CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 3, 2014

Ronnie Beard
2438 W. Timbercreek Court
Wichita, KS 67204

RE: CON2014-00026 – City Conditional Use permit for a 8' X 40' portable outdoor storage container in GC General Commercial zoning on property generally located south of west Third Street North (445 North Seneca Street).

Dear Applicant:

At its regular meeting on **September 25, 2014**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the conditions on the attached Resolution.

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

Sincerely,

Kathy L. Morgan
Senior Planner

Attachment
Copies to: Janet Miller, WCC VI
Martha Sanchez, NA VI
Tom Stolz, MABCD
J. R. Cox, MABCD

CONDITIONAL USE RESOLUTION NO. CON2014-26

WHEREAS, Ronnie Beard (owner), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as the Unified Zoning Code), requests a Conditional Use for Outdoor Storage in GC General Commercial (GC) zoning on .15 acres described as:

Lots 129-131 Seneca Street, McCormick's 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located south of west Third Street North (445 North Seneca Street).

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 September 25, 2014, 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 for Outdoor Storage in GC General Commercial (GC) zoning on .15 acres described as:

Lots 129-131 Seneca Street, McCormick's 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located south of west Third Street North (445 North Seneca Street).

Approved subject to the following conditions:

1. The applicant shall build a six-foot screen wall in front of the Portable Storage Container to limit visibility from North Seneca and should the existing residential screening on the alley to the west of the property become in a state of disrepair; the applicant shall construct a six-foot screening fence on the west property line.
2. The site shall be developed and maintained in general conformance with the approved site plan and in conformance with all applicable regulations, including but not limited to: local zoning, including UZC Article III, Section III-D.6.a.(1)-(4); building, fire and utility regulations or codes.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 25th Day of September, 2014

METROPOLITAN AREA PLANNING COMMISSION

Matthew J. Goolsby, Chair MAPC

ATTEST:

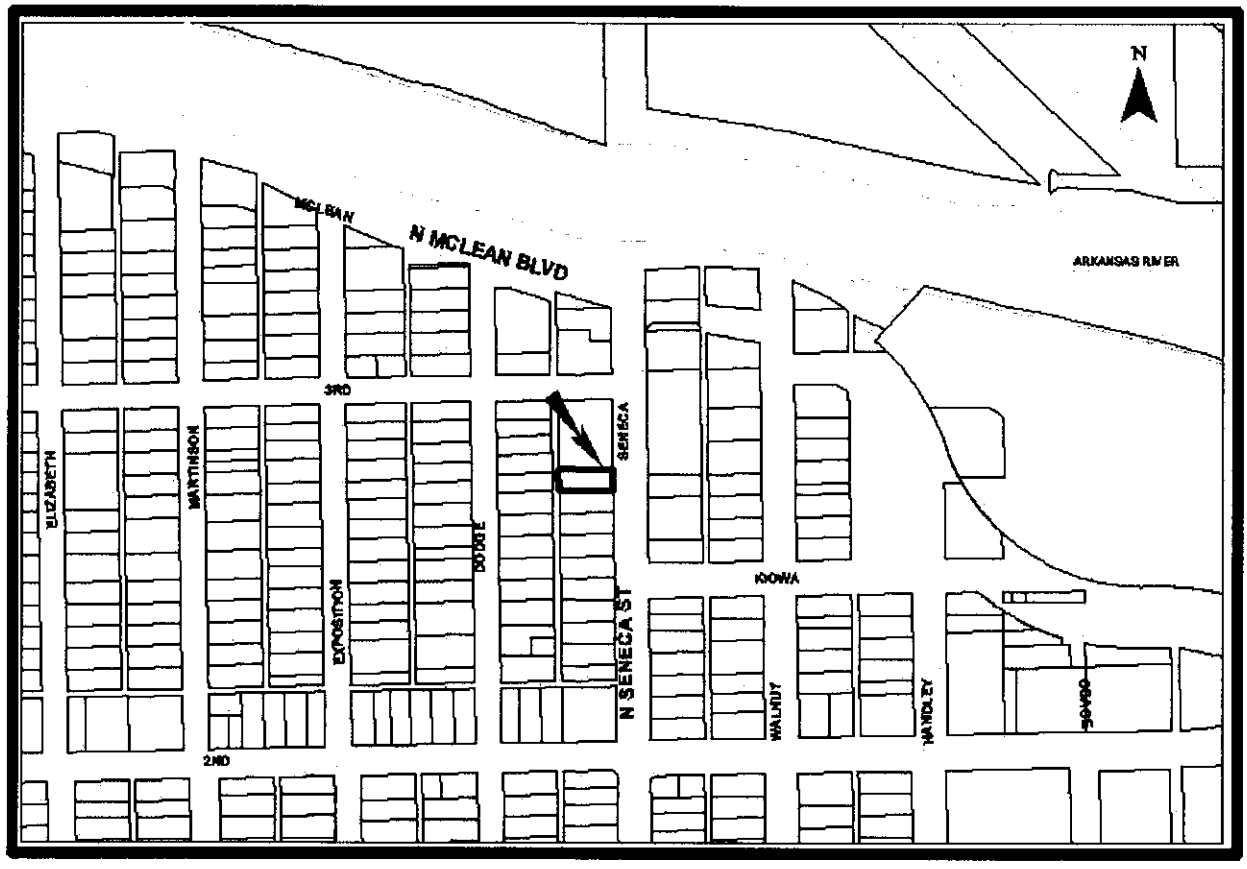
John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT
DAB VI 9-8-14
MAPC 9-25-14

CASE NUMBER:	CON2014-26
APPLICANT/AGENT:	Ronnie Beard (property owner)
REQUEST:	Conditional Use for Storage, Outdoor
CURRENT ZONING:	GC General Commercial subject to Delano-Overlay
SITE SIZE:	0.3 acre
LOCATION:	West of North Seneca and south of West 3rd Street North
PROPOSED USE:	Location of Portable Storage Container



BACKGROUND: The applicant requests a Conditional Use as required by D-O Delano Overlay (D-O) Sec.III-C.8.b.(2) to permit "storage, outdoor" on property zoned GC General Commercial (GC). The site is located on the west side of North Seneca and south of West 3rd Street North. The property is currently developed with a single-family residence and side yard on the 0.3-acre site. As shown on the site plan, the applicant proposes to place an 8-feet X 40-feet X 9-feet portable storage container on the rear half of the side yard. The existing drive access from Seneca will remain. The site also has access from the alley abutting the west property line.

The properties located immediately north and south of the site are zoned GC with commercial and residential development. Property east of the site is zoned LI Limited Industrial (LI) with commercial and industrial uses. Abutting the site to the west is SF-5 Single Family Residential (SF-5).

The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines "storage, outdoor" (Art. II.Sec. II-B.12.u) as "the keeping, storing, placing or locating outside of an enclosed structure for more than 72 consecutive hours any property, goods, products, equipment, Trailers, Portable Storage Containers, or other similar items not considered Accessory Uses as listed in this Code. The term Storage, Outdoor (or Outdoor Storage) does not include Vehicle Storage Yard.

The GC zoning district property development standards call for a minimum front setback of 20 feet, no minimum for rear setback and an interior setback of zero feet unless one is provided and then it must be at least five feet. The GC zoning district maximum height is 80 feet. The UZC parking standards require one off-street parking space 10,000 square feet. The submitted site plan appears to conform to UZC requirements.

CASE HISTORY: The subject property was part of DR03-09 which created the Delano Overlay zoning district with adopted design guidelines. In the case of conflict between the Underlying zoning District, the regulations in this section shall prevail. The D-O zoning district specifies that outdoor storage use requires a Condition Use approval.

ADJACENT ZONING AND LAND USE:

NORTH:	GC	Commercial
SOUTH:	GC	Single-family residences, commercial
EAST:	LI	Commercial, light industrial
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. North Seneca is a paved arterial street at this location with 80 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts this site as "local commercial." The "local commercial" category encompasses areas that contain concentration of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance office, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may include mini-storage warehousing and small scale light manufacturing uses.

RECOMMENDATION: The surrounding area has a mixture of commercial and residential land uses. This parcel is 100 feet wide and 125 feet deep, and therefore has enough room to accommodate the Portable Storage Container. Based on information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The applicant shall build a six-foot screen wall in front of the Portable Storage Container to limit

visibility from North Seneca and should the existing residential screening on the alley to the west of the property become in a state of disrepair; the applicant shall construct a six-foot screening fence on the west property line.

2. The site shall be developed and maintained in general conformance with the approved site plan and in conformance with all applicable regulations, including but not limited to: local zoning, including UZC Article III, Section III-D.6.a.(1)-(4); building, fire and utility regulations or codes.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, 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 property located immediately north and south of the site is zoned GC with commercial development and some residential uses, properties east of the site is zoned LI with commercial and industrial uses. Property abutting the site to the west is SF-5 separated by an alley.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned GC which permits "storage, outdoor." The existing structure on the site could continue to be used for single-family residence and accommodate a portable storage container.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. The conditions of approval should minimize any anticipated detrimental impacts.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts this site as "local commercial." The "local commercial" category encompasses areas that contain concentration of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance office, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may include mini-storage warehousing and small scale light manufacturing uses.

5. Impact of the proposed development on community facilities: If this request is approved, the site is served by municipal services that are able to accommodate projected demand created by this request.