

ORDINANCE NUMBER 18-10940

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:

Lots 1, 2, 3, 4 and 5, less the North 3 ft. of Lots 2 and 3, in the Replat of the West Half of Block 10 of the Riker Addition and Lot 6, less a 44 ft. x 5 ft. tract in the southeast corner of Lot 6 and the West 96 ft. of Lots 9 and 10 in the Replat of the East Half of Block 10, Riker Addition to the 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. Section 42-409.2 of the Salina Code states that a Planned Commercial zoning is required whenever an owner of property located within a community center or neighborhood center identified in the comprehensive plan 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. The existing C-5 zoning is compatible with the zoning and uses of nearby property; however Planned C-3 zoning would be more consistent with the Neighborhood Center designation for the property in the Comprehensive Plan than the existing C-5 zoning;
4. The Property, except for the southern 65 ft, is already zoned commercial (C-5) and the requested PC-3 zoning district would be a down-zoning, reducing any negative impacts the Property may have on the surrounding area;
5. The Property is currently zoned C-5 and R-1 and approving the requested zoning change would give the Property one (1) unified zoning district classification.
6. 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;
7. The proposed Planned C-3 district is contiguous with a Planned C-3 district approved earlier this year;

8. Needed public utilities and streets are in place to serve the proposed redevelopment site and the proposed redevelopment site has full access from and to Crawford Street and Lewis Street; and
9. The Property, is located within the boundary of the Crawford-Ohio Neighborhood Center so the proposed rezoning of the Property is supported by the Future Land Use Plan map and would not be an expansion of the commercial land use area.
10. 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 Mokas Coffee and Bistro restaurant 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 a Mokas Coffee and Bistro restaurant 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: None.
3. Any conditions imposed as a result of planning commission review and approval of the site development plans on the remaining Property in the district; and
4. No building permits shall be issued for the remaining Property in the district until the site development plan has been approved by the planning commission.

5. Construction of the rear shared access drive connecting the Popeye's site to Lewis Street shall be completed as part of the next phase of development on the remaining Property.

Section 5. Additional conditions. Development and use of the Mokas Coffee and Bistro restaurant site shall be subject to the following additional conditions:

1. A public sidewalk shall be constructed along the entire Lewis Street frontage of the lot.
2. Signage shall be limited to one (1) pole sign with a maximum permitted sign area of 120 square feet and a maximum sign height of 30 ft. Facade or wall signs for shall be subject to the C-3 sign regulations.
3. 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.
4. The applicant shall submit a site lighting plan and cut sheets for proposed exterior lighting fixtures for review prior to installation.
5. A KDHE stormwater permit (Notice of Intent) shall be required for this project. A copy of KDHE's approval letter must be provided to the City Engineer and a local Land Disturbance Permit must be applied for and issued prior to commencing any earthwork on the site.
6. The project shall be completed in substantial conformance with the approved site development plan, landscape plan and associated sign and building elevation drawings which are hereby incorporated by reference.
7. A building permit for this project shall be obtained within 18 months of site 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 Mokas Coffee and Bistro restaurant site 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 June 11, 2018, the City Commission passed Ordinance No. 18-10940. The ordinance changes the zoning district classification of property located on the southeast East Crawford Street and Lewis Street to PC-3 Planned Shopping Center District to allow commercial re-development of 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: June 4, 2018
Passed: June 11, 2018

Karl F. Ryan, Mayor

[SEAL]
ATTEST:

Shandi Wicks, CMC, City Clerk

The publication summary set forth above is certified this ____ of June, 2018.

Greg A. Bengtson, City Attorney