

Published in The Wichita Eagle on 8-30-13

ORDINANCE NO. 49-5101

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. ZON2012-00034

Zone change request from SF-20 Single-family Residential to LI Limited Industrial subject to Protective Overlay #271, on property described as:

Duling Industrial 3rd Addition, Wichita, Sedgwick County, Kansas.

Generally located south of MacArthur Road, on the east side of West Street.

SUBJECT TO THE FOLLOWING PROVISIONS OF PO #271:

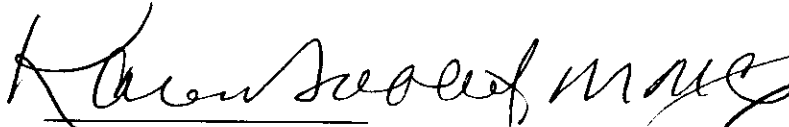
1. All uses permitted by right in the "LI" Limited Industrial zoning district except the following uses: correctional facility; correctional placement residence, limited and general; day reporting center; kennel, boarding/breeding/training; night club in the city; pawn shop; secondhand store; sexually oriented business in the city or the county; tattooing and body piercing facility (city); tavern and drinking establishment; asphalt or concrete plant, limited and general; and grain storage.
2. Screening shall be per Unified Zoning Code; however, any fences or walls shall be constructed of a consistent pattern and color.
3. Landscaping will be per the Landscape Ordinance.
4. 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) no outdoor storage or work areas shall be permitted in any building setback; (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.
5. 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.
6. A minimum 35-foot setback for all non-residential buildings along the north and east property lines where adjacent to residential zoning, and a 50-foot setback for all outdoor storage areas along the north and east property lines where adjacent to residential zoning. Setbacks along the west and south property lines shall be per the Unified Zoning Code.
7. No overhead doors or loading docks within 200 feet of residential zoning.
8. 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.

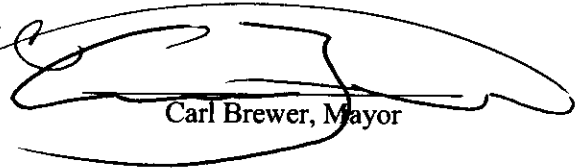
ADOPTED this 27 day of Aug, 2013.

ATTEST:



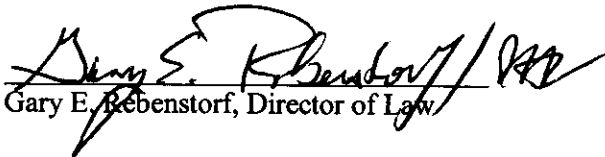
Karen Sublett, City Clerk





Carl Brewer, Mayor

APPROVED AS TO FORM:



Gary E. Rebenstorf, Director of Law

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8-30-13

ORDINANCE NO.

41502

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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. ZON2012-00034

Zone change request from SF-20 Single-family Residential to LI Limited Industrial subject to Protective Overlay #271, on property described as:

Lange 2nd Addition, Wichita, Sedgwick County, Kansas.

Generally located south of MacArthur Road, on the east side of West Street.

SUBJECT TO THE FOLLOWING PROVISIONS OF PO #271:

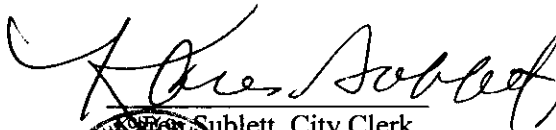
1. All uses permitted by right in the "LI" Limited Industrial zoning district except the following uses: correctional facility; correctional placement residence, limited and general; day reporting center; kennel, boarding/breeding/training; night club in the city; pawn shop; secondhand store; sexually oriented business in the city or the county; tattooing and body piercing facility (city); tavern and drinking establishment; asphalt or concrete plant, limited and general; and grain storage.
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6. A minimum 35-foot setback for all non-residential buildings along the north and east property lines where adjacent to residential zoning, and a 50-foot setback for all outdoor storage areas along the north and east property lines where adjacent to residential zoning. Setbacks along the west and south property lines shall be per the Unified Zoning Code.
7. No overhead doors or loading docks within 200 feet of residential zoning.
8. 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.

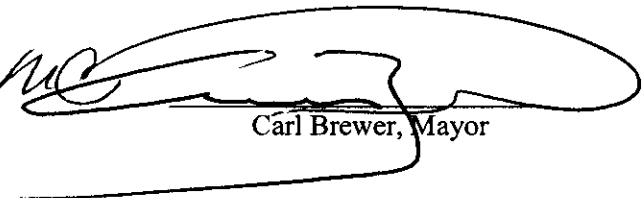
SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.


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 this 27 day of Aug, 2013

ATTEST:


Sublett, City Clerk


Carl Brewer, Mayor



APPROVED AS TO FORM:


Gary E. Rebenstorf, Director of Law

AGENDA ITEM REQUEST

13-0060

Proposed Agenda Item: ZON2012-00034 ZONE CHANGE FROM SF-20 SINGLE-FAMILY RESIDENTIAL ("SF-20") TO LI LIMITED INDUSTRIAL ("LI"), WITH PO PROTECTIVE OVERLAY ("PO") #271 ON PROPERTY GENERALLY LOCATED NORTH OF 47TH STREET SOUTH AND EAST OF WEST STREET. (DISTRICT 2)

Presented By: John L. Schlegel, Director of Planning *JLS*

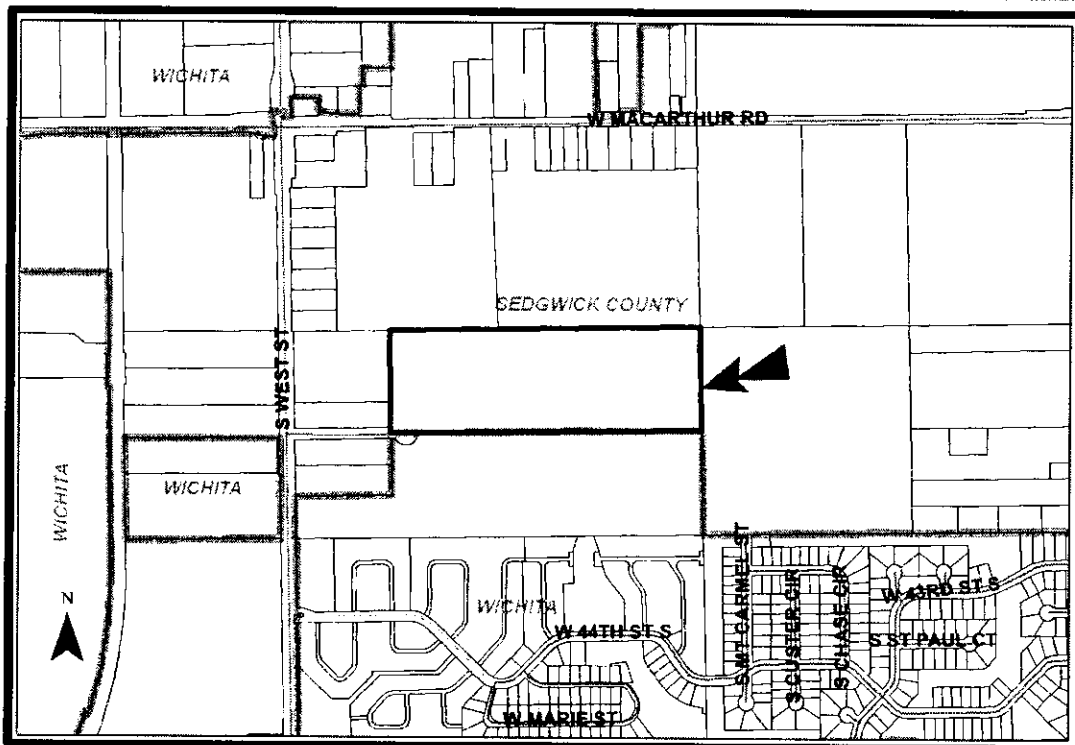
Recommended Action: Adopt the findings of the Metropolitan Area Planning Commission, approve the zone change to LI Limited Industrial ("LI"), subject to the provisions of PO Protective Overlay ("PO") #271 and platting within one year, authorize the Chairman to sign the resolution once the plat is recorded and authorize the resolution to be published.

Proposed Agenda Date: February 13, 2013

Outside Attendees: Russ Ewy/Baughman Company (Agent)

Multimedia Presentation: Powerpoint

Donations: Not applicable



Background: The applicants are requesting LI Limited Industrial ("LI") zoning on the undeveloped SF-20 Single-Family Residential ("SF-20") zoned 30.3-acre tract located north of 42nd Street South, on the east side of West Street. The site currently has miscellaneous equipment located along its west side and a detention/retention pond on it.

The site is located within the south-most end of an extensive area of mostly LI zoned land beginning at Kellogg Avenue/US 54 Highway, east from the Big Ditch, past West Street to Meridian and Pawnee Avenues at its widest point and ending at 47th Street South. One of the applicants owns the south abutting LI zoned Lange Addition; ZON2007-00052/Protective Overlay PO-198, SUB2007-00116. This property is used to store/display portable storage units. Beyond this is a small GC General Commercial ("GC") zoned self-storage development, a SF-20 zoned manufactured home/single-family residence and a MH Manufactured Housing ("MH") zoned manufactured-home park. A SF-5 Single-Family Residential ("SF-5") and TF-3 Two-Family Residential ("TF-3") zoned mostly developed subdivision (platted 2011 & 2012) finishes out development to the south. Another applicant, the current owner, owns the west abutting and adjacent LI zoned properties (platted 1979 & 1987), with most of it developed as an equipment sales and rental business. This LI zoned property also has a vacant commercial/industrial building, separated by 42nd Street South; VAC2012-00046, request to vacate 42nd Street South and other vacation activities. Further west, across West Street to the Big Ditch are more LI zoned properties. Some of these properties are developed as warehouse distribution or manufacturing but most are not developed or are used as farmland. Sedgwick County's West Side Public Works Yard is also located on the northwest side of West and 47th Streets South. Abutting and adjacent northern properties are SF-20 zoned farm land and a line of six SF-20 zoned single-family residences along the east side of West. Further north, off of West and MacArthur Road is an LC Limited Commercial ("LC") zoned Kansas Gas and Electric substation. SF-20 zoned farmland abuts and is adjacent to the east/northeast side of the site.

Analysis: At the Metropolitan Area Planning Commission (MAPC) meeting held January 10, 2013, the MAPC voted (10-0) to recommend approval of the requested zone change subject to the following provisions of PO Protective Overlay ("PO") #271 and platting within a year:

1. All uses permitted by right in the "LI" Limited Industrial 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 or the county; tattooing and body piercing facility (city); tavern and drinking establishment; asphalt or concrete plant, limited and general; and grain storage.
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 8. 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 one was present at the MAPC to speak against the request. No protests to the request have been received by staff. A resolution will be provided for the Chairman to sign when the plat is recorded.

Alternatives:

1. Adopt the findings of the Metropolitan Area Planning Commission, approve the zone change to LI Limited Industrial ("LI"), subject to the provisions of PO Protective Overlay ("PO") #271 and platting within one year, authorize the Chairman to sign the resolution once the plat is recorded and authorize the resolution to be published. (requires a simple majority vote).
2. Deny the zone change and override the MAPC's recommendation (requires a two-third majority vote).
3. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove (requires a simple majority vote).

Financial Considerations: There are not any additional financial considerations to the County associated with this application.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations  **Approved as to form and signed by County Counselor's Office:** The City and County are authorized by K.S.A. 12-741, et seq. to adopt a joint zoning code. The City and County have done so, and in that code have provided for the zoning of properties by approval of a zone change (Sec. V-C of the Unified Zoning Code).