

OCA150004

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ORDINANCE NO. 47-727

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. ZON2007-00052

Zone change from "SF-5" Single-Family Residential to "LI" Limited Industrial with a Protective Overlay #198, and subject to platting the entire property described as:

Lot 1, Block A; Lange Addition, Wichita, Sedgwick County, Kansas. Generally located southeast of the intersection of S. West Street and W. 42nd St. S.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #198:

1. All uses permitted by right in the "LI" zoning district except the following uses: correctional facility; correctional placement residence, limited and general; day reporting center; kennel, boarding/breeding/training; night club in the city; pawn shop; secondhand store; sexually oriented business in the city; tattooing and body piercing facility (city); tavern and drinking establishment; asphalt or concrete plant, limited and general; and grain storage. The City Traffic Engineer may require that additional traffic improvements, acceleration/deceleration lanes, be guaranteed to support the increased traffic volume.
2. Screening shall be per Unified Zoning Code; however, any fences or walls shall be constructed of a consistent pattern and color.
3. Storage of merchandise shall be allowed outside an enclosed building only in compliance with the general screening standards of the Unified Zoning Code and the following additional standards: (1) outdoor storage or work areas shall be permitted in any building setback, but items stored within any building setback may not exceed the maximum height of the screening wall; (2) no required off-street parking space or loading area shall be utilized for storage; and (3) items stored outdoors shall be screened from view from West Street or any residentially zoned property.
4. Roof-mounted equipment and loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing coolers or refrigeration units,

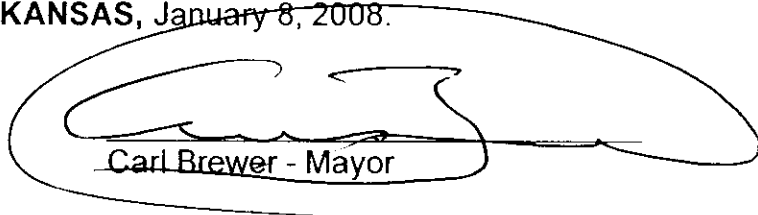
outdoor storage including portable storage containers, outdoor work areas or similar uses shall be screened from ground level view along West Street and any residentially zoned property.

5. Minimum setback requirements shall be 35 feet along West Street and a 50-foot setback, with two times the required landscaping from the south property line, where adjacent to "MH" zoning.
6. All signs shall be limited to signs that would be allowed in the "LC" Limited Commercial zoning district; no off-site, billboard or portable signs shall be permitted except for off-site signs advertising uses located within this tract that shall be allowed to have signage placed on signs fronting West Street.

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, January 8, 2008.



Carl Brewer - Mayor

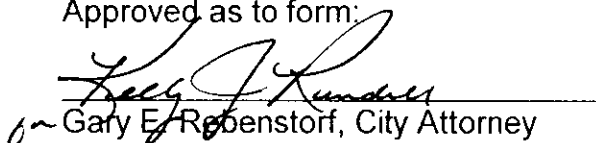
ATTEST:



Karen Sublett, City Clerk

(SEAL)

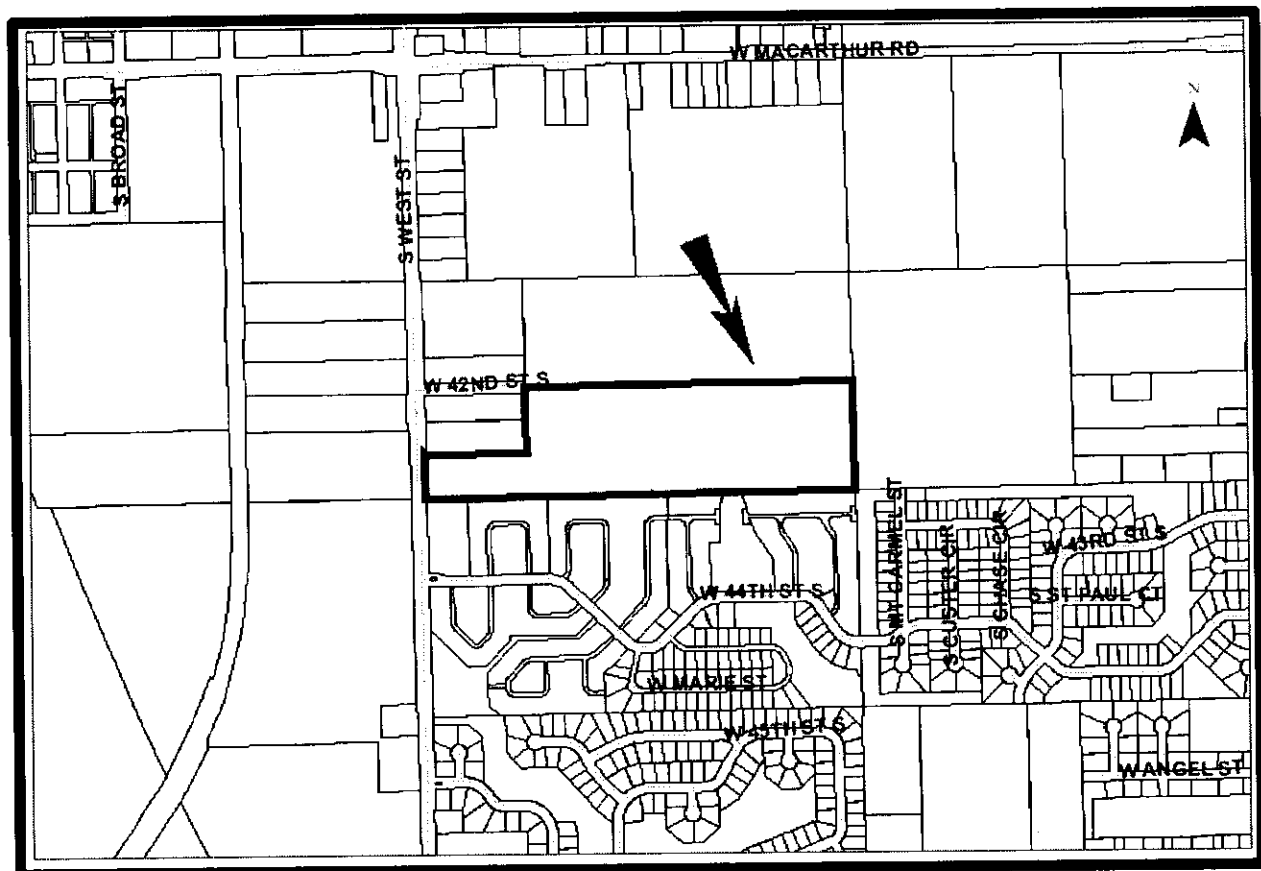
Approved as to form:



Gary E. Rebenstorf, City Attorney

AGENDA: Planning (Consent)

MAPD Staff Recommendation: Approve, subject to Protective Overlay #198



Background: The applicant is requesting to rezone a 34-acre tract from “SF-5” Single-family Residential to “LI” Limited Industrial for limited industrial uses. No specific users are identified for the tract. The property is located south of MacArthur and along the east side of West Street.

North of the application area is SF-20 zoned property used for agriculture and a LI zoned property used for warehousing and office combination. East of the site is SF-20 zoned property which is currently vacant/agricultural land. South of the site is a 2.4-acre property zoned GC, developed with a mini-storage facility, and a larger, approximately 60-acre, property zoned MH, developed with a mobile home park. West of the site, across West Street, are large properties zoned LI, with uses from warehousing and aircraft manufacturing to a C&D Landfill. The site is developed; a landscape plan will require approval by the Planning Department.

Analysis: At the MAPC meeting held November 15, 2007, the MAPC voted (10-0) to approve, subject to platting within one year and the conditions of Protective Overlay #198:

1. All uses permitted by right in the “LI” zoning district except the following uses: correctional facility; correctional placement residence, limited and general; day reporting center; kennel, boarding/breeding/training; night club in the city; pawn shop; secondhand store; sexually oriented business in the city; tattooing and body piercing facility (city); tavern and drinking establishment; asphalt or concrete plant, limited and general; and grain storage. The City Traffic Engineer may require that additional traffic improvements, acceleration/deceleration lanes, be guaranteed to support the increased traffic volume.
2. Screening shall be per Unified Zoning Code; however, any fences or walls shall be constructed of a consistent pattern and color.
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4. Roof-mounted equipment and loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing coolers or refrigeration units, outdoor storage including portable storage containers, outdoor work areas or similar uses shall be screened from ground level view along West Street and any residentially zoned property.
5. Minimum setback requirements shall be 35 feet along West Street and a 50-foot setback, with two times the required landscaping from the south property line, where adjacent to “MH” zoning.
6. All signs shall be limited to signs that would be allowed in the “LC” Limited Commercial zoning district; no off-site, billboard or portable signs shall be permitted except for off-site signs advertising uses located within this tract that shall be allowed to have signage placed on signs fronting West Street.

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 zone change subject to platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; 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.)