

DR 73-24 Possible Amendment to
Zoning Ordinance RE: Outdoor
storage in "LC" Districts

ACTION

DATE

COMMITTEE

M.A.P.C.

N.A.P.C.

B.C.C./B. C. C.

Deferred

Approved

Approved

12-13-73

1-10-74

2-5-74

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

January 29, 1974

TO Board of City Commissioners
FROM Robert A. Lakin, Director of Planning *RL*

SUBJECT DR 73-24 - Amendment to the Zoning Ordinance Re: Outdoor Storage of Merchandise in "LC" Districts

As requested by the Wichita-Sedgwick County Metropolitan Area Planning Commission on November 8, 1973, the attached amendment to the zoning ordinance has been prepared which will permit outdoor storage in the "LC" Light Commercial district, subject to the conditions of the ordinance.

This amendment was considered by the Planning Commission at a public hearing on January 10, 1974, and was recommended for approval. Attached is a copy of the MAPC minutes.

This amendment was prepared on the basis that there is a need to provide for a limited amount of outdoor storage in the "LC" district subject to conditions that are intended to provide a reasonable amount of protection to the adjacent property owners.

Consideration of this amendment is scheduled for your meeting of February 5, 1974.

RAL:JHG:ber

Attachment

cc: Ralph Wulz, City Manager, w/a
John Dekker, Director of Law, w/a

ORDINANCE NO. _____

AN ORDINANCE RELATING TO OUTDOOR STORAGE OF
MERCHANDISE IN THE "LC" LIGHT COMMERCIAL DISTRICT,
AMENDING SECTION 28.04.090.1 OF THE CODE OF THE
CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY
OF WICHITA, KANSAS.

SECTION 28.04.090.1 of the Code of the City of Wichita,
Kansas, shall be amended by adding the following to the list of
permitted uses:

1.28 Storage of merchandise available for retail sales
may be outside of an enclosed building subject to the following
conditions:

- a. The area used for storage shall be enclosed by a
fence or wall not less than six feet in height nor
less than the height of the merchandise.
- b. Such fence or wall shall be of material capable of
providing screening to hide the storage from view. One
opening, not exceeding ten feet in width, may be left
open during business hours. When the material of the
enclosure is not of the same general material as the
main building, landscaping as approved by the Super-
intendent of Central Inspection, shall be provided and
maintained outside the enclosure. For outside storage
areas within a Community Unit Plan, the fence or wall
screening provisions may be modified provided that:
 - (1) a design plan is submitted to the Planning Director
for review and recommendation; (2) such plan shall provide
an acceptable environment for the surrounding area, based
on the physical characteristics of the property, dis-
tances from adjacent properties and public streets, and
the type of merchandise to be displayed or stored; and

- (3) such plan shall be approved by the Director of Planning and the Superintendent of Central Inspection, with the right to appeal to the Board of City Commissioners within 45 days.
- c. The enclosure around the storage area shall be attached to the main building and the area within such enclosure shall not exceed 10% of the floor area occupied by the main use within the building. Such enclosure shall comply with the same setback as is required for the main building.
- d. The area within the enclosure shall be calculated as floor area in determining the number of required off-street parking spaces.
- e. The display of merchandise within the enclosure shall not be deemed to violate the provisions of 28.04.090.1.2 or 28.04.183.3 unless such display is intentionally placed to be continuously viewed from outside the enclosure contrary to the provisions of the ordinance.
- f. The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supercede any of the conditions required by the Board of Zoning Appeals under other sections of the Code.

This ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this _____ day of _____, 1974.

James M. Donnell, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

Approved as to form by:

John Dekker
Director of Law

EXCERPT FROM PLANNING COMMISSION MINUTES OF DECEMBER 13, 1973:

4. Case No. DR 73-24 - Possible amendment to zoning ordinance
Re: Outdoor storage in "LC" districts.

HILL stated that inasmuch as consideration of this proposed amendment comes about as a result of a request made by one of his tenants, he would excuse himself from the meeting, and he left the room.

LYTLE said that after the attorney in Case Z-1580 had received a copy of the suggested amendment, he asked that it be deferred at this meeting until he has had a chance to review it with his client, the F. W. Woolworth Company, to see if the proposal would be agreeable with what they intend to do in the way of outside storage. LYTLE stated that if the Commission desired, however, it could be discussed at this hearing to see if there are any comments, but that action could be delayed as requested.

CHAIRMAN KAMEN commented that to delay this case just for the Woolco Store would be incorrect inasmuch as it involves any business wanting to store merchandise outside, and if the Commissioners do not feel completely versed in the matter, then it might be deferred for further review.

GRAGERT commented that it would be regrettable if a decision was made that would not be acceptable to the Woolco Store.

KAMEN said he felt it should be considered from the standpoint of everyone and not just the Woolco Store. HENNESSY agreed, and said he thought it should be considered with a view to helping rather than hindering the businesses involved.

ARNHOLZ said he agreed with Mr. Hennessy's statement that it should be considered for the city at large, but he felt it would be a great step to allow outside storage under certain conditions by which a merchant would have to comply. He commented too that it did not seem to him a roof would be necessary as long as the area is screened.

MR. WARHURST, 129 West 29th Street North, asked if outside storage as being considered in the "LC" district referred to used car lots. KAMEN stated that it did not and he explained briefly what is attempting to be provided.

MOTION: That this matter be deferred to the meeting of January 10, 1974, to permit more discussion among the Commissioners and a more in-depth study. Blakey moved, Arnholz seconded and it carried unanimously. (Hill, Taylor and Rising absent.)

EXCERPT FROM PLANNING COMMISSION MINUTES OF JANUARY 10, 1974:

5. DR 73-24 - Possible amendment to zoning ordinance Re: Outdoor storage in "LC" districts.

HENNESSY suggested that, consideration of a similar amendment to the County Zoning Resolution be voted on at the same time as this proposal. It was pointed out, however, that such an amendment had not been advertised for a public hearing, but that the Commission could direct the staff to advertise such an amendment as an off-agenda item at this meeting, and it would then have to be considered at a later meeting. It was pointed out also that to defer this matter would delay a decision with respect to an associated zone case (Z-1580) filed by the Woolco Company for a small spot zone for "C" to display merchandise outside their store.

GALBRAITH reviewed the following staff report which had been provided the Commissioners prior to the meeting:

Attached is a copy of a proposed amendment to the City of Wichita zoning ordinance that has been advertised to be considered by the Planning Commission on December 13, 1973. This proposed amendment has been prepared as requested by the Planning Commission at the meeting of November 8, 1973. This request was made to the staff after discussion of zoning change request Z-1580, which was for a spot of "C" Commercial zoning within the Marina Lakes CUP to permit outside storage adjacent to the Woolco Store located on the property.

BACKGROUND: The "LC" Light Commercial zoning district is the first district that permits any type of retail business, and until March of 1967 there was no outside display of any kind permitted. Due to the apparent need and request by several merchants, amendments were made to the zoning text in March, 1967, which changed the complete prohibition of outside display to permit "merchandise which is for sale within the building to be displayed in areas immediately adjacent to the building." This was amended into the ordinance to permit a small amount of display outside and adjacent to the building. This has to this date been interpreted by the Inspection Division to mean that a small amount of merchandise placed immediately adjacent to the front of the building, as an indication of what is for sale within, is permitted by the ordinance. Continual display and storage are not permitted uses. Promotional activities and outdoor sales are also permitted on a limited basis by Section 28.04.183.3, which was also an amendment to the ordinance in March, 1967.

Without restrictions to control display and storage of merchandise outside of an enclosed building, it would completely destroy the protection now provided to the adjacent properties by the "LC" district. The effect without constraints would be to make "LC" nearly equivalent to the "C" district.

PROPOSED ORDINANCE: The proposed amendment to the zoning would permit a limited amount of outside storage in the "LC" Light Commercial zoning district subject to conditions that are intended to provide a reasonable amount of protection to the adjacent property owners.

The screening provisions should provide the same affect as if the merchandise were stored within an enclosed building. The limitation of area within the enclosure to 10% of the floor area occupied by the main use within the building is necessary to prevent the establishment of major outdoor type retail businesses which would be in contravention of the intent of this zoning district.

The requirement to include the area within the enclosure in determining the required off-street parking spaces should be adequate to accommodate the customers generated by use of additional area.

The material used for screening provisions is intended to keep it in the same general character as the main building. Within a Community Unit Plan, which is required on all development of 6 acres or more in the "LC" District, possible deviation from the absolute screening requirements may be justified. In each instance, an evaluation of the storage area may be made, either with the original CUP, or at a later date as an administrative review and recommendation without need of a required advertised public hearing.

RECOMMENDATION

It is recommended that the proposed amendment be approved, subject to such changes as the Commission may desire to make.

GALBRAITH stated that Glen Lytle of the Planning Department staff was present and that he has researched this matter and if desired by the Commission, Lytle would elaborate on the suggested conditions. He recalled that on December 13, 1973, the matter

was deferred, and a copy of the proposal submitted to the attorney for zone Case Z-1580. GALBRAITH noted that the attorney is not present nor has he had any word from him since the previous meeting, and he suggested the Commission may want to consider the matter now or defer it until the end of the agenda in case the attorney arrives later in the meeting.

HENNESSY indicated he was not prepared to vote in favor of this amendment until a similar amendment is heard concerning the inclusion of such provisions in the County Zoning Resolution.

No one was present from the audience to be heard on this matter.

HILL suggested action be taken on this item, and the preparation of a County amendment be considered as an off-agenda item as suggested by GALBRAITH.

MOTION: That the Planning Commission recommend to the City Commission that Section 28.04.090.1 "LC" Light Commercial District of the Code of the City of Wichita, Kansas, be amended to permit the storage of merchandise available for retail sales outside of an enclosed building subject to conditions as outlined by the staff. Hill moved, Blakey seconded and it carried by a vote of 9 in favor (Hill, Blakey, Arnholz, Gardenhire, Gragert, Taylor, Kamen, Hopper and Rising) and 1 opposed (Hennessy).

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PASSED AND APPROVED at Wichita, Kansas, this _____ day of _____, 1974.

James M. Donnell, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

Approved as to form by:

John Dekker
Director of Law

February 6, 1974

Mr. John C. Frieden
900 Merchants Nat'l Bank
Topeka, Kansas

Re: DR 73-24 - Possible amendment
to Zoning Ordinance regarding
Outdoor Storage in "IC" Districts

Dear Mr. Frieden:

The Board of City Commissioners at its regular meeting on February 5, 1974, considered the above-captioned case. Their action was to approve the amendment as recommended by the Metropolitan Area Planning Commission.

As to the discussion we had on January 28, 1974 regarding zone case Z-1580, please advise if you are withdrawing this case.

In the future if we can assist you regarding the screening on the north side of Woolco so that it complies with the new amendment, please advise.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

January 29, 1974

Board of City Commissioners

Robert A. Lakin, Director of Planning

DR 73-24 - Amendment to the Zoning
Ordinance Re: Outdoor Storage of
Merchandise in "LC" Districts

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This amendment was considered by the Planning Commission at a public hearing on January 10, 1974, and was recommended for approval. Attached is a copy of the MAPC minutes.

This amendment was prepared on the basis that there is a need to provide for a limited amount of outdoor storage in the "LC" district subject to conditions that are intended to provide a reasonable amount of protection to the adjacent property owners.

Consideration of this amendment is scheduled for your meeting of February 5, 1974.

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RECOMMENDATION

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This ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this _____ day of _____, 1974.

James M. Donnell, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

Approved as to form by:

John Dekker
Director of Law

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

TO The File
FROM Jack H. Galbraith, Chief Planner

SUBJECT

The Planning Commission on November 8, 1973, in considering Zone Case Z-1580 instructed the Planning Department to prepare an amendment to the "LC" Light Commercial zoning district relative to outdoor storage and display of merchandise. We advised the Planning Commission that we would prepare an amendment and advertise for public hearing for consideration for the Planning Commission meeting of December 13, 1973.

JHG:rw

John Frieden called this date and asked that Z-1580 not be forwarded to the City Commission on 2/5/74. He also asked that he be advised as to CC action on this case, DR 73-24.

JHG

1/28/74

The File

Jack H. Galbraith, Chief Planner

The Planning Commission on November 8, 1973, in considering Zone Case Z-1580 instructed the Planning Department to prepare an amendment to the "LC" Light Commercial zoning district relative to outdoor storage and display of merchandise. We advised the Planning Commission that we would prepare an amendment and advertise for public hearing for consideration for the Planning Commission meeting of December 13, 1973.

JHG:rw

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

PHONE 262-0811 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

December 31, 1973

Wichita Association of
Home Builders
730 North Main
Wichita, Kansas 67203

Gentlemen:

As a result of a request for a "spot" of "C" Commercial zoning which would permit outdoor storage associated with the new Woolco Store on Marina Lakes, the Planning Commission directed us to prepare a proposed amendment to the "LC" Light Commercial district that would permit limited outdoor storage under certain conditions without having to establish the "C" General Commercial district.

As you will note by the attached copy of the possible amendment, the restrictions to be placed on the outside storage areas are intended to continue the generally restricted use of the "LC" district by preventing a large amount of outside storage and to screen such storage from general view. Without such constraints, it would make the "LC" Light Commercial district nearly equivalent to the "C" Commercial district and destroy the existing protection now provided by the "LC" district.

Concern has been expressed that even the proposed amendment will tend to introduce additional clutter into many areas that would be in close proximity to residential development, thereby having an adverse effect.

The Planning Commission originally considered this proposal at their meeting of December 13, 1973, and deferred consideration for four weeks to their meeting of January 10, 1974, which begins at 1:30 p.m. in Room 401, City Building Annex, 104 South Main, Wichita, Kansas.

Wichita Association of
Home Builders
December 31, 1973
Page 2

This is provided for your information and should you have any questions on the attached proposal please call either Glen Lytle or me. Also, if any of the members of your organization have any comments on the proposed amendment, they will be welcomed at the Planning Commission meeting.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rme
Attachment

cc: Glen E. Lytle, Special Assistant for Zoning

January 15, 1974

G. Lynn Shirkey, Junior Planner

Jack H. Galbraith, Chief Planner

Z-1580 - "LC" to "C" - South side of
21st Street in an area west of Amidon

DR 73-24 - Amendment to Zoning Ordinance
Re: Outdoor storage of merchandise in
"LC" District

DR 73-26 - Amendment to County Zoning
Resolution to include City of Cheney
3-mile ring area

Please have prepared the necessary ordinance and related
minutes for DR 73-24 and Z-1580 to be forwarded to the
Board of City Commissioners on February 4, 1974.

Also have prepared the appropriate County Zoning Resolution
for DR 73-26, to include the City of Cheney 3-mile area in
the text, for submission to the County Commission on January
23, 1974.

JHG:ber

January 14, 1974

Mr. John C. Frieden
Suite 900, Merchants National Bank Building
Eighth and Jackson Streets
Topeka, Kansas 66612

Re: DR 73-24 - Proposed amend-
ment to zoning ordinance re
outdoor storage in "LC"
districts

Dear Mr. Frieden:

This is to advise you that the Planning Commission considered the above-captioned proposed amendment to the zoning ordinance on January 10, 1974. After considerable discussion, and quite frankly, concern that adequate screening of the area be provided and that a chainlink fence not be used, it was the action of the Planning Commission to recommend the approval of the amendment as advertised except that b. (3) was changed to read as follows:

- (3) Such plan shall be approved by the Director of Planning and Superintendent of Central Inspection with the right of appeal to the Board of City Commissioners within 45 days.

As you are aware, your zone case, Z-1580, that was considered by the Planning Commission on November 8, 1973, has not been forwarded on to the City Commission pending this proposed amendment. This is to advise you that both the zone case and the amendment will be forwarded to the City Commission for its consideration at the regular meeting of February 5, 1974, the meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main.

Please call if you have any questions concerning either of these matters.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

CRANE, MARTIN, CLAUSSEN, HAMILTON & BARRY

A. HARRY CRANE (966)
WARD D. MARTIN
ARTHUR L. CLAUSSEN
HARVEY D. ASHWORTH (966)
JOHN R. HAMILTON
DONALD D. BARRY
JOHN C. FRIEDEN
WESLEY A. WEATHERS

LAW OFFICES
SUITE 900, MERCHANTS NATIONAL BANK BUILDING
EIGHTH AND JACKSON STREETS
TOPEKA, KANSAS 66612
TELEPHONE 357-5231
AREA CODE 913

January 9, 1974

Mr. Jack H. Galbraith, Chief Planner
Wichita Metropolitan Area Planning Comm'n
City Building Annex, 104 South Main St.
Wichita, Kansas 67202

Re: DR 73-24 Proposed amendment to
zoning ordinance re outdoor storage
in "LC" Districts.

Dear Mr. Galbraith:

Please excuse my delay in answering your communication of
December 14, 1973, in regard to the above proposed zoning ordinance.

I have checked with my client, The Hanson Development Company, and
we have been in communication with our tenant, F. W. Woolworth
Company, and it is my understanding that the proposed ordinance is
satisfactory and will enable us to continue operations as defined
in our lease agreement with our tenant. I would, therefore, urge
the adoption of the proposed ordinance.

I want to take this opportunity to sincerely thank you and the
members of the Wichita Metropolitan Area Planning Commission for
your many courtesies and your efforts to assist in this very diffi-
cult situation. I am extremely grateful.

I would appreciate it if the Commission would enable us to continue
operations at the garden shop as it is presently constructed until
the ordinance is approved and we have an opportunity to comply with
its terms.

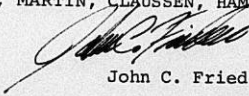
The note which you refer to in your letter has been signed and sent
to Mr. Joe Bogle, Assistant City Attorney.

If you have any questions, please advise.

Very truly yours,

CRANE, MARTIN, CLAUSSEN, HAMILTON & BARRY

By


John C. Frieden

JCF:br

cc: John Landers
Kelly Volner
Charlie Day



WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

December 6, 1973

TO Wichita-Sedgwick County Metropolitan
Area Planning Commission

FROM Robert A. Lakin, Secretary *RAL*

SUBJECT DR 73-24 - Possible zoning text amendment
Re: Outside Storage in the "LC" District

Attached is a copy of a proposed amendment to the City of Wichita zoning ordinance that has been advertised to be considered by the Planning Commission on December 13, 1973. This proposed amendment has been prepared as requested by the Planning Commission at the meeting of November 8, 1973. This request was made to the staff after discussion of zoning change request Z-1480, which was for a spot of "C" Commercial zoning within the Marina Lakes CUP to permit outside storage adjacent to the Woolco Store located on the property.

BACKGROUND: The "LC" Light Commercial zoning district is the first district that permits any type of retail business, and until March of 1967 there was no outside display of any kind permitted. Due to the apparent need and request by several merchants, amendments were made to the zoning text in March, 1967, which changed the complete prohibition of outside display to permit "merchandise which is for sale within the building to be displayed in areas immediately adjacent to the building." This was amended into the ordinance to permit a small amount of display outside and adjacent to the building. This has to this date been interpreted by the Inspection Division to mean that a small amount of merchandise placed immediately adjacent to the front of the building, as an indication of what is for sale within, is permitted by the ordinance. Continual display and storage are not permitted uses. Promotional activities and outdoor sales are also permitted on a limited basis by Section 28.04.183.3, which was also an amendment to the ordinance in March, 1967.

Without restrictions to control display and storage of merchandise outside of an enclosed building, it would completely destroy the protection now provided to the adjacent properties by the "LC" district. The effect without constraints would be to make "LC" nearly equivalent to the "C" district.

PROPOSED ORDINANCE: The proposed amendment to the zoning text would permit a limited amount of outside storage in the "LC" Light Commercial zoning district subject to conditions that are intended to provide a reasonable amount of protection to the adjacent property owners.

Page 2 - Metropolitan Area Planning Commission
December 6, 1973

The screening provisions should provide the same affect as if the merchandise were stored within an enclosed building. The limitation of area within the enclosure to 10% of the floor area occupied by the main use within the building is necessary to prevent the establishment of major outdoor type retail businesses which would be in contravention of the intent of this zoning district.

The requirement to include the area within the enclosure in determining the required off-street parking spaces should be adequate to accommodate the customers generated by use of additional area.

The material used for screening provisions is intended to keep it in the same general character as the main building. Within a Community Unit Plan, which is required on all development of 6 acres or more in the "LC" District, possible deviation from the absolute screening requirements may be justified. In each instance, an evaluation of the storage area may be made, either with the original CUP, or at a later date as an administrative review and recommendation without need of a required advertised public hearing.

RECOMMENDATION

It is recommended that the proposed amendment be approved, subject to such changes as the Commission may desire to make.

RAL:GEL:ber

Attachment

() Published in The Daily Record on November 21, 1973

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, DECEMBER 13, 1973, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m., will consider the following change to Title 28, the Code of the City of Wichita, Kansas:

That Section 28.04.090 "LC" Light Commercial District be amended to permit a limited amount of storage outside of an enclosed building, provided that such storage is screened from continuous view to protect adjacent properties and that the area used for such storage will not violate the setback requirement of the zoning district.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 20th day of November, 1973.

Robert A. Lakin, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission

(SEAL)

POSSIBLE AMENDMENT TO THE ZONING ORDINANCE TO
PERMIT OUTDOOR STORAGE OF MERCHANDISE IN THE
"LC" LIGHT COMMERCIAL DISTRICT.

SECTION 28.04.090.1 of the Code of the City of Wichita,
Kansas, shall be amended by adding the following to the list of
permitted uses:

1.28 Storage of merchandise available for retail sales
may be outside of an enclosed building subject to the following
conditions:

- a. The area used for storage shall be enclosed by a
fence or wall not less than six feet in height
nor less than the height of the merchandise.
- b. Such fence or wall shall be of material capable of
providing screening to hide the storage from view.
One opening, not exceeding ten feet in width, may be left
open during business hours. When the material of the
enclosure is not of the same general material as the
main building, landscaping as approved by the Super-
intendent of Central Inspection, shall be provided and
maintained outside the enclosure. For outside storage
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screening provisions may be modified provided that:
(1) a design plan is submitted to the Planning Director
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Commissioners.
- c. The enclosure around the storage area shall be attached
to the main building and the area within such enclosure
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main use within the building. Such enclosure shall
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- d. The area within the enclosure shall be calculated as floor area in determining the number of required off-street parking spaces.
- e. The display of merchandise within the enclosure shall not be deemed to violate the provisions of 28.04.090.1.2 or 28.04.183-3 unless such display is intentionally placed to be continuously viewed from outside the enclosure contrary to the provisions of the ordinance.
- f. The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supercede any of the conditions required by the Board of Zoning Appeals under other sections of the Code.

WICHITA-SEDGWICK COUNTY RE: AGENDA ITEM NO. 9

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

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TO Wichita-Sedgwick County Metropolitan Area Planning Commission

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RECOMMENDATION

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December 31, 1973

Wichita Board of Realtors
230 South Market
Wichita, Kansas 67202

Gentlemen:

As a result of a request for a "spot" of "C" Commercial zoning which would permit outdoor storage associated with the new Woolco Store on Marina Lakes, the Planning Commission directed us to prepare a proposed amendment to the "LC" Light Commercial district that would permit limited outdoor storage under certain conditions without having to establish the "C" General Commercial district.

As you will note by the attached copy of the possible amendment, the restrictions to be placed on the outside storage areas are intended to continue the generally restricted use of the "LC" district by preventing a large amount of outside storage and to screen such storage from general view. Without such constraints, it would make the "LC" Light Commercial district nearly equivalent to the "C" Commercial district and destroy the existing protection now provided by the "LC" district.

Concern has been expressed that even the proposed amendment will tend to introduce additional clutter into many areas that would be in close proximity to residential development, thereby having an adverse effect.

The Planning Commission originally considered this proposal at their meeting of December 13, 1973, and deferred consideration for four weeks to their meeting of January 10, 1974, which begins at 1:30 p.m. in Room 401, City Building Annex, 104 South Main, Wichita, Kansas.

Wichita Board of Realtors
December 31, 1973
Page 2

This is provided for your information and should you have any questions on the attached proposal please call either Glen Lytle or me. Also, if any of the members of your organization have any comments on the proposed amendment, they will be welcomed at the Planning Commission meeting.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rme
Attachment

cc: Glen E. Lytle, Special Assistant for Zoning

Letter also to Wichita Association of Home Builders

December 14, 1973

Mr. John C. Frieden
900 Merchants National Bank
Topeka, Kansas 66603

Re: DR 73-24 - Possible Amend-
ment to zoning ordinance
Re: Outdoor storage in
"LC" Districts

Dear Mr. Frieden:

At the regular meeting of the Metropolitan Area Planning Commission on December 13, 1973, the above-captioned matter was considered. After a brief discussion, and at your request, the action of the Commission was to defer this item to their next regular meeting, which will be on January 10, 1974, such meeting to start at 1:30 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas.

We would appreciate your reviewing our comments with your client and advising us of any recommendations you have prior to the next Planning Commission meeting.

This morning I had a call from Joe Bogle of the City's legal staff asking me if I had ever discussed the matter with you of the promissory note between the City of Wichita and H. D. Bledsoe concerning Marina Lake. Mr. Bogle advised that he had contacted you earlier relative to having Hanson Development Company sign a new contract and requested that I ask that you contact him relative to the status of this matter.

If you have any questions concerning either of these matters, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Joe Bogle
Assistant City Attorney

December 6, 1973

Wichita-Sedgwick County Metropolitan
Area Planning Commission

Robert A. Lakin, Secretary

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RECOMMENDATION

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Commissioners.
- c. The enclosure around the storage area shall be attached
to the main building and the area within such enclosure
shall not exceed 10% of the floor area occupied by the
main use within the building.

- d. The area within the enclosure shall be calculated as floor area in determining the number of required off-street parking spaces.
- e. The display of merchandise within the enclosure shall not be deemed to violate the provisions of 28.04.090.1.2 or 28.04.183-3 unless such display is intentionally placed to be continuously viewed from outside the enclosure contrary to the provisions of the ordinance.
- f. The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supercede any of the conditions required by the Board of Zoning Appeals under other sections of the Code.

December 3, 1973

Mr. John C. Frieden
900 Merchants National Bank
Topeka, Kansas 66603

RE: DR 73-24 - Possible
Amendment to Zoning
Ordinance RE: Outdoor
storage in "LC" Districts

Dear Mr. Frieden:

Attached is a copy of the notice of public hearing to amend the zoning text to permit a limited amount of storage outside of an enclosed building in the "LC" Light Commercial District subject to certain conditions. Also attached is a copy of the proposed amendment and the recommended conditions.

This item is scheduled for the Planning Commission meeting of December 13, 1973, which begins at 1:30 p.m., Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas.

We would appreciate your reviewing this proposal and any comments you have prior to their meeting. Please feel free to attend the Commission meeting and make any comments or suggestions you have.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rw

78143 (Published in The Daily Record
November 21, 1973)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL
PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on
THURSDAY, DECEMBER 13, 1973, the
WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING
COMMISSION, in Room 401 City Building
Annex, 104 South Main Street, Wichita, Kansas,
at 1:30 p.m., will consider the following change
to Title 28, the Code of the City of Wichita,
Kansas:

That Section 28.04.090 "LC" Light
Commercial District be amended to permit a
limited amount of storage outside of an
enclosed building, provided that such storage
is screened from continuous view to protect
adjacent properties and that the area used for
such storage will not violate the setback
requirement of the zoning district.

Copies of the proposed amendment are available
upon request from the Wichita-Sedgwick
County Metropolitan Area Planning
Department.

The proposed amendment will there be
discussed and considered by the said
Wichita-Sedgwick County Metropolitan Area
Planning Commission, and all persons interested
in said matter will be heard at this time
concerning their views and wishes, and any
protest against any of the provisions of the
proposed changes to the Zoning Ordinance will
be considered by the Commission as by law
provided.

WITNESS my hand and seal this 20th day of
November, 1973.

ROBERT A. LAKIN, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

() Published in The Daily Record on November 21, 1973

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, DECEMBER 13, 1973, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m., will consider the following change to Title 28, the Code of the City of Wichita, Kansas:

That Section 28.04.090 "LC" Light Commercial District be amended to permit a limited amount of storage outside of an enclosed building, provided that such storage is screened from continuous view to protect adjacent properties and that the area used for such storage will not violate the setback requirement of the zoning district.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 20th day of November, 1973.

Robert A. Lakin, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission

(SEAL)

POSSIBLE AMENDMENT TO THE ZONING ORDINANCE TO
PERMIT OUTDOOR STORAGE OF MERCHANDISE IN THE
"LC" LIGHT COMMERCIAL DISTRICT.

SECTION 28.04.090.1 of the Code of the City of Wichita, Kansas, shall be amended by adding the following to the list of permitted uses:

1.28 Storage of merchandise available for retail sales may be outside of an enclosed building subject to the following conditions:

- a. The area used for storage shall be enclosed by a fence or wall not less than six feet in height nor less than the height of the merchandise.
- b. Such fence or wall shall be of material capable of providing screening to hide the storage from view. One opening, not exceeding ten feet in width, may be left open during business hours. When the material of the enclosure is not of the same general material as the main building, landscaping as approved by the Superintendent of Central Inspection, shall be provided and maintained outside the enclosure. For outside storage areas within a Community Unit Plan, the fence or wall screening provisions may be modified provided that:
 - (1) a design plan is submitted to the Planning Director for review and recommendation; (2) such plan shall provide an acceptable environment for the surrounding area, based on the physical characteristics of the property, distances from adjacent properties and public streets, and the type of merchandise to be displayed or stored; and (3) such plan shall be approved by the Board of City Commissioners.
- c. The enclosure around the storage area shall be attached to the main building and the area within such enclosure shall not exceed 10% of the floor area occupied by the main use within the building.

- d. The area within the enclosure shall be calculated as floor area in determining the number of required off-street parking spaces.
- e. The display of merchandise within the enclosure shall not be deemed to violate the provisions of 28.04.090.1.2 or 28.04.183-3 unless such display is intentionally placed to be continuously viewed from outside the enclosure contrary to the provisions of the ordinance.
- f. The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supercede any of the conditions required by the Board of Zoning Appeals under other sections of the Code.