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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 2005-03

Request for Zone change from RR Rural Residential District to "LI" Limited Industrial and to PO #155, for property described as:

Greenwich Business Center Addition, Wichita, Sedgwick County, Kansas.

Generally located on the east side of Greenwich Road and on the south side of 29th Street North.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #74:

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; recycling collection station, private and public; recycling processing center; kennel, boarding/breeding/training; night club in the city; night club in the county; pawn shop; secondhand store; sexually oriented business in the county; tattooing and body piercing facility (city); tavern and drinking establishment; asphalt or concrete plant, limited and general; transfer station; and grain storage. For any use with 100,000 square feet of floor area, a traffic study shall be prepared. The Traffic Engineer may require that additional traffic improvements be guaranteed to support this traffic volume. The total average daily traffic generated by the uses within this property shall not exceed 8,000 ADT.
2. Screening shall be per Unified Zoning Code; however, any fences or walls shall be constructed of a consistent pattern and color. Along 29th Street North, a berm three feet tall planted with evergreen trees spaced no more than 30 feet apart shall be provided, with these trees located outside sight clearance zones of streets and drive openings, and except in platted reserves containing detention facilities.
3. Landscaping shall be as follows unless the site is annexed by the City of Wichita; if annexed, the Wichita Landscape Ordinance shall apply; otherwise the following requirements shall apply: (1) landscape buffer of one (1) shade tree or two (2) ornamental trees shall be provided along the screening fence or wall. (2) A landscaped street yard shall be provided along 29th Street North with an average depth of 20 square feet per lineal foot of frontage and one (1) shade tree or equivalent (two (2) ornamental trees or 10 shrubs per shade tree, but with a limit of no more than one-third of tree requirement being met by shrubbery) and (3) parking lot landscaping of one (1) tree per 20 parking spaces and allowing a credit for up to one-half the shade or ornamental trees in the landscaped street yard toward meeting this requirement and (4) continuous parking lot screening (minimum height of three (3) feet of shrubbery within the third growing season) of any parking lot within 150 feet of 29th Street North. A landscape plan prepared by a Kansas Landscape Architect for each lot indicating the location, type, and specification of plant materials shall be submitted to the Planning Department for its review and approval prior to the issuance of any building permits(s) on this land.
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 the front 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 29th Street North or any residentially zoned property.

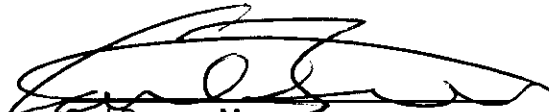
5. Roof-mounted equipment and loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing coolers or refrigeration units, outdoor storage including portable storage containers, outdoor work areas or similar uses shall be screened from ground level view along 29th Street North and any residentially zoned property.
6. Minimum setback requirements shall be 35 feet along 29th Street North, 25 feet along nonresidential local streets, and 25 feet along residentially zoned property along the east side of the tract. Along the south line of this property the setback shall be 75 feet unless a buffer is platted, in which case for every foot of platted buffer the setback can be reduced by that number of feet but in no case with the setback be less than 25 feet.
7. Maximum height of 55 feet for all structures except that maximum height for structures within 250 feet of south property line shall be limited to 45 feet.
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 29th Street North.
9. No building permits shall be issued for any development without municipal water and sewer service. Prior to any development, the developer shall be responsible for providing county standard paving to and across the site from the nearest paved arterial. County standard paving means six (6) inches of stabilized sub grade with six (6) inches of hot mix asphalt and includes proper ditches, side slopes and shoulders.

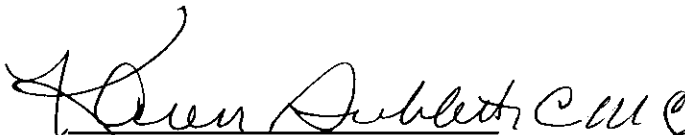
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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 20 day of November, 2007.

ATTEST:

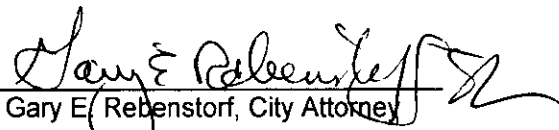

Carl Brewer, Mayor


Karen Sublett, City Clerk



(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney

AGENDA ITEM REQUEST

Proposed Agenda Item: ZON2005-00003- Sedgwick County Zone change from "SF-20" Single-family Residential and "RR" Rural Residential to "LI" Limited Industrial. Generally located south of 29th Street North, one-fourth mile west of 127th Street East. (District I)

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

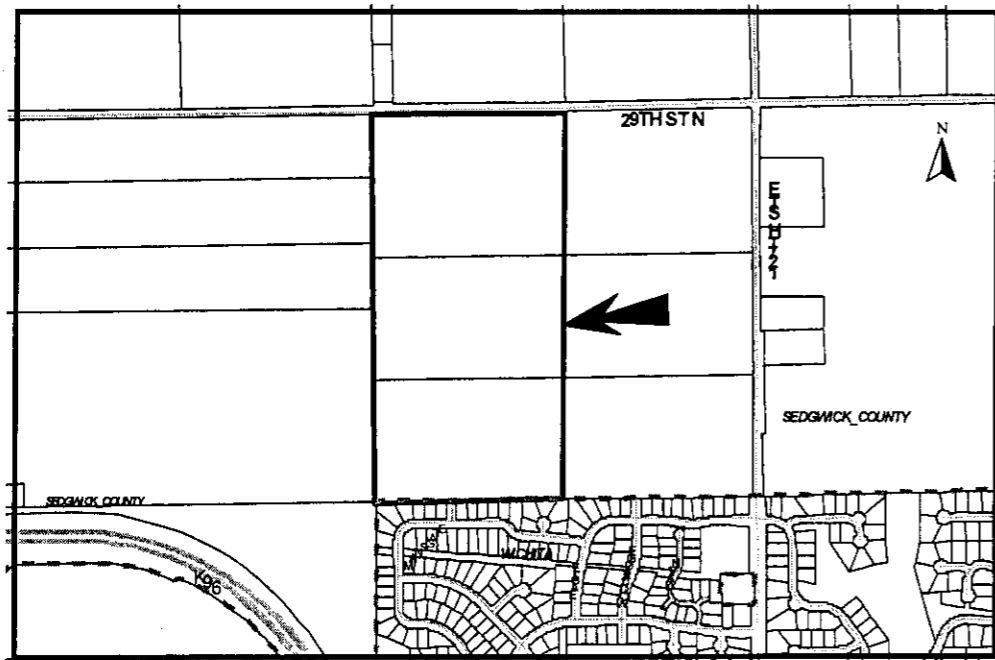
Recommended Action: Approve the zone change, subject to platting within one-year and subject to provision of Protective Overlay #155; adopt the findings of the Metropolitan Area Planning Commission; direct staff to prepare an appropriate resolution after the plat has been approved, and authorize the Chairman to sign the resolution.

Proposed Agenda Date: May 18, 2005

Outside Attendees: Greg Allison, MKEC, 411 N. Webb, Rd., Wichita, KS 67206
Rob Ramseyer, Vice President, Ritchie Development, 8100 E. 22nd N., #1000 Wichita, KS 67226

Multimedia Presentation: Powerpoint

Donations: Not applicable



Background: The applicant is requesting to rezone an 81-acre tract from "RR" Rural Residential and "SF-20" Single-family Residential to "LI" Limited Industrial for development of industrial/warehousing types of uses. No specific users are identified for the tract.

The property comprises the western half of the northeast quarter section of land located southwest of 29th Street North and 127th Street East.

The surrounding property to the east and most of the north is zoned "RR" and is in agricultural use except for several large estates. A high-voltage Westar transmission line is located within the subject tract, paralleling the western edge of the tract. The property west of the transmission line is zoned "SF-20" but was approved for "LI" Limited Industrial in 2000; establishment of the "LI" zoning is pending until platting is completed. The property to the south is zoned "SF-5" Single-family Residential and is being developed with urban-scale single-family homes.

Because of the presence of single-family homes to the south and potential to the north, the proposed industrial use should meet site development standards designed to mitigate conflicts with nearby residential uses.

Analysis: At the MAPC meeting held March 10, 2005, the case was deferred at the applicant's request. At the MAPC meeting held April 14, 2005, one property owner was present to ask questions about the development and raise concerns about the spread of industrial uses closer to his property along 127th Street East and about the impact of truck traffic on the unpaved portions of 127th Street East. The protective overlay provisions, which resulted from discussions between the applicant and staff, and the applicant with nearby property owners, were reviewed by MAPC. An additional condition of reducing the maximum height to 45 feet within 250 feet of the southern property line was added to the protective overlay. MAPC voted (9-0) to approve subject to the conditions in the staff recommendation from the report for April 14, 2005, plus the additional height restriction. Protective Overlay #155 is recommended as follows:

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; recycling collection station, private and public; recycling processing center; kennel, boarding/breeding/training; night club in the city; night club in the county; pawn shop; secondhand store; sexually oriented business in the county; tattooing and body piercing facility (city); tavern and drinking establishment; asphalt or concrete plant, limited and general; transfer station; and grain storage. For any use with 100,000 square feet of floor area, a traffic study shall be prepared. The Traffic Engineer may require that additional traffic improvements be guaranteed to support this traffic volume. The total average daily traffic generated by the uses within this property shall not exceed 8,000 ADT.
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Alternatives:

- 1) Approve the zone change, subject to platting within one-year and subject to provision of Protective Overlay #155; adopt the findings of the Metropolitan Area Planning Commission; 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:  ^{ml} *Approved as to form and signed by County Counselor's Office*