

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 2008-17

Request for Zone change from SF-5, Single-Family Residential to LC, Limited Commercial Commercial and to P-O #212, Protective Overlay District, for property described as:

Lot 1, Block A, Shaw Addition, Wichita, Sedgwick County, Kansas.

Generally located on the north side of Central and east of Hoover Road.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #212:

1. The development parcel contains 0.75 net acres, more or less.
2. Prohibited uses: Group residence, correctional placement residence (limited and general), group home (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, asphalt and concrete plant, gas and fuel storage, rock crushing, solid waste incinerator, convenience store, car wash, drive-through restaurants.
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 successors and assigns and their lessees unless amended. However, the Planning Director, with concurrence of the OCI Superintendent, may approve minor adjustments to the conditions of this 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 Code. 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 their review and approval prior to the issuance of any building permit(s). Parking lot screening on the east property line shall be evergreen plant material or shall be a solid parking lot screening fence of masonry or wood.
5. All signs shall be per city code, for property zoned LC. No portable or off-site signs allowed. No signs shall be allowed on the north side of the buildings, no building signs facing east shall be illuminated.
6. Parking – Shall be in accordance with the Wichita – Sedgwick County Unified Zoning Code.
7. Light standards shall be a maximum height of 25 feet and consistent in pole and fixture throughout the development.
8. All drainage ways and easements shall be determined at the time of platting.
9. 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. Outdoor storage shall be screened such that no stored material protrudes above the top of the screening.

10. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
11. Outdoor speakers and sound amplification systems shall not be permitted on the site.
12. The zone change to LC Limited Commercial shall be subject to platting within one year. The plat shall dedicate access control to Central, except for one opening. The plat shall either guarantee full paving of Elder along the west frontage with one access point on Elder, or shall dedicate complete access control with no openings on Elder.

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 1st day of July, 2008.

ATTEST:

Carl Brewer, Mayor

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney