

ORDINANCE NUMBER 19-10998

AN ORDINANCE AMENDING ORDINANCE NUMBER 8526, CODIFIED AS CHAPTER 42 OF THE SALINA CODE, AND THE ZONING DISTRICT MAP OF THE CITY OF SALINA, KANSAS BY REZONING AND PRESCRIBING THE PROPER USES OF CERTAIN PROPERTY WITHIN THE CITY.

BE IT ORDAINED by the Governing Body of the City of Salina, Kansas:

Section 1. Findings. In relation to the following described real estate:

A tract of land situated in the East Half of the Southeast Quarter (E½ SE½) of Section Two (2), Township Fifteen (15) South, Range Three (3) West of the 6th P.M., in Saline County, Kansas, which is more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section; thence on an assumed bearing of S89°47.41"W, Sixty-two and Eighty-six Hundredths (62.86) feet along the North line of said Quarter Section to the West right-of-way line of Ninth Street and the point of beginning; First Course, thence continuing South 89°47.41"W, Nine Hundred Nineteen and Ninety-four Hundredths (919.94) feet along said North line; Second Course, thence S04°20'12"E, One Thousand Six Hundred Twenty-eight and Eighty Hundredths (1628.80) feet to the Southwest corner of Lot Three (3), Block One (1), Long-McArthur Addition, according to the recorded plat thereof; Third Course, thence N17°41'54"E, Four Hundred Eighty-seven and Eighteen Hundredths (487.18) feet (486.81 feet plat) along the West line of said Lot Three (3); Fourth Course, thence N35°29'43"E, One Thousand One Hundred Seventeen and Twelve Hundredths (1117.12) feet (1119.47 feet plat) along said West line of Lots Three (3) and Four (4) to the Northeast corner of said Lot Four (4), said point being on said West line of Ninth Street; Fifth Course, thence N00°00'22"E, Two Hundred Fifty-three and Eighty Hundredths (253.80) feet along said West line to the point of beginning. (now platted and known as Long-McArthur Addition No. 2 to the City of Salina, Saline County, Kansas) (the "Property")

the following findings support PC-5 zoning for the Property:

1. All conditions precedent for the amendment of the City's Zoning District Map and the rezoning of the Property have been timely met;
2. Section 42-418.3 of the Salina Code states that Planned Development District or Planned Commercial zoning is required whenever an owner of property located within the Corridor Overlay District applies for rezoning from a non-commercial zoning classification to a commercial zoning classification or from an existing commercial zoning classification to a different commercial zoning classification;

3. Because of the proximity to and visibility from South 9th Street and Interstate 135, this site is more suitable for service commercial development than continued agricultural use;
4. The subject site is adjacent to commercial development tracts on the north and south and existing industrial zoning on the east and a change to PC-5 zoning with the overlay district restrictions would be compatible with the existing development pattern on the west side of South 9th Street;
5. Public utilities have been extended to this site making it suitable for urban development;
6. This subject property is within the City's Primary Service Area and the requested zoning change would conform to the city's Comprehensive Plan and the South 9th Street Corridor Plan; and
7. The applicant has a specific development plan for a portion of the Property.

The following finding supports approval of the site development plan for the Property:

1. The site development plan submitted for the Property meets the sign standards set out in Sec. 42-512 of the Salina Code;

Section 2. Amendment. DISTRICT "PC-5" PLANNED SERVICE COMMERCIAL DISTRICT. The Zoning District Map of the City of Salina, Kansas is amended to rezone the Property as part of District "PC-5" Planned Service Commercial District.

Section 3. Site Development Plan Approval. The site development plan for an electronic changeable copy advertising sign as presented is approved and incorporated as part of this ordinance (the "Site Development Plan"). A copy of Site Development Plan shall be filed in the office of the zoning administrator.

Section 4. Conditions of Approval. Use of the Property shall be subject to all of the conditions, restrictions, and limitations applicable to planned commercial districts and the regulations of the CO CORRIDOR OVERLAY DISTRICT under Ordinance 8526, as amended and as codified in Chapter 42 of the Salina Code. Development of the Property shall be subject to and substantially conform to (a) the development plan approved by the city commission, incorporated as part of this ordinance, and on file with the zoning administrator and/or city clerk and (b) the following conditions:

1. Zoning district regulations. Development and use of the Property shall be limited to an electronic changeable copy advertising sign.
2. Modifications. Pursuant to Salina Code Sec. 42-403(a)(12), otherwise applicable district regulations shall be varied or modified as follows:
 - a) None.

Section 5. Additional Conditions. Development and use of the Property shall be subject to the following additional conditions:

- a) Use of the Property shall be limited to the installation of one (1) electronic changeable copy advertising sign in the location shown on the site development plan. The sign shall comply with the size limitations of the C-5 (Service Commercial) district and the 30 ft. sign height limit in the CO (Corridor Overlay) district;
- b) A separate sign permit must be applied for an issued prior to installation of an electronic changeable copy advertising sign on the Property;
- c) Installation of the electronic changeable copy advertising sign must substantially conform to the site development plan and sign elevations submitted to and approved by the City Commission;

Section 6. Expiration and Revocation of the Site Development Plan. Pursuant to Salina Code Sec. 42-409.19, if construction based on a valid sign permit has not commenced within the deadline of eighteen (18) months from the date of publication of this ordinance or as extended by the board of commissioners for a specified length of time not to exceed one (1) additional year, the Site Development Plan shall expire and be revoked and no sign permits shall be issued in relation to the Property unless and until a new site development plan has been approved by the board of commissioners.

Section 7. Repealer. All prior ordinances relating to the Property are repealed to the extent they are in conflict with this ordinance.

Section 8. Summary of ordinance for publication. This ordinance shall be in full force and effect from and after its adoption and publication once by summary in the official city newspaper.

Ordinance No. 19-10998 Summary

On June 3, 2019, the City Commission passed Ordinance No. 19-10998. The ordinance changes the zoning district classification of property located on the west side of South Ninth Street north of Long-McArthur Ford to PC-5 Planned Service Commercial District to allow installation of an electronic changeable copy advertising sign (digital billboard) on the site. A complete copy of the Ordinance can be found at www.salina-ks.gov or in the office of the City Clerk, 300 W. Ash, free of charge. This summary is certified by the City's legal counsel.

Introduced: March 25, 2019
Passed: June 3, 2019

Trent W. Davis, M.D., Mayor

[SEAL]
ATTEST:

Shandi Wicks, CMC, City Clerk

The publication summary set forth above is certified this ____ day of June, 2019.

Greg A. Bengtson, City Attorney