

Background: The applicant is requesting to rezone a 21-acre tract from “SF-20” Single-family Residential to “LI” Limited Industrial for limited industrial uses. No specific users are identified for the tract. The property is located north of 29th Street North and west Greenwich Road.

North of the application area is SF-20 zoned property used for agriculture. East of the site, across Greenwich Rd., is RR zoned property developed with a single-family residence and agriculture. Southeast of the site, across Greenwich Rd., is 160 acres zoned SF-20, but approved for LI under PO #74 in 2000, and awaiting platting. South of the site is the Regency Park industrial development, rezoned to LI in 2000, and under Protective Overlay PO #13. Southwest of the site is an LI zoned, city owned soccer field complex. West of the site is property zoned SF-5, owned by the city, and proposed as a ball field complex. Further to the west is the LI zoned Jabara Airport.

Analysis: The Metropolitan Area Planning Commission (MAPC) heard this case on August 11, 2005, and no one except the applicant and his agent were present to speak on behalf of the application. A motion for approval passed 11-0, subject to platting within one year and Protective Overlay #162.

In summary, Protective Overlay #162 contains: a list of prohibited uses, such as correctional facility, night club and grain storage; requires use of similar building materials for screening; limitations on outside storage; screening of heating/air conditioning and outdoor work areas; establishes minimum building setbacks and height and LC district signage standards.

No protests have been received.

Alternatives:

1. Approve the zone change subject to platting and the provisions of Protective Overlay #162; adopt the findings of the Metropolitan Area Planning Commission and direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution.
2. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove.
3. Deny the zone change and override the MAPC recommendation with a 2/3 vote.

Financial Considerations: Not applicable.

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*

AGENDA ITEM REQUEST

FILE COPY

Proposed Agenda Item: ZON2005-00032- Sedgwick County Zone change from "SF-20" Single-family Residential to "LI" Limited Industrial. Generally located north of 29th Street North and west of Greenwich Road. (District 1)

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

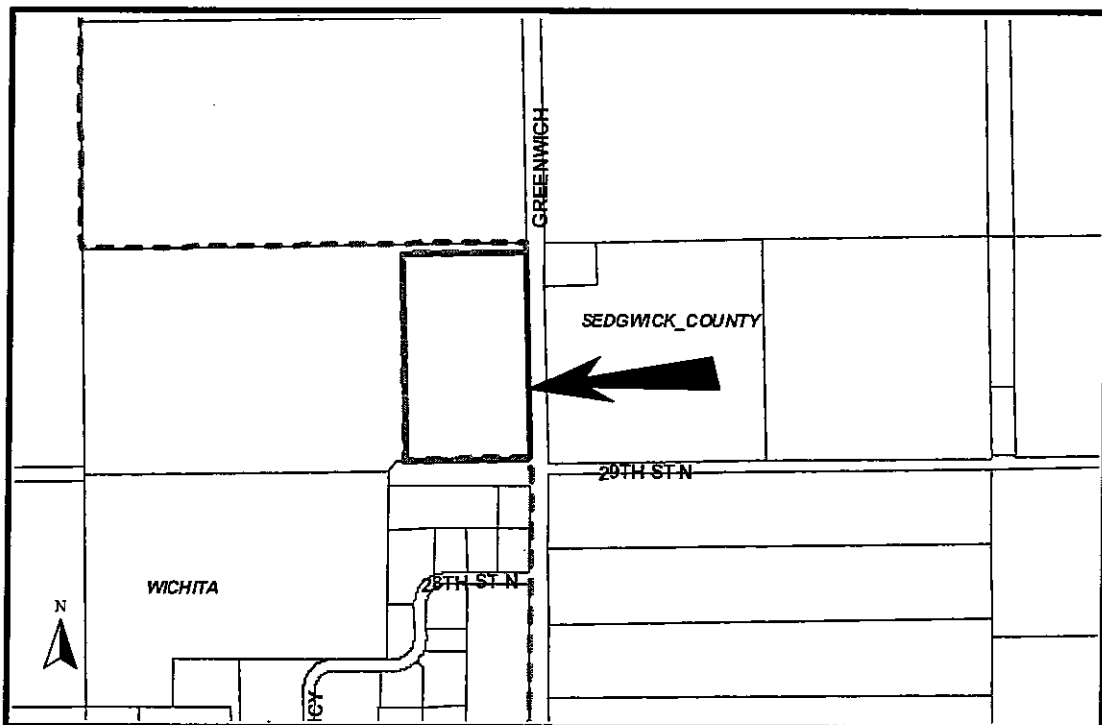
Recommended Action: Approve the zone change subject to platting within one year, and subject to the provisions of Protective Overlay #162, adopt the findings of the Metropolitan Area Planning Commission and direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution.

Proposed Agenda Date: September 28, 2005

Outside Attendees: Rob Hartman, PEC, 303 S. Topeka, Wichita, KS 67202

Multimedia Presentation: Powerpoint

Donations: Not applicable



the landscaping requirements; any improvements in the right-of-way shall require review by Public Works, and may require a minor street privilege.

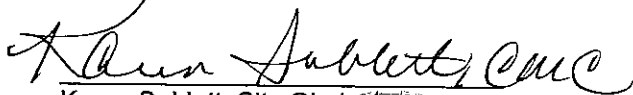
- (5) Minimum Setback Requirements: front setback - 20 feet; side setback - 0 feet; rear setback - 0 feet for building; 20 feet for screening wall.
- (6) All signs shall be per Wichita Sign Code for property zoned "LC". No portable or off-site signs allowed. No signs shall be allowed on the north side of the buildings, facing Dubon Avenue, nor on the west façade facing Seville Avenue except within the southernmost 20 feet of the façade.
- (7) Parking - Shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code ("UZC").
- (8) Architectural Control - All buildings shall have the same predominate exterior building materials with consistent architectural character, color and texture, and consistent lighting design (fixtures, poles, lamps, etc.) as approved by the Planning Director. There shall be no predominately metal façades on any buildings. Light standards shall be a maximum height of 25 feet and consistent in pole and fixture throughout the development. No freestanding light standards shall be allowed on Dubon Avenue; building wall lighting shall be limited to 15 feet in height and shall have directional shielding to prevent light spillage onto residential zoning districts.
- (9) An owners association agreement providing for the maintenance of reserves, open spaces, internal devices, parking areas, drainage areas, etc. shall be filed by the time the plat is filed of record.
- (10) All drainage ways and easements shall be determined at the time of platting.
- (11) Loading areas, trash receptacles, outdoor storage, and docks shall be screened from ground level view. Mechanical equipment on top of buildings shall be screened to the height of the unit. Screening of all trash dumpsters and mechanical equipment will be constructed to match the buildings they support and no trash dumpsters shall be allowed along Dubon. Outdoor storage shall be screened such that no stored material protrudes above the top of the screening. In those cases where these requirements are more stringent than the UZC, it shall be deemed that these requirements shall govern.
- (12) The development of this property shall proceed in accordance with the development plan as recommended for approval by the Metropolitan Area Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Planning Director, shall constitute a violation of the building permit authorizing construction of the proposed development.
- (13) Outdoor speakers and sound amplification systems shall not be permitted on the site.
- (14) Maximum height - 35 feet; maximum building coverage - 30 percent; maximum gross floor area - 35 percent.

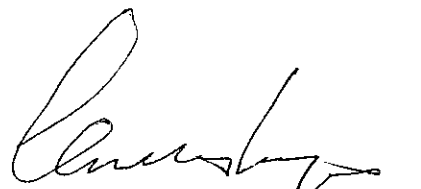
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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

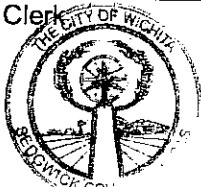
ADOPTED this 28th day of March, 2006.

ATTEST:

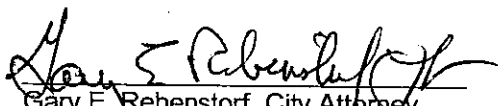

Karen Sublett, City Clerk


Carlos Mayans, Mayor

(SEAL)



Approved as to form:


Gary E. Rebenstorf, City Attorney

Published in The Wichita Eagle on March 30, 2006

ORDINANCE NO. 47-003

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 2005-32

Request for Zone change from "SF-20" Single-family Residential District to "LI" Limited Industrial District and to PO #162 - Protective Overlay District, on property described as:

Lot 1, Block 1, K -96 Business Park Addition, Wichita, Sedgwick County, Kansas.

Generally located on the northwest corner of 29th Street North and Greenwich Road.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #162:

- (1) The development parcel contains 5.22 net acres, more or less.
- (2) Restricted uses: group residence, correctional placement residence (limited and general), group home (limited, general, and commercial), communication tower (commercial), kennel (boarding/breeding/training, and hobby), night club, riding academy or stable, tattooing and body piercing facility, tavern and drinking establishment, outdoor vehicle repair, asphalt and concrete plant, gas and fuel storage, rock crushing, and solid waste incinerator.
- (3) The transfer of title on all or any portion of the land included in the development does not constitute a termination of the overlay or any portion thereof; but said overlay shall run with the land for development and be binding upon the present land owners, their successor and assigns and their lessees unless amended. However, the Planning Direct, with concurrence of the Superintendent of Central Inspection, may approve minor adjustments to the conditions of the overlay, consistent with the approved development plan, without filing a formal ordinance amendment.
- (4) Landscape and Parking Lot Screening – Shall be in accordance with the City of Wichita Landscape Ordinance, including but not limited to a landscaped street yard and parking lot landscaping and screening along Kellogg Drive, Seville Avenue and Dubon Avenue. Additionally, the rate of plant materials on Dubon Avenue shall be calculated at a rate of one shade tree required per 40 feet of lineal frontage along Dubon, with this requirement being met by a minimum of at least one-third evergreen plant material; two ornamental trees or ten shrubs shall be equivalent to one shade tree and may be substituted for shade trees except that no more than one-third of the total requirement may be met by shrubbery plant material. A landscape plan, prepared by a Landscape Architect licensed in the State of Kansas, indicating the location, type, and specification of plant material shall be submitted to the planning department for its review and approval prior to the issuance of any building permit(s). The site shall be screened along Dubon Avenue by way of building walls and solid screening walls. Building walls seen from ground level along Dubon Avenue shall not have visible windows, doors, or utility meters or boxes, but shall give the appearance of solid masonry screening wall of the same material, texture and color as the buildings walls and be connected to the buildings walls. The screening walls shall be a minimum of 8' in height and set back at least 20' from the right-of-way. Landscaping will be required along Dubon Avenue and shall be in accordance with the City of Wichita Landscape Ordinance, except that Dubon Avenue right-of-way may be used for meeting