

**ORDINANCE NUMBER 18-10916**

**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 PRESCRIBING THE PROPER USES OF CERTAIN PROPERTY AND APPROVAL OF A SITE DEVELOPMENT PLAN IN ACCORDANCE WITH SALINA CODE SECTIONS 42-409.1 THROUGH 42-409.21.**

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

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

The East 185 feet of Lot 10, the East 9 feet of the West 150 feet of Lot 10, the East 194.17 feet of the South 47 feet of Lot 9, the East 44.17 feet of the North 105 feet of Lot 9, all of Lot 8 and a 5 foot north to south by 44 feet east to west tract land in the southeast corner of Lot 6 in the Replat of the East Half of Block 10 of the Riker Addition, City of Salina, Saline County, Kansas (the “Property”)

the following findings support PC-3 zoning for the site:

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. The applicant has a specific redevelopment proposal for the Property;
3. The existing C-5 zoning would be compatible with the zoning and uses of nearby property; however Planned C-3 zoning would be more consistent with the Neighborhood Center concepts in the Comprehensive Plan than the existing C-5 zoning;
4. The subject property, except for one small piece, is already zoned commercial (C-5) and the requested PC-3 zoning district would be a down-zoning, reducing any negative impact the subject property may have on the surrounding area;
5. The requested PC-3 zoning would be compatible with the zoning and uses of nearby property and consistent with the existing development pattern in the vicinity of the Crawford – Ohio intersection;
6. Although this Planned C-3 district is not one (1) acre in size, it is contiguous to a similar district, (C-5 Service Commercial);
7. The southern 65 ft. of the subject property is currently zoned PC-3 and approving the requested zoning change would give the subject property one (1) unified zoning district classification;
8. Needed public utilities and streets are in place to serve the proposed redevelopment site and

the site has full access from and to Ohio Street; and

9. The subject property, including the 9 ft. x 65 ft. sliver of R-1 zoned property, is located within the boundary of the Crawford-Ohio Neighborhood Center so the proposed rezoning of the subject property is supported by the Future Land Use Plan map and would not be an expansion of the commercial land use area.

The following findings support approval of a right-out-only driveway design for the south driveway opening on Ohio Street:

1. Ohio Street carries 24,000 vehicles per day south of Crawford Street;
2. Based on the timing of the Crawford Street-Ohio Street traffic signal, there will be one eighty (80) second block every two minutes where vehicles attempting to make a left turn from the restaurant site will not be able to exit the site. This would cause vehicles to stack up on site, congesting the site and creating potential traffic hazards.
3. Federal Highway Administration traffic safety research indicates that 72% of accidents at driveway entrances involve a left turning vehicle and limiting access to right out movements at this driveway location will enhance public safety.

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

1. The site development plan submitted meets the development standards set out in Sec. 42-409.14 of the Salina Code;

**Section 2. Amendment. DISTRICT “PC-3” PLANNED SHOPPING CENTER DISTRICT.** The Zoning District Map of the City of Salina, Kansas is amended to rezone the Property as part of District “PC-3” Planned Shopping Center District.

**Section 3. Site Development Plan Approval.** The site development plan for the Property 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 the “C-3” Shopping Center 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 Site Development Plan and (b) the following conditions:

1. Zoning district regulations. Development and use of the Property shall be limited to the uses permitted in the “C-3” Shopping Center District and shall be subject to the bulk regulations, use limitations and sign regulations applicable to the “C-3” Shopping Center District, except as enumerated in sub-point 2 below.
2. Modifications. Pursuant to Salina Code Sec. 42-409.7, otherwise applicable district regulations are modified as follows:

- a. As authorized by Salina Code Sec. 42-554(b), a modification to the off-street parking space requirement applicable to eating and drinking establishments in Salina Code Sec. 42-553(2)j to allow the number of off-street parking spaces to exceed the required number of off -street parking spaces for a restaurant with 1,000 square feet of indoor dining area by seven (7) spaces (35%) and the maximum number of off-street parking spaces that can be approved administratively by two (2) spaces (8%) to allow 27 off-street parking spaces to be constructed on the restaurant site.

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

1. A public sidewalk shall be constructed along the entire Ohio Street frontage of the lot;
2. Signage shall be limited to one (1) free standing sign not to exceed 120 sq. ft. in area and 30 ft. in height and wall signs in accordance with the C-3 sign regulations;
3. The applicant shall submit a site lighting plan and cut sheets for proposed exterior lighting fixtures for review prior to installation;
4. All landscaping, sidewalk, circulation, parking, fencing and other improvements shown on the approved site development plan shall be completed prior to occupancy of the building and shall be the responsibility of the applicant;
5. The project shall be completed in substantial conformance with the approved site development plan, including the right-of-way out only exit design on the south driveway opening, landscape plan and associated sign and building elevation drawings which are hereby incorporated by reference; and
6. A building permit for this project shall be obtained within eighteen (18) months of site development plan approval.

**Section 6. Expiration and Revocation of the Site Development Plan.** Pursuant to Salina Code Sec. 42-409.19, if construction based on a valid building 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 building 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 in conflict herewith as they relate to the Property are repealed.

**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.

On January 12, 2018, the City Commission passed Ordinance No. 18-10916. The ordinance changes the zoning district classification of property located in the west side of South Ohio Street south of Crawford Street to PC-3 Planned Shopping Center District to allow development of a restaurant on the site. A complete copy of the Ordinance can be found at [www.salina-ks.gov](http://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: January 12, 2018  
Passed: January 12, 2018

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Karl F. Ryan, Mayor

[SEAL]  
ATTEST:

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Shandi Wicks, CMC, City Clerk

The publication summary set forth above is certified this \_\_\_\_ of January, 2018.

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Greg A. Bengtson, City Attorney