

ORDINANCE NO. _____

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 applicable zoning restrictions of the lands legally described hereby are changed as follows:

Case No. ZON2017-00050

City zone change to amend and modify the provisions of Protective Overlay Number 78 on lands zoned GC General Commercial (GC), described as:

Lot 1, Block A of Schulte Country Storage Addition, Wichita, Sedgwick County, Kansas.

The following Protective Overlay (**PO-78**) shall read as follows:

1. This property shall be limited to self-storage warehouse use and all uses in the "LC" Limited Commercial district (with the exception of liquor stores, adult book stores, drive-in and drive-through restaurants, tattooing and body piercing facilities, tavern and drinking establishments, night clubs and pawn shops). The self-storage warehouse use shall be subject to the Unified Zoning Code's Supplementary Use Regulations; Section III-D.6.y with the exception of the following items: (1, 2, 5, 8, 17).
2. The applicant shall be permitted outside storage within the area designated on the site plan approved by the Director of Planning, subject to the following conditions:
 - A. All requirements of Art. IV Sec. IV.A.2.b. of the Unified Zoning Code concerning paving of the storage area shall be waived.
 - B. No items shall be stored outdoors that exceed the height limitations of buildings as noted herein.
 - C. No required off-street parking Space or Loading Space shall be utilized for storage.
 - D. No portable storage containers shall be kept within the designated outdoor storage space identified in the site plan.
3. The hours of operation for the self-storage warehouse will be same as the adjacent convenience store/service station.
4. Screening, constructed of standard building materials, or an approved landscape buffer, shall be provided along the west, east, and north perimeter of the self-service storage warehouse facility.
5. Outdoor lighting sources shall employ cut-off luminaries to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring lots.

6. Signage shall be limited to a monument sign, not to exceed 12 feet in height nor exceed 32 square feet in gross surface area.
7. Portable signs, off-site signs, banners, string pennants and the like shall not be permitted, except for a banner sign permitted for 30 days from the opening of business.
8. Building heights shall be limited to 20 feet.
9. Access to the site will be from K- 42, via an existing driveway located to the east of the convenience store/service station.
10. Prior to issuance of a building permit, a site plan shall be submitted for review and approval by the Director of Planning. The site plan shall indicate type and location of perimeter enclosure materials, which shall entirely enclose the self-service storage warehouse facility. The site plan also shall indicate the size and location of the landscape buffer areas.
11. The architectural design shall be compatible with the surrounding residential and commercial development and that adequate screening is provided. The colors of the exterior walls and doors of the self-service warehouse shall be of earth tones (and not bright colors) to mitigate the impact to the neighborhood. The building exterior plan shall be reviewed and approved by the Director of Planning. Prior to issuance of a building permit, the applicant shall submit building elevations for review and approval. The building elevations shall indicate the type of wall, roofing materials, colors, and the building and wall heights. Additionally, the exterior walls of the storage buildings, used to enclose the perimeter of the facility shall be of the same texture, color, and appearance as the adjacent convenience store/service station.
12. Outdoor speakers and sound amplification systems shall not be permitted.
13. Any major changes in this site plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
14. Prior to publishing the resolution or ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.
15. The applicants shall submit 4 copies of the site plan to the Metropolitan Area Planning Department within 30 days after approval by the Governing Body, or the request shall be considered denied and closed.
16. A 100-foot monopole wireless communication facility is permitted, subject to the following conditions:
 - A. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met. This 50-foot (x) 50-foot lease area for the wireless communication facility and its 100-foot tall galvanized steel monopole shall also meet all the criteria of an FAA airspace study.
 - B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable. This will include providing 1 copy of the recorded proposed 15-foot access and utility easement to the Metropolitan Area Building and Construction Department and Planning.
 - C. The support structure shall be a monopole design, as shown on the elevation and that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.

- D. The support structure shall not exceed 100 feet in height and shall be designed and constructed to accommodate communication equipment for at least three (3) wireless service providers.
- E. The tower site shall be developed in general conformance with the approved revised site and a landscape plan. These plans must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. Evergreens will be planted a minimum size of 5-foot at the time of their planting, but be taller than 15 feet when mature and planted on 15-foot centers. The site plan must identify the all utility and or access easements. If it is proposed it must be recorded. If a surface is needed for the drive/access easement, it must be approved by the Zoning Administrator. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.
- F. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide the City of Wichita Engineer with any required plans, including drainage, for review and approval of the site.
- G. The proposed monopole will be allowed to exceed Protective Overlay #78 20-foot height limitation. All other provisions of Protective Overlay will remain in effect.
- H. If the Zoning Administrator finds that there is a violation of any of the amended provisions of Protective Overlay #78, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the amended portions of Protective Overlay is null and void.

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.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Jennifer Magaña, City Attorney and Director of Law



AGENDA ITEM NO. 6

STAFF REPORT

MAPC November 2, 2017

DAB IV November 6, 2014

CASE NUMBER: ZON2017-00050

OWNER/APPLICANT: Schulte County Storage, LLC, c/o Paul Wells (owner) Baughman Company, P.A. Russ Ewy (applicant-agent)

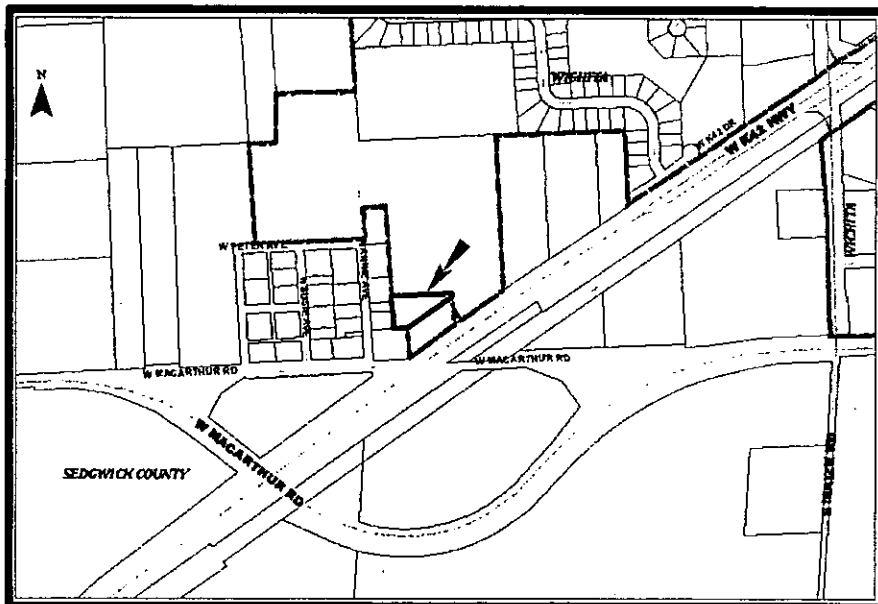
REQUEST: Amend Protective Overlay #78 to allow a remove a prohibition of "outdoor storage."

CURRENT ZONING: GC General Commercial

SITE SIZE: Approximately 0.94-acres

LOCATION: Generally located north of MacArthur Road and northwest of Kansas Highway K-42

PROPOSED USE: Permit outdoor storage, in associated with established self-storage facility



BACKGROUND: This property was rezoned GC General Commercial (GC) and created Protective Overlay (PO) #78 in October, 2000. PO #78 confines the uses on the subject site to what is permitted in the LC Limited Commercial zoning district, some prohibited uses and a self-storage warehouse with supplemental use regulations. As noted herein, PO #78 was amended in 2015 to permit the construction of a 100-foot monopole telecommunication facility. This request is to remove the restriction concerning outdoor storage.

The site abuts SF-20 Single-Family Residential (SF-20) zoned residences (located in the County, District #2) on its west side and the SF-5 Single-Family Residential (SF-5) zoned St. Peter's Catholic Church and school development on its north and east sides. There are more SF-20 and SF-5 zoned single-family residences located adjacent to the site's west, north and east sides. An LC Limited Commercial zoned convenience store, commercial strip building, a day care and single-family residence abut and are adjacent to the site's south and southwest side of the site, with all of them located along K-42. SF-20 farmland and LI Limited Industrial (LI) zoned warehouses, a building supply store and a cluster of warehouse-offices, trucking and manufacturing developments are located south (across K-42) and east (abutting the already mentioned SF-20 and SF-5 zoned single-family residences) of the site.

CASE HISTORY: ZON2000-00039 and PO #78 were approved by the Sedgwick County Board of County Commissioners on October 18, 2000. The plat creating Schulte Country Storage Addition was recorded with the Register of Deeds October 9, 2001. PO #78 was amended on February 10, 2015, to permit the construction of the 100-foot monopole. (ZON2014-00028). This property was annexed to the City of Wichita on June 12, 2009. (Annex Ordinance No. 48-342).

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	St. Peter's Catholic Church and school development
SOUTH: LC, LI, SF-20	Convenience store, commercial strip building, warehouses, farm land
EAST: SF-5, SF-20	St. Peter's Catholic Church and school development, single-family residences
WEST: SF-20, LC	Single-family residences, day care

PUBLIC SERVICES: No municipally supplied public services are required.

CONFORMANCE TO PLANS/POLICIES: The "Community Investments Plan 2015-2035" depicts this location as being appropriate for "new employment," which is defined: "New Employment: Encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market driven location factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. In areas where the uses are already established, pockets of industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials likely will be developed."

The proposal to remove the prohibition of outdoor storage for this property does not appear to be unreasonable given the nature of the improvements on the property. The only real "visibility" to this property will be from K-42 Highway. The construction of the self-storage facility along the western and northern property lines effectively screen the view from adjoining properties into the area to be used for the outdoor storage. According to the applicant, most of this area was originally used as the on-site wastewater treatment lagoon; which has been removed and reclaimed, resulting the large open area suitable for this use.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, and PO # 78 be amended to read as follows:

PROTECTIVE OVERLAY #78 RESTRICTIONS:

1. This property shall be limited to self- storage warehouse use and all uses in the "LC" Limited Commercial district (with the exception of liquor stores, adult book stores, drive-in and drive-through restaurants, tattooing and body piercing facilities, tavern and drinking establishments, night clubs and pawn shops). The self-storage warehouse use shall be subject to the Unified Zoning Code's Supplementary Use Regulations; Section III-D.6.y with the exception of the following items: (1, 2, 5, 8, 17).
2. The applicant shall be permitted outside storage within the area designated on the site plan approved by the Director of Planning, subject to the following conditions:
 - A. All requirements of Art. IV Sec. IV.A.2.b. of the Unified Zoning Code concerning paving of the storage area shall be met.
 - B. No items shall be stored outdoors that exceed the height limitations of buildings as noted herein.
 - C. No required off-street parking Space or Loading Space shall be utilized for storage.
 - D. No portable storage containers shall be kept within the designated outdoor storage space identified in the site plan.
3. The hours of operation for the self-storage warehouse will be same as the adjacent convenience store/service station.
4. Screening, constructed of standard building materials, or an approved landscape buffer, shall be provided along the west, east, and north perimeter of the self-service storage warehouse facility.
5. Outdoor lighting sources shall employ cut-off luminaries to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring lots.

6. Signage shall be limited to a monument sign, not to exceed 12 feet in height nor exceed 32 square feet in gross surface area.
7. Portable signs, off-site signs, banners, string pennants and the like shall not be permitted, except for a banner sign permitted for 30 days from the opening of business.
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9. Access to the site will be from K- 42, via an existing driveway located to the east of the convenience store/service station.
10. Prior to issuance of a building permit, a site plan shall be submitted for review and approval by the Director of Planning. The site plan shall indicate type and location of perimeter enclosure materials, which shall entirely enclose the self-service storage warehouse facility. The site plan also shall indicate the size and location of the landscape buffer areas.
11. The architectural design shall be compatible with the surrounding residential and commercial development and that adequate screening is provided. The colors of the exterior walls and doors of the self-service warehouse shall be of earth tones (and not bright colors) to mitigate the impact to the neighborhood. The building exterior plan shall be reviewed and approved by the Director of Planning. Prior to issuance of a building permit, the applicant shall submit building elevations for review and approval. The building elevations shall indicate the type of wall, roofing materials, colors, and the building and wall heights. Additionally, the exterior walls of the storage buildings, used to enclose the perimeter of the facility shall be of the same texture, color, and appearance as the adjacent convenience store/service station.
12. Outdoor speakers and sound amplification systems shall not be permitted.
13. Any major changes in this site plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
15. Prior to publishing the resolution or ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.
15. The applicants shall submit 4 copies of the site plan to the Metropolitan Area Planning Department within 30 days after approval by the Governing Body, or the request shall be considered denied and closed.
16. *(Condition 16 approved by amendment on February 10, 2015).* A 100-foot monopole wireless communication facility is permitted, subject to the following conditions:

- A. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met. This 50-foot (x) 50-foot lease area for the wireless communication facility and its 100-foot tall galvanized steel monopole shall also meet all the criteria of an FAA airspace study.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable. This will include providing 1 copy of the recorded proposed 15-foot access and utility easement to the Metropolitan Area Building and Construction Department and Planning.
- C. The support structure shall be a monopole design, as shown on the elevation and that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The support structure shall not exceed 100 feet in height and shall be designed and constructed to accommodate communication equipment for at least three (3) wireless service providers.
- E. The tower site shall be developed in general conformance with the approved revised site and a landscape plan. These plans must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. Evergreens will be planted a minimum size of 5-foot at the time of their planting, but be taller than 15 feet when mature and planted on 15-foot centers. The site plan must identify the all utility and or access easements. If it is proposed it must be recorded. If a surface is needed for the drive/access easement, it must be approved by the Zoning Administrator. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.
- F. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide the City of Wichita Engineer with any required plans, including drainage, for review and approval of the site.
- G. The proposed monopole will be allowed to exceed Protective Overlay #78 20-foot height limitation. All other provisions of Protective Overlay will remain in effect.
- H. If the Zoning Administrator finds that there is a violation of any of the amended provisions of Protective Overlay #78, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may,

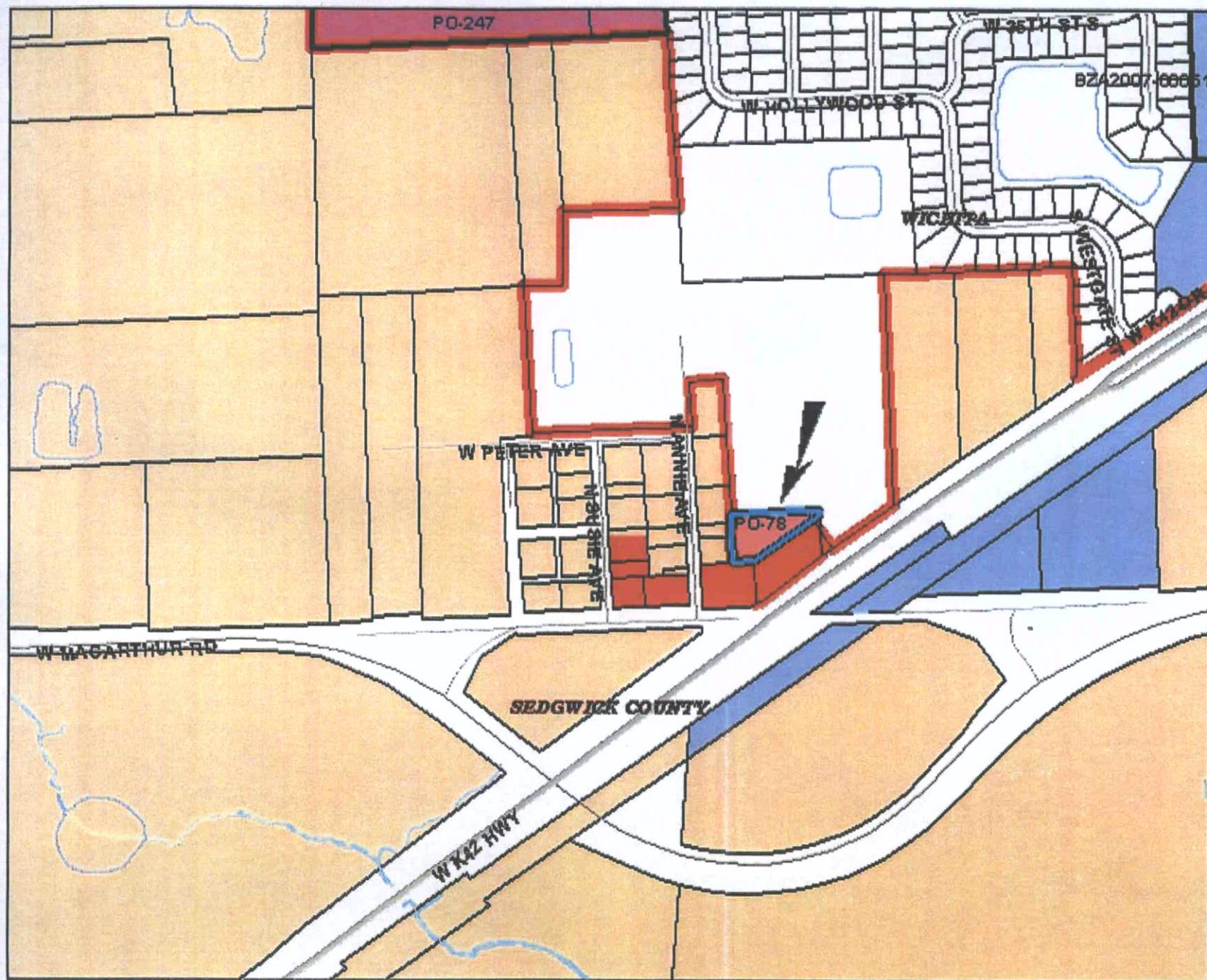
with the concurrence of the Planning Director, declare that the amended portions of Protective Overlay is null and void.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding area is developed with single-family residential, church, school and commercial uses. The most directly impacted properties by the proposed development are residences zoned "SF- 20" Single-Family Residential and located to the west, the Clearwater Training Center (alternative school) to the west is zoned "LC " Limited Commercial, a Catholic Church to the north is zoned "SF- 20," the Phillips 66 business directly to the south which is zoned "LC" and a single-family residence to the east, across a vacant lot, is zoned "SF- 20."
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned "GC" General Commercial; however as noted above, the area designated for the outdoor storage area was formerly the location of the on-site wastewater lagoon. Given the size of the property and the existence of the self-storage uses, this is the most logical uses of the remaining property.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The restrictions associated with this approval will mitigate any potential impacts on nearby properties.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** As noted herein, the "Community Investments Plan 2015-2035" depicts this location as being appropriate for "new employment." While this use may not expand employment per se, it will solidify the validity of an existing business enterprise.
5. **Impact of the proposed development on community facilities:** The proposed use will have no impact on community facilities beyond what already exists.

Staff Report Attachments:

1. Zoning Exhibit
2. Aerial Photo
3. Proposed Site Plan

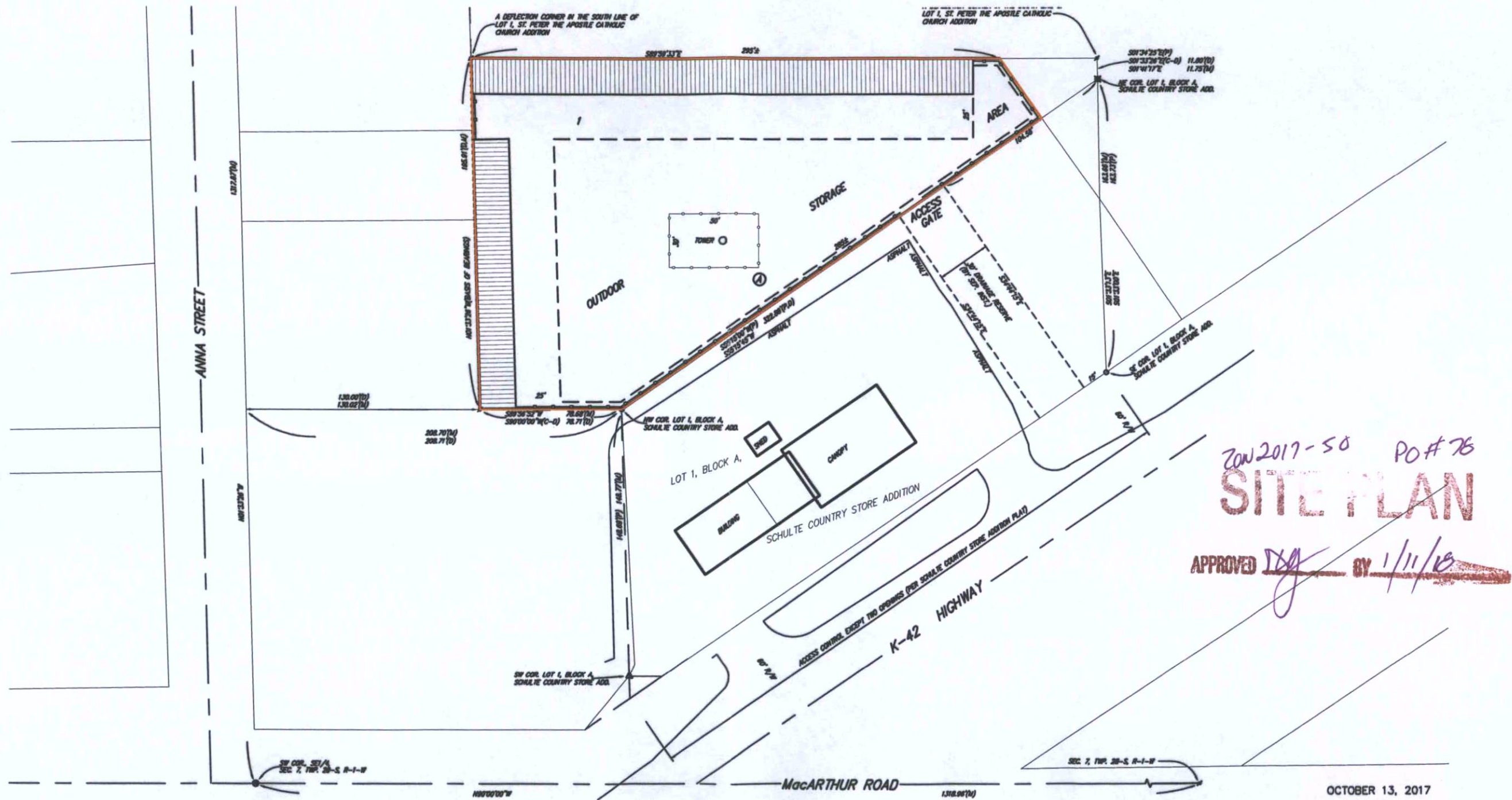


ZONING

- RR
- SF-20
- SF-10
- SF-5
- TF-3
- MF-18
- MF-29
- B
- MH
- NO
- GO
- NR
- LC
- GC
- CBD
- OW
- IP
- LI
- IP-A
- GI
- AFB
- U
- PUD
- AIRPORT
- OLD TOWN







ZON 2017-50 PO # 76
SITE PLAN

APPROVED *[Signature]* BY *[Signature]* 1/11/18

SCALE: 1" = 50'

ZON2017-50 EXHIBIT
SCHULTE COUNTRY STORAGE

OCTOBER 13, 2017

BAUGHMAN

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM: ZON2000-00039 - Zone change from "SF-20" Single-Family Residential to "GC" General Commercial, located north of K-42 Highway, east of Anne (Schulte, Kansas).

PRESENTED BY: Marvin S. Krout, Director of Planning

PROPOSED AGENDA DATE: October 18, 2000 

COMMISSION DISTRICT: #2

MAPC Recommendation: Approve, subject to platting within 1 year and to the additional provisions of a voluntary (P-O) Protective Overlay (11-2).

Staff Recommendation: Approve, subject to platting within 1 year and to the additional provisions of a (P-O) Protective Overlay.

Background/Discussion: The applicants are requesting a zone change from "SF-20" Single-Family Residential to "GC" General Commercial on a unplatted tract that is approximately one acre in size. The proposed zone change would permit self-service storage warehouse uses north of K-42 and east of Annie. The site is adjacent to an existing convenience store/gas station. The "GC" General Commercial district is the first district which permits self-service storage warehouse for sites such as the subject property that do not have direct access to an arterial street. The "GC" district does not require a resident manager. Access to the site will be from K-42, via an existing driveway located to the east of the convenience store/gas station.

The applicants, however, propose to construct two 30' x 100' buildings to the north and one 30' x 100' building along the west perimeter. The total warehouse area is estimated to be approximately 16,000 square feet. The applicants do not plan to construct an office/residence building since their current business (Phillips 66) is adjacent to the south. There will be no outdoor storage of vehicles or equipment, according to the applicants. The applicants intend to coordinate the color scheme of the proposed warehouses with the same colors (earth tones) of the existing convenience store/gas station building.

The surrounding area is developed with residential, church, school and commercial uses. The most directly impacted properties by the proposed development are residences, zoned "SF-20" Single-Family Residential, located to the west, the Clearwater Training Center (alternative school) to the west that is zoned "LC" Limited Commercial, a Catholic Church to the north zoned "SF-20," the Phillip 66 business directly to the south which is zoned "LC" and a single-family residence to the east, across a vacant lot, approximately 1,000 feet, that is zoned "SF-20." The site will have to be developed in conformance with zoning screening requirements; compatibility setback, height and noise standards and zoning lighting limitations.

The applicants are proposing a voluntary Protective Overlay #78 which "shall limit all uses in the "LC" Limited Commercial district and self-storage warehouse. The self-storage warehouse use shall be subject to the Unified Zoning Code's Supplementary Use Regulations, Section III-D.6.y, with the exception of the following conditions: 1, 2, 5, 8, and 17" (see attachment).

To limit the impact of the proposal on surrounding properties, planning staff recommends that the site be developed in accordance with the development standards in the Unified Zoning Code for self-service storage warehouses in the "LC" districts.

Planning staff also recommends that approval be subject to review and approval of a site plan and building elevations. To preserve options for review of future development at this site, planning staff recommends that the zone change to "GC" General Commercial be limited to the site of the proposed self-service storage warehouse.

Eleven (11) MAPC Members were supportive of the zone change request and the conditions of the voluntary Protective Overlay. The two MAPC Members, who voted in opposition, stated that they were opposed for the following reasons: a) stated opposition by a church representative; and b) an objection to placing a self-service storage warehouse "that backs up against residential property."

There were two official protest petitions submitted that represent 7.62% of the official notification area (see attachment), short of the 20% that is required to trigger a supermajority vote of the County Commission.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the condition of platting within one year and subject to the Protective Overlay; adopt the resolution and authorize the Chairman to sign; and instruct the Planning Department to withhold publication of the resolution until the plat has been recorded with the Register of Deeds; or
2. Return to the Planning Commission for reconsideration.

Published in The Wichita Eagle on November 13, 2001

RESOLUTION NO. 176-2000

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY RESOLUTION NO. 178-1997.

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

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-C of the Wichita Sedgwick County unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2000-00039

Zone change request from "SF-20" Single-Family Residential to "GC" General Commercial, and to "P-O" Protective Overlay District #78 on property described as:

Schulte Country Storage Addition, Sedgwick County, Kansas. Generally located north of K-42 Highway, east of Annie (Schulte, Kansas).

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. This property shall be limited to self-storage warehouse use and all uses in the "LC" Limited Commercial district (with the exception of liquor stores, adult bookstores, drive-in and drive-through restaurants, tattooing and body piercing facilities, tavern and drinking establishments, night clubs and pawn shops). The self-storage warehouse use shall be subject to the Unified Zoning Code's Supplementary Use Regulations; Section III-D.6.y with the exception of the following items (1,2,5,8,17).
2. The applicant shall have no outside storage.

3. The hours of operation for the self-storage warehouse will be same as the adjacent convenience store/service station.
4. Screening, constructed of standard building materials, or an approved landscape buffer, shall be provided along the west, east, and north perimeter of the self-service storage warehouse facility.
5. Outdoor lighting sources shall employ cut-off luminaires to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring lots.
6. Signage shall be limited to a monument sign, not to exceed 12 feet in height nor exceed 32 square feet in gross surface area.
7. Portable signs, off-site signs, banners, string pennants and the like shall not be permitted, except for a banner sign permitted for 30 days from the opening of business.
8. Building heights shall be limited to 20 feet.
9. Access to the site will be from K-42, via an existing driveway located to the east of the convenience store/service station.
10. Prior to issuance of a building permit, a site plan shall be submitted for review and approval by the Director of Planning. The site plan shall indicate type and location of perimeter enclosure materials, which shall entirely enclose the self-service storage warehouse facility. The site plan also shall indicate the size and location of the landscape buffer areas.
11. The architectural design shall be compatible with the surrounding residential and commercial development and that adequate screening is provided. The colors of the exterior walls and doors of the self-service warehouse shall be of earth tones (and not bright colors) to mitigate the impact to the neighborhood. The building exterior plan shall be reviewed and approved by the Director of Planning. Prior to issuance of a building permit, the applicant shall submit building elevations for review and approval. The building elevations shall indicate the type of wall, roofing materials, colors, and the building and wall heights. Additionally, the exterior walls of the storage buildings, used to enclose the perimeter of the facility shall be of the same texture, color, and appearance as the adjacent convenience store/service station.

12. Outdoor speakers and sound amplification systems shall not be permitted.
13. Any major changes in this site plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
14. Prior to publishing the resolution or ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.
15. The applicants shall submit 4 copies of the site plan to the Metropolitan Area Planning Department within 30 days after approval by the Governing Body, or the request shall be considered denied and closed.

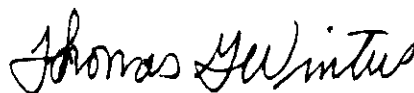
SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.
Commissioners present and voting were:

BETSY GWIN	<u>aye</u>
BILL HANCOCK	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
CAROLYN MCGINN	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

DATED this 18th day of October 2000.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



THOMAS G. WINTERS, Chairman

STAFF REPORT

MAPC - September 21, 2000

CASE NUMBER: ZON2000-00039

APPLICANT/AGENT: James W. & Mary E. Peters (Owners/Applicants);
Baughman Company PA c/o Russ Ewy (Agent)

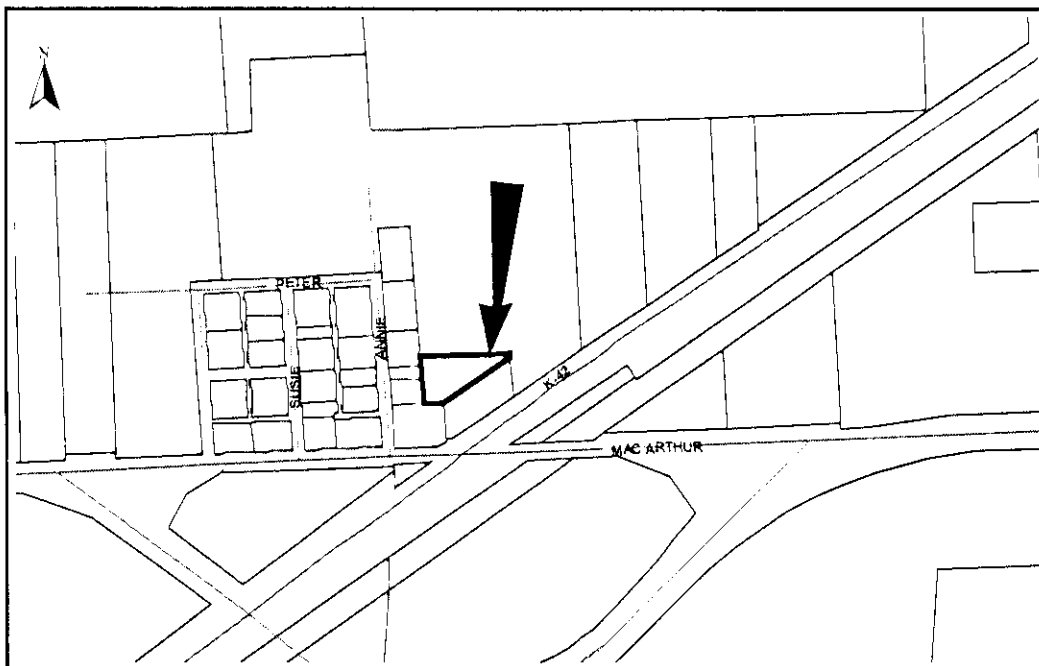
REQUEST: Zone change to "GC" General Commercial

CURRENT ZONING: "SF-20" Single-Family Residential

SITE SIZE: + 1 acre

LOCATION: North of K-42 highway, east of Annie (Schulte, KS)

PROPOSED USE: Self-service storage warehouse



BACKGROUND: The applicants are requesting a zone change from "SF-20" Single-Family Residential to "GC" General Commercial on a unplatted tract that is approximately one acre in size. The proposed zone change would permit self-service storage warehouse uses north of K-42 and east of Annie. The site is adjacent to an existing convenience store/gas station. The "GC" General Commercial district is the first district which permits self-service storage warehouse for sites such as the subject property that do not have direct access to an arterial street. The "GC" district does not require a resident manager. Access to the site will be from K-42, via an existing driveway located to the east of the convenience store/gas station.

The applicants, however, propose to construct two 30' x 100' buildings to the north and one 30' x 100' building along the west perimeter. The total warehouse area is estimated to be approximately 16,000 square feet. The applicants do not plan to construct an office/residence building since their current business (Phillips 66) is adjacent to the south. There will be no outdoor storage of vehicles or equipment, according to the applicants. The applicants intend to coordinate the color scheme of the proposed warehouses with the same colors (earth tones) of the existing convenience store/gas station building.

The surrounding area is developed with residential, church, school and commercial uses. The most directly impacted properties by the proposed development are residences, zoned "SF-20" Single-Family Residential, located to the west, the Clearwater Training Center (alternative school) to the west that is zoned "LC" Limited Commercial, a Catholic Church to the north zoned "SF-20," the Phillip 66 business directly to the south which is zoned "LC" and a single-family residence to the east, across a vacant lot, approximately 1,000 feet, that is zoned "SF-20." The site will have to be developed in conformance with zoning screening requirements; compatibility setback, height and noise standards and zoning lighting limitations.

The applicants are proposing a voluntary Protective Overlay #78 which "shall limit all uses in the "LC" Limited Commercial district and self-storage warehouse. The self-storage warehouse use shall be subject to the Unified Zoning Code's Supplementary Use Regulations, Section III-D.6.y, with the exception of the following conditions: 1, 2, 5, 8, and 17" (see attachment).

To limit the impact of the proposal on surrounding properties, planning staff recommends that the site be developed in accordance with the development standards in the Unified Zoning Code for self-service storage warehouses in the "LC" districts. Planning staff also recommends that approval be subject to review and approval of a site plan and building elevations. To preserve options for review of future development at this site, planning staff recommends that the zone change to "GC" General Commercial be limited to the site of the proposed self-service storage warehouse. The property is currently platted, and replatting is not recommended by planning staff.

CASE HISTORY: The subject property is platted as Schulte Country Store Addition, which was recorded on August 13, 1990. Improvements to the K-42 highway, approximately seven years ago, required the applicants to dedicate some of their property for right-of-way acquisition.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Catholic Church
SOUTH:	"LC"	Phillips 66 Business
EAST:	"SF-20"	Residential
WEST:	"LC" & "SF-20"	Alternative School & Residential

PUBLIC SERVICES: This site has access, via a driveway east of the Phillips 66 building, to K-42, an extra-wide two-lane highway. Traffic volumes, rated in 1999, for K-42 at MacArthur were 7,170 average daily trips (ADTs). The projected ADTs for 2030 is 11,247. Municipal sewer services are not available to this site. The applicant is currently circulating a petition with the County to extend sewer services, west along K-42 from the Mid-Continent Industrial Park, in the next 1-2 years. Currently, there is rural water (Rural Water District #4) on site in addition to a private water well. There will be no water or sewer services provided to the proposed warehouses.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Unified Zone Code contains development standards for self-service storage warehouses located in the "LC" districts to which the subject property is currently held. Furthermore, the property is classified as a "convenience center" which typically range from 2-4 acres in size, typically anchored by a mini-market with several other small-scale tenants. Convenience centers would typically be expected to develop at one or more corners of arterial intersections (K-42 & MacArthur).

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, and subject to a voluntary Protective Overlay #78 with the following conditions:

1. The Protective Overlay #78 "shall limit all uses in the "LC" Limited Commercial district and self-storage warehouse. The self-storage warehouse use shall be subject to the Unified Zoning Code's Supplementary Use Regulations, Section III-D.6.y, with the exception of the following conditions: 1, 2, 5, 8."

2. Screening, constructed of standard building materials, or an approved landscape buffer, shall be provided along the west, east, and north perimeter of the self-service storage warehouse facility.
3. Outdoor lighting sources shall employ cut-off luminaries to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring lots.
4. Signage shall include a monument sign, not to exceed 12 feet in height nor exceed 32 square feet in gross surface area.
5. Portable signs, off-site signs, banners, string pennants and the like shall not be permitted, except for a banner sign permitted for 30 days from the opening of business.
6. Building heights shall be limited to 20 feet in height
7. Access to the site will be from K-42, via an existing driveway located to the east of the convenience store/gas station.
8. Prior to issuance of a building permit, a site plan shall be submitted for review and approval by the Director of Planning. The site plan shall indicate type and location of perimeter enclosure materials, which shall entirely enclose the self-service storage warehouse facility. The site plan also shall indicate the size and location of the landscape buffer areas.
9. The self service warehouses will be in compliance with the Unified Zoning Code (UZC) requirements, ensuring that due consideration is given to Section III-D.6.y (5) on architectural design that is compatible with the surrounding residential and commercial development and that adequate screening is provided. The colors of the exterior doors of the self-service warehouse shall be of earth tones (and not bright colors) in an effort mitigate the impact to the neighborhood. The building exterior plan shall be reviewed and approved by the Director of Planning.
10. Prior to issuance of a building permit, the Director of Planning shall submit building elevations for review and approval. The building elevations shall indicate the type of wall, roofing materials, colors, and the building and wall heights. Additionally, the exterior walls of the storage buildings, used to enclose the perimeter of the facility, shall be of a similar architectural treatment and shall be of the same texture, color, and appearance as the masonry wall that encloses the gaps between the storage buildings.

11. Outdoor speakers and sound amplification systems shall not be permitted.
12. The development of this property shall proceed in accordance with the site plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation from the site plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
13. Any major changes in this site plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
14. Prior to publishing the resolution or ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.
15. The applicants shall submit 4 copies of the site plan to the Metropolitan Area Planning Department within 30 days after approval by the Governing Body, or the request shall be considered denied and closed.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is developed with single-family residential, church, school and commercial uses. The most directly impacted properties by the proposed development are residences zoned "SF-20" Single-Family Residential and located to the west, the Clearwater Training Center (alternative school) to the west is zoned "LC" Limited Commercial, a Catholic Church to the north is zoned "SF-20," the Phillips 66 business directly to the south which is zoned "LC" and a single-family residence to the east, across a vacant lot, is zoned "SF-20."
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial and could be developed for commercial uses; however, the site has remained undeveloped for over 10 years since it was zoned "LC." Currently, there is a lagoon on the property that will be abandoned once municipal sewer service is provided and prior to the actual construction of self-service storage warehouses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requirements of the Unified Zoning Code and the recommended conditions of approval should help mitigate most of the detrimental impacts on properties from lighting, noise, and other factors.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Unified Zone Code contains development standards for self-service storage warehouses located in the "LC" districts to which the subject property is currently held. Furthermore, the property is classified as a "convenience center" which typically range from 2-4 acres in size, typically anchored by a mini-market with several other small-scale tenants. Convenience centers would typically be expected to develop at one or more corners of arterial intersections (K-42 & MacArthur). They could also be appropriate located at the intersection of an arterial and collector street, where proper turn lanes are in place or planned, in order to be more accessible to the residents of the immediate neighborhood served by the collector street.
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities.

