



Wichita-Sedgwick County Metropolitan Area Planning Department

December 22, 2009

Pasan Trust
5000 Kansas Ave
Kansas City, KS 66106

Locke Supply
Attn: Chad Rogers, Site Loc
52 NW Kennedy Place
Elgin, OK 73538

RE: CON2009-00033 - City Conditional Use to increase the amount of outdoor storage to 20% of floor area on property zoned LC Limited Commercial, generally located on the northeast corner of Harry Street and Woodlawn Boulevard.

Dear Ladies and Gentlemen:

At its regular meeting on **November 19, 2009**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the conditions stated in the enclosed resolution.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dale Miller'.

Dale Miller
Current Plans Manager
Current Plans Division

DLM:mc
Enclosure

Copies to: East Mt. Vernon, Roger Smith, 1932 Lexington Rd., Wichita, KS 67218
Eastridge, Pat Winters, 746 S. Gouverneur St., Wichita, KS 67207
Fabrique, Charlotte Foster, 702 Courtleigh St., Wichita, KS 67218
Minneha Township, Don Gragg, #50 St. Cloud Place, Wichita, KS 67230

CONDITIONAL USE RESOLUTION NO. CON2009-00033

WHEREAS, Pasan Trust (Owner and Applicant) and Locke Supply (leasee); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to increase the amount of outdoor storage to 20 percent on 2.00 acres zoned LC Limited Commercial ("LC") described as:

A tract of land, as shown on the approved site plan, 50 feet by 100 feet located at the northwest corner of the existing building located on Lot 2, Morley 2nd Addition to the City of Wichita, Sedgwick County, Kansas, generally located north of West Central Avenue and east of North Mount Carmel Avenue.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of November 19, 2009, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use to increase the amount of outdoor storage to 20 percent on 2.00 acres zoned LC Limited Commercial ("LC") described as:

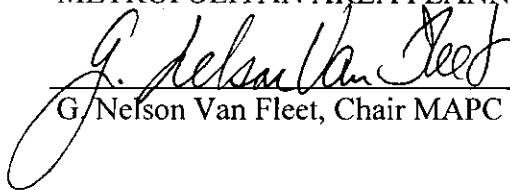
A tract of land, as shown on the approved site plan, 50 feet by 100 feet located at the northwest corner of the existing building located on Lot 2, Morley 2nd Addition to the City of Wichita, Sedgwick County, Kansas, generally located north of West Central Avenue and east of North Mount Carmel Avenue.

Approved subject to the following conditions:

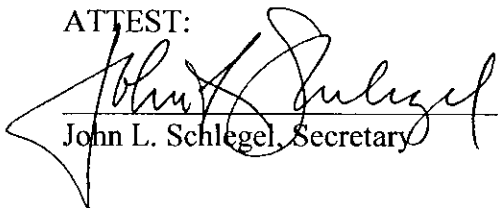
- A. The Conditional Use permits outdoor storage up to 20 percent of the floor area of the applicant's principal structure.
- B. The outdoor storage shall be maintained and operated in a manner that is consistent with the outdoor storage development standards contained in the *Wichita-Sedgwick County Unified Zoning Code* Sec. III-B.14.e.(3), including the requirement for screening of the outdoor storage area and all other applicable codes. The outdoor storage area may be used to store materials customarily sold inside the principal business and the parking of delivery vans. The parking, storing of semi-tractor trailers within the outdoor storage area or use of semi-tractor trailers for storage is prohibited.
- C. The site shall be developed in substantial compliance with the approved site plan.
- D. If the zoning administrator finds that there is a violation of any the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 17th Day of November 2009

METROPOLITAN AREA PLANNING COMMISSION


G. Nelson Van Fleet, Chair MAPC

ATTEST:


John L. Schlegel, Secretary



AGENDA ITEM NO. 6

STAFF REPORT

DAB II 11-2-2009

MAPC 11-19-2009

CASE NUMBER: CON2009-00033

APPLICANT/AGENT: Pasan Trust (owner), Associated Wholesale Grocers (long-term lessee, co-applicant) / Locke Supply (Chad Rogers, agent, co-applicant)

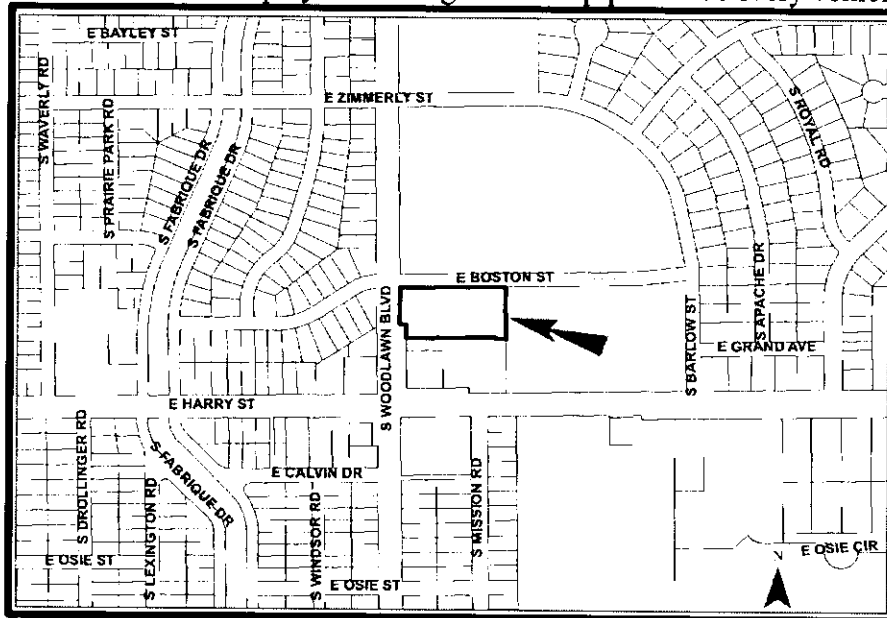
REQUEST: Conditional Use to increase the amount of outdoor storage up to 20 percent of the floor area of the applicant's building space located at 1212 South Woodlawn Avenue

CURRENT ZONING: LC, Limited Commercial / Airport Overlay District III-North (A-O III-N)

SITE SIZE: 2.27 acres

LOCATION: Northeast of the corner of Woodlawn and East Harry Street (1212 South Woodlawn)

PROPOSED USE: Display and storage of PVC pipe and delivery vehicles



BACKGROUND: Locke Supply, a co-applicant, operates 180 stores in five states, and is seeking Conditional Use approval to permit an increase from 10 to 20 percent for the area allowed for “outdoor storage” in the LC Limited Commercial (“LC”) district, per SEC III-B.14.e.(3) of the *Wichita-Sedgwick County Unified Zoning Code*. The application area is zoned LC and the Airport Overlay III-North (“A-O III-N”) district.

Locke Supply has leased the northern end, approximately 24,879 square feet, of a vacant building located northeast of the intersection of South Woodlawn and East Harry Street (1212 South Woodlawn). The lot on which the building is located and the building’s ownership have been split into two ownerships. (The approximate southern half of the building, 1230 South Woodlawn, is not part of this application.) The building is located approximately 291 feet back from Woodlawn and approximately 46 feet south of Boston Street. Being unfamiliar with the community’s outdoor storage regulations, Locke Supply installed an outdoor storage area that is not compliant with the outdoor storage standards for the LC district. The original outdoor storage area is too big and is to be located up next to the building, not as an island on the lot.

While not a lumber yard, Locke Supply sells building materials, including heating and air conditioning, electrical and plumbing supplies. Part of their inventory includes long lengths of PVC pipe. It is the practice of their company to store these longer lengths of PVC pipe outside their building. They also park their delivery vans inside the outdoor storage area. The applicant proposes to install an outdoor storage area in the area immediately west of the northwest corner of their building, which is located approximately 46 feet south of Boston Street and 191 feet east of Woodlawn. Twenty percent of Lock Supply’s leased floor area is approximately 4,975.8 square feet. Staff and the applicant evaluated placing the storage area on the northern side of the building; however, that is a fire lane that cannot be blocked, the surface slopes off at such an angle that it would be unsafe during icy or snowy conditions and there is a 20-foot building setback along Boston. To the east there is only 20 feet between the building and the property line, and that is also a fire lane. So, the applicant is pretty much left with placing any outside storage in front (west) of the existing building in the building’s parking field.

The site has in excess of 140 parking spaces not including the spaces that will be lost due to the outdoor storage. At four parking spaces per 1,000 square feet required, the site needs 100 spaces to meet minimum parking standards for a retail use.

The LC district permits outdoor storage of merchandise available for sale inside the building provided: the outdoor storage area is enclosed by a fence or screening wall not less than six feet in height nor less than the height of materials being screened. The screening wall or fence must be of material capable of screening the merchandise from view, and is compliant with Sec. IV-B.3 that, in part, requires the installation of a “screening fence,” “screening wall,” vegetation, landscaped earth berms or, in certain instances, plantings meeting the screening requirements of the Landscape Ordinance. The outdoor storage area may have one opening no larger than 10 feet that must be closed when the business is not open. The outdoor storage area is to be attached to the “main building” and is limited to 10 percent of the floor area occupied by the “principal use” unless Conditional Use approval for an area in size between 10 and 20 percent has been approved.

The A-O III-N district prohibits specific uses that attract large concentrations of people. The proposed outdoor storage area does not violate that prohibition.

Surrounding property is zoned a mix of districts: north across Boston Street is Boston Park, a public park, zoned SF-5 Single-family Residential ("SF-5"); east is an apartment complex zoned B Multi-family ("B"); south is a retail commercial building and a bank zoned LC and west are properties zoned LC and MF 29 Multi-family Residential, developed as retail and duplex uses.

CASE HISTORY: The property was platted as Morley's Second Addition in 1969.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5 Single-family Residential; City Park
SOUTH: LC Limited Commercial; vacant commercial building, bank
EAST: B Multi-family Residential; apartments
WEST: LC Limited Commercial and MF-29 Multi-family Residential; duplex, retail

PUBLIC SERVICES: The site is located in a fully served portion of town; all public services exist. The outdoor storage facility will not place any additional demand on public services other than potentially code enforcement.

CONFORMANCE TO PLANS/POLICIES: Commercial Locational Guideline No. 3 of *The Wichita-Sedgwick County Comprehensive Plan* states that commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. The Conditional Use permits outdoor storage up to 20 percent of the floor area of the applicant's principal structure.
- B. The outdoor storage shall be maintained and operated in a manner that is consistent with the outdoor storage development standards contained in the *Wichita-Sedgwick County Unified Zoning Code* Sec. III-B.14.e.(3), including the requirement for screening of the outdoor storage area and all other applicable codes. The outdoor storage area may be used to store materials customarily sold inside the principal business and the parking of delivery vans. The parking, storing of semi-tractor trailers within the outdoor storage area or use of semi-tractor trailers for storage is prohibited.
- C. The site shall be developed in substantial compliance with the approved site plan.
- D. If the zoning administrator finds that there is a violation of any the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is located on a lot that has frontage near the intersection of two arterial streets. All properties located at the corners of the arterial street intersection are zoned LC. Further away from the intersection are properties that are zoned SF-5 (public park), MF-29 (duplexes) and B (multi-family residential).
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently restricted to a maximum area of 10 percent outdoor storage. The site could be used as restricted; however, the co-applicant operates with a business model that involves the storage of materials and delivery vehicles outdoors, and the amount of outdoor storage they customarily use is larger than the maximum allowed by right.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will allow for a doubling of the area permitted for outdoor storage; however the site is over two acres in size and the storage area will be located approximately 187 feet from Woodlawn and 46 feet from Boston Street. The code required nearly solid screening and screening must be high enough to screen whatever material is stored should minimize foreseen impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Presumably denial would be an economic hardship for the co-applicant but would prevent a larger storage area in a visible from two arterial streets location.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: Commercial Locational Guideline No. 3 of *The Wichita-Sedgwick County Comprehensive Plan* states that commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses.
6. Impact of the proposed development on community facilities: The outdoors storage facility will not place any additional demand on public services other than potentially code enforcement.
7. Opposition or support of neighborhood residents: District Advisory Board II recommended approval. Staff has received one phone call expressing concern about the potential for the storage area to become unsightly.

CON2009-00033 SITE PLAN

