



Wichita-Sedgwick County Metropolitan Area Planning Department

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June 2, 2014

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RE: BZA2014-00040: Administrative Adjustments to Item A of Protective Overlay (PO) 259 on 4.09 acres zoned LI Limited Industrial (LI), associated with ZON2011-00031 located 1,200 feet north of East 39th Street South and west of South Webb Road.

Legal Description: Lot 1, John T. Ramsey Addition, Sedgwick County, Kansas.

Dear Applicants:

The Wichita-Sedgwick County Unified Zoning Code (UZC) (Article V, Section V-I.1) grants the Planning Director, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, the authority to approve applications for Zoning Adjustments.

The applicant is requesting an Administrative Adjustment to Item A of Protective Overlay 259 to add "warehousing" to the list of permitted uses, and to "prohibit the placement, dumping or storage on the property of grass clippings, leaves, tree branches, or any material that would give off an odor at any time under the present zoning."

Currently Item A of PO 259 states: "Although the site is zoned LI Limited Industrial ("LI") the only LI uses permitted are: "nurseries and garden center" and the outside parking, display and storage of vehicles, materials and equipment associated with a nursery and garden center or landscape maintenance business; greenhouse(s); employee and customer parking; 30 yard dumpsters; "vehicle repair, limited" and a community garden. Other uses permitted are those uses allowed by right in the SF-20 Single-family Residential district unless they are prohibited in the LI district."

The Planning Director shall not approve an Administrative Adjustment to a Protective Overlay if the proposed adjustment:

- 1) Would adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity of the subject tract: The requested modifications will not negatively impact traffic circulation in the area. Webb Road is a paved road that carries an average volume of traffic
- 2) Creates more adverse impacts on existing uses in surrounding areas. Warehousing is an indoor activity. The site is already developed with a commercial or agricultural type metal building. Given the uses already permitted, the addition of warehousing and the elimination the outdoor placement of putrescible materials will not create more adverse impacts on surrounding areas.

- 3) Would not be compatibility with existing or permitted uses on abutting sites: The proposed warehouse use is no more incompatible with permitted uses than those already permitted on the site.
- 4) Would be detrimental to the public health, safety or welfare: The proposed amendments are not detrimental to the public health, safety or welfare in that existing public facilities are in place to accommodate the proposed use and the conditions of approval respond to known concerns.

Our signatures below indicate that the requested Zoning Adjustment is hereby GRANTED, subject to the following conditions:

- 1) Although the site is zoned LI Limited Industrial ("LI") the only LI uses permitted are: "warehousing," "nurseries and garden center" and the outside parking, display and storage of vehicles, materials and equipment associated with a nursery and garden center or landscape maintenance business; greenhouse(s); employee and customer parking; 30 yard dumpsters; "vehicle repair, limited" and a community garden. Other uses permitted are those uses allowed by right in the SF-20 Single-family Residential district unless they are prohibited in the LI district. The placement, dumping or storage on the property of grass clippings, leaves, tree branches, or any material that would give off an odor at any time under the present zoning is prohibited.
- 2) The site may not be used for any permitted uses until the site is properly screened with solid fencing, landscape materials, berms or some combination of the three as required by the Wichita-Sedgwick County Unified Zoning Code. Portions of the site's 4.09 acres may be screened and permitted uses may operate behind code required screening in compliance with all applicable regulations and codes; however, only those portions of the site complying with code required screening and all applicable regulations and codes may be occupied and used.
- 3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.


John L. Schlegel, Planning Director
Tom Stolz, Director of Metropolitan Area
Building and Construction Department

cc: Kelly Dixon, MABCD