



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 23rd 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 23rd 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 6th 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.
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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.
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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 23rd Street North
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 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.
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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:

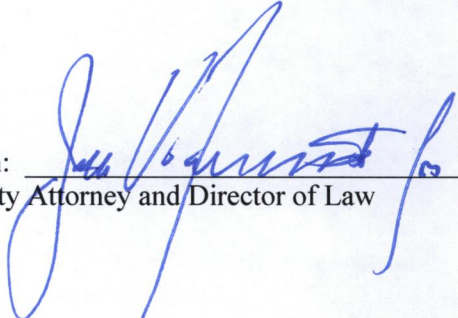


Brandon J. Whipple, Mayor, City of Wichita

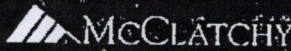


Karen Sublett, City Clerk



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

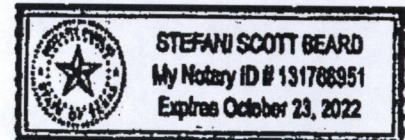
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, 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 12/31/2021 to 12/31/2021.

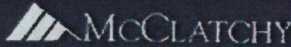
I certify (or declare) under penalty of perjury that the foregoing is true and correct.

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!



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 L1 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 L1 Limited Industrial zoned property, generally located on the northwest corner of South West Street and West Henry Street (resubprocessing of VAC2021-00013).

ZON2021-00048: 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
 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

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. 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



STEFANI SCOTT BEARD
 My Notary ID # 131768951
 Expires October 23, 2022

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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

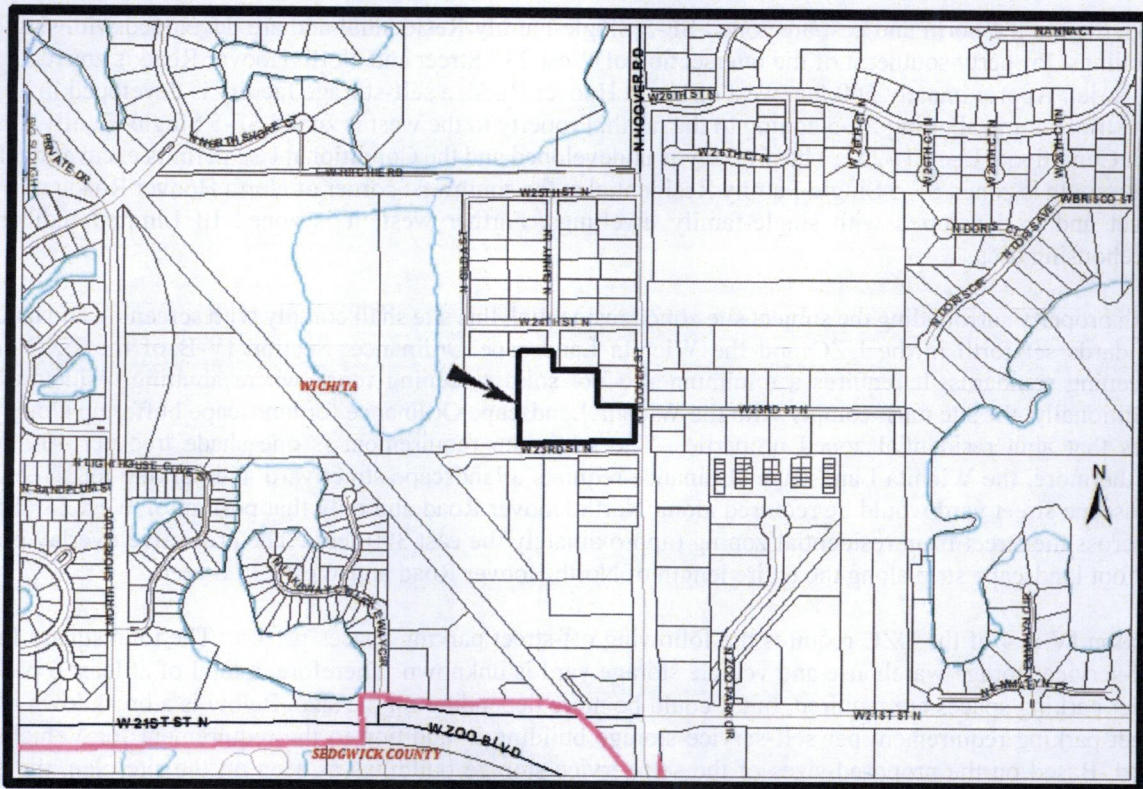
CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 04.46 acres

LOCATION: Generally located on the west side of North Hoover Road, approximately one-half mile north of West 21st Street North (5700 West 23rd 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 21st Street North (5700 West 23rd 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 23rd 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 23rd Street, enlarge the other existing drive along West 23rd 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 23rd 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 23rd 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 23rd 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 23rd 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 23rd Street North and North Hoover Road. West 23rd 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 23rd 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 23rd 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 23rd 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.”

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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



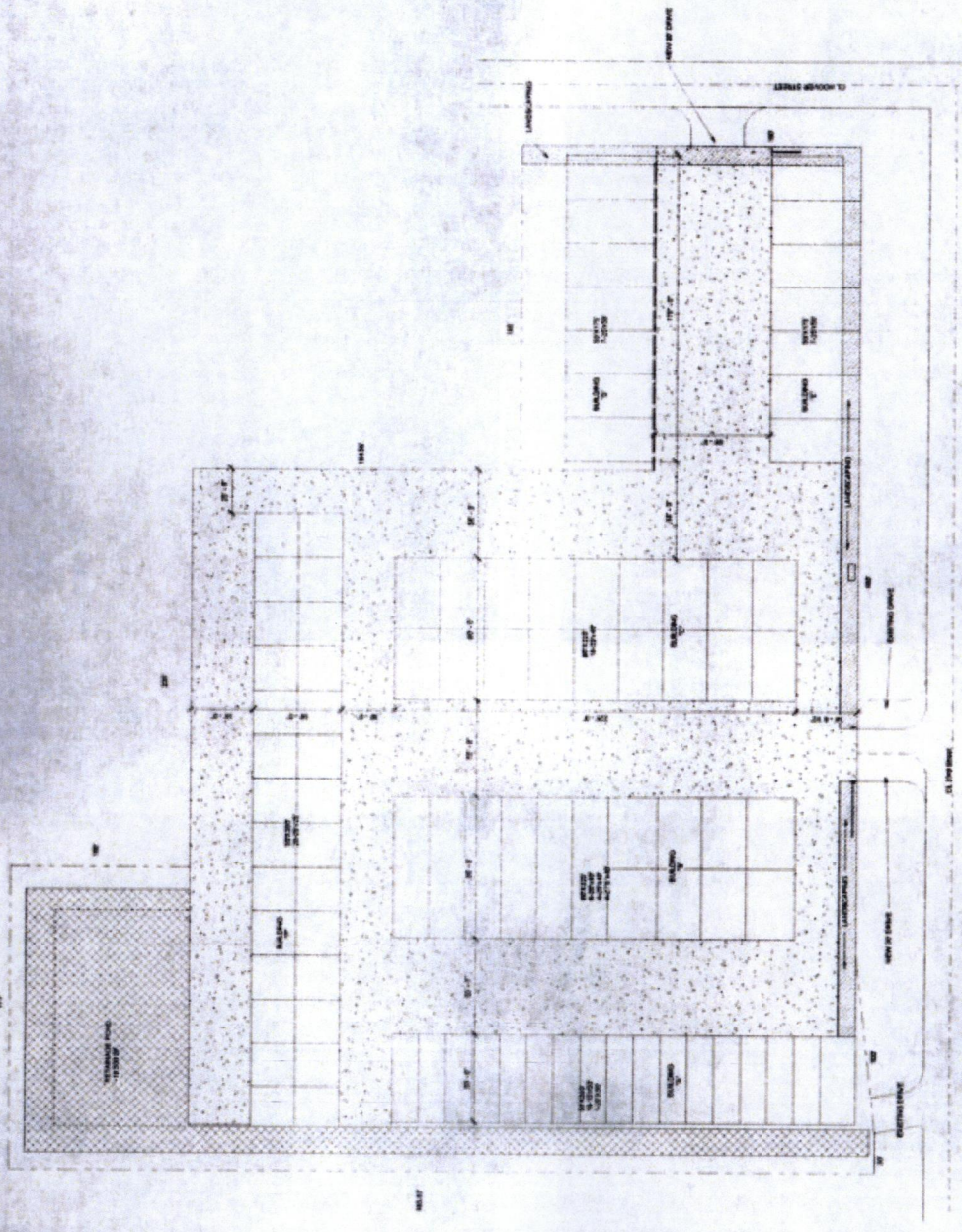
2035 Wichita Future Growth Concept Map

- 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



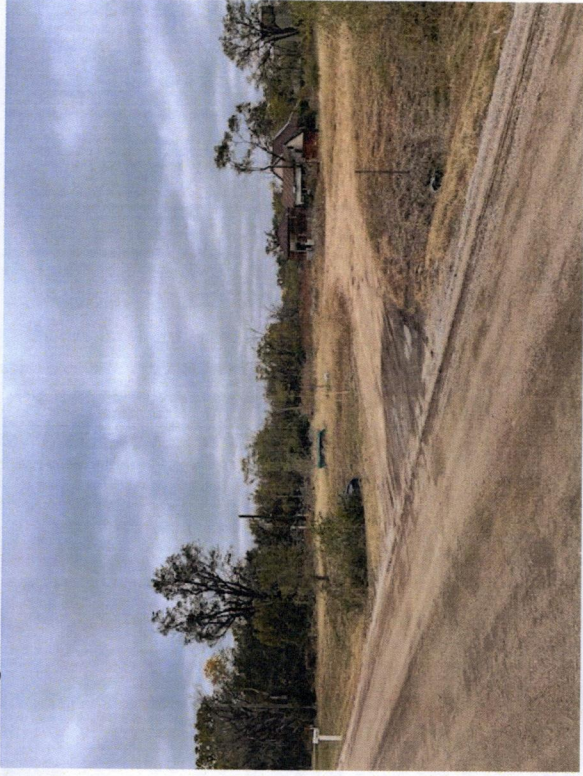


1 SITE PLAN

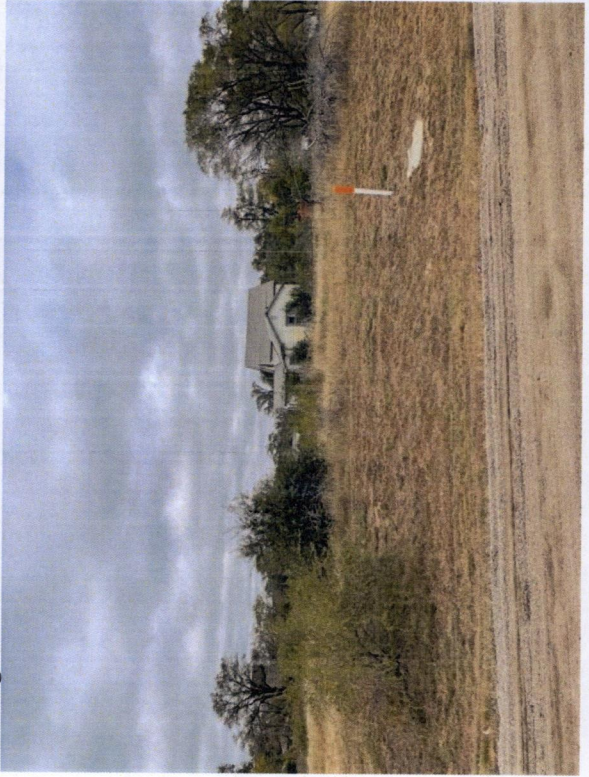
Looking northwest at site from Hoover



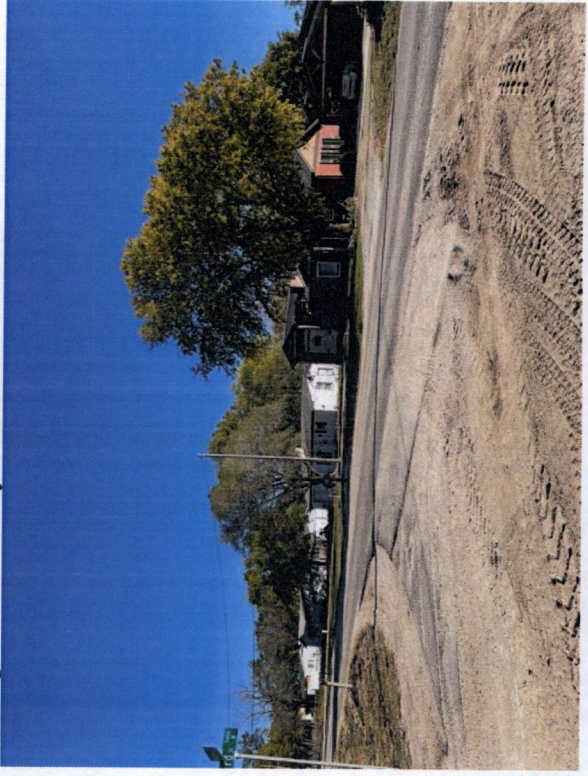
Looking northwest at site



Looking north at site



Looking northeast away from site



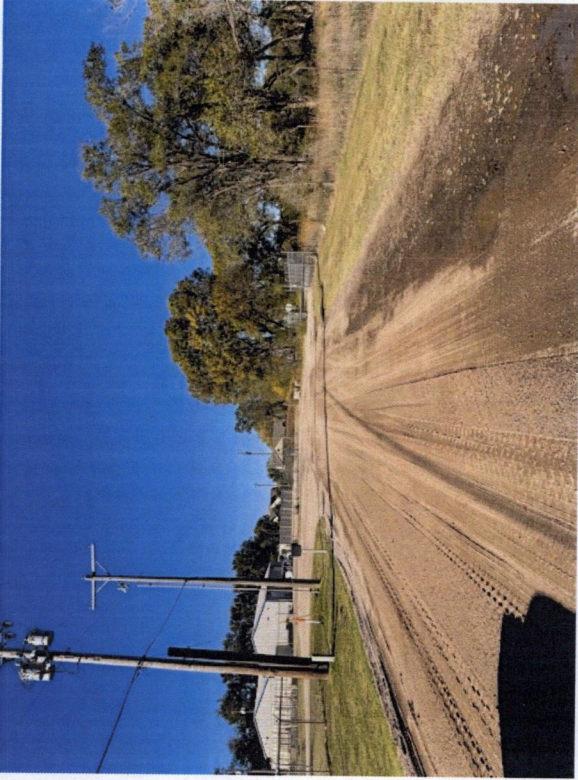
Looking southeast away from site



Looking west at property south of site



Looking west along 23rd Street



West of site looking south



