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ORDINANCE NO. 50147

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.**

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON2015-00012**

Zone change request from Single-Family Residential (SF-5) to Limited Commercial (LC) on property described as:

Terrace Sands Addition, Wichita, Sedgwick County, Kansas.

Generally located on the North Side of 29<sup>th</sup> Street North, West of Hoover Road.


**SECTION 2.** That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 2 day of February, 2016

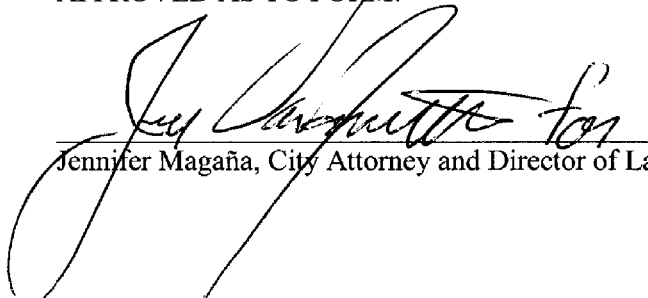
ATTEST:

  
Karen Sublett, City Clerk

  
Jeff Longwell, Mayor

(SEAL)

APPROVED AS TO FORM:

  
Jennifer Magaña, City Attorney and Director of Law

City of Wichita  
City Council Meeting  
July 21, 2015

TO: Mayor and City Council

SUBJECT: ZON2015-00012 and CON2015-00010 – City Zone Change from SF-5 Single-Family Residential (SF-5) to LC Limited Commercial (LC) and Conditional Use to Permit a Self-Service Warehouse on Property Generally Located North of 29<sup>th</sup> Street North, One-Quarter Mile West of North Hoover Road (District V)

INITIATED BY: Metropolitan Area Planning Department *WDB DM*

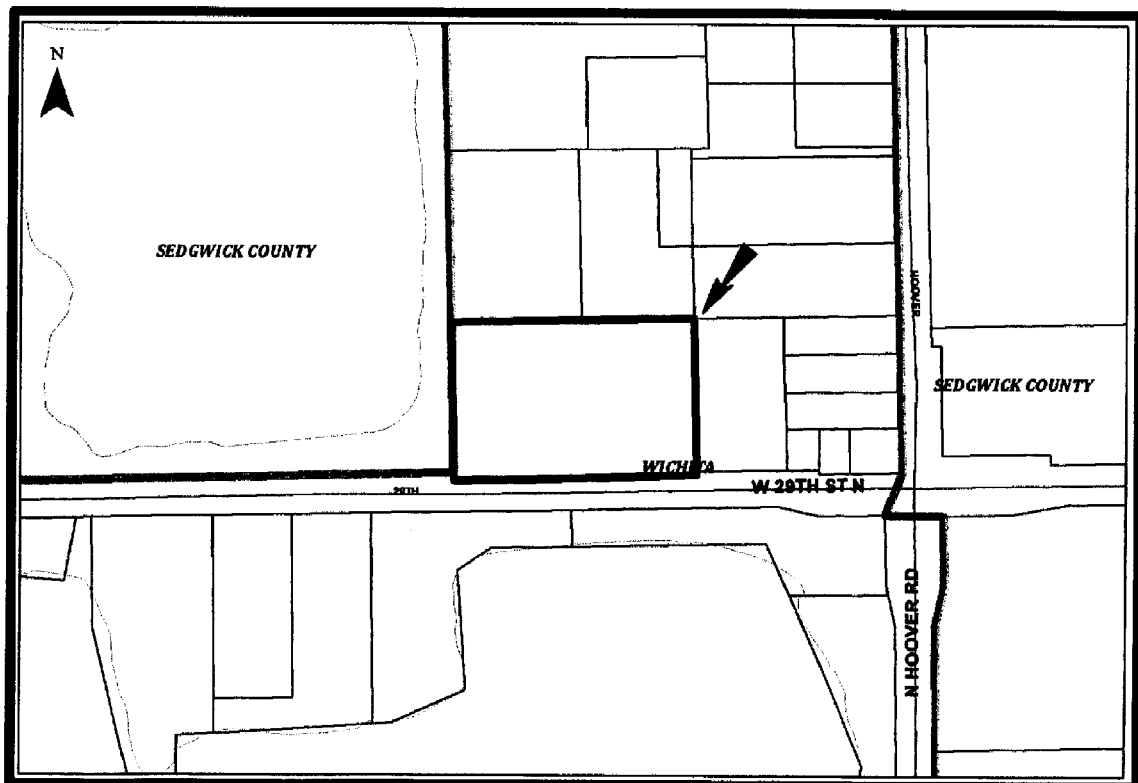
AGENDA: Planning (Non-Consent)

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**MAPC Recommendation:** The MAPC recommended approval of the request at both of its hearings (11-0-1 and 11-0).

**DAB Recommendation:** District Advisory Board V recommended denial (6-1) at its first hearing; at the second hearing, DAB V recommended approval of the request (2-1). At its first hearing, District Advisory Board VI recommended denial of the request (5-2).

**MAPD Staff Recommendation:** Metropolitan Area Planning Department staff recommended approval of the request.



**Background:** The applicants are requesting a zone change from SF-5 Single-Family Residential to Limited Commercial (LC) for 4.94 acres of a 5.5 acre unplatted parcel, located one-quarter mile west of North Hover Road on the north side of West 29<sup>th</sup> Street North. In 1958, Sedgwick County zoned the four corners of the intersection to LC in anticipation of commercial development. The east portion of the parcel, approximately 0.45 acres, currently zoned LC, was part of the 1958 rezoning. In addition to the requested zone change to LC, the applicants have submitted a request for a conditional use to allow “warehouse/self-service storage” on the site (CON2015-10).

The applicants have submitted a site plan of the proposed building layout, internal vehicle circulation and the access onto West 29<sup>th</sup> Street North will be reviewed and approved during platting should ZON2015-00012 and CON2015-00010 be approved. Upon approval of ZON2015-12 and the subsequent CON2015-10, the applicants will be required to file and perfect a plat within one year and provide, if necessary, a revised site plan giving more detail including, but not limited to, landscaping, any proposed light poles and identification of customer and employee parking.

Final platting of the property north of the site (SUB2014-00042) was approved by Wichita City Council on March 24, 2015, (7-0 is zoned LI Limited Industrial and is a wrecking and salvage yard. Property east of the site is zoned LC and currently has a single family residence. The SF-20 zoned property west of the site has a conditional use to allow for sand and gravel extraction (CU-242). South of the site is Barefoot Bay Subdivision, which is zoned SF-5 Single-Family Residential and is developed with single-family residences.

**Analysis:** At the May 5, 2015 City Council meeting the case was sent back to the Metropolitan Area Planning Commission (MAPC). On June 4, 2015, the MAPC reviewed the application. Property owners in the notification area were present for comment to the MAPC. The applicants provided a PowerPoint presentation with elevation drawings of the buildings, signage and landscaping. The applicants committed to masonry entrance feature, masonry monument sign, masonry office building with hipped roof detail and a five- to 6-foot berm with landscaping along West 29<sup>th</sup> Street North.

The Barefoot Bay Neighborhood Association also presented a PowerPoint show of the area and again voiced concerns about the negative impact to property values in the area, increase in traffic and the use didn't fit the residential neighborhood. The MAPC approved the application unanimously (11-0) subject to the following conditions:

- 1) The zone change and conditional use will not be final until the property is platted according to the Subdivision Regulations of the UZC.
- 2) Obtain all permits and inspections as required by the Metropolitan Area Building and Construction Department. All development will be subject to platting and be per City Code, including landscaping, code compliance and any other applicable standards.
- 3) The site shall be developed according to the landscape features, architectural details, fencing and monument signage as presented to the MAPC on June 4, 2015 which are included in the official record.
- 4) All improvements shall be complete within one year of the approval of the Conditional Use by the MAPC or the City Council.
- 5) The site shall be developed and operated in compliance with all federal, state and local rules and regulations.
- 6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.
- 7) Even though the property is zoned LC, use of the property is limited to a “warehouse, self-storage,” as defined by the Wichita-Sedgwick County Unified Zoning Code, and subject to the development standards contained therein, and to the uses permitted by right in the SF-5 Single-Family (SF-5) zoning district.

Since the subject site is immediately adjacent to District VI, the District Advisory Board (DAB) VI heard the case on June 1, 2015. The applicants provided a PowerPoint presentation with elevation drawings of the buildings, signage and landscaping of the proposed self-storage facility. The Barefoot Bay Neighborhood Association also presented a PowerPoint show of the area and again voiced concerns about the negative impact to property values in the area, increase in traffic and the use didn't fit the residential neighborhood. DAB VI voted (5-2) to deny the application.

The applicants and the Barefoot Bay Neighborhood Association presented PowerPoint shows to DAB V at the June 15, 2015 meeting. DAB V voted (2-1) to approve the application, but added a request to build a solid screening wall on the east property line.

Planning staff has received valid protests representing 47.98 percent of the net land area located with the protest area. Since the protests represent more than 20 percent of the net land area located within the protest area, a three-quarter majority vote is required to overturn the protests.

**Financial Considerations:** Approval of this request will not create any financial obligations for the City.

**Legal Considerations:** The Law Department has reviewed and approved the ordinance as to form.

**Recommendation/Actions:** It is recommended that the City Council: 1) Concur with the findings of the MAPC and approve the zoning change and conditional use subject to the conditions enumerated, and adopt the findings of the MAPC and instruct the Planning Department to forward the ordinance for first reading when the plat is recorded (*requires 6 votes to approve*) or 2) Deny the zoning and conditional use request by making alternative findings, and override the MAPC's recommendation (*requires 4 vote*) to override the MAPC's recommendation.

**Attachments:** MAPC minutes (2), Site Plan, DAB V memos (2), DAB VI memo, Protest Letters from Barefoot Bay property owners (3), Berkshire Hathaway Real Estate letter, Applicant PowerPoint Presentation (digital only), Barefoot Bay Neighborhood PowerPoint Presentation (digital only), Ordinance, Resolution and Protest Maps.