



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

Sean and Tracy Fox  
1325 East 63<sup>rd</sup> Street South  
Wichita, KS 67216

November 8, 2023

**RE: ZON2023-00048** – Zone change request in the County from RR Rural Residential to GC General Commercial with PO #361 to permit expansion of boat and RV storage; generally located within 1,000 feet south of East 63<sup>rd</sup> Street South and within 500 feet west of South Hydraulic Avenue.

Dear Applicant;

At its regular meeting on **November 1, 2023**, the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the BOCC was to **APPROVE** the request subject to Protective Overlay #361, which reads:

Protective Overlay #361

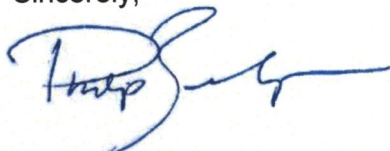
1. Uses shall be limited to those as permitted by-right in RR Rural Residential District in addition to Vehicle Storage as permitted in GC General Commercial District.
2. The following conditions shall apply only if the property is developed with a Vehicle Storage Yard:
  - a. The Vehicle Storage Yard shall be limited to the storage of operable boats and recreational vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any vehicles or equipment, or for storage of materials or supplies.
  - b. The storage area and all entrance/exit drives shall be surfaced with an all-weather surface that meets the approval of the Director of the Metropolitan Area Building and Construction Department (or other chief jurisdiction code enforcement officer) and shall be maintained in good condition and free of weeds, trash, and other debris.
  - c. A landscape buffer shall be provided along arterial street frontages. The landscape buffer shall employ landscaped earth berms a minimum of four to six feet above at-grade elevation of the abutting right-of-way. The landscaping shall consist a minimum of two trees per 40-linear feet. Trees can be shade or ornamental. Shrubs and/or ornamental grasses shall be planted in-between tree spacing. The landscaping shall be irrigated and maintained. The following minimum standards shall apply for planting sizes:
    - i. Shade Tree: 2-inch caliper
    - ii. Ornamental Tree: 1-inch caliper
    - iii. Conifer Tree: 5-foot height
    - iv. Shrubs: 2 gallon
  - d. Visual screening of areas adjacent to residential zoning districts shall be provided to protect adjacent properties from light, debris, and noise, and to preserve adjacent property values. In

no case shall screening be less than that required by Section IV-B.1-3 of the Unified Zoning Code, unless the applicant demonstrates adequate screening may be provided through alternative means, and the requirements imposed by Section IV-B.1-3 would be overly burdensome on the applicant.

- e. Outdoor lighting sources shall conform to Unified Zoning Code Section IV-B.4, which requires cut off luminaries to minimize light trespass and glare. All light poles within 200 feet of residentially zoned properties shall not exceed 15 feet in height.
- f. There shall be no off-site/billboard signs. Signage is restricted to one (1) pole sign and one (1) building sign per street frontage. The pole sign shall not exceed 25 feet in height and shall not exceed 150 square feet in area. The area of the building signs shall not exceed 20 percent of the building façade and shall not exceed 200 square feet each. Electronic message boards are prohibited. All illumination of signs shall be internal or directed away from residentially zoned properties.
- g. A screening/landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of any building permits and/or applicable licenses.
- h. The site shall comply with all required compatibility requirements of Section IV-C of the Unified Zoning Code regarding setbacks, height, and noise. However, there shall be no outdoor speakers or sound amplification systems.

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

Sincerely,



Philip Zevenbergen, AICP  
Current Plans  
Division Manager

Copies to: David Dennis, County District 3  
MABCD



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

Sean and Tracy Fox  
1325 East 63<sup>rd</sup> Street South  
Wichita, KS 67216

September 15, 2023

**RE: ZON2023-00048** – Zone change request in the County from RR Rural Residential to GC General Commercial with PO #361 to permit expansion of boat and RV storage; generally located within 1,000 feet south of East 63<sup>rd</sup> Street South and within 500 feet west of South Hydraulic Avenue.

Dear Applicant;

At its regular meeting on **September 14, 2023**, 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 #361, which reads:

**Protective Overlay #361**

1. Uses shall be limited to those as permitted by-right in RR Rural Residential District in addition to Vehicle Storage as permitted in GC General Commercial District.
2. The following conditions shall apply only if the property is developed with a Vehicle Storage Yard:
  - a. The Vehicle Storage Yard shall be limited to the storage of operable boats and recreational vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any vehicles or equipment, or for storage of materials or supplies.
  - b. The storage area and all entrance/exit drives shall be surfaced with an all-weather surface that meets the approval of the Director of the Metropolitan Area Building and Construction Department (or other chief jurisdiction code enforcement officer) and shall be maintained in good condition and free of weeds, trash, and other debris.
  - c. A landscape buffer shall be provided along arterial street frontages. The landscape buffer shall employ landscaped earth berms a minimum of four to six feet above at-grade elevation of the abutting right-of-way. The landscaping shall consist a minimum of two trees per 40-linear feet. Trees can be shade or ornamental. Shrubs and/or ornamental grasses shall be planted in-between tree spacing. The landscaping shall be irrigated and maintained. The following minimum standards shall apply for planting sizes:
    - i. Shade Tree: 2-inch caliper
    - ii. Ornamental Tree: 1-inch caliper
    - iii. Conifer Tree: 5-foot height
    - iv. Shrubs: 2 gallon
  - d. Visual screening of areas adjacent to residential zoning districts shall be provided to protect adjacent properties from light, debris, and noise, and to preserve adjacent property values. In

no case shall screening be less than that required by Section IV-B.1-3 of the Unified Zoning Code, unless the applicant demonstrates adequate screening may be provided through alternative means, and the requirements imposed by Section IV-B.1-3 would be overly burdensome on the applicant.

- e. Outdoor lighting sources shall conform to Unified Zoning Code Section IV-B.4, which requires cut off luminaries to minimize light trespass and glare. All light poles within 200 feet of residentially zoned properties shall not exceed 15 feet in height.
- f. There shall be no off-site/billboard signs. Signage is restricted to one (1) pole sign and one (1) building sign per street frontage. The pole sign shall not exceed 25 feet in height and shall not exceed 150 square feet in area. The area of the building signs shall not exceed 20 percent of the building façade and shall not exceed 200 square feet each. Electronic message boards are prohibited. All illumination of signs shall be internal or directed away from residentially zoned properties.
- g. A screening/landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of any building permits and/or applicable licenses.
- h. The site shall comply with all required compatibility requirements of Section IV-C of the Unified Zoning Code regarding setbacks, height, and noise. However, there shall be no outdoor speakers or sound amplification systems.

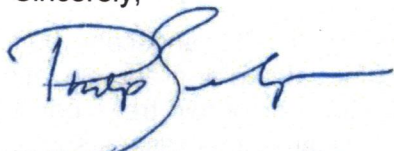
Property owners opposed to the application may file with the County Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **September 28, 2023**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 1,000 feet of the property for which the application was filed, or 200 feet into the City limits of Wichita, and must be submitted to the County Clerk by **September 28, 2023, at 5:00 p.m.**

This application is scheduled for consideration by the Board of County Commissioners on **Wednesday, November 1, 2023, beginning at 9:00 a.m.** The Board of County Commissioners meeting will be held 100 North Broadway, Lower Level, 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  
Current Plans  
Division Manager

Copies to: David Dennis, County District 3  
MABCD

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

**SECTION I.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law on September 14, 2023, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

**Case No. ZON2023-00048**

Zone change request from RR Rural Residential District to GC General Commercial District, subject to Protective Overlay #361.

Legally described as:

That part of Lot 2, Block A, Copper Fox Farms, an Addition to Sedgwick County, Kansas, being described as follows: Beginning at the Southeast corner of Lot 1, Block A, as platted in Copper Fox Farms Addition; thence East 144.88 feet; thence South 313.79 feet to the South Lot line of said Lot 3; thence West 173.93 feet; thence North 248.37 feet; thence Northeast 69.59 feet to the Southeast corner of said Lot 1 and the Point of Beginning.

**Protective Overlay #361**

1. Uses shall be limited to those as permitted by-right in RR Rural Residential District in addition to Vehicle Storage as permitted in GC General Commercial District.
2. The following conditions shall apply only if the property is developed with a Vehicle Storage Yard:
  - a. The Vehicle Storage Yard shall be limited to the storage of operable boats and recreational vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any vehicles or equipment, or for storage of materials or supplies.
  - b. The storage area and all entrance/exit drives shall be surfaced with an all-weather surface that meets the approval of the Director of the Metropolitan Area Building and Construction Department (or other chief jurisdiction code enforcement officer) and shall be maintained in good condition and free of weeds, trash, and other debris.

- c. A landscape buffer shall be provided along arterial street frontages. The landscape buffer shall employ landscaped earth berms a minimum of four to six feet above at-grade elevation of the abutting right-of-way. The landscaping shall consist a minimum of two trees per 40-linear feet. Trees can be shade or ornamental. Shrubs and/or ornamental grasses shall be planted in-between tree spacing. The landscaping shall be irrigated and maintained. The following minimum standards shall apply for planting sizes:
  - i. Shade Tree: 2-inch caliper
  - ii. Ornamental Tree: 1-inch caliper
  - iii. Conifer Tree: 5-foot height
  - iv. Shrubs: 2 gallon
- d. Visual screening of areas adjacent to residential zoning districts shall be provided to protect adjacent properties from light, debris, and noise, and to preserve adjacent property values. In no case shall screening be less than that required by Section IV-B.1-3 of the Unified Zoning Code, unless the applicant demonstrates adequate screening may be provided through alternative means, and the requirements imposed by Section IV-B.1-3 would be overly burdensome on the applicant.
- e. Outdoor lighting sources shall conform to Unified Zoning Code Section IV-B.4, which requires cut off luminaries to minimize light trespass and glare. All light poles within 200 feet of residentially zoned properties shall not exceed 15 feet in height.
- f. There shall be no off-site/billboard signs. Signage is restricted to one (1) pole sign and one (1) building sign per street frontage. The pole sign shall not exceed 25 feet in height and shall not exceed 150 square feet in area. The area of the building signs shall not exceed 20 percent of the building façade and shall not exceed 200 square feet each. Electronic message boards are prohibited. All illumination of signs shall be internal or directed away from residentially zoned properties.
- g. A screening/landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of any building permits and/or applicable licenses.
- h. The site shall comply with all required compatibility requirements of Section IV-C of the Unified Zoning Code regarding setbacks, height, and noise. However, there shall be no outdoor speakers or sound amplification systems.

**SECTION II.** That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION III.** That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

[Remainder of Page Intentionally Left Blank]

Commissioners present and voting were:

PETER F. MEITZNER  
SARAH LOPEZ  
DAVID T. DENNIS  
RYAN K. BATY  
JAMES M. HOWELL

*ay*  
*ay*  
*ay*  
*ay*

Dated this 1 day of November, 2023.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:



*Kelly B. Arnold*  
KELLY B. ARNOLD, County Clerk

*Peter F. Meitzner*  
PETER F. MEITZNER, Chairman  
Commissioner, First District

*James M. Howell*  
JAMES M. HOWELL, Chair Pro Tem  
Commissioner, Fifth District

APPROVED AS TO FORM:

*Sarah Lopez*  
SARAH LOPEZ  
Commissioner, Second District

*Kirk W. Sponsel*  
KIRK W. SPONSEL  
Deputy County Counselor

*David T. Dennis*  
DAVID T. DENNIS  
Commissioner, Third District

*Ryan K. Baty*  
RYAN K. BATY  
Commissioner, Fourth District

# Sedgwick Co. public notice

(Published in The Ark Valley News Nov. 9, 2023.)

RESOLUTION NO. 240-2023

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

**SECTION I.** That after receiving a recommendation from the Wichita Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law on September 14, 2023, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2023-00048

Zone change request from RR Rural Residential District to GC General Commercial District, subject to Protective Overlay #361.

Legally described as:

That part of Lot 2, Block A, Copper Fox Farms, an Addition to Sedgwick County, Kansas, being described as follows: Beginning at the Southeast corner of Lot 1, Block A, as platted in Copper Fox Farms Addition; thence East 144.88 feet; thence South 313.79 feet to the South Lot line of said Lot 3; thence West 173.93 feet; thence North 248.37 feet; thence Northeast 69.59 feet to the Southeast corner of said Lot 1 and the Point of Beginning.

Protective Overlay #361

1. Uses shall be limited to those as permitted by-right in RR Rural Residential District in addition to Vehicle Storage as permitted in GC General Commercial District.

2. The following conditions shall apply only if the property is developed with a Vehicle Storage Yard:

a. The Vehicle Storage Yard shall be limited to the storage of operable boats and recreational vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any vehicles or equipment, or for storage of materials or supplies.

b. The storage area and all entrance/exit drives shall be surfaced with an all-weather surface that meets the approval of the Director of the Metropolitan Area Building and Construction Department (or other chief jurisdiction code enforcement officer) and shall be maintained in good condition and free of weeds, trash, and other debris.

c. A landscape buffer shall be provided along arterial street frontages. The landscape buffer shall employ landscaped earth berms a minimum of four to six feet above al-grade elevation of the abutting right-of-way. The landscaping shall consist of a minimum of two trees per 40-linear feet. Trees can be shade or ornamental. Shrubs and/or ornamental grasses shall be planted in-between tree spacing. The landscaping shall be irrigated and maintained. The following minimum standards shall apply for planting sizes:

- i. Shade Tree: 2-inch caliper
- ii. Ornamental Tree: 1-inch caliper
- iii. Conifer Tree: 5-foot height
- iv. Shrubs: 2 gallon

d. Visual screening of areas adjacent to residential zoning districts shall be provided to protect adjacent properties from light, debris, and noise, and to preserve adjacent property values. In no case shall screening be less than that required by Section IV-B.1-3 of the Unified Zoning Code, unless the applicant demonstrates adequate screening may be provided through alternative means, and the requirements imposed by Section IV-B.1-3 would be overly burdensome on the applicant.

e. Outdoor lighting sources shall conform to Unified Zoning Code Section IV-B.4, which requires cut off luminaires to minimize light trespass and glare. All light poles within 200 feet of residentially zoned properties shall not exceed 15 feet in height.

f. There shall be no off-site/billboard signs. Signage is restricted to one (1) pole sign and one (1) building sign per street frontage. The pole sign shall not exceed 25 feet in height and shall not exceed 150 square feet in area. The area of the building signs shall not exceed 20 percent of the building facade and shall not exceed 200 square feet each. Electronic message boards are prohibited. All illumination of signs shall be internal or directed away from residentially zoned properties.

g. A screening/landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of any building permits and/or applicable licenses.

h. The site shall comply with all required compatibility requirements of Section IV-C of the Unified Zoning Code regarding setbacks, height, and noise. However, there shall be no outdoor speakers or sound amplification systems.

**SECTION II.** That upon the taking effect of this Resolution, the notes of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION III.** That this Resolution shall take effect and be in force and after its adoption by the Governing Body and publication in the county newspaper.

Commissioners present and voting were:

PETER F. MEITZNER  
SARAH LOPEZ  
DAVID T. DENNIS  
RYAN K. BATH  
JAMES M. HOWELL

ay  
ay  
ay  
ay

Dated this 1 day of November, 2023.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS



ATTEST:

KELLY B. ARNOLD, County Clerk

Peter F. Meitzner  
PETER F. MEITZNER, Chairman  
Commissioner, First District

James M. Howell  
JAMES M. HOWELL, Chair Pro Tem  
Commissioner, Fifth District

APPROVED AS TO FORM

KIRK W. SPONSEL  
Deputy County Counselor

Sarah Lopez  
SARAH LOPEZ  
Commissioner, Second District

David T. Dennis  
DAVID T. DENNIS  
Commissioner, Third District

Ryan K. Bath  
RYAN K. BATH

# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 9th day of November, 2023, with subsequent publications being made on the following dates:

\_\_\_\_\_, 2023      \_\_\_\_\_, 2023  
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023  
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023

[Signature]

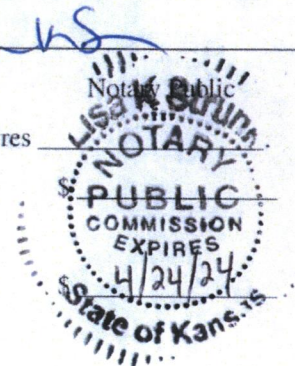
Subscribed and sworn to before me this 9th day of November, 2023.

[Signature]

My commission expires \_\_\_\_\_

Additional copies \_\_\_\_\_

Printer's fee \_\_\_\_\_



# Public notice

(Published in The Ark Valley News Aug. 24, 2023.)

## MAPC September 14, 2023 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, September 14, 2023, no earlier than 1:30 p.m.**, the Wichita Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end 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.

**CON2023-00040:** Conditional Use request in the County for Accessory Apartment, zoned RR Rural Residential; generally located on southwest corner of East 63rd Street South and South 159th Street East (15629 E 63rd St S).

**DER2023-00004:** Unified Zoning Code amendment to the Old Town Overlay to allow Tattoo and Body Piercing Facility as a permitted use within the Old Town Overlay District, located between North Santa Fe Avenue and North Washington Avenue, and between East Douglas Avenue and East 3rd Street North.

**ZON2023-00048:** Zone change request in the County from RR Rural Residential to GC General Commercial with PO 361 to permit expansion of boat and RV storage; generally located within 1000 feet south of East 63rd Street South and within 500 feet west of South Hydraulic Avenue.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. 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.

- Options to participate (see below):
- 1) Participate virtually
  - 2) Attend in-person at the Ronald Reagan Building
  - 3) Submit comments ahead of time

**Participate Virtually**  
Join Zoom Meeting  
<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBnbnFJQkRlVjV0eXpVbDBXUT09>

**Meeting ID: 408 986 6967**  
Passcode: 094136  
One tap mobile  
+16699006833,,4089866967#,,,  
\*094136# US (San Jose)  
+17193594580,,4089866967#,,,  
\*094136# US

**Meeting ID: 408 986 6967**  
Passcode: 094136  
Find your local number: <https://us06web.zoom.us/j/4089866967>

**Attend In-Person**  
You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. 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.

### Submit Comments Ahead of Time

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

Email [Planning@wichita.gov](mailto:Planning@wichita.gov)  
Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department  
Attn: **Scott Wadle**  
271 W. 3rd Street – Suite 201  
Wichita, KS 67202  
Phone 316.268.4421  
Fax 316.858.7764

WITNESS MY HAND on August 24, 2023  
**Scott Wadle, Secretary**  
Wichita Sedgwick County  
Metropolitan Area Planning Commission

# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

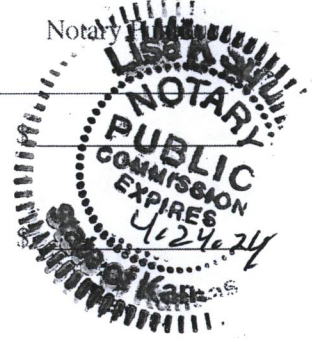
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 24<sup>th</sup> day of Aug, 2023, with subsequent publications being made on the following dates:

\_\_\_\_\_, 2023      \_\_\_\_\_, 2023  
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023  
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023

Chris Strunk

Subscribed and sworn to before me this 24 day of Aug, 2023.

hhs



My commission expires \_\_\_\_\_

Additional copies \_\_\_\_\_

Printer's fee \_\_\_\_\_

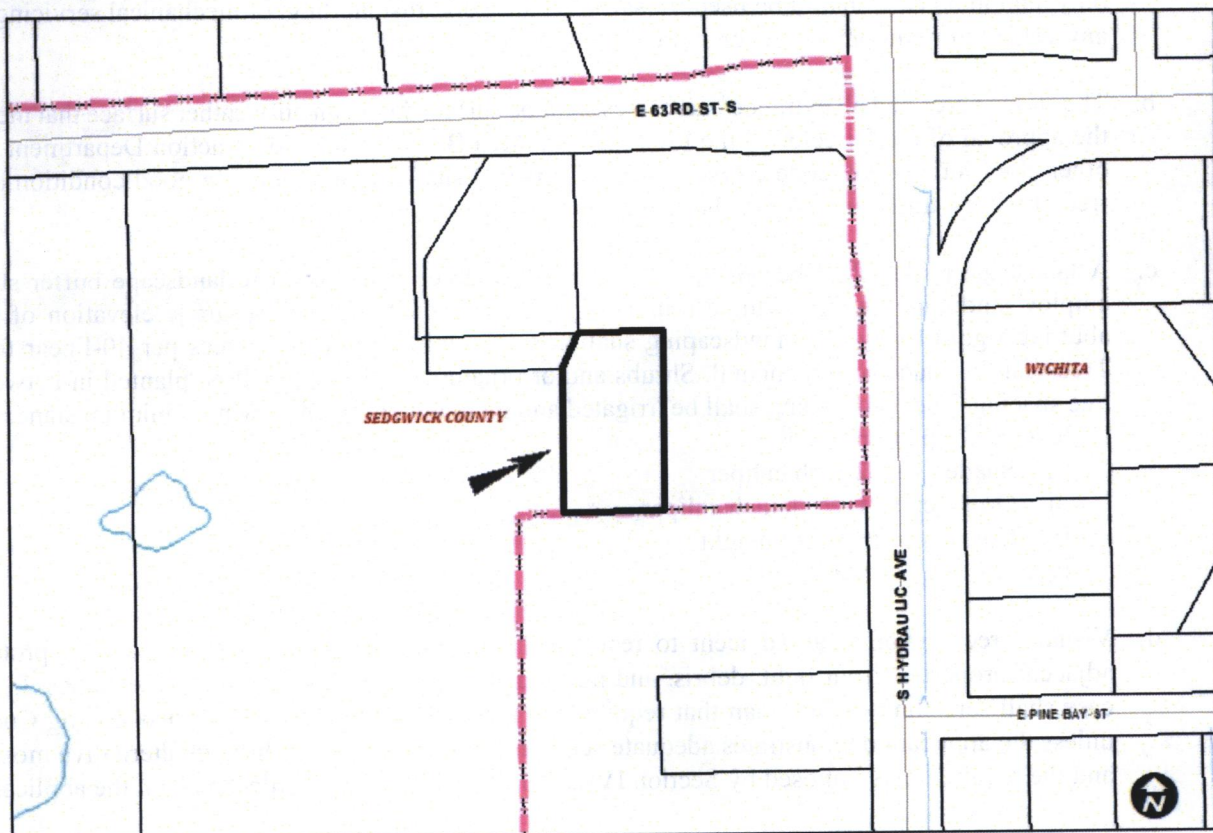


**STAFF REPORT**

MAPC: September 14, 2023

CAB 2: September 12, 2023

- 
- CASE NUMBER:** ZON2023-00048 (County)
- APPLICANT/AGENT:** Sean and Tracy Fox (owners)
- REQUEST:** GC General Commercial with Protective Overlay #361
- CURRENT ZONING:** RR Rural Residential
- SITE SIZE:** 1.25 acres
- LOCATION:** Generally located within 1,000 feet south of East 63<sup>rd</sup> Street South and within 500 feet west of South Hydraulic Avenue
- PROPOSED USE:** Vehicle Storage Yard
- RECOMMENDATION:** Approve subject to Protective Overlay #361



**BACKGROUND:** The applicant is requesting a zone change from RR Rural Residential District to GC General Commercial District subject to Protective Overlay #361 to permit a Vehicle Storage Yard to store boats and RVs. The undeveloped subject site is approximately 1.25 acres in size and is located within 1,000 feet south of East 63<sup>rd</sup> Street North and within 500 feet west of South Hydraulic Avenue. In July 2021, the Board of County Commissioners approved a zoned change (ZON2020-00053) on a 5.89-acre property abutting to the north and east of the subject site from RR Rural Residential District to GC General Commercial District with Protective Overlay #361 for a boat and RV storage facility. This is the same applicant as the previous case. Since the conclusion of the previous case, the applicant has completed a boundary shift at the subject site to add 1.25 acres to the parcel rezoned in 2021. The applicant is seeking the zone change in order to permit the original site to be enlarged to accommodate more storage facilities.

The Unified Zoning Code (UZC) defines a Vehicle Storage Yard as “the keeping outside of an enclosed building for more than 72 consecutive hours of one or more motor vehicles (except inoperable vehicles), boats, trailers, or unoccupied recreational vehicles.” This term does not include Wrecking/Salvage Yard. Vehicle Storage Yard allows for vehicles to be stored outdoors. However, the applicant intends to construct a number of enclosures (see site plan) in which to store the vehicles.

The ZON2020-00053 application was approved subject to the following Protective Overlay. Since this is an expansion of the original request, staff is recommending that the provisions of Protective Overlay #361 be applied to this request for uniform development and enforcement.

**PROTECTIVE OVERLAY #361**

1. Uses shall be limited to those as permitted by-right in RR Rural Residential District in addition to Vehicle Storage as permitted in GC General Commercial District.
2. The following conditions shall apply only if the property is developed with a Vehicle Storage Yard:
  - a. The Vehicle Storage Yard shall be limited to the storage of operable boats and recreational vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any vehicles or equipment, or for storage of materials or supplies.
  - b. The storage area and all entrance/exit drives shall be surfaced with an all-weather surface that meets the approval of the Director of the Metropolitan Area Building and Construction Department (or other chief jurisdiction code enforcement officer) and shall be maintained in good condition and free of weeds, trash, and other debris.
  - c. A landscape buffer shall be provided along arterial street frontages. The landscape buffer shall employ landscaped earth berms a minimum of four to six feet above at-grade elevation of the abutting right-of-way. The landscaping shall consist a minimum of two trees per 40-linear feet. Trees can be shade or ornamental. Shrubs and/or ornamental grasses shall be planted in-between tree spacing. The landscaping shall be irrigated and maintained. The following minimum standards shall apply for planting sizes:
    - i. Shade Tree: 2-inch caliper
    - ii. Ornamental Tree: 1-inch caliper
    - iii. Conifer Tree: 5-foot height
    - iv. Shrubs: 2 gallon
  - d. Visual screening of areas adjacent to residential zoning districts shall be provided to protect adjacent properties from light, debris, and noise, and to preserve adjacent property values. In no case shall screening be less than that required by Section IV-B.1-3 of the Unified Zoning Code, unless the applicant demonstrates adequate screening may be provided through alternative means, and the requirements imposed by Section IV-B.1-3 would be overly burdensome on the applicant.

- e. Outdoor lighting sources shall conform to Unified Zoning Code Section IV-B.4, which requires cut off luminaries to minimize light trespass and glare. All light poles within 200 feet of residentially zoned properties shall not exceed 15 feet in height.
- f. There shall be no off-site/billboard signs. Signage is restricted to one (1) pole sign and one (1) building sign per street frontage. The pole sign shall not exceed 25 feet in height and shall not exceed 150 square feet in area. The area of the building signs shall not exceed 20 percent of the building façade and shall not exceed 200 square feet each. Electronic message boards are prohibited. All illumination of signs shall be internal or directed away from residentially zoned properties.
- g. A screening/landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of any building permits and/or applicable licenses.
- h. The site shall comply with all required compatibility requirements of Section IV-C of the Unified Zoning Code regarding setbacks, height, and noise. However, there shall be no outdoor speakers or sound amplification systems.

Property to the north and east are part of the larger parcel, under the same ownership, zoned GC General Commercial District with PO #361, and is undeveloped. Properties to the west are owned by the applicant, zoned RR Rural Residential District and developed with single-family dwellings. Property to the south is in the City of Wichita, zoned SF-5 Single-Family Residential District and developed with a single-family dwelling and an agricultural field.

**CASE HISTORY:** In June 2020, the property was platted as a portion of Lot 2, Block A, Copper Fox Farms Addition. In 2021, a zone change (ZON2020-00053) was approved for the larger portion of the site abutting on the north and east to permit Vehicle Storage Yard.

**ADJACENT ZONING AND LAND USE:**

NORTH:	GC with PO#361	Undeveloped
SOUTH:	SF-5	Single-family residences and Agriculture
EAST:	GC with PO#361	Undeveloped
WEST:	RR	Single-family residences

**PUBLIC SERVICES:** East 63<sup>rd</sup> Street South is a paved, five lane arterial street in unincorporated Sedgwick County. South Hydraulic Avenue is a paved, two-lane arterial street except for at the intersection where it is four lanes. This portion of South Hydraulic Avenue is in the City of Wichita. The intersection has been improved with left turn lanes in all directions. The plat affords two 30-foot openings along South Hydraulic: one, 30-foot opening 252 feet south of the centerline of the intersection and one, 30-foot opening at the south boundary line. Along East 63<sup>rd</sup> Street, the plat affords one opening a minimum of 250 feet west of the centerline of the intersection. There are no sidewalks on either street. City water is available near the site. Any sewage treatment will be on-site.

**CONFORMANCE TO PLANS/POLICIES:** The requested zone change is in conformance with the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “Residential” on the Future Growth Map Concept Map. This category is described as follows: “Encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality.” While this Plan identifies the site for future residential development, historically sites located at the intersection of two arterial streets have been deemed appropriate for commercial development. The request would be an expansion of existing zoning and Protective Overlay as adopted in 2021. Locational guidelines recommend that higher intensity uses should have sufficient screening and buffering to mitigate possible negative impacts. The provisions of the Protective Overlay help address these locational guidelines.

The site is also located within the boundaries of the South Wichita/ Haysville Area Plan, which was adopted in 2002. The plan was conceived as an effort to provide guidance for redevelopment after a tornado went through the

area in 1999 in addition to providing guidance for future development in the area. Chapter Four of the plan discusses the desire for new commercial development in the area, and the future land use map identifies this property as appropriate for commercial development.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request, with a modified Protective Overlay #361 as follows:

1. Uses shall be limited to those as permitted by-right in RR Rural Residential District in addition to Vehicle Storage as permitted in GC General Commercial District.
2. The following conditions shall apply only if the property is developed with a Vehicle Storage Yard:
  - a. The Vehicle Storage Yard shall be limited to the storage of operable boats and recreational vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any vehicles or equipment, or for storage of materials or supplies.
  - b. The storage area and all entrance/exit drives shall be surfaced with an all-weather surface that meets the approval of the Director of the Metropolitan Area Building and Construction Department (or other chief jurisdiction code enforcement officer) and shall be maintained in good condition and free of weeds, trash, and other debris.
  - c. A landscape buffer shall be provided along arterial street frontages. The landscape buffer shall employ landscaped earth berms a minimum of four to six feet above at-grade elevation of the abutting right-of-way. The landscaping shall consist a minimum of two trees per 40-linear feet. Trees can be shade or ornamental. Shrubs and/or ornamental grasses shall be planted in-between tree spacing. The landscaping shall be irrigated and maintained. The following minimum standards shall apply for planting sizes:
    - i. Shade Tree: 2-inch caliper
    - ii. Ornamental Tree: 1-inch caliper
    - iii. Conifer Tree: 5-foot height
    - iv. Shrubs: 2 gallon
  - d. Visual screening of areas adjacent to residential zoning districts shall be provided to protect adjacent properties from light, debris, and noise, and to preserve adjacent property values. In no case shall screening be less than that required by Section IV-B.1-3 of the Unified Zoning Code, unless the applicant demonstrates adequate screening may be provided through alternative means, and the requirements imposed by Section IV-B.1-3 would be overly burdensome on the applicant.
  - e. Outdoor lighting sources shall conform to Unified Zoning Code Section IV-B.4, which requires cut off luminaries to minimize light trespass and glare. All light poles within 200 feet of residentially zoned properties shall not exceed 15 feet in height.
  - f. There shall be no off-site/billboard signs. Signage is restricted to one (1) pole sign and one (1) building sign per street frontage. The pole sign shall not exceed 25 feet in height and shall not exceed 150 square feet in area. The area of the building signs shall not exceed 20 percent of the building façade and shall not exceed 200 square feet each. Electronic message boards are prohibited. All illumination of signs shall be internal or directed away from residentially zoned properties.
  - g. A screening/landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of any building permits and/or applicable licenses.

- h. The site shall comply with all required compatibility requirements of Section IV-C of the Unified Zoning Code regarding setbacks, height, and noise. However, there shall be no outdoor speakers or sound amplification systems.

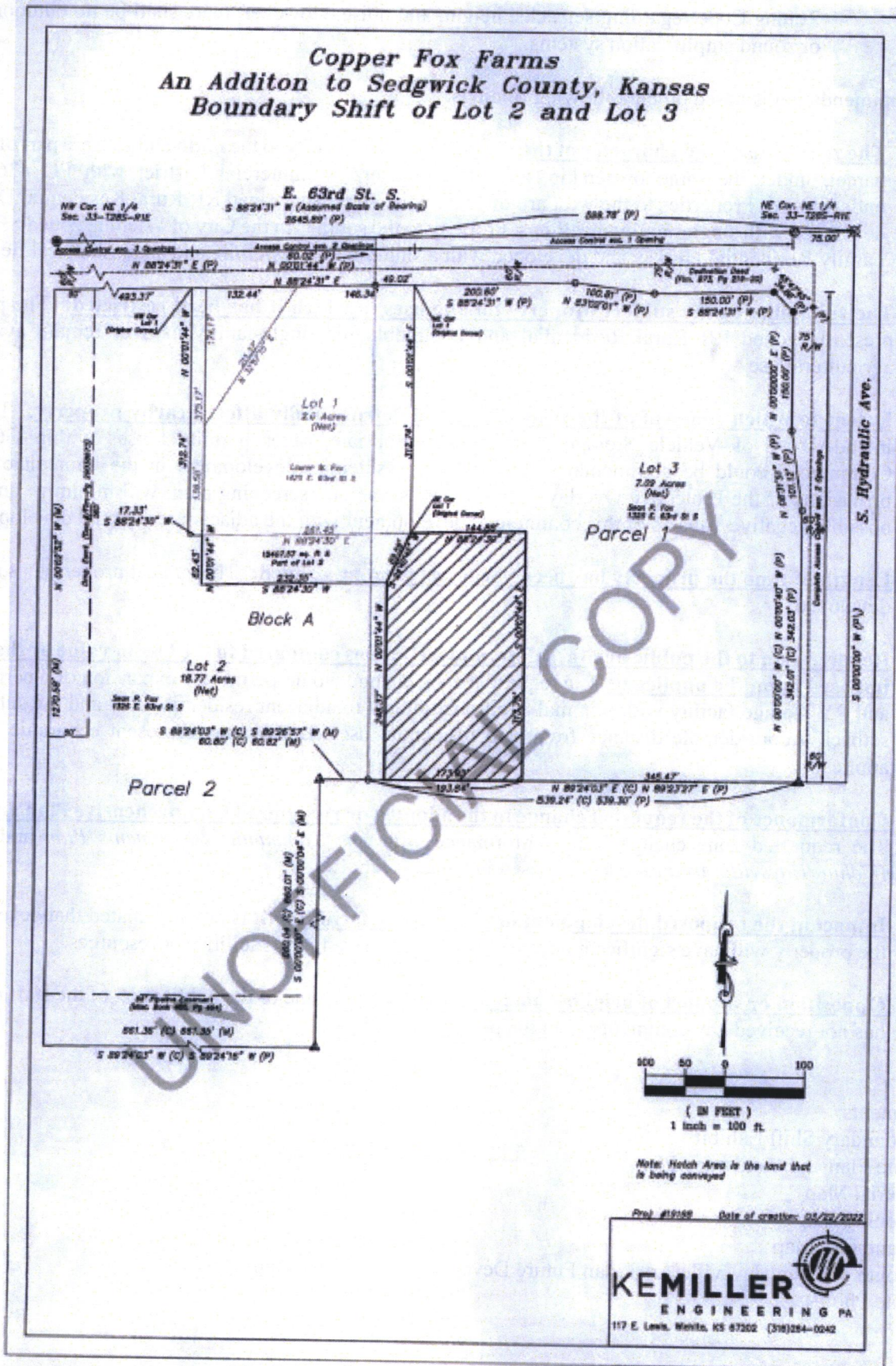
The recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property to the north and east are part of the larger parcel, under the same ownership, zoned GC General Commercial District with PO #361, and is undeveloped. Properties to the west are owned by the applicant, zoned RR Rural Residential District and developed with single-family dwellings. Property to the south is in the City of Wichita, zoned SF-5 Single-Family Residential District and developed with a single-family dwelling and an agricultural field.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned RR Rural Residential and is suitable for single-family uses or remain available for agricultural use.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Though the intended use of Vehicle Storage is deemed appropriate, other permitted uses within GC General Commercial could be detrimental to the growing residential development in the immediate area. The provisions of the Protective Overlay, with the landscape and screening plan, will minimize and mitigate possible negative impacts of this commercial development with the adjacent residential development.
4. **Length of time the property has been vacant as currently zoned:** The subject property has never been developed.
5. **Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** The requested zone change would permit the expansion of a permitted boat and RV storage facility with minimal additional impact to adjacent residential uses and the subject site is setback a considerable distance from said residential uses. Denial may represent economic loss to the applicant.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zone change is in conformance with *The Community Investments Plan* and the *South Wichita/Haysville Area Plan* as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** It is not anticipated that development of the property will have significant negative impacts on community facilities or resources.
8. **Opposition or support of neighborhood residents:** At the time of the publication of the staff report, staff has not received any comments from the public.

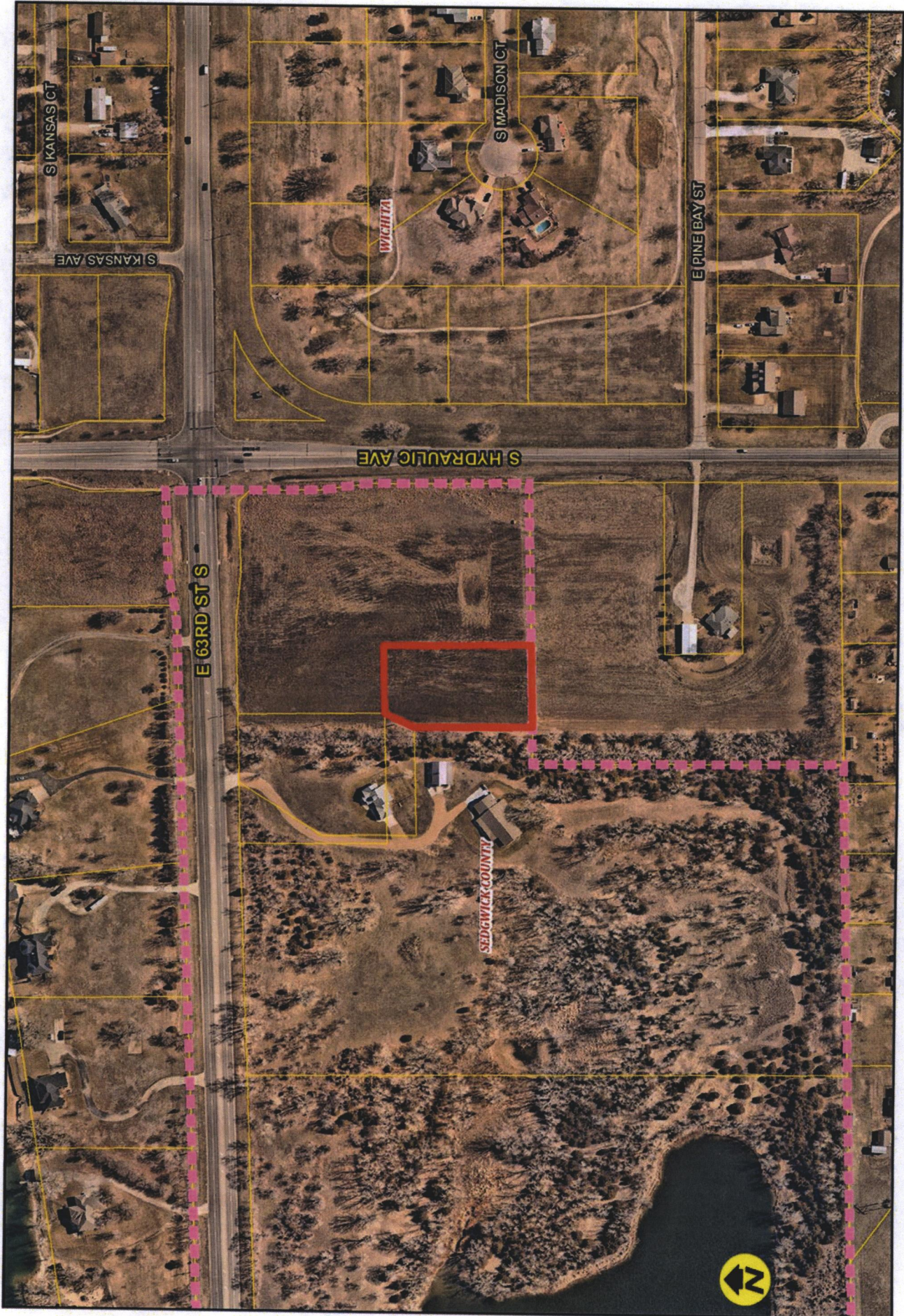
Attachments:

- 1) Boundary Shift Exhibit
- 2) Site Plan and Landscape Plan
- 3) Aerial Map
- 4) Zoning Map
- 5) Land Use Map
- 6) South Wichita/Haysville Area Plan Future Development Concept Map
- 7) Site Photos

Boundary Shift Exhibit



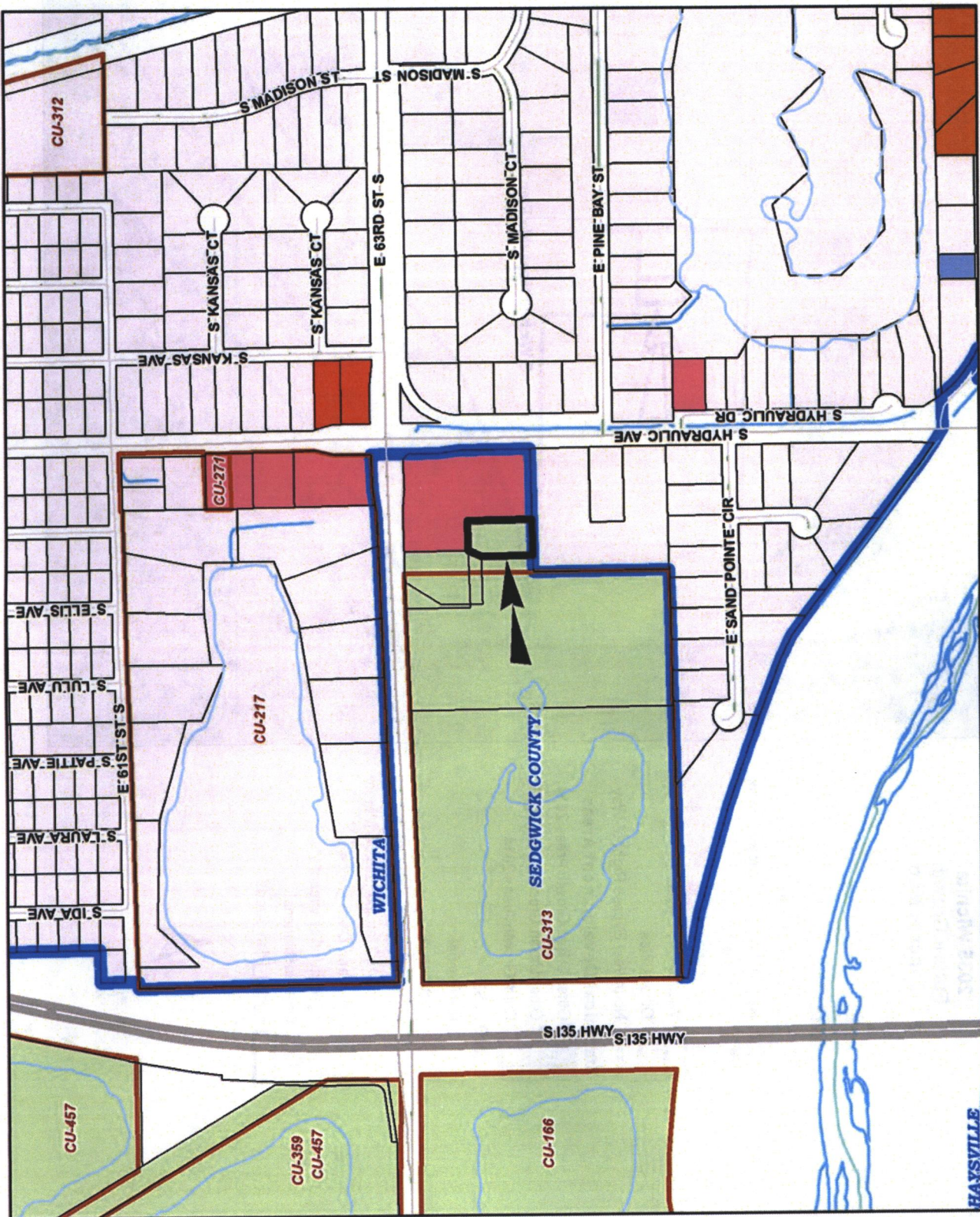






**ZONING**

- RR
- SF-20
- SF-10
- SF-5
- TF-3
- MF-18
- MF-29
- B
- MH
- NO
- GO
- NR
- LC
- GC
- CBD
- OW
- IP
- LI
- IP-A
- GI
- AFB
- U
- PUD
- AIRPORT
- OLD TOWN
- HISTORICAL
- DELANO



# 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



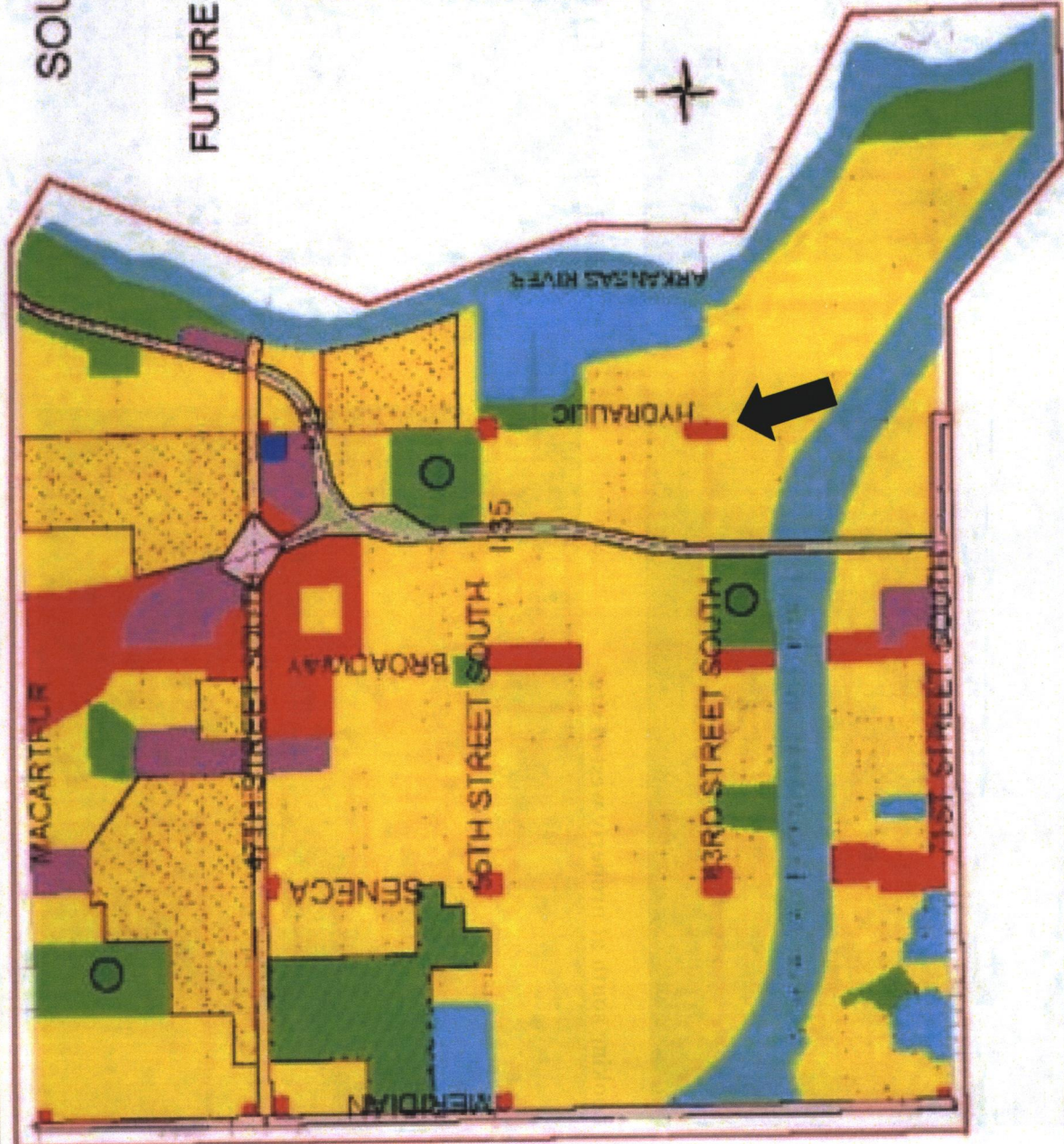
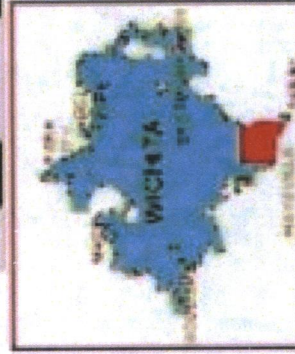
# SOUTH WICHITA/ HAYSVILLE AREA PLAN

## FUTURE DEVELOPMENT CONCEPT MAP

### LEGEND

- Project Boundary
- Residential
- Commercial
- Public Parks-Open Space-Golf Course
- Public-Semi-Public-Institutional
- Industrial
- Interchange Reconstruction
- New Boulevard
- New 4-Lane Urban Street
- New Freeway
- New Neighborhood/Community Park
- Recreation Facility Improvements
- New Community and Recreation Center
- Neighborhood Drainage Improvements
- ALL Residential Street Improvements

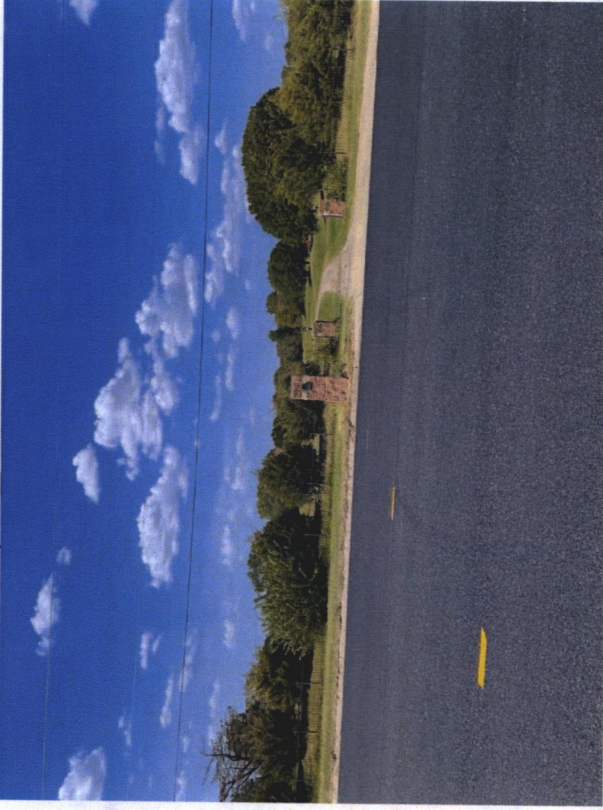
0.5 0 0.5 1 Miles



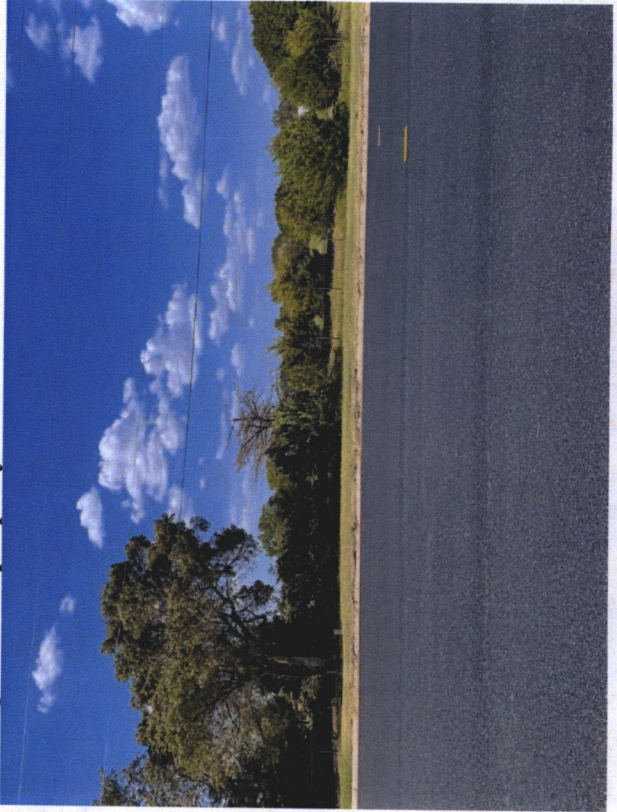
Looking south at site



Looking north away from site



Looking south at property west of site



Looking east way from site



**Looking east away from site**



**Looking west at site**



**Looking west at property south of site**

