

ORDINANCE NO. \_\_\_\_\_

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 applicable zoning restrictions of the lands legally described hereby are changed as follows:

**Case No. ZON2017-00050**

City zone change to amend and modify the provisions of Protective Overlay Number 78 on lands zoned GC General Commercial (GC), described as:

Lot 1, Block A of Schulte Country Storage Addition, Wichita, Sedgwick County, Kansas.

The following Protective Overlay (**PO-78**) shall read as follows:

1. This property shall be limited to self-storage warehouse use and all uses in the "LC" Limited Commercial district (with the exception of liquor stores, adult book stores, drive-in and drive-through restaurants, tattooing and body piercing facilities, tavern and drinking establishments, night clubs and pawn shops). The self-storage warehouse use shall be subject to the Unified Zoning Code's Supplementary Use Regulations; Section III-D.6.y with the exception of the following items: (1, 2, 5, 8, 17).
2. The applicant shall be permitted outside storage within the area designated on the site plan approved by the Director of Planning, subject to the following conditions:
  - A. All requirements of Art. IV Sec. IV.A.2.b. of the Unified Zoning Code concerning paving of the storage area shall be waived.
  - B. No items shall be stored outdoors that exceed the height limitations of buildings as noted herein.
  - C. No required off-street parking Space or Loading Space shall be utilized for storage.
  - D. No portable storage containers shall be kept within the designated outdoor storage space identified in the site plan.
3. The hours of operation for the self-storage warehouse will be same as the adjacent convenience store/service station.
4. Screening, constructed of standard building materials, or an approved landscape buffer, shall be provided along the west, east, and north perimeter of the self-service storage warehouse facility.
5. Outdoor lighting sources shall employ cut-off luminaries to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring lots.

6. Signage shall be limited to a monument sign, not to exceed 12 feet in height nor exceed 32 square feet in gross surface area.
7. Portable signs, off-site signs, banners, string pennants and the like shall not be permitted, except for a banner sign permitted for 30 days from the opening of business.
8. Building heights shall be limited to 20 feet.
9. Access to the site will be from K- 42, via an existing driveway located to the east of the convenience store/service station.
10. Prior to issuance of a building permit, a site plan shall be submitted for review and approval by the Director of Planning. The site plan shall indicate type and location of perimeter enclosure materials, which shall entirely enclose the self-service storage warehouse facility. The site plan also shall indicate the size and location of the landscape buffer areas.
11. The architectural design shall be compatible with the surrounding residential and commercial development and that adequate screening is provided. The colors of the exterior walls and doors of the self-service warehouse shall be of earth tones (and not bright colors) to mitigate the impact to the neighborhood. The building exterior plan shall be reviewed and approved by the Director of Planning. Prior to issuance of a building permit, the applicant shall submit building elevations for review and approval. The building elevations shall indicate the type of wall, roofing materials, colors, and the building and wall heights. Additionally, the exterior walls of the storage buildings, used to enclose the perimeter of the facility shall be of the same texture, color, and appearance as the adjacent convenience store/service station.
12. Outdoor speakers and sound amplification systems shall not be permitted.
13. Any major changes in this site plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
14. Prior to publishing the resolution or ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.
15. The applicants shall submit 4 copies of the site plan to the Metropolitan Area Planning Department within 30 days after approval by the Governing Body, or the request shall be considered denied and closed.
16. A 100-foot monopole wireless communication facility is permitted, subject to the following conditions:
  - A. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met. This 50-foot (x) 50-foot lease area for the wireless communication facility and its 100-foot tall galvanized steel monopole shall also meet all the criteria of an FAA airspace study.
  - B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable. This will include providing 1 copy of the recorded proposed 15-foot access and utility easement to the Metropolitan Area Building and Construction Department and Planning.
  - C. The support structure shall be a monopole design, as shown on the elevation and that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.

- D. The support structure shall not exceed 100 feet in height and shall be designed and constructed to accommodate communication equipment for at least three (3) wireless service providers.
- E. The tower site shall be developed in general conformance with the approved revised site and a landscape plan. These plans must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. Evergreens will be planted a minimum size of 5-foot at the time of their planting, but be taller than 15 feet when mature and planted on 15-foot centers. The site plan must identify the all utility and or access easements. If it is proposed it must be recorded. If a surface is needed for the drive/access easement, it must be approved by the Zoning Administrator. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.
- F. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide the City of Wichita Engineer with any required plans, including drainage, for review and approval of the site.
- G. The proposed monopole will be allowed to exceed Protective Overlay #78 20-foot height limitation. All other provisions of Protective Overlay will remain in effect.
- H. If the Zoning Administrator finds that there is a violation of any of the amended provisions of Protective Overlay #78, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the amended portions of Protective Overlay is null and void.

**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.

\_\_\_\_\_  
Jeff Longwell, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form: \_\_\_\_\_  
Jennifer Magaña, City Attorney and Director of Law



AGENDA ITEM NO. 6

## STAFF REPORT

MAPC November 2, 2017

DAB IV November 6, 2014

**CASE NUMBER:** ZON2017-00050

**OWNER/APPLICANT:** Schulte County Storage, LLC, c/o Paul Wells (owner) Baughman Company, P.A. Russ Ewy (applicant-agent)

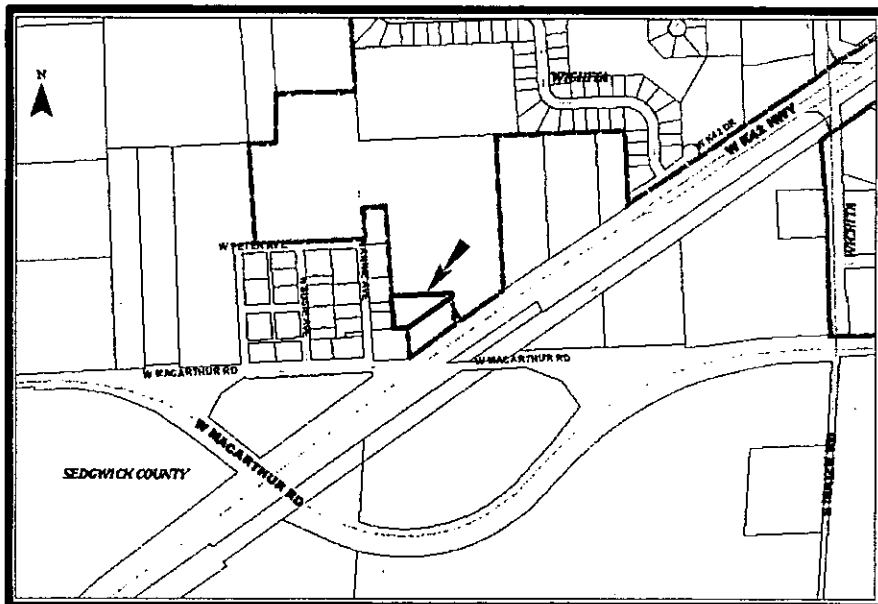
**REQUEST:** Amend Protective Overlay #78 to allow a remove a prohibition of "outdoor storage."

**CURRENT ZONING:** GC General Commercial

**SITE SIZE:** Approximately 0.94-acres

**LOCATION:** Generally located north of MacArthur Road and northwest of Kansas Highway K-42

**PROPOSED USE:** Permit outdoor storage, in associated with established self-storage facility



**BACKGROUND:** This property was rezoned GC General Commercial (GC) and created Protective Overlay (PO) #78 in October, 2000. PO #78 confines the uses on the subject site to what is permitted in the LC Limited Commercial zoning district, some prohibited uses and a self-storage warehouse with supplemental use regulations. As noted herein, PO #78 was amended in 2015 to permit the construction of a 100-foot monopole telecommunication facility. This request is to remove the restriction concerning outdoor storage.

The site abuts SF-20 Single-Family Residential (SF-20) zoned residences (located in the County, District #2) on its west side and the SF-5 Single-Family Residential (SF-5) zoned St. Peter's Catholic Church and school development on its north and east sides. There are more SF-20 and SF-5 zoned single-family residences located adjacent to the site's west, north and east sides. An LC Limited Commercial zoned convenience store, commercial strip building, a day care and single-family residence abut and are adjacent to the site's south and southwest side of the site, with all of them located along K-42. SF-20 farmland and LI Limited Industrial (LI) zoned warehouses, a building supply store and a cluster of warehouse-offices, trucking and manufacturing developments are located south (across K-42) and east (abutting the already mentioned SF-20 and SF-5 zoned single-family residences) of the site.

**CASE HISTORY:** ZON2000-00039 and PO #78 were approved by the Sedgwick County Board of County Commissioners on October 18, 2000. The plat creating Schulte Country Storage Addition was recorded with the Register of Deeds October 9, 2001. PO #78 was amended on February 10, 2015, to permit the construction of the 100-foot monopole. (ZON2014-00028). This property was annexed to the City of Wichita on June 12, 2009. (Annex Ordinance No. 48-342).

**ADJACENT ZONING AND LAND USE:**

|                      |                                                                              |
|----------------------|------------------------------------------------------------------------------|
| NORTH: SF-5          | St. Peter's Catholic Church and school development                           |
| SOUTH: LC, LI, SF-20 | Convenience store, commercial strip building, warehouses, farm land          |
| EAST: SF-5, SF-20    | St. Peter's Catholic Church and school development, single-family residences |
| WEST: SF-20, LC      | Single-family residences, day care                                           |

**PUBLIC SERVICES:** No municipally supplied public services are required.

**CONFORMANCE TO PLANS/POLICIES:** The "Community Investments Plan 2015-2035" depicts this location as being appropriate for "new employment," which is defined: "New Employment: Encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. In areas where the uses are already established, pockets of industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials likely will be developed."

The proposal to remove the prohibition of outdoor storage for this property does not appear to be unreasonable given the nature of the improvements on the property. The only real "visibility" to this property will be from K-42 Highway. The construction of the self-storage facility along the western and northern property lines effectively screen the view from adjoining properties into the area to be used for the outdoor storage. According to the applicant, most of this area was originally used as the on-site wastewater treatment lagoon; which has been removed and reclaimed, resulting the large open area suitable for this use.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, and PO # 78 be amended to read as follows:

**PROTECTIVE OVERLAY #78 RESTRICTIONS:**

1. This property shall be limited to self- storage warehouse use and all uses in the "LC" Limited Commercial district (with the exception of liquor stores, adult book stores, drive-in and drive-through restaurants, tattooing and body piercing facilities, tavern and drinking establishments, night clubs and pawn shops). The self-storage warehouse use shall be subject to the Unified Zoning Code's Supplementary Use Regulations; Section III-D.6.y with the exception of the following items: (1, 2, 5, 8, 17).
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13. Any major changes in this site plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
15. Prior to publishing the resolution or ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.
15. The applicants shall submit 4 copies of the site plan to the Metropolitan Area Planning Department within 30 days after approval by the Governing Body, or the request shall be considered denied and closed.
16. *(Condition 16 approved by amendment on February 10, 2015).* A 100-foot monopole wireless communication facility is permitted, subject to the following conditions:

- A. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met. This 50-foot (x) 50-foot lease area for the wireless communication facility and its 100-foot tall galvanized steel monopole shall also meet all the criteria of an FAA airspace study.
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- C. The support structure shall be a monopole design, as shown on the elevation and that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
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- H. If the Zoning Administrator finds that there is a violation of any of the amended provisions of Protective Overlay #78, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may,



with the concurrence of the Planning Director, declare that the amended portions of Protective Overlay is null and void.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding area is developed with single-family residential, church, school and commercial uses. The most directly impacted properties by the proposed development are residences zoned "SF- 20" Single-Family Residential and located to the west, the Clearwater Training Center (alternative school) to the west is zoned "LC " Limited Commercial, a Catholic Church to the north is zoned "SF- 20," the Phillips 66 business directly to the south which is zoned "LC" and a single-family residence to the east, across a vacant lot, is zoned "SF- 20."
2. <

