

City of Wichita
City Council Meeting
July 13, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2004-00025 – Zone change from unzoned railroad right-of-way to “GC” General Commercial for a billboard. Generally located north of Zoo Boulevard and west of Westdale. (district VI)

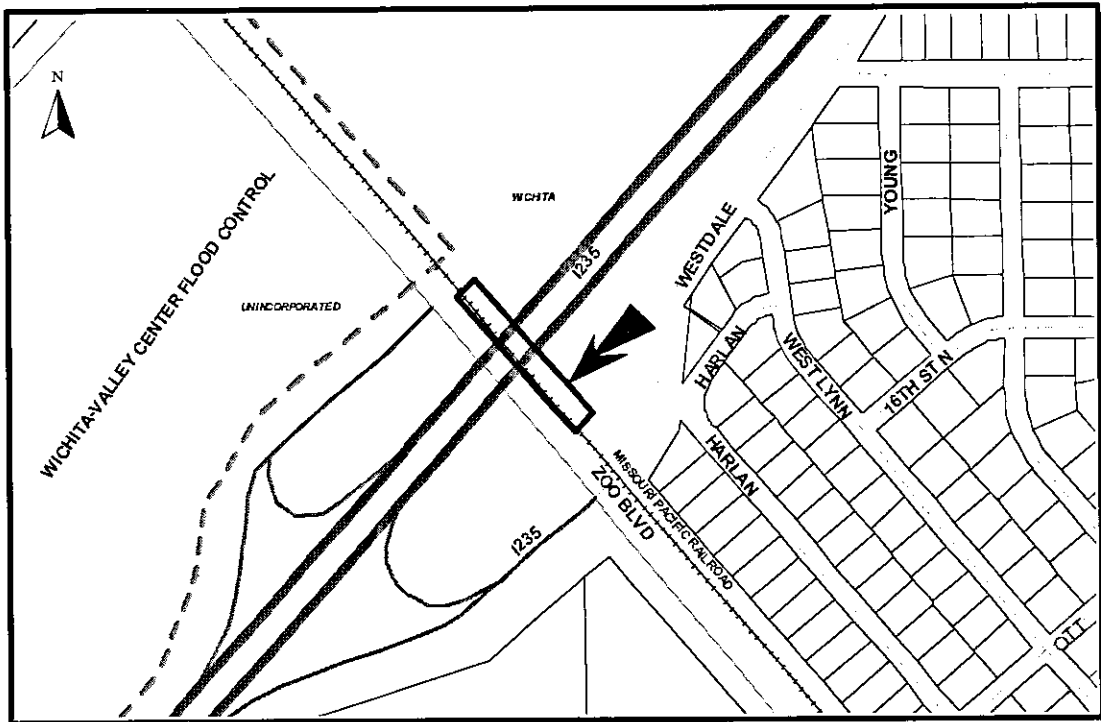
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to Protective Overlay District #141. (9-2)

DAB VI Recommendations: Approve, subject to Protective Overlay District #141. (8-0)

MAPD Staff Recommendations: Approve.



Background: The applicant requests "GC" General Commercial zoning on 40,000 square feet of unzoned railroad right-of-way located north of Zoo Boulevard and west of Westdale. The applicant requests the zoning to bring an existing billboard into conformance with the City of Wichita Sign Code.

On March 26, 2003, the Office Central Inspection issued the attached letter indicating that no sign permit was required to construct a billboard on the subject property. On June 17, 2003, the applicant sent the attached letter asking for confirmation that no sign permit was required, and on that same date, the Office of Central Inspection issued the attached letter confirming that no sign permit was required for the proposed billboard. The applicant subsequently constructed a billboard on the subject property. On September 5, 2003, the Office of Central inspection issued the attached letter indicating that previous correspondence regarding no sign permit being required was in error.

The billboard that was constructed on the subject property does not conform to the requirements of the Sign Code. Section 24.04.222.1. of the Sign Code requires that there be a minimum of 500 linear feet of "GC"-zoned frontage between mile section lines in order to permit a billboard. Therefore, the applicant has requested 500 linear feet of "GC" zoning in order that the existing billboard on the subject property will conform to the requirements of the Sign Code. The attached site plan indicates the area proposed for rezoning and the location of the existing billboard.

Analysis: At the DAB VI hearing on June 7, 2004, and the MAPC hearing on June 10, 2004, there was only one speaker regarding the request other than the applicant. The speaker was from the Kansas Department of Transportation (KDOT) and indicated that KDOT would not permit a sign on the subject property that was visible from I-235 but that the existing sign is not visible from I-235 and therefore is not regulated by KDOT. DAB VI (8-0) and the MAPC (9-2) voted to approve the request subject to the following provisions of Protective Overlay District #141:

1. The subject property shall be to limited one off-site sign that has a single sign face that faces southeast. No other off-site signs or sign faces shall be permitted on the subject property.

Financial Considerations: None.

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 zone change, subject to the additional recommended provisions of Protective Overlay District #141; place the ordinance establishing the zone change on first reading; 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.)

(150004) Published in The Wichita Eagle on 7-23-04

ORDINANCE NO. 46-213

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. ZON2004-00025

Zone change from unzoned railroad right-of-way to "GC" General Commercial on property described as:

A tract of land in the SE 1/4 and the SW 1/4 of Section 11-27-1W of the 6th P. M., Sedgwick County, Kansas, described as follows: An 80 foot wide strip of land with 40 feet on each side of the following described centerline: Commencing at the west southwest corner of Lot 1, Womers West Lynn Sixth Addition, Wichita, Sedgwick County, Kansas; thence Northwest along the Northerly right-of-way line of Missouri Pacific Railroad for distance 248 feet; thence Southwest at right angles to the previously described line, for a distance of 50 feet to the centerline of the right-of-way of said Missouri Pacific Railroad to a point of beginning; thence Northwesterly along centerline of said tracts for a distance of 500 feet to a point of termination. Said tract contains 40,000 square feet more or less. Generally located north of Zoo Boulevard and west of Westdale.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY #141:

1. The subject property shall be limited to one off-site sign that has a single sign face that faces southeast. No other off-site signs or sign faces shall be permitted on the subject property.

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

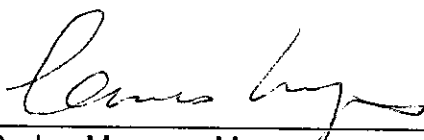
reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

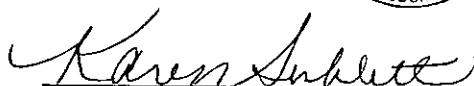
ADOPTED AT WICHITA, KANSAS, 7-20-04



ATTEST:



Carlos Mayans, Mayor



Karen Sublett, City Clerk

(SEAL)

Approved as to form:



Gary E. Rebenstorf, City Attorney