



**Wichita-Sedgwick County Metropolitan Area Planning Department**

December 23, 2021

Austin Brumley  
2407 N Bayside St  
Wichita, KS 67205

**RE: ZON2021-00046:** City Zone Change from SF-5 Single-Family Residential to GC General Commercial with a Protective Overlay to allow for storage unit development; generally located on the northwest corner of West 23rd Street North and North Hoover Street (5700 West 23rd Street North).

Dear Applicant;

At its regular meeting on **December 21, 2021**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request subject to Protective Overlay # 380.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen, AICP  
Associate Planner

Copies to: MABCD  
Cindy Claycomb, WCC District VI  
Ana Lopez, CSR VI  
KE Miller Engineering, Kirk Miller, 117 E Lewis, Wichita, KS 67202  
Amber Libby, 2370 N Hoover Rd, Wichita, KS 67205

**Approved Text for Protective Overlay #380:**

1. Parking shall be provided in accordance with Article IV of the Unified Zoning Code.
2. A drainage plan shall be submitted to City Engineering for approval. Required guarantees for drainage shall be provided at the time of platting improvements.
3. Signs shall be in accordance with the GC zoning district in the Sign Code of the City of Wichita, with the following additional requirements:
  - a. Portable signs are not permitted.
  - b. Ground signs shall be monument type.
  - c. No off-site /billboard signs.
  - d. No illuminated building signs on the north or west elevations of any buildings.
4. Property shall install similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
  - a. The height of all light poles, including pole base, is limited to 15 feet.
  - b. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.
5. Utilities shall be installed underground on all parcels.
6. Landscape buffers and screening shall be in accordance with the City of Wichita Landscape Ordinance.
  - a. A Landscape Plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. The landscape plan shall also state how water is to be provided to the plant materials. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
  - b. There shall be a 10' landscape strip along the right-of-way for the entire length of Hoover and the entire length of 23<sup>rd</sup> Street North
  - c. A financial guarantee for the plant material and watering requirements approved on the landscape plan for that portion being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
7. Noise from the site shall not be audible from adjacent or surrounding property above the local, ambient noise. No outdoor speaker systems shall be permitted.
8. All rooftop mechanical equipment shall be screened from ground-level view from adjacent residential areas and adjacent street right of way.
9. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.
10. All building exteriors shall share a consistent architectural design, color, and texture. Exterior utility boxes, mechanical equipment, and etc., shall be screened and/or painted according to the acceptable color range. All light fixtures shall share consistent design (i.e., fixtures, poles, lamps, etc.). Variations must be approved by the Planning Department.
11. Uses shall be limited to those permitted by-right in LC Limited Commercial in addition to Warehouse, Self-Storage and Vehicle Storage Yard as permitted in GC General Commercial. The

following uses are prohibited: manufactured/mobile homes; assisted living; group residence; auditorium; cemetery; community assembly; correctional placement residence; golf course; library; entertainment establishment; event center; farmer's market; kennel, hobby and boarding/breeding/training; recreational marine facility; indoor and outdoor recreation and entertainment; rodeo; riding academy or stable; sexually oriented business in the city; tattooing and body piercing facility; teen club; vocational school; hospital; recycling collection stations; reverse vending machine; elementary, middle, and high schools; car wash; convenience stores; night club; pawn shop; service stations; tavern and drinking establishments; recycling processing center; second hand store; microbrewery; RV campground; vehicle sales; manufacturing limited and general; warehousing; and welding or machine shop; asphalt and concrete plant, limited; printing and copying, limited; printing and publishing, limited; outdoor storage as a principal use; commercial parking area as a principal use; all as defined in the Unified Zoning Code. Any use requiring a conditional use in GC zoning shall require a PO amendment.

12. If used for vehicle storage, the following restrictions shall apply:
  - a. Use: the vehicle storage yard shall be used for the storage of licensed, operable vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any vehicle or equipment, or for storage of materials or supplies.
  - b. Setbacks: the minimum setback for any stored vehicles from any residence constructed before the zone change is approved shall be 20 feet. The setback requirements can be modified or waived if the applicant demonstrates there is sufficient screening to substitute for the setback protections. Modification or waiving of the setback requirement shall be done by Administrative Adjustment.
  - c. Paving: the storage area and all entrance/exit drives on private property shall be surfaced with an all-weather surface that meets the approval of the Zoning Administrator and shall be maintained in good condition and free of weeds, trash, and other debris.
  - d. Noise: the compatibility noise standards of Section IV-C.6 shall be complied with provided, however, outdoors speakers and sound amplification systems shall not be permitted.
13. All internal circulation drives shall be paved with concrete or asphalt to mitigate dust.
14. Amendments, adjustments or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
15. The Transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns
16. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval 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.
17. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.



**Wichita-Sedgwick County Metropolitan Area Planning Department**

November 19, 2021

Austin Brumley  
2407 N Bayside St  
Wichita, KS 67205

**RE: ZON2021-00046:** City Zone Change from SF-5 Single-Family Residential to GC General Commercial with a Protective Overlay to allow for storage unit development; generally located on the northwest corner of West 23rd Street North and North Hoover Street (5700 West 23rd Street North).

Dear Applicant;

At its regular meeting on **November 18, 2021**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request subject to Protective Overlay # 380.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on December 2, 2021. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **December 2, 2021 at 5:00 p.m.**

This application will be forwarded to the City Council for review and final action **Tuesday, December 21, 2021.** This meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen, AICP  
Associate Planner

Copies to: MABCD  
Cindy Claycomb, WCC District VI  
Ana Lopez, CSR VI  
KE Miller Engineering, Kirk Miller, 117 E Lewis, Wichita, KS 67202  
Amber Libby, 2370 N Hoover Rd, Wichita, KS 67205

**Planning Commission Recommended Text for Protective Overlay #380:**

1. Parking shall be provided in accordance with Article IV of the Unified Zoning Code.
2. A drainage plan shall be submitted to City Engineering for approval. Required guarantees for drainage shall be provided at the time of platting improvements.
3. Signs shall be in accordance with the GC zoning district in the Sign Code of the City of Wichita, with the following additional requirements:
  - a. Portable signs are not permitted.
  - b. Ground signs shall be monument type.
  - c. No off-site /billboard signs.
  - d. No illuminated building signs on the north or west elevations of any buildings.
4. Property shall install similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
  - a. The height of all light poles, including pole base, is limited to 15 feet.
  - b. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.
5. Utilities shall be installed underground on all parcels.
6. Landscape buffers and screening shall be in accordance with the City of Wichita Landscape Ordinance.
  - a. A Landscape Plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. The landscape plan shall also state how water is to be provided to the plant materials. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
  - b. There shall be a 10' landscape strip along the right-of-way for the entire length of Hoover and the entire length of 23<sup>rd</sup> Street North
  - c. A financial guarantee for the plant material and watering requirements approved on the landscape plan for that portion being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
7. Noise from the site shall not be audible from adjacent or surrounding property above the local, ambient noise. No outdoor speaker systems shall be permitted.
8. All rooftop mechanical equipment shall be screened from ground-level view from adjacent residential areas and adjacent street right of way.
9. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.
10. All building exteriors shall share a consistent architectural design, color, and texture. Exterior utility boxes, mechanical equipment, and etc., shall be screened and/or painted according to the acceptable color range. All light fixtures shall share consistent design (i.e., fixtures, poles, lamps, etc.). Variations must be approved by the Planning Department.
11. **Uses shall be limited to those permitted by-right in LC Limited Commercial in addition to Warehouse, Self-Storage and Vehicle Storage Yard as permitted in GC General Commercial. The**

following uses are prohibited: manufactured/mobile homes; assisted living; group residence; auditorium; cemetery; community assembly; correctional placement residence; golf course; library; entertainment establishment; event center; farmer's market; kennel, hobby and boarding/breeding/training; recreational marine facility; indoor and outdoor recreation and entertainment; rodeo; riding academy or stable; sexually oriented business in the city; tattooing and body piercing facility; teen club; vocational school; hospital; recycling collection stations; reverse vending machine; elementary, middle, and high schools; car wash; convenience stores; night club; pawn shop; service stations; tavern and drinking establishments; recycling processing center; second hand store; microbrewery; RV campground; vehicle sales; manufacturing limited and general; warehousing; and welding or machine shop; asphalt and concrete plant, limited; printing and copying, limited; printing and publishing, limited; outdoor storage as a principal use; commercial parking area as a principal use; all as defined in the Unified Zoning Code. Any use requiring a conditional use in GC zoning shall require a PO amendment.

12. If used for vehicle storage, the following restrictions shall apply:
  - a. Use: the vehicle storage yard shall be used for the storage of licensed, operable vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any vehicle or equipment, or for storage of materials or supplies.
  - b. Setbacks: the minimum setback for any stored vehicles from any residence constructed before the zone change is approved shall be 20 feet. The setback requirements can be modified or waived if the applicant demonstrates there is sufficient screening to substitute for the setback protections. Modification or waiving of the setback requirement shall be done by Administrative Adjustment.
  - c. Paving: the storage area and all entrance/exit drives on private property shall be surfaced with an all-weather surface that meets the approval of the Zoning Administrator and shall be maintained in good condition and free of weeds, trash, and other debris.
  - d. Noise: the compatibility noise standards of Section IV-C.6 shall be complied with provided, however, outdoors speakers and sound amplification systems shall not be permitted.
13. All internal circulation drives shall be paved with concrete or asphalt to mitigate dust.
14. Amendments, adjustments or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
15. The Transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns
16. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval 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.
17. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

Dec. 31, 2021

ORDINANCE NO. 51-692

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. ZON2021-00046**

City zone change from SF-5 Single-Family Residential to GC General Commercial, subject to Protective Overlay #380, on a zoning lot described as:

A tract beginning at a point 30 feet North of the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 3, Township 27 South, Range 1 West of the 6<sup>th</sup> Principal Meridian, Sedgwick County, Kansas; thence North on the Section line 200 feet; thence West 225 feet; thence North 184.56 feet; thence West 225 feet; thence North 100 feet; thence West 173 feet; thence South 485.82 feet, more or less, to a point 30 feet North of the South line of the Northeast Quarter of the Southeast Quarter of said Section 3; thence East 623 feet to the point of beginning.

Protective Overlay #380

1. Parking shall be provided in accordance with Article IV of the Unified Zoning Code.
2. A drainage plan shall be submitted to City Engineering for approval. Required guarantees for drainage shall be provided at the time of platting improvements.
3. Signs shall be in accordance with the GC zoning district in the Sign Code of the City of Wichita, with the following additional requirements:
  - a. Portable signs are not permitted.
  - b. Ground signs shall be monument type.
  - c. No off-site /billboard signs.
  - d. No illuminated building signs on the north or west elevations of any buildings.
4. Property shall install similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
  - a. The height of all light poles, including pole base, is limited to 15 feet.
  - b. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.
5. Utilities shall be installed underground on all parcels.
6. Landscape buffers and screening shall be in accordance with the City of Wichita Landscape Ordinance.

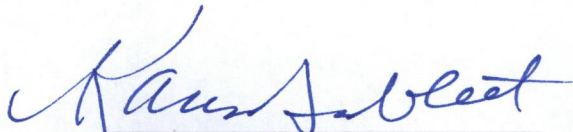
- a. A Landscape Plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. The landscape plan shall also state how water is to be provided to the plant materials. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
  - b. There shall be a 10' landscape strip along the right-of-way for the entire length of Hoover and the entire length of 23<sup>rd</sup> Street North
  - c. A financial guarantee for the plant material and watering requirements approved on the landscape plan for that portion being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
7. Noise from the site shall not be audible from adjacent or surrounding property above the local, ambient noise. No outdoor speaker systems shall be permitted.
8. All rooftop mechanical equipment shall be screened from ground-level view from adjacent residential areas and adjacent street right of way.
9. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.
10. All building exteriors shall share a consistent architectural design, color, and texture. Exterior utility boxes, mechanical equipment, and etc., shall be screened and/or painted according to the acceptable color range. All light fixtures shall share consistent design (i.e., fixtures, poles, lamps, etc.). Variations must be approved by the Planning Department.
11. Uses shall be limited to the following: All uses permitted in G.C. zoning district except for the following: manufactured/mobile homes; assisted living; group residence; auditorium; cemetery; community assembly; correctional placement residence; golf course; library; entertainment establishment; event center; farmer's market; kennel, hobby and boarding/breeding/training; recreational marine facility; indoor and outdoor recreation and entertainment; rodeo; riding academy or stable; sexually oriented business in the city; tattooing and body piercing facility; teen club; vocational school; hospital; recycling collection stations; reverse vending machine; elementary, middle, and high schools; car wash; convenience stores; night club; pawn shop; service stations; tavern and drinking establishments; vehicle repair; recycling processing center; second hand store; microbrewery; RV campground; vehicle sales; manufacturing limited and general; warehousing; and welding or machine shop; asphalt and concrete plant, limited; printing and copying, limited; printing and publishing, limited; outdoor storage as a principal use; commercial parking area as a principal use; all as defined in the Unified Zoning Code. Any use requiring a conditional use in GC zoning shall require a PO amendment.
12. If used for vehicle storage, the following restrictions shall apply:
  - a. Use: the vehicle storage yard shall be used for the storage of licensed, operable vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any vehicle or equipment, or for storage of materials or supplies.
  - b. Setbacks: the minimum setback for any stored vehicles from any residence constructed before the zone change is approved shall be 20 feet. The setback requirements can be modified or waived if the applicant demonstrates there is sufficient screening to substitute for the setback protections. Modification or waiving of the setback requirement shall be done by Administrative Adjustment.
  - c. Paving: the storage area and all entrance/exit drives on private property shall be surfaced with an all-weather surface that meets the approval of the Zoning Administrator and shall be maintained in good condition and free of weeds, trash, and other debris.
  - d. Noise: the compatibility noise standards of Section IV-C.6 shall be complied with provided, however, outdoors speakers and sound amplification systems shall not be permitted.
13. All internal circulation drives shall be paved with concrete or asphalt to mitigate dust.

14. Amendments, adjustments or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
15. The Transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns
16. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval 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.
17. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

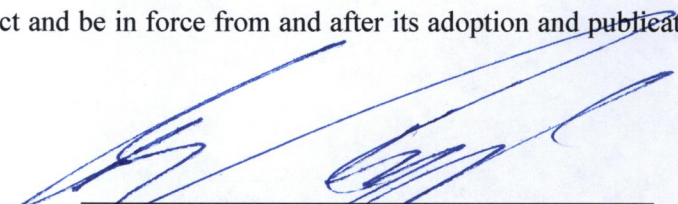
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

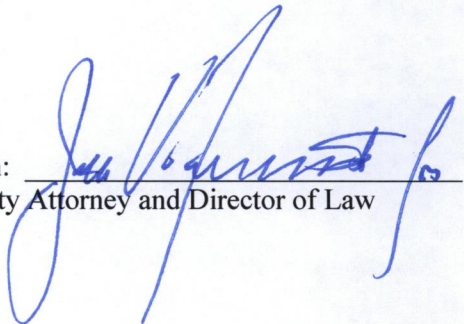
**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

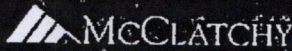
ATTEST:

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



  
\_\_\_\_\_  
Brandon J. Whipple, Mayor, City of Wichita

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



Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
 Modesto Bee  
 Raleigh News & Observer  
 The Olympian  
 Sacramento Bee  
 Fort Worth Star-Telegram  
 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	194581	WIC-12-31-2021	ORD. NO. 51-692	\$134.40	1	16.00 in

**Attention:** Jamie Buster  
 CITY OF WICHITA/CLERKS OFFICE  
 455 N MAIN ST FL 13  
 WICHITA, KS 67202

Copy of ad content  
 is on the next page

In The STATE OF KANSAS  
 In and for the County of Sedgwick

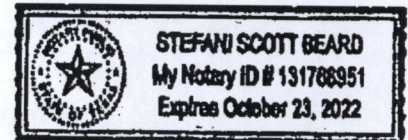
No. of Insertions: 1  
 Beginning Issue of: 12/31/2021  
 Ending Issue of: 12/31/2021

STATE OF KANSAS)  
 SS  
 County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposes and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 12/31/2021 to 12/31/2021.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
 DATED: 01/07/2022

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!

LEGAL PUBLICATION

OCA 1984  
PUBLISHED BY THE WICHITA EAGLE  
ON DECEMBER 31, 2011 (13061)

ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-MEDICINE COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 21.01(B) AS AMENDED.

BEIT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS  
SECTION 1. That having received a recommendation from the Planning Commission, and no case having been given and having been approved by law and under authority and subject to the provisions of the Wichita-Medicine County Unified Zoning Code, Section V-C, as amended by Section 21.01, as amended, the zoning classifications or districts of the lands hereby described herein are changed as follows:

Code No. 201101-0001  
City zone change from SF-3 Single-Family Residential to GC General Commercial, subject to Protective Overlay 62K, on a zoning lot described as:

A tract beginning at a point 30 feet north of the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 1, Township 27 South, Range 1 West of the 1<sup>st</sup> Principal Meridian, Sedgwick County, Kansas, known north on the Section 100 West, Thence West 275 feet, thence North 101.6 feet, thence West 275 feet, thence North 101.6 feet, thence West 275 feet, thence East 400 feet, more or less, to a point 30 feet north of the South line of the Northeast Quarter of the Southeast Quarter of said Section 1, thence East 425 feet to the point of beginning.

Protective Overlay 62K:

1. Parking shall be provided in accordance with Article VI of the Unified Zoning Code.

2. A drainage plan shall be submitted to City Engineering for approval. Required easements for drainage shall be provided at the time of plan submittal.

3. Signs shall be in accordance with the GC zoning section of the Zoning Code of the City of Wichita with the following additional requirements:  
a. Portable signs are not permitted.  
b. Ground signs shall be maximum 10 ft.  
c. No off-site billboard signs.

4. No illuminated building signs on the north or west elevations of any building.

5. Property shall contain a well or approved surface water supply system (i.e., kistars, cisterns, and tanks, etc.).

6. The height of all light poles, including pole base, is limited to 18 feet.

7. All exterior lighting shall be shielded to direct light only in the downward direction and away from residential areas.

8. Utilities shall be installed underground on all service.

9. Landscape buffers and screening shall be in accordance with the City of Wichita Landscape Ordinance.

10. A Landscape Plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping including the tree location and specifications of all plant material. The landscape plan shall also state how water is to be provided to the plant material. This shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.  
a. There shall be a 10' landscape strip above the right-of-way for the entire length of "header" and the entire length of "tree" bars.  
b. A structural barrier for the plant material and structural requirements approved on the landscape plan for that portion being developed shall be required prior to issuance of any occupancy permit, if the structural barrier has not been placed.

11. Signs from the site shall not be visible from adjacent or surrounding properties when the local ambient noise is ambient noise systems shall be provided.

12. All exterior mechanical equipment shall be screened from ground-level view from adjacent residential areas and adjacent streets and alleys.

13. Trash receptacles and ground level mechanical equipment shall be screened in reasonable regard to ground-level view, adjacent streets and alleys and right-of-way.

14. All building exterior shall have a consistent architectural design, color, and texture. Exterior walls, doors, mechanical equipment, and etc., shall be uniform and in accord with the architectural color range. All lawn fixtures shall have a consistent design (i.e., fountains, water, fountains, etc.). Variations must be approved by the Planning Department.

15. Uses shall be limited to the following: All uses permitted in GC zoning district except for the following: manufactured mobile homes, assisted living, small residential, multi-family, community assembly, commercial, residential, golf course, library, entertainment establishment, event center, bar/night club, tavern, hotel, health and spa, meeting/training, professional office building, minor and outdoor recreation and entertainment, name riding academy of stable, usually enclosed business in the city, religious and health services facility, lawn club, vocational school, hospital, recycling collection station, reverse vending machine, elementary, middle, and high schools, car wash, convenience store, retail shop, service station, laundromat and dry cleaning establishments, which may include recycling center, second hand store, thrift store, and other uses which sales, manufacturing, food and beverage, and other uses of similar nature which are not prohibited by the Unified Zoning Code. Any use requiring a conditional use in GC zoning shall require a PO amendment.

16. Plans for vehicle storage, the following restrictions shall apply:

a. The vehicle storage yard shall be used for the storage of licensed, operable vehicles only, and no use shall be used for sale, repair and distribution of mechanical services of any vehicle or equipment, or for the sale of materials or supplies.

b. Subject to the provisions of this section, vehicles which have any release components before the time of sale is approved shall be 20 feet. The setback requirements can be reduced or waived if the applicant demonstrates there is sufficient screening to protect the adjacent structure. Application or a waiver of the setback requirement shall be sent to Administrative Inquiries.

c. Permit the storage area and all structures or other on-site property shall be screened as an all-weather surface that meets the approval of the Zoning Administrator and shall be maintained in good condition and free of weeds, trash, and other debris.

d. Noise: The sound level measurement of Section 15-C shall be controlled as provided. However, outdoor music and sound amplification systems shall not be prohibited.

17. All structural concrete drives shall be paved with concrete or asphalt in multiple slabs.

18. Amendments, adjustments or interpretations to the Protective Overlay shall be done in accordance with the Unified Zoning Code.

19. The transfer of title of all or any portion of land included within the Protective Overlay for any amendments thereto does not constitute a relinquishment of the claim of any person therein, but said plan shall remain in force and effect until the transfer of title, then successors and assigns.

20. 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 approved by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit requirements construction of the proposed development.

21. Any minor changes in this amendment shall be submitted to the Planning Commission and to the Governing Body for their consideration.

SECTION 2. That upon the taking effect of this ordinance the same zoning changes shall be general and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby re-amended to reflect all of the Wichita-Medicine County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall have effect and be in force from and after its adoption and publication in the official City paper.

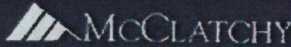
ATTEST

By: \_\_\_\_\_ Mayor, City of Wichita

\_\_\_\_\_ City Clerk (SEAL)

Approved as to form

\_\_\_\_\_ City Attorney and Director of Law



Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
 Modesto Bee  
 Raleigh News & Observer  
 The Olympian  
 Sacramento Bee  
 Fort Worth Star-Telegram  
 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	160051	Print Legal Ad - IPL004662Z		\$156.03	2	93 L

Attention: Betsy Pagán  
 CITY OF WICHITA/PLANNING DEPT  
 271 WEST THIRD ST., 2ND FL, SU 203  
 WICHITA, KS 67202

### LEGAL PUBLICATION

Published in The Wichita Eagle on October 28, 2021

(One Time Only)

MAPC/ISZA November 18, 2021

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, November 18, 2021 no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

**VAC2021-00043:** City request to vacate portions of platted front and street side yard building setbacks on LJ Limited Industrial zoned property generally located a block west of South Hydraulics Avenue, north of I-35, on the northwest corner of East 49th Street South and South Victoria Street.

**VAC2021-00044:** City request to vacate a portion of a platted setback and a setback established by Vacation Ordinance on LJ Limited Industrial zoned property, generally located on the northwest corner of South West Street and West Henry Street (reprocessing of VAC2021-00013).

**ZONE2021-00048:** City Zone Change from SF-5 Single-Family Residential to GC General Commercial with a Protective Overlay to allow for storage unit development, generally located on the northwest corner of West 23rd Street North and North Hoover Street (5700 West 23rd Street North).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

**PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:**

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

**Submit Comments Ahead of Time**

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email: [Planning@wichita.gov](mailto:Planning@wichita.gov)  
 Mailing Address:  
 Wichita-Sedgwick County  
 Metropolitan Area Planning Department  
 Attn: Scott Wadle  
 271 W. 3rd Street - Suite 201  
 Wichita, KS 67202  
 Phone 316.268.4421  
 Fax 316.856.7764

#### Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or [www.wichita.gov/virtual](https://www.wichita.gov/virtual)

Meeting ID: 651 544 141

Or dial directly: 651544141 @ 67.217.95.2 or 67.217.95.2#651544141

**New to GoToMeeting?** Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/651544141>

#### Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit [www.wichita.gov/virtual](http://www.wichita.gov/virtual). The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on October 28, 2021  
 Scott Wadle, Secretary  
 Wichita-Sedgwick County  
 Metropolitan Area Planning Commission

IPL004662Z  
 Oct 28 2021

In The STATE OF KANSAS  
 In and for the County of Sedgwick

No. of Insertions: 1  
 Beginning Issue of: 10/28/2021  
 Ending Issue of: 10/28/2021

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 10/28/2021 to 10/28/2021.

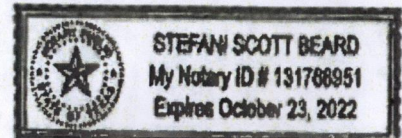
*M. Hayley*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 10/28/2021

*Stefani Beard*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!



**STAFF REPORT**

MAPC: November 18, 2021

DAB VI: November 17, 2021

---

CASE NUMBER: ZON2021-00046 (City)

APPLICANT/AGENT: Austin Brumley. (Applicant), KE Miller Engineering (Agent)

REQUEST: GC General Commercial

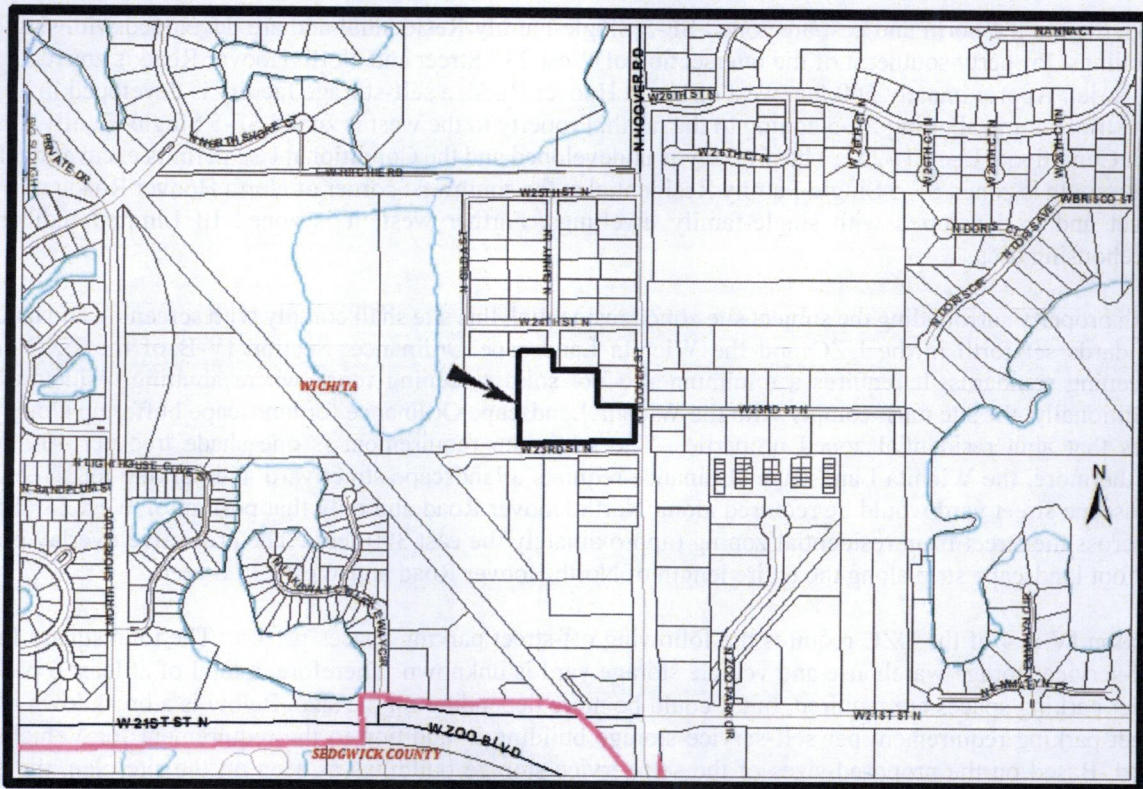
CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 04.46 acres

LOCATION: Generally located on the west side of North Hoover Road, approximately one-half mile north of West 21<sup>st</sup> Street North (5700 West 23<sup>rd</sup> Street North).

PROPOSED USE: Self-Service Storage and Vehicle Storage Yard Development with Protective Overlay

STAFF RECOMMENDATION: Approval subject to Protective Overlay #380



**BACKGROUND:** The applicant is requesting a zone change from SF-5 Single-Family Residential to GC General Commercial for a parcel generally located on the west side of North Hoover Road and approximately one-half mile north of West 21<sup>st</sup> Street North (5700 West 23<sup>rd</sup> Street North). The applicant is seeking to rezone the property for a self-service storage warehouse and a vehicle storage yard. The applicant has proposed Protective Overlay #380 restricting the proposed zoning to mitigate negative impacts and to ensure the compatibility of the proposed uses with nearby residential uses. The proposed language of PO #380 is attached and is discussed in general below.

The site is currently developed with a single-family dwelling and several accessory structures. According to Sedgwick County records, the dwelling addressed as 2417 North Hoover Road was built in 1920. Historical aerial images indicate the presence of a second dwelling (likely a manufactured home) as far back as 1983 until very recent. However, a site visit confirms the second dwelling, addressed as 5700 West 23<sup>rd</sup> Street North, has been removed.

As shown on the attached site plan, the applicant intends to raze all existing structures on the site and build six storage buildings, each with multiple storage units. As the storage buildings are built in phases, the applicant would also like to use a portion of the property as a vehicle storage yard for patrons to rent space to store operable vehicles such as RVs and boats (not pictured on site plan). With the presence of unrestricted LI Limited Industrial zoning adjacent to the south, the requested zone change with the Protective Overlay is not unreasonable. However, given the single-family residential character of the area north, east, and west of the site, staff concurs with the language of the proposed Protective Overlay that will prohibit uses permitted in GC General Commercial and restrict signage that would be inappropriate for the residential context.

The site plan depicts that the applicant intends to close the western-most drive along West 23<sup>rd</sup> Street, enlarge the other existing drive along West 23<sup>rd</sup> to a 30-foot drive and create a new, 30-foot drive along North Hoover Road. The applicant proposes a drainage retention pond in the northwest corner of the site. The placement of new drives and a drainage plan will be reviewed and approved during the platting process.

Properties to the north and east are zoned SF-5 Single-Family Residential and are developed with single family dwellings. Property southeast of the intersection of West 23<sup>rd</sup> Street and North Hoover Road is zoned LI Limited Industrial. Approximately 500 feet west of North Hoover Road, a self-storage facility is developed in LI Limited Industrial zoning abutting SF-5 zoning to the north. Property to the west is zoned SF-5 Single-Family Residential with Conditional Use CU-231. The property is undeveloped and the Conditional Use permits excavating. Property to the south is zoned SF-5 Single-Family Residential at the southwest corner of North Hoover Road and West 23<sup>rd</sup> Street and is developed with single-family dwellings. Farther west, it is zoned LI Limited Industrial with warehousing uses.

With property surrounding the subject site zoned residential, this site shall comply with screening and landscaping standards set forth in the UZC and the Wichita Landscape Ordinance. Section IV-B of the UZC addresses screening standards. It requires a minimum six-foot solid screening fence where abutting residential zoning. Additionally, the site must comply with the Wichita Landscape Ordinance for landscape buffering along property lines that abut residential zoned properties. The minimum requirement is one shade tree per 40-linear feet. Furthermore, the Wichita Landscape Ordinance requires a landscape street yard and parking lot screening. The landscape street yard would be required along North Hoover Road and only that portion of West 23<sup>rd</sup> Street that is across the street from residential zoning (approximately the east 300 feet). The protective overlay proposes a 10-foot landscape strip along the entire length of North Hoover Road and West 23<sup>rd</sup> Street.

Section IV-A.4 of the UZC requires the following off-street parking spaces per use. The total square footage of self-service storage warehouse and vehicle storage yard is unknown. Therefore, a total of at least 6 parking off-street parking spaces are required, but it could be more depending on the size. Below is a breakdown of the off-street parking requirement per self-service storage building in addition to the requirement for Vehicle Storage Yard. Based on the proposed sizes of the self-service storage buildings as seen on the site plan, the applicant would have to accommodate a minimum of 10 off-street parking spaces. The layout of the site is likely to change

in order to provide sufficient space for the minimum required spaces, which may reduce the amount of storage area on the site.

Use Type	Minimum # of Off-Street Parking Spaces
Warehouse Self-Storage	Minimum of five; or one per employee plus one per 8,000 square feet of floor area; whichever is greater.
Building A (13,000 sq. ft.)	1.63 spaces
Building B (18,000 sq. ft.)	2.25 spaces
Building C (18,000 sq. ft.)	2.25 spaces
Building D (8,750 sq. ft.)	1.09 spaces
Building E (8,750 sq. ft.)	1.09 spaces
Building F (17,500 sq. ft.)	2.19 spaces
Vehicle Storage Yard	One per 10,000 square feet.

Compatibility setback and height standards shall apply to this site since it abuts SF-5 zoning. In accordance with Section IV-C.4 of the Unified Zoning Code, the compatibility building setback shall be 25 feet on the rear and side property lines. In accordance with Section IV.C.5 of the Unified Zoning Code, the compatibility height standards shall be in effect. This section states that a building cannot exceed 35 feet in height within 50 feet of the lot line of a property zoned TF-3 Two-Family Residential or more restrictive. For every three feet greater than 50 feet from the lot line, the building can gain one-foot in height.

**CASE HISTORY:** The property is unplatted. In order to obtain a building permit, platting is required.

**ADJACENT ZONING AND LAND USE:**

North: SF-5	Single family dwellings
South: SF-5 and LI	Single-family dwelling and warehousing
East: SF-5	Single-family dwellings
West: SF-5 with CU-231	Undeveloped

**PUBLIC SERVICES:** The site is on the northwest corner of West 23<sup>rd</sup> Street North and North Hoover Road. West 23<sup>rd</sup> Street is a gravel two-way local street with a 24-foot roadway and no sidewalks. North Hoover Road is a paved, two-lane arterial street. At this time, there are no sidewalks along Hoover. However, the City has plans to install a shared use path along the east side of the road to complete a link in the bicycle and pedestrian network from Sedgwick County Park to the south with the finished portion of the path one-quarter mile north. There are no Wichita Transit bus stops within one-half mile of the site. Municipal water is available, but will have to be extended to serve this property. The closest link to municipal sewer is approximately 700 feet south, and it would have to be extended in order to serve subject site. Extension of utilities will be determined at the time of platting.

**CONFORMANCE TO PLANS/POLICIES:** The proposed zoning change with Protective Overlay is not in conformance with the Wichita-Sedgwick County Comprehensive Plan Future Growth Concept Map. The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “Residential”, on the Future Growth Concept Map. The Residential category is defined as “Encompassing areas that reflect the full diversity of residential development and types typically found in a large urban municipality.”

The proposed zoning change with Protective Overlay is in compliance with the Wichita-Sedgwick County Comprehensive Plan Location Guidelines. Property to the south of the residential district is unrestricted LI Limited Industrial zoning and identified by the Future Growth Concept Map as appropriate for Industrial uses. The Industrial category states “Business with negative impacts associated with noise, hazardous emissions, visual blight, and odor typically are buffered from Residential uses by Commercial uses.” In light of this, the proposed warehousing/vehicle storage use will act as a buffer to the established residential uses farther north.

The proposed zone change with Protective Overlay is in conformance with the Wichita Places for People Plan. The Wichita: Places for People Plan provides recommendations for urban infill development in the ECA, and it identifies six strategies to help implement the vision. Strategy #6 states "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The context surrounding the subject site includes established industrial zoning and uses to the south, southwest, and southeast. Developing the site with a compatible commercial use will act as a buffer to the established residential uses nearby. Therefore, staff determines that the request is in conformance to the Places for People Plan.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request, subject to Protective Overlay #380:

**Protective Overlay #380**

1. Parking shall be provided in accordance with Article IV of the Unified Zoning Code.
2. A drainage plan shall be submitted to City Engineering for approval. Required guarantees for drainage shall be provided at the time of platting improvements.
3. Signs shall be in accordance with the GC zoning district in the Sign Code of the City of Wichita, with the following additional requirements:
  - a. Portable signs are not permitted.
  - b. Ground signs shall be monument type.
  - c. No off-site /billboard signs.
  - d. No illuminated building signs on the north or west elevations of any buildings.
4. Property shall install similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
  - a. The height of all light poles, including pole base, is limited to 15 feet.
  - b. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.
5. Utilities shall be installed underground on all parcels.
6. Landscape buffers and screening shall be in accordance with the City of Wichita Landscape Ordinance.
  - a. A Landscape Plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. The landscape plan shall also state how water is to be provided to the plant materials. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
  - b. There shall be a 10' landscape strip along the right-of-way for the entire length of Hoover and the entire length of 23<sup>rd</sup> Street North
  - c. A financial guarantee for the plant material and watering requirements approved on the landscape plan for that portion being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
7. Noise from the site shall not be audible from adjacent or surrounding property above the local, ambient noise. No outdoor speaker systems shall be permitted.
8. All rooftop mechanical equipment shall be screened from ground-level view from adjacent residential areas and adjacent street right of way.

9. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.
10. All building exteriors shall share a consistent architectural design, color, and texture. Exterior utility boxes, mechanical equipment, and etc., shall be screened and/or painted according to the acceptable color range. All light fixtures shall share consistent design (i.e., fixtures, poles, lamps, etc.). Variations must be approved by the Planning Department.
11. Uses shall be limited to the following: All uses permitted in G.C. zoning district except for the following: manufactured/mobile homes; assisted living; group residence; auditorium; cemetery; community assembly; correctional placement residence; golf course; library; entertainment establishment; event center; farmer's market; kennel, hobby and boarding/breeding/training; recreational marine facility; indoor and outdoor recreation and entertainment; rodeo; riding academy or stable; sexually oriented business in the city; tattooing and body piercing facility; teen club; vocational school; hospital; recycling collection stations; reverse vending machine; elementary, middle, and high schools; car wash; convenience stores; night club; pawn shop; service stations; tavern and drinking establishments; vehicle repair; recycling processing center; second hand store; microbrewery; RV campground; vehicle sales; manufacturing limited and general; warehousing; and welding or machine shop; asphalt and concrete plant, limited; printing and copying, limited; printing and publishing, limited; outdoor storage as a principal use; commercial parking area as a principal use; all as defined in the Unified Zoning Code. Any use requiring a conditional use in GC zoning shall require a PO amendment.
12. If used for vehicle storage, the following restrictions shall apply:
  - a. Use: the vehicle storage yard shall be used for the storage of licensed, operable vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any vehicle or equipment, or for storage of materials or supplies.
  - b. Setbacks: the minimum setback for any stored vehicles from any residence constructed before the zone change is approved shall be 20 feet. The setback requirements can be modified or waived if the applicant demonstrates there is sufficient screening to substitute for the setback protections. Modification or waiving of the setback requirement shall be done by Administrative Adjustment.
  - c. Paving: the storage area and all entrance/exit drives on private property shall be surfaced with an all-weather surface that meets the approval of the Zoning Administrator and shall be maintained in good condition and free of weeds, trash, and other debris.
  - d. Noise: the compatibility noise standards of Section IV-C.6 shall be complied with provided, however, outdoors speakers and sound amplification systems shall not be permitted.
13. All internal circulation drives shall be paved with concrete or asphalt to mitigate dust.
14. Amendments, adjustments or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
15. The Transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns
16. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval 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.
17. Any major changes in this development plan shall be submitted to the Planning Commission and to the

Governing Body for their consideration.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Properties to the north and east are zoned SF-5 Single-Family Residential and are developed with single family dwellings. Property southeast of the intersection of West 23<sup>rd</sup> Street and North Hoover Road is zoned LI Limited Industrial. Approximately 500 feet west of North Hoover Road, a self-storage facility is developed in LI zoning abutting SF-5 zoning to the north. Property to the west is zoned SF-5 Single-Family Residential with CU-231. The property is undeveloped and the Conditional Use permits excavating. Property to the south is zoned SF-5 Single-Family Residential at the southwest corner of North Hoover Road and West 23<sup>rd</sup> Street and is developed with single-family dwellings. Farther west, it is zoned LI Limited Industrial with warehousing uses. Given the presence of the unrestricted LI zoning adjacent to the south, the request zoning with Protective Overlay is not unreasonable.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned SF-5 Single-Family Residential. Given the size of the property, it could be platted and developed into multiple single-family residential lots as currently zoned. Given the proximity to LI Limited Industrial zoning to the south, future uses may likely be higher intensity of either multi-family residential or commercial zoning to buffer the single-family residential farther north.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request would allow commercial development of the site as restricted by PO #380. The restrictions of the Protective Overlay will minimize and mitigate potential negative impacts to surrounding property.
4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval will allow development of the site for an area-serving self-service storage warehouse facility and vehicle storage yard. Denial would represent a loss of economic opportunity to the applicant or property owner.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The proposed zoning change with Protective Overlay is not in conformance with the Wichita-Sedgwick County Comprehensive Plan Future Growth Concept Map. The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “Residential”, on the Future Growth Concept Map. The Residential category is defined as “Encompassing areas that reflect the full diversity of residential development and types typically found in a large urban municipality.”

The proposed zoning change with Protective Overlay is in compliance with the Wichita-Sedgwick County Comprehensive Plan Location Guidelines. Property to the south of the residential district is unrestricted LI Limited Industrial zoning and identified by the Future Growth Concept Map as appropriate for Industrial uses. The Industrial category states “Business with negative impacts associated with noise, hazardous emissions, visual blight, and odor typically are buffered from Residential uses by Commercial uses.” In light of this, the proposed warehousing/vehicle storage use will act as a buffer to the established residential uses farther north.

The proposed zone change with Protective Overlay is in conformance to the Wichita Places for People Plan. The Wichita: Places for People Plan provides recommendations for urban infill development in the ECA, and it identifies six strategies to help implement the vision. Strategy #6 states “Encourage infill and redevelopment that is contextual to the environment in which it is occurring.” The context surrounding the subject site includes established industrial zoning and uses to the south, southwest, and southeast. Developing the site with a compatible commercial use will act as a buffer to the established residential uses nearby. Therefore, staff determines that the request is in conformance to the Places for People Plan.

6. **Impact of the proposed development on community facilities:** City of Wichita Public Works Department will determine the ability for water and sewer extension at the time of platting. There are no anticipated negative effects on other community facilities.

Attachments: Public Comment, Aerial Map, Zoning Map, Land Use Map, Site Plan Site Pictures

**PUBLIC COMMENT**

**From:** Amber Libby <libbya731@gmail.com>  
**Sent:** Wednesday, November 10, 2021 7:39 AM  
**To:** Zevenbergen, Philip <PZevenbergen@wichita.gov>  
**Subject:** Case No: ZON2021-00046

Good morning Philip,

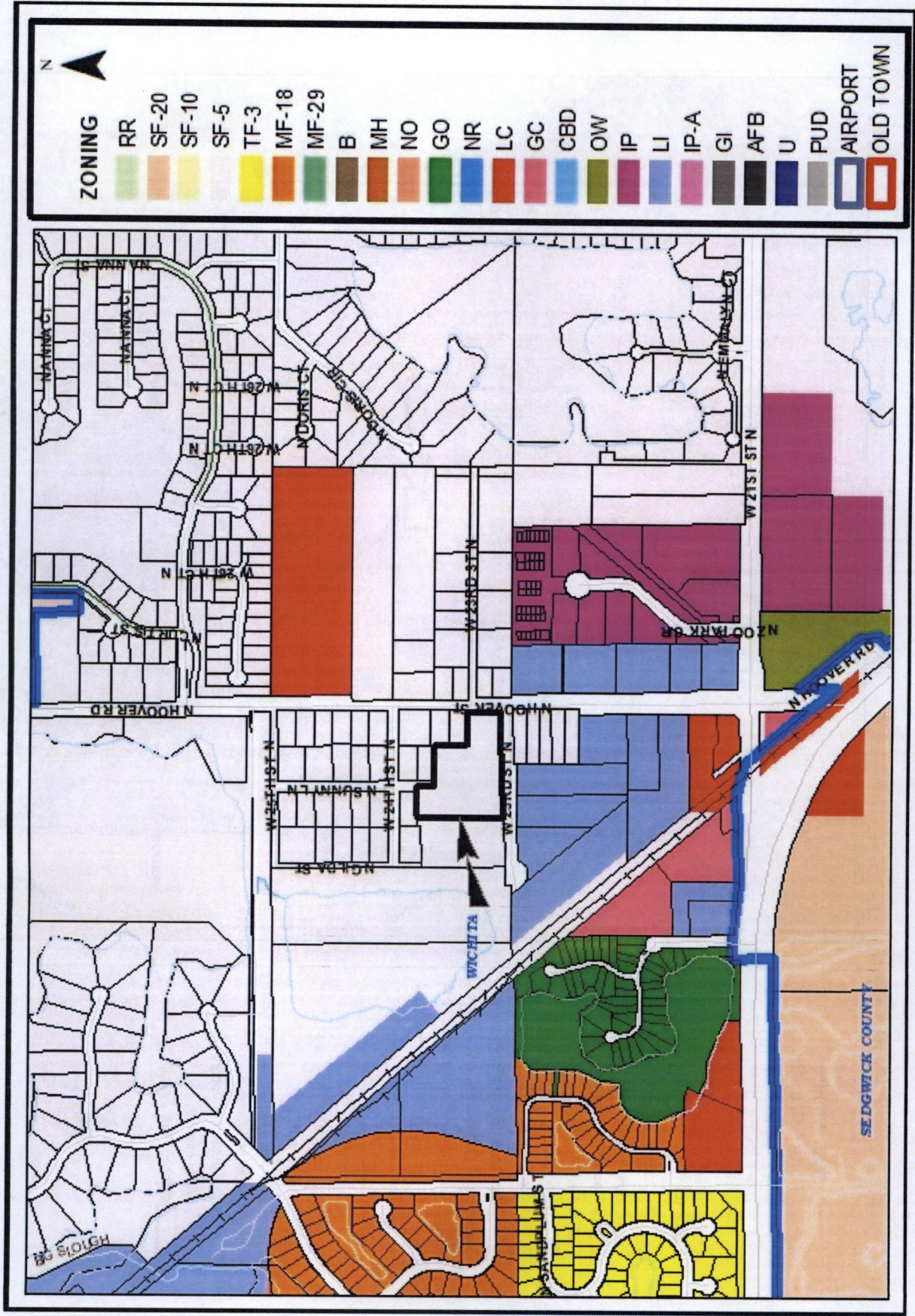
I hereby submit the following, regarding Case No: ZON2021-00046, to be considered during the MAPC meeting scheduled for November 18, 2021 at 1:30pm:

- Approve property zoning change as Limited Commercial (LC), opposed to General Commercial (GC), to more appropriately fit applicant's property usage.
- Future property zoning changes, thereafter, to require reconvening with abutting property owners.

Please let me know if you need any other information in order for this to be considered by the commission during the meeting.

Many thanks,  
Amber Libby





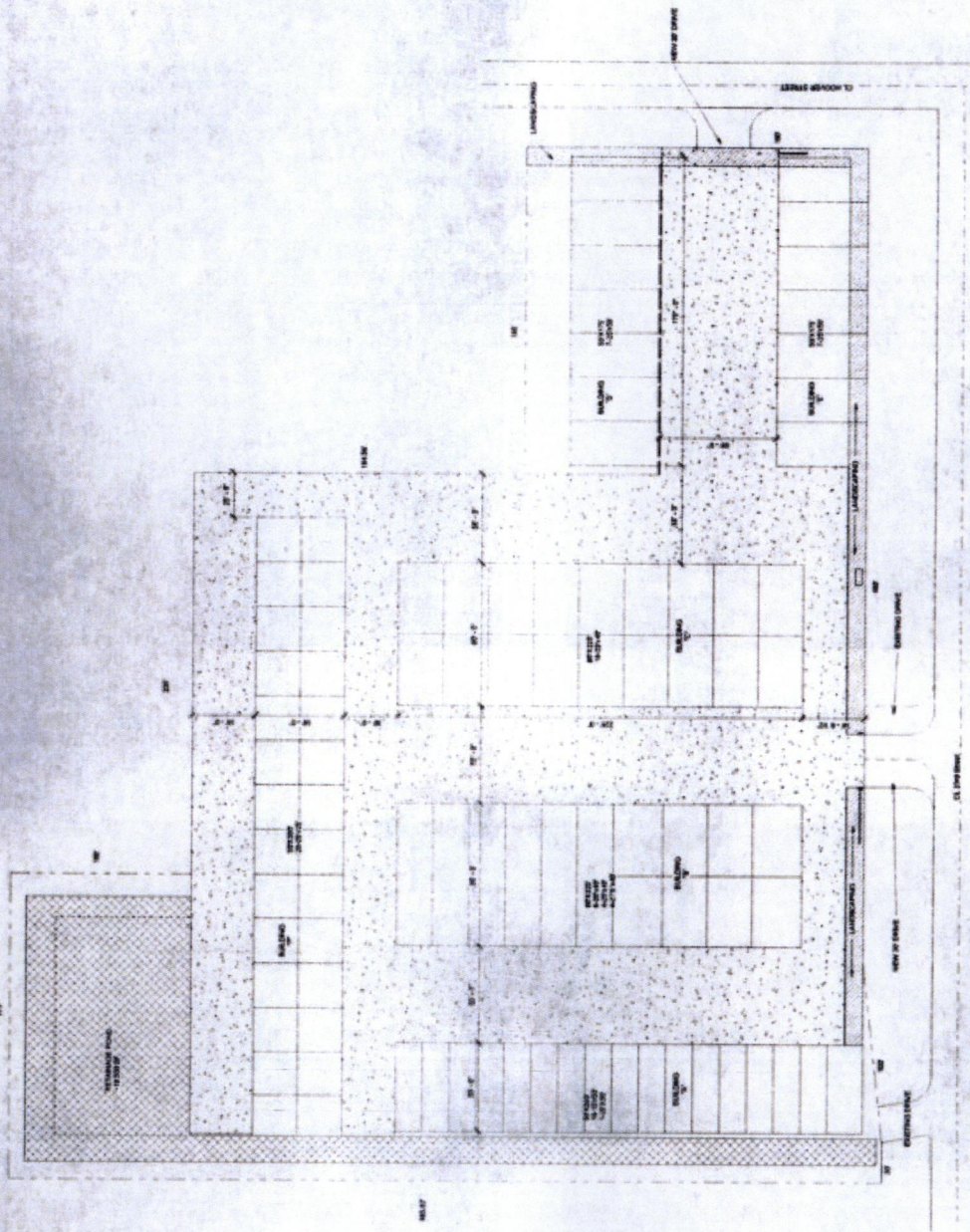
**2035 Wichita  
Future Growth  
Concept Map**

- Legend**
- Established Central Area
  - Residential and Employment Mix
  - New Employment
  - New Residential
  - Wichita City Limits
  - Other Cities
  - Northwest Bypass Right-of-Way

- Statistical Development Areas**
- Other Urban Growth Areas 2014
  - Other Urban Growth Areas 2014
  - Rural Growth Areas 2014

- LAND USE**
- Residential
  - Commercial
  - Industrial
  - Major Air Transportation & Military
  - Parks and Open Space
  - Agricultural or Vacant
  - Major Institutional
  - Nghbd\_Plan\_Areas



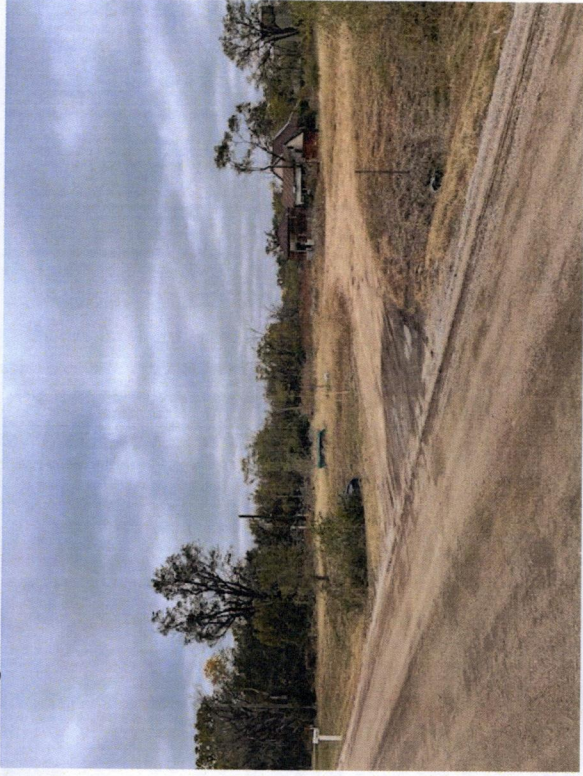


1 SITE PLAN

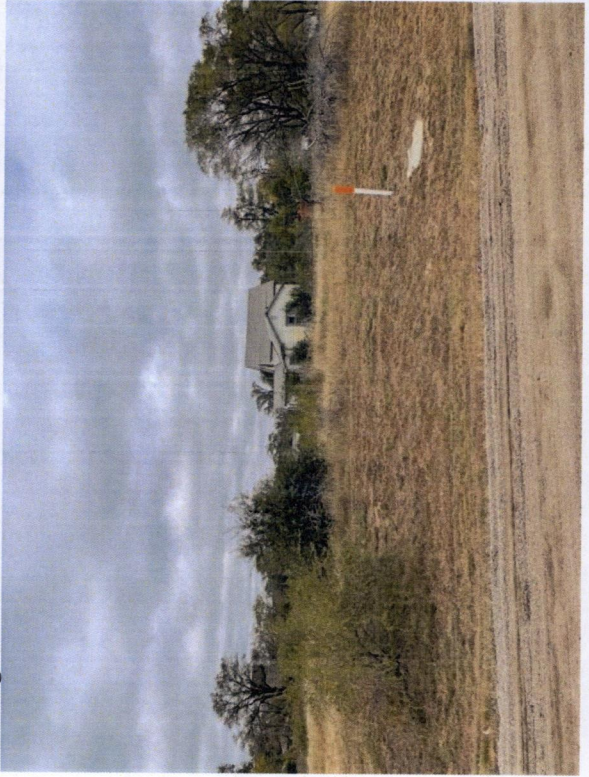
Looking northwest at site from Hoover



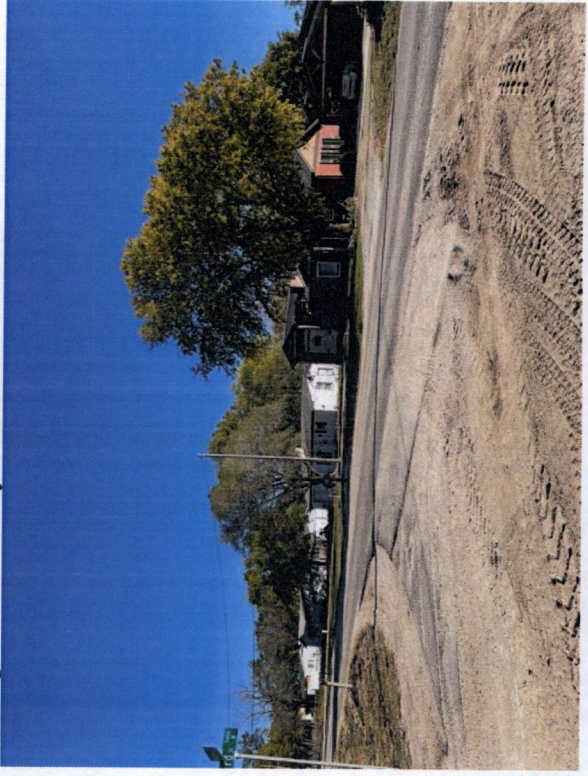
Looking northwest at site



Looking north at site



Looking northeast away from site



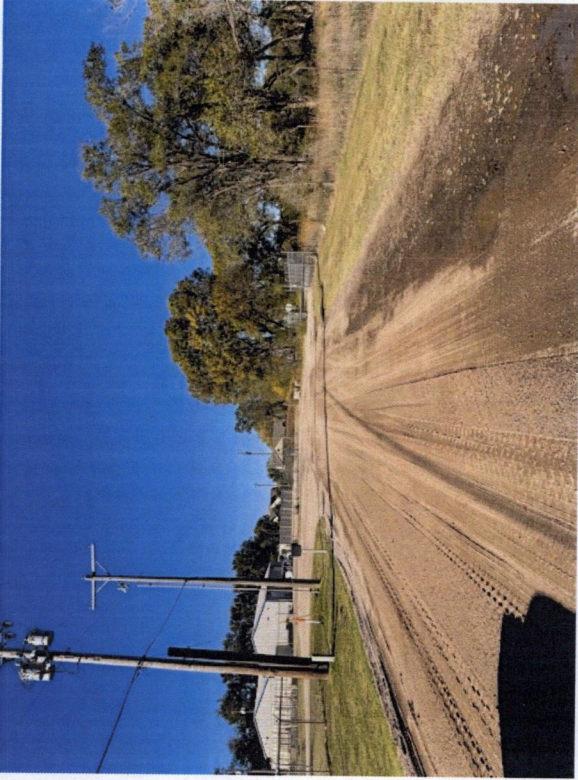
Looking southeast away from site



Looking west at property south of site



Looking west along 23<sup>rd</sup> Street



West of site looking south



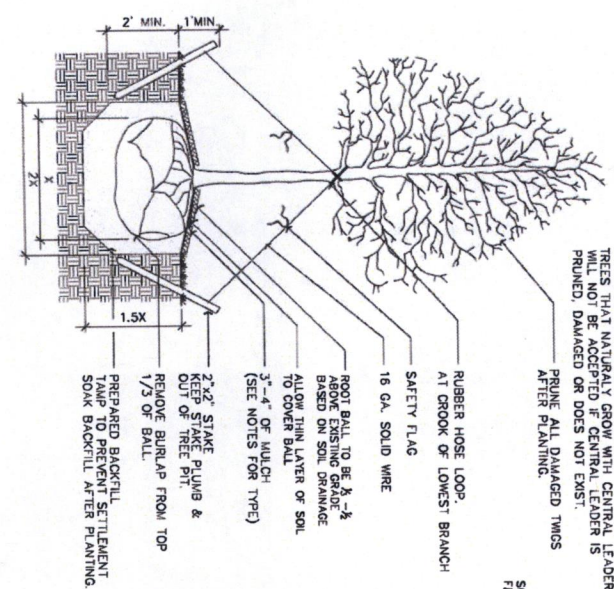
**GENERAL PLANTING NOTES**

1. PRIOR TO BEGINNING ANY WORK ON THE SITE, THE CONTRACTOR SHALL CONTACT THE OFFICE OF THE OWNER AND THE ARCH/LANDSCAPE ARCH. FOR SPECIFIC INSTRUCTIONS RELEVANT TO THE SPOILING OF THE WORK.
2. LANDSCAPE CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS AND SERVICE NECESSARY TO FURNISH AND INSTALL PLANTINGS AS SPECIFIED HEREIN AND AS SHOWN ON THESE PLANS.
3. NO MATERIAL SUBSTITUTIONS SHALL BE MADE WITHOUT LANDSCAPE ARCH. OR OWNER'S REPRESENTATIVE'S APPROVAL. MATERIALS SHALL BE OF THE SAME SPECIES, SIZE AND CHARACTER AS SPECIFIED. PLANT MATERIALS CANNOT BE OBTAINED, LANDSCAPE ARCH. RESERVES THE RIGHT TO REVERSE PLANT LIST AS DEEMED NECESSARY.
4. ALL PLANT LOCATIONS ARE APPROXIMATE. ADJUST AS NECESSARY TO AVOID CONFLICTS.
5. UTILITIES HAVE BEEN SHOWN ON THE PLAN FOR ROUGH LOCATION OF SERVICES. CONTRACTOR SHALL LOCATE ALL UTILITIES BEFORE WORK. LOCATE EXACT UTILITY LOCATIONS BY CONTACTING THE UTILITY CENTER. CONTRACTOR WILL BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO ANY CALL TO UTILITIES.
6. SOIL/SEED TYPE (PER OWNER) SHALL BE LOCALLY AVAILABLE BERMUDAGRASS OR OTHER TURF GRASS RECOMMENDED FOR THE SPECIFIC AREA.
7. RE-ESTABLISH TURF IN AREAS DISTURBED BY GRADING OR UTILITY TRENCHING IN THE R.O.W. TO MATCH EXISTING.
8. RE-ESTABLISH TURF IN ALL AREAS DISTURBED BY THE CONSTRUCTION PROCESS AND WITHIN THE LIMITS OF DISTURBANCE BY SEED, SOIL OR PLANNED PLANTING AREAS, AS NOTED ON PLAN.
9. BACKFILL FOR PLANT EXCAVATIONS TO BE CLEAN NATURAL SOIL, EXCAVATED FROM PLANTING PITS MIXED WITH COMPOST AND WELL-NOTED MANURE AT A RATIO OF THREE (3) PARTS SOIL TO ONE (1) PART COMPOST AND WELL-NOTED MANURE.
10. FERTILIZE ALL PLANTS WITH 6-10-4 COMMERCIAL FERTILIZER AS DIRECTED BY INSTRUCTIONS ON FERTILIZER.
11. ALL PLANT MATERIALS SHALL HAVE BACKFILL CAREFULLY PLACED AROUND BASE AND SIDES OF BALL TO TWO-THIRDS (2/3) DEPTH OF BALL, THEN THOROUGHLY SOAKED WITH WATER TO ALLOW SETTLEMENT. ALL WIRE, BURIAL FASTENERS AND LOOSE BURIALS AROUND BASE OF TRUNK SHALL BE REMOVED AT THIS TIME. REMAINDER OF PIT SHALL THEN BE BACKFILLED, ALLOWING FOR SETTLEMENT, SLOTTED AND SETTLEMENT OF BACKFILL SHALL THEN BE THOROUGHLY WATERED AGAIN.
12. ALL PLANT MATERIALS SHALL BE PROTECTED FROM THE DRYING ACTION OF THE SUN AND WIND AFTER BEING DUG, WHILE BEING TRANSPORTED, AND WHILE AWAITING PLANTING. BALLS SHALL BE PROTECTED BY PLANTING MATERIALS. APPLY WATER TO BULKS TO KEEP MOIST. IF PLANTING SHOULD OCCUR DURING GROWING SEASON, APPLY ANTI-DESICCANT TO LEAVES BEFORE TRANSPORT TO REDUCE LIKELIHOOD OF WINDBURN. REAPPLY ANTI-DESICCANT AFTER PLANTING TO REDUCE TRANSPIRATION.
13. THE CONTRACTOR SHALL PROVIDE ALL WATER, WATERING DEVICES AND LABOR NEEDED TO IRRIGATE PLANT MATERIALS UNTIL ACCEPTANCE OF THE PROJECT'S PLANT MATERIALS. THE CONTRACTOR SHALL SUPPLY ENOUGH WATER TO MAINTAIN THE PLANTS' HEALTHY CONDITION.
14. LANDSCAPE CONTRACTOR TO REMOVE TREE STAKES AND ALL DEAD WOOD ON TREES ONE YEAR AFTER PROVISIONAL/TRIAL ACCEPTANCE.
15. REPORT ANY DISCREPANCIES IN THE PLANTING PLAN TO THE LANDSCAPE ARCHITECT PRIOR TO STARTING CONSTRUCTION.

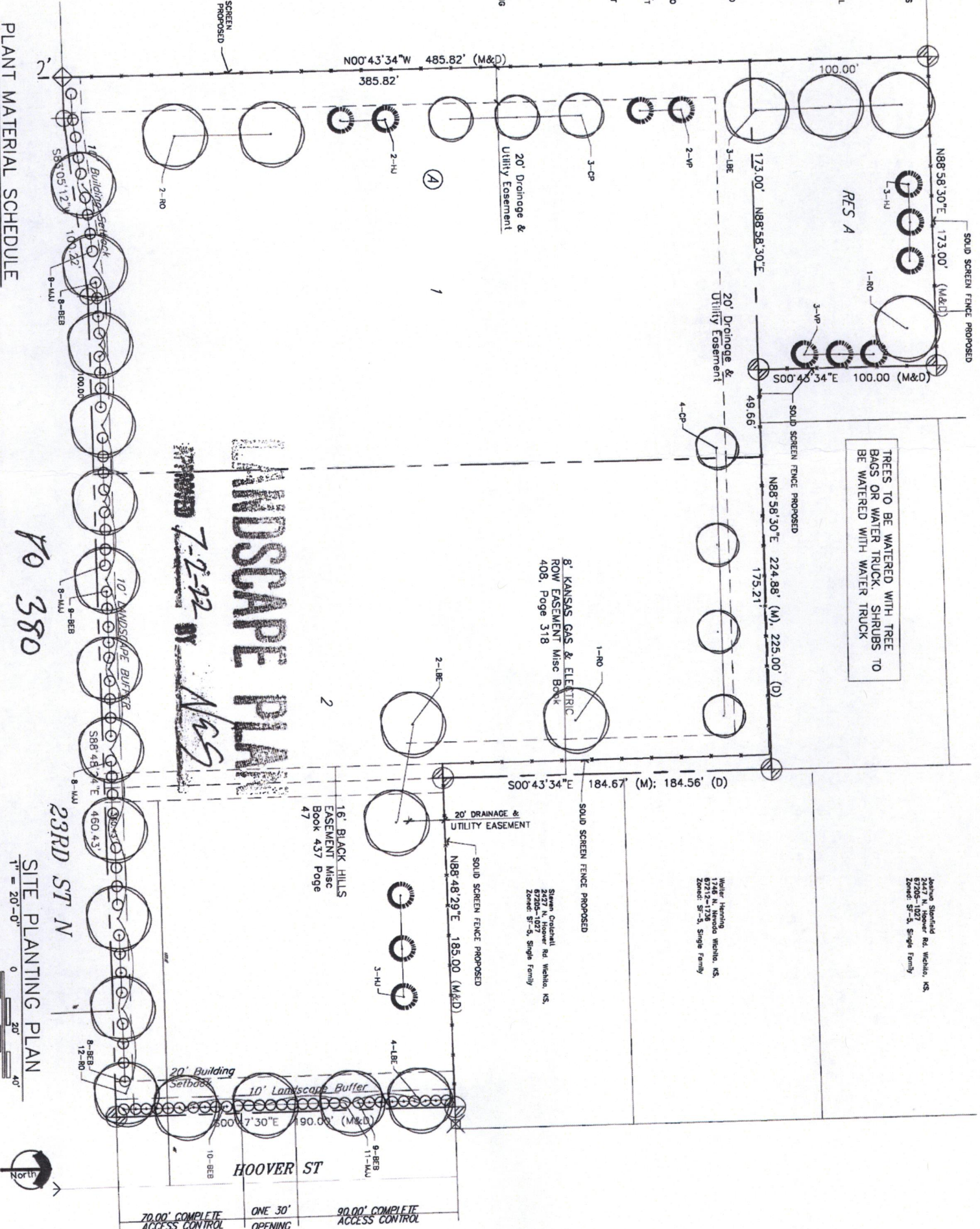
**LANDSCAPE CODE CALCULATIONS**

**Required Streetwidth**  
 Hoover St: 190 LF x 20 = 3,800 Required Streetwidth / 500 = 7.6 or any 8 Trees required (2000 can be annual)  
 23rd St: 561 LF x 15 = 8,415 Required Streetwidth / 500 = 16.8 or any 17 Trees Required (2000 can be annual)  
 12 Trees x 50 Shrubs Proposed

**Required Buffer**  
 Screening Requirements, with Solid Screen:  
 North Property Line = 533 LF / 40 = 13.3 or any 14 Trees Proposed  
 East Property Line = 280 LF / 40 = 7 Trees Proposed  
 West Property Line = 488 LF / 40 = 12.2 Trees Proposed



**1 TREE PLANTING DETAIL**  
 NO SCALE  
 IN TURF AREAS



**PLANT MATERIAL SCHEDULE**

TAG QTY.	COMMON NAME	BOTANICAL NAME	SIZE/REMARKS
CP	SHADE TREES		
7	CHINESE PISTACHE	PISTACHIA CHINENSIS	2" CAL.
LB	LARGEBARK ELM	ALTEA FRAXINOSA	2" CAL.
RO	NORTHERN RED OAK	QUERCUS RUBRA	2" CAL.
NU	VERBENA TREES	VERBENA	5" MIN. HT.
4	VERBENA TREES	VERBENA	5" MIN. HT.
5	VERBENA TREES	VERBENA	5" MIN. HT.
5	VERBENA TREES	VERBENA	5" MIN. HT.
44	BEAUTY BUSH	PHANUS FLEXILIS 'VANDERWOLF'	5" MIN. HT.
44	KAZABLAN SHRUBS	PHANUS FLEXILIS 'VANDERWOLF'	5" MIN. HT.
36	WINT. SHALLOP JAMPER	PHANUS FLEXILIS 'VANDERWOLF'	5" MIN. HT.

FO 380

**LANDSCAPE PLAN**  
 7-2-22  
 NCS

TREES TO BE WATERED WITH TREE BAGS OR WATER TRUCK. SHRUBS TO BE WATERED WITH WATER TRUCK

Jeanne Stanfield  
 2447 N. Hoover Rd. Wichita, KS  
 1748 N. Hoover Rd. Wichita, KS  
 Zone: S-5, Single Family

Walter Harwood  
 1748 N. Hoover Rd. Wichita, KS  
 67212-1738  
 Zone: S-5, Single Family

Steven Grubert  
 2427 N. Hoover Rd. Wichita, KS  
 1748 N. Hoover Rd. Wichita, KS  
 Zone: S-5, Single Family

16' BLACK HILLS EASEMENT Misc Book 437 Page 47

8' KANSAS GAS & ELECTRIC ROW EASEMENT Misc Book 318

**Brumley Addition**  
 Hoover St. & 23rd St. N.  
 Wichita, KS

TERI FARRIA, P.L.A.  
 LANDSCAPE ARCHITECT  
 wfarr@comcast.net  
 Wichita, KS 67218

PLANTING PLAN  
 DATE: June 30, 2022  
 LS1

Issued/Revised	Date