is property containing the Cox Machine Shop that is zoned "LI" Limited Industrial, but not part of DP-75. Further to the north and east are two lots zoned "GC," General Commercial, also part of CUP DP-75. The lot furthest to the north is developed with the offices of Rainbows United, while the property to the east is developed with a strip center.

When this case was originally heard by the MAPC on October 17, 1996, it was deferred at the MAPC meeting in order for the applicant to meet with property owners to the north of the site. During the October 31, 1996 Planning Commission's discussion of this matter, the agent for the applicant stated that concern over the expansion of industrial zoning voiced by a representative of Rainbow's United during the October 17th MAPC meeting had been lessened. Questions concerning groundwater contamination, the compatibility of industrial uses with the surrounding land uses and the screening requirements of this site were asked by the Planning Commission. After discussion, the MAPC voted (12-0) to approve the request as recommended by staff, including a Protective Overlay to prohibit the placement of any off-site signs on this property.

This current request is to amend the existing Protective Overlay to allow one (1) off-site sign no larger than 100 square feet and no taller than twelve (12) feet. The original application called for the elimination of the Protective Overlay. Eliminating the provision of prohibiting off-site signs could open up this property to another off-site sign that could be larger and taller than the current proposed off-site sign. After discussions with the applicant, staff felt that this would be the best compromise, by allowing the smaller Rainbows United sign while still keeping the prohibition on larger off-site billboard signs.

Analysis: At the MAPC meeting held December 20, 2007, the MAPC voted (14-0) to approve subject to staff recommendation. No citizens were present to speak and no protests have been received.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality.

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 and approve the Amendment to Protective Overlay No. 4 as requested by the applicant, allowing one (1) off-site sign; approve the first reading of the ordinance; 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.)