CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

2350 SE Partners, LLC
1861 N. Rock Road, STE 200
Wichita, KS 67206

August 17, 2015

RE: BZA2015-00042: Administrative Adjustments to Item 3 of Protective Overlay (PO) 292 to permit outdoor storage on 5.03 acres zoned LI Limited Industrial (LI), associated with ZON2014-00026 located east of South Southeast Blvd. and south of East Pawnee Ave (2530 Southeast Drive).

Legal Description: Lot 10 and the half vacated alley adjacent on the south and east, Fred P. Mosteller Addition, Sedgwick County, Kansas; and Lot 1, Rainbow Baking Co. Addition to Wichita, Sedgwick County, Kansas; and Lots 1 and 2 and the half vacated alley adjacent on the west and north, Block 1, together with Lot 3, Block 1, Murphy Addition to Wichita, 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 3 of Protective Overlay (PO) 292 to permit outdoor storage. Currently Item 3 of PO 292 states: "No outside storage is permitted except for vehicles used to conduct business activities located on-site."

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.
2) Creates more adverse impacts on existing uses in surrounding areas. The site is predominately screened from street level view by existing fencing or buildings. Allowing outdoor storage that is not visible from street level view should not adversely impact surrounding areas.
3) Would not be incompatible with existing or permitted uses on abutting sites: The proposed outdoor storage use subject to recommended screening requirements should be 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) Item 3 of PO-292 is amended as follows: No outside storage is permitted except for vehicles used to conduct business activities located on-site, and pallets associated with a business located on-site is permitted. Any pallets located outside must be screened from street level view by screening that is at least as tall as the pallets are stacked. Pallets are not required to be screened from view from driveways entering the site. Compliance with this requirement will require additional screening to be installed and may require improvements to the existing screening fence. Outdoor storage is permitted only as an accessory use to the principal use; in this case the proposed tenant constructs or rebuilds pallets, therefore, the outdoor storage of pallets is an accessory use.
2) 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.

W. David Barber, Interim Planning Director

Thomas J. Stolz, Director of Metropolitan Area Building and Construction Department

cc: Paul Gray, 1861 N. Rock Road, STE 200, Wichita, KS 67206
James Clendenin, WCC III
J.R. Cox, MABCD