**Wichita-Sedgwick County Metropolitan Area Planning Department**

June 22, 2022

Nuot Nguyen & Ly Ngoc Thi Nguyen
1530 West 21st Street North
Wichita, KS 67203

KE Miller Engineering
Attn: Kirk Miller
117 East Lewis
Wichita, KS 67202

**RE: CUP2022-00017 with ZON2022-00025:** City Zone Change from SF-5 Single-Family Residential to GO General Office and an Amendment to CUP DP-18 to Permit Warehouse, Self-Storage on Parcel Located Within One-Quarter Mile North of West 21st Street North and Within One-Half Mile East of North Amidon Avenue.

Dear Applicant;

At its regular meeting on **June 21, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **DENY** the request

Section V-C.11 (related to the zone change) and Section V-E.11 (related to the Community Unit Plan) of the Unified Zoning Code states that in the event that the governing body denies a request, a similar application shall not be refiled for one year from the latest advertised public hearing date (this would be the Planning Commission hearing on March 3, 2022). A request for a more restrictive zoning classification shall not be filed for six months form the same date.

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

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD
Maggie Ballard, City Council District VI
Ana Lopez, CSR District VI
Leon Salazar, 2358 N Garland Avenue, Wichita, KS 67204
Ornelas Nello, 2359 N Garland Avenue, Wichita, KS 67204
Betty McNew, 2333 N Garland Avenue, Wichita, KS 67204

**Wichita-Sedgwick County Metropolitan Area Planning Department**

May 20, 2022

Nuot Nguyen & Ly Ngoc Thi Nguyen
1630 West 21st Street North
Wichita, KS 67203

**RE: CUP2022-00017 with ZON2022-00025:** City zone change from SF-5 Single-Family Residential to GO General Office with a CUP Amendment to DP-18 to permit Warehouse Self-Storage as a permitted use on Parcel 4; generally located within one-quarter mile north of West 21st Street North and within one-half mile east of North Amidon Avenue.

Dear Applicant;

At its regular meeting on **May 19, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **DENIAL** the requested zone change and Community Unit Plan Amendment.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **June 2, 2022.** In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed and must be submitted to the City Clerk by **June 2, 2022 at 5:00 p.m.**

This application is scheduled for consideration by the Wichita City Council on **Tuesday, June 21, 2022, beginning at 9:00 a.m.** The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property.
If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD
Maggie Ballard, City Council District VI
Ana Lopez, CSR District VI
KE Miller Engineering, Kirk Miller, 117 East Lewis, Wichita KS 67202
Leon Salazar, 2358 N Garland Avenue, Wichita, KS 67204
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Betty McNew, 2333 N Garland Avenue, Wichita, KS 67204

MCCLATCHY

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
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# AFFIDAVIT OF PUBLICATION

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**Attention:** Tara Burghart
CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

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is on the next page

In The STATE OF KANSAS
In and for the County of Sedgwick

No. of Insertions: 1
Beginning Issue of: 04/28/2022
Ending Issue of: 04/28/2022

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 04/28/2022 to 04/28/2022.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 05/04/2022

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County

STEFANI SCOTT BEARD
My Notary ID # 131768951
Expires October 23, 2022

**Extra charge for lost or duplicate affidavits.**
**Legal document please do not destroy!**

# LEGAL PUBLICATION

[illegible]

# LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle
on April 28, 2022 (596833)
(One Time Only)

**MAPC/BZA May 19, 2022**
**OFFICIAL HEARING NOTICE**

NOTICE IS HEREBY GIVEN that on **Thursday, May 19, 2022, no earlier than 1:30 p.m.**, the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Apoeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building – 1st Floor Council Chambers – 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). **If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.**

**CON2022-00007:** City Conditional Use for ancillary parking (associated with VAC2022-00011) on property zoned SF-5 Single-Family Residential; generally located on the north side of West 45th Street North and within one-quarter mile west of North Hoover Road.

**CUP2022-00007:** City CUP Amendment to DP-327 for reduction of berm requirement for property development, Generally located on the east side of North Maize Road and within one quarter mile north of West 29th Street North (3134 North Maize Road).

**CUP2022-00016:** City CUP Amendment to CUP DP-37 for vehicle sales in LC Limited Commercial Zoning, Generally located on the north side of West Kellogg Drive and within one quarter mile west of North Eisenhower Airport Parkway (7800 West Kellogg Drive).

**CUP2022-00017:** City CUP Amendment to DP-18 to permit warehouse self-storage as a permitted use on Parcel 4, with ZON2022-00025 zone change to GO General Office on property located within one-quarter mile north of West 21st Street North and within one-half mile east of North Amidon Avenue.

**CUP2022-00018:** City CUP amendment to DP-50 to split Parcel 1 into two parcels and amend uses to permit drive-thru restaurant on property zoned LC Limited Commercial on the northeast corner of South Tyler Road and West McCormick Avenue (616 S Tyler).

**PUD2022-00009:** City Zone Change from NR Neighborhood Retail and LC Limited Commercial to PUD Planned Unit Development to permit live entertainment in addition the existing commercial uses on property located on the southwest corner of West Maple Street and South Meridian Avenue (301 S Meridian).

**VAC2022-00008:** City Vacation of platted street right-of-way in SF-5 Single Family Zoning, Generally located within 1000 feet east of North Seneca Street and within 1000 feet north of West 53rd Street North (5501 North Salina).

**VAC2022-00009:** City Vacation of a portion of West 22nd Street North abutting SF-5 Single-Family Residential and LC Limited Commercial to allow for proposed self-storage facility to an arterial street, Generally located within 500 feet north of West 21st Street North and within one half east of North Amidon Avenue.

**VAC2022-00010:** City Vacation of platfor's text and a portion of a setback to permit a clubhouse and pool in Reserve F, Rennick Addition on property zoned SF-5 Single-Family Residential; generally located on the north side of West 45th Street North and within one-quarter mile west of North Hoover Road.

**VAC2022-00011:** City Vacation of a portion of a platted setback to permit parking (associated with CON2022-00007 for ancillary parking) on property zoned SF-5 Single-Family Residential; generally located on the north side of West 45th Street North and within one-quarter mile west of North Hoover Road.

**ZON2022-00025:** City Zone Change from SF-5 Single-Family Residential to GO General Office (with CUP2022-00017) to permit warehouse, self-storage on parcel located within one-quarter mile north of West 21st Street North and within one-half mile east of North Amidon Avenue.

**ZON2022-00026:** City Zone Change from SF-5 Single-Family Residential to TF-3 Two-Family Residential for duplex development on property located on the south side of West Pawnee Avenue and one-half mile east of South 135th Street West.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

**PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:**

**The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).**

**Submit Comments Ahead of Time**
You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

| | |
|---|---|
| Email | Planning@wichita.gov |
| Mailing Address | Wichita-Sedgwick County Metropolitan Area Planning Department<br>Attn: **Scott Wadle**<br>271 W. 3rd Street - Suite 201<br>Wichita, KS 67202 |
| Phone | 316.268.4421 |
| Fax | 316.858.7764 |

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**Attend In-Person**
You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on April 28, 2022
**Scott Wadle, Secretary**
**Wichita-Sedgwick County**
**Metropolitan Area Planning Commission**

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.7

**STAFF REPORT**
MAPC: May 19, 2022
DAB VI: June 6, 2022

**CASE NUMBER:** CUP2021-00017 and ZON2022-00025 (City)

**APPLICANT/AGENT:** Nuot Nguyen & Ly Ngoc Thi Nguyen (Applicants)/ K.E. Miller Engineering (Agent)

**REQUEST:** Zone Change to GO General Office and Amendment to Community Unit Plan DP-18

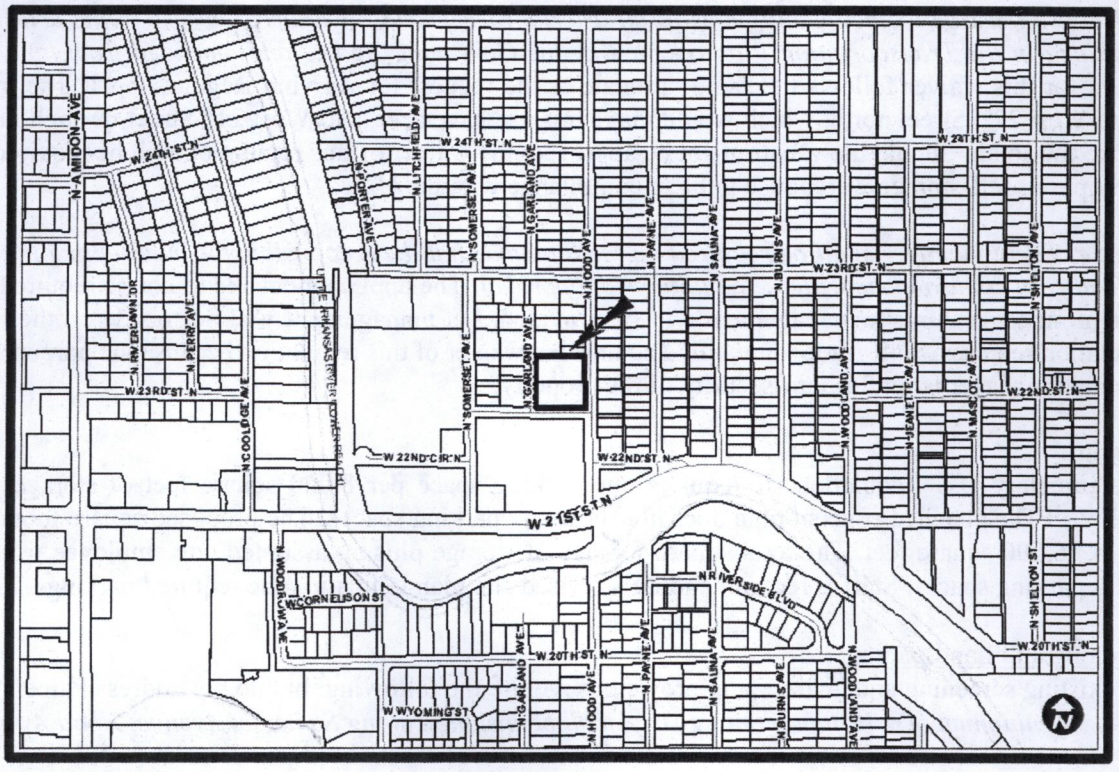
**CURRENT ZONING:** SF-5 Single-Family Residential

**SITE SIZE:** 1.56 acres

**LOCATION:** Generally located one-quarter mile north of West 21st Street North and within one-half mile east of North Amidon Avenue.

**PROPOSED USE:** To permit warehouse self-storage on Parcel 4

**RECOMMENDATION:** Approve with conditions.



**BACKGROUND:** The applicant is requesting a zone change from SF-5 Single-Family Residential to GO General Office and an amendment to the River Bend Shopping Center Community Unit Plan CUP DP-18 to permit Warehouse, Self-Storage as a permitted use on Parcel 4. The property is generally located within one-quarter mile north of West 21st Street North and within one-half mile east of North Amidon Avenue. The entire CUP is 5.24 acres in size and predominantly zoned LC Limited Commercial. Parcel 4 is currently 1.56 acres and is zoned SF-5 Single-Family Residential. The CUP restricts uses on Parcel 4 to parking for Parcel 1. Parcel 1 is adjacent to the south, across West 22nd Street North and is comprised of a grocery store and other retail uses. General Provision #11 states "In no event is Parcel 4 to be used to satisfy the required parking for Parcels 1, 2 or 3." Therefore, it is presumed that the parking lot on Parcel 4 is for overflow. Given the distressed appearance of the existing parking lot, it is presumed that it has not been utilized in some time.

Being considered concurrently with this request, the applicant has applied to vacate a portion of West 22nd Street North (VAC2022-00009) between Parcel 1 and Parcel 4 of the CUP. If approved, the vacated street right-of-way will be retained as a utility easement. The applicant intends to recess an entrance gate within the vacated street right-of-way to provide access to the storage unit complex. The amendment to the CUP will incorporate the area of the vacated street right-of-way into Parcel 4, increasing its size to 1.89 acres.

In GO General Office zoning, Warehouse, Self-Storage is subject to Supplementary Use Regulations in the Unified Zoning Code (UZC) Section III-D.6.y unless modified by the CUP. The full list of these Supplementary Use Regulations is attached. The applicant is requesting a waiver of the following Supplemental Use Regulations:

*(1) A tract for such use located in the GO District shall be Contiguous with a less restrictive District.* As stated before, concurrent with this application, the applicant is requesting a vacation of a portion of West 22nd Street North. If the vacation application is approved, Parcel 4 will become contiguous with the rest of the LC-zoned CUP, which satisfies Regulation #1. The requested waiver is to ensure the proposed self-storage warehouse is in compliance with the UZC, should the vacation request be denied.

*(2) The use must be located Contiguous to an arterial Street, and have direct access to the arterial Street, as designated in the Transportation Plan adopted by the Governing Bodies and amended from time to time.* The request for this waiver follows the same rationale as the request for waiving Regulation #1. The intention is to vacate West 22nd Street north, which would make this use have access to West 21st Street through Parcel 1 of the CUP to the south. Should the vacation not be approved, the waiver of this regulation will be required in order for the proposed self-storage warehouse to be in compliance with the UZC.

*(17) A resident manager shall be required on the Site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.* The applicant desires to not be required to provide a resident manager. On-site management will be provided, but management will not reside on the Parcel as this Regulation requires. Staff is recommending against the waiver of this regulation because the purpose of providing a resident manager is for 24-hour security of the property.

Parking:
Supplementary Use Regulation #7 requires one parking space per 8,000 square feet of storage plus one per employee. The attached concept plan does not show any parking spaces. The proposed square footage of storage area is 36,500 square feet. The total square footage of storage plus an assumed one employee would require at least 6 parking spaces. Staff is recommending a revised site plan indicating the required parking.

Screening and Landscaping:
The existing screening and landscaping provisions require the following, but do not address Parcel 4.

- *A minimum of a 10-foot planting strip shall be installed along Somerset Avenue, Hood Avenue and West*

*22nd Street as indicated on the plan.* There is no evidence that this planting strip was ever installed. The same provision in the CUP requires proper maintenance of said planting strips or it may be considered a violation of the CUP.

- *A 5 to 8-foot semi-solid wall of brick, stone, masonry, architectural tile, or similar material along the north property line of Parcel 1 between the access drives (see attached CUP drawing).* This wall has been installed.
- *A 5 to 8-foot solid wood fence along the north property line of Parcel 1 between the western most drive and the west property line (see attached CUP drawing).* This fence is only required if the current large budling on Parcel 1 is extended to the west. This location does not have a fence installed at this time because the current building is built as shown on the plan and has not been extended.

Supplemental Use Regulation #4 requires the following screening and landscaping for self-storage warehouse.

- Minimum 15-foot landscaped yard along the east, north, and west property lines where abutting or across the street from residential zoning.
- Architectural semi-solid screening fence or face of the structures as designed to screen the use from residential uses. The fence shall be a minimum of 6 to 8 feet and can be constructed of wood, stone, masonry, or similar material.

The north property line has an existing six-foot wooden fence that was likely constructed by the property owners to the north. This fence will need to be maintained and the applicant will have to install the other required screening and landscaping as described above. Staff is recommending the revised site plan to include the required screening and landscaping for review and approval or a separate landscape plan be submitted.

Properties to the north, east, and west are zoned SF-5 Single-Family Residential and are developed with single-family dwellings. Property to the south is zoned LC Limited Commercial and is Parcel 1 of the subject CUP DP-18. The site is developed with commercial uses include retail, grocery, and restaurants and a bingo hall.

**CASE HISTORY:** In 1886, the land within Parcel 4 was platted as part of the Guthrie's Subdivision. In 1966, CUP DP-18 was established, but it originally did not include the land within Parcel 4. In 1969, an exception (BZA18-69) was approved for the land currently within Parcel 4 to permit an off-street parking lot in single-family zoning. In 1984, the land that is now Parcel 4 was added to CUP DP-18 maintaining the single-family zoning and the ability to use it for parking. In 2008, an amendment to the CUP permitted Nightclub in the City as a permitted use on Parcel 1 subject to conditions within the CUP.

**ADJACENT ZONING AND LAND USE:**

| | | |
|---|---|---|
| NORTH: | SF-5 | Single-family dwellings |
| SOUTH: | LC with CUP DP-18 | Retail, grocery, restaurant, bingo hall |
| EAST: | SF-5 | Single-family dwellings |
| WEST: | SF-5 | Single-family dwellings |

**PUBLIC SERVICES:** West 22nd Street and North Hood Avenue are paved, two-way local streets. West 22nd Street has sidewalks on both sides. North Hood Avenue does not have a sidewalk along the property line of Parcel 4 but does have a sidewalk along the property line of Parcel 1 south to West 21st Street. North Garland Street is a dead-end, gravel, two-way local street with no sidewalks. Wichita Transit provides regular bus service in the area with bus stops located one-block south along West 21st Street North. Municipal water and sewer are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The requested zone change and CUP amendment are in conformance with the following plans.

The Community Investments Plan: The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the south portion of the site as appropriate for Commercial uses and the north portion of the site as appropriate for Residential uses. The Locational Guidelines of the Comprehensive Plan list general development pattern guidelines that promote buffering lower density residential from higher intensity commercial uses with higher density residential or lower insanity commercial or office uses. Warehouse, Self-Storage has typically been identified as an appropriate use to buffer higher intensity commercial uses from lower density residential.

Wichita: Places for People Plan: The requested zone change and CUP amendment are in conformance with the goals of the Wichita: Places for People Plan. The Wichita: Places for People Plan provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as "a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles."

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested Conditional Use aligns with Strategy 6, "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The proposed conversion of an unutilized parking lot to Warehouse, Self-Storage can act as a buffer use between the higher intensity commercial development and the low density residential.
- Current Condition: The subject property is located within an area identified as an "area of opportunity." The Places for People Plan defines Areas of Opportunity as those "areas that generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and private to assist in redefining and reinvigorating the area, physically and socially." The zone change and CUP amendment expand the opportunity for private investment in the area with this proposed infill development.

21st Street North Corridor Revitalization Plan: The requested zone change and CUP amendment are in conformance with the goals and future land use of the *21st Street North Corridor Revitalization Plan.* In December 2004, this Plan was adopted with the purpose to provide goals and objectives to revitalize the 21st Street North corridor from North Amidon Avenue to North Hillside Avenue. It primarily focuses on the commercial development along 21st Street in addition to a transportation plan for the corridor as well.

- Goals: the request is in conformance with Goal 1, "Increase the long-term economic renewal, vitality, and sustainability of the 21st Street North Corridor Revitalization Plan area." The conversion of an unutilized parking area into Warehouse, Self-Storage will expand economic investment in the area.
- Future Land Use: The Plan provides guidance for future land use for properties within two blocks north and south of 21st Street. The Preferred Illustrative Land Use Plan identifies the site as "Infill Development Opportunity." The proposed rezoning and CUP amendment would permit infill development on the site.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED**, subject to the following conditions:

1. Item C under Parcel 4 shall be amended in accordance with the attached, recommended language.
   a. Staff recommends requiring the resident manager as stated in Supplemental Use Regulation #17.
2. The applicant shall provide a revised site plan and architectural design of the buildings for review and approval by the Planning Department prior to the issuance of building permits. The site plan shall include at a minimum, all required screening, landscaping, and parking.
3. The applicant shall be required to install a sidewalk along the east side of Parcel 4. The sidewalk shall be installed to City standards.

4. The applicant shall install all required landscaping on Parcel 1 as specified in General Provision 8 prior to the issuance of building permits for Parcel 4.

5. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Properties to the north, east, and west are zoned SF-5 Single-Family Residential and are developed with single-family dwellings. Property to the south is zoned LC Limited Commercial and is Parcel 1 of the subject CUP DP-18. The site is developed with commercial uses include retail, grocery, and restaurants and a bingo hall. The requested GO General Office rezoning and proposed use of Warehouse, Self-Storage can be considered a buffer from the higher intensity commercial uses along West 21st Street and the lower intensity uses in the neighborhood to the north.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-5 Single-Family Residential with CUP DP-18 which restricts the site to being used only for additional parking for Parcel 1 in the CUP. If the land was either removed from the CUP or the CUP is amended differently, the site could be used for single-family residential or a variety of civic uses permitted in SF-5 zoning.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property**: The provisions in the Community Unit Plan, in addition to the supplementary use regulations set forth in Section III-D.6.y should minimize and mitigate any significant potential negative impacts of the warehouse, self-storage use.

4. **Length of time the subject property has remained vacant as zoned**: The property is currently developed as a parking lot. There is no indication that the parking lot was ever utilized since its creation.

5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request will allow development of the property for self-service warehouse. Denial would presumably represent a loss of economic opportunity to the applicant and/or land owner.

6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zone change and CUP amendment are in conformance to *The Community Investments Plan,* the *Wichita: Places for People Plan*, and the *21st Street Corridor Revitalization Plan* as discussed in the staff report.

7. **Impact of the proposed development on community facilities:** Significant negative impacts to community facilities are not anticipated.

Attachments:

1. Public Comment
2. Supplementary Use Regulations, Section III-D.6.y
3. CUP DP-18 Parcel 4 Recommended Text
4. CUP DP-18 Drawing
5. Site Plan
6. Aerial Map
7. Zoning Map
8. Land Use Map
9. 21st Street Corridor Revitalization Plan
10. Site Photos

**Public Comment**

Case NO ZON 2022-00025
With CUP 2022-00017

Dear Mr. Phillip Zeyenbergen
I am writing to you regarding the application that is on 22nd Street between Hood st. & Garland St.
I have lived at 2333 Garland st since 1957 and ever since Mr. Nguyen bought this property it has went down hill in this area and I will never OK anything that he wants to do in this neighborhood. In fact I wish he would move.
He won't keep his property clean at all. Please don't let him do what he asked for.

Sincerely
Betty M Rew

**SUPPLEMENTARY USE REGULATION SECTION III-D.6.Y**

**y. Warehouse, Self-Service Storage, in GO and LC.** Self-Service Storage Warehouse facilities shall be subject to the following standards when located within the GO or LC Districts.

(1) A tract for such use located in the GO District shall be Contiguous with a less restrictive District.

(2) The use must be located Contiguous to an arterial Street, and have direct access to the arterial Street, as designated in the Transportation Plan adopted by the Governing Bodies, and amended from time to time.

(3) All buildings shall set back at least 35 feet from arterial Street Rights-of- Way lines. There shall be a minimum 20-foot Building Setback line from all other Streets, unless a platted Building Setback line would require a greater Setback.

(4) Where the Lot is Contiguous to a residential zoning District, a landscaped Yard with a minimum depth of 15 feet shall be provided on the Lot Contiguous to the residential zoning District and a landscaped front Yard with a minimum depth of 15 feet shall be provided when within 100 feet of a residential zoning District or when across the street from a residential zoning District. The landscaping shall be in addition to any architectural Screening type Fences or face of the structures that shall be designed to Screen the use from the residential neighborhood. Such Fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than six feet or more than eight feet in height. The landscaped Yard may be reduced in depth to not less than the minimum Side and Rear Setback required by the property development standards of the applicable zoning District of the Lot when the Contiguous residential zoning District is occupied by any legal Nonconforming office, commercial or industrial Use, or when Adjacent to a property where an adopted zoning policy by the Governing Body is to look with favor on office, commercial or industrial zoning for the area.

(5) When the Development is in close proximity to residential development, the architectural design shall be submitted to the Planning Director for review and a recommendation to the Planning Commission as to whether or not the architecture is compatible with the surrounding development, and that adequate Screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Planning Commission, may be retained in the MAPC case file and by the Zoning Administrator to ensure that final Development plans and construction comply therewith.

(6) Any side of the Building providing doorways to storage areas shall be set back from the property line at least 40 feet when Contiguous to a residential zoning District.

(7) Off-street Parking shall be required on the basis of one space for each 8,000 square feet of Floor Area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.

(8) All driveways, Parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete or comparable hard surfacing material. Adequate bumper guards or Fences shall be provided to prevent the extension of Vehicles beyond property lines.

(9) All lights shall be shielded to direct light onto the Uses established and away from Adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.

(10) All storage on the property shall be kept within an enclosed Building, unless a portion of the property or Lot is properly zoned to otherwise permit a designated area for outside storage.

(11) No activities such as miscellaneous or garage sales shall be conducted on the premises.

(12) The servicing or repair of Motor Vehicles, boats, Trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

(13) Signs shall be limited to one per arterial Street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.

(14) All areas not paved in accordance with the requirements of this section shall be landscaped with deciduous and coniferous plant materials. The Landscaping plan shall be approved by the Planning Department. Maintenance of the Landscaping shall be sufficient to maintain it in good condition.

(15) The area shall be properly policed by the owner or operator for removal of trash and debris.

(16) The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of Vehicles is part of such business.

(17) A resident manager shall be required on the Site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

(18) No more than 45 percent of the Lot Area shall be covered by Buildings.

(19) No individual or business shall lease more than 3,000 square feet of storage spaces.

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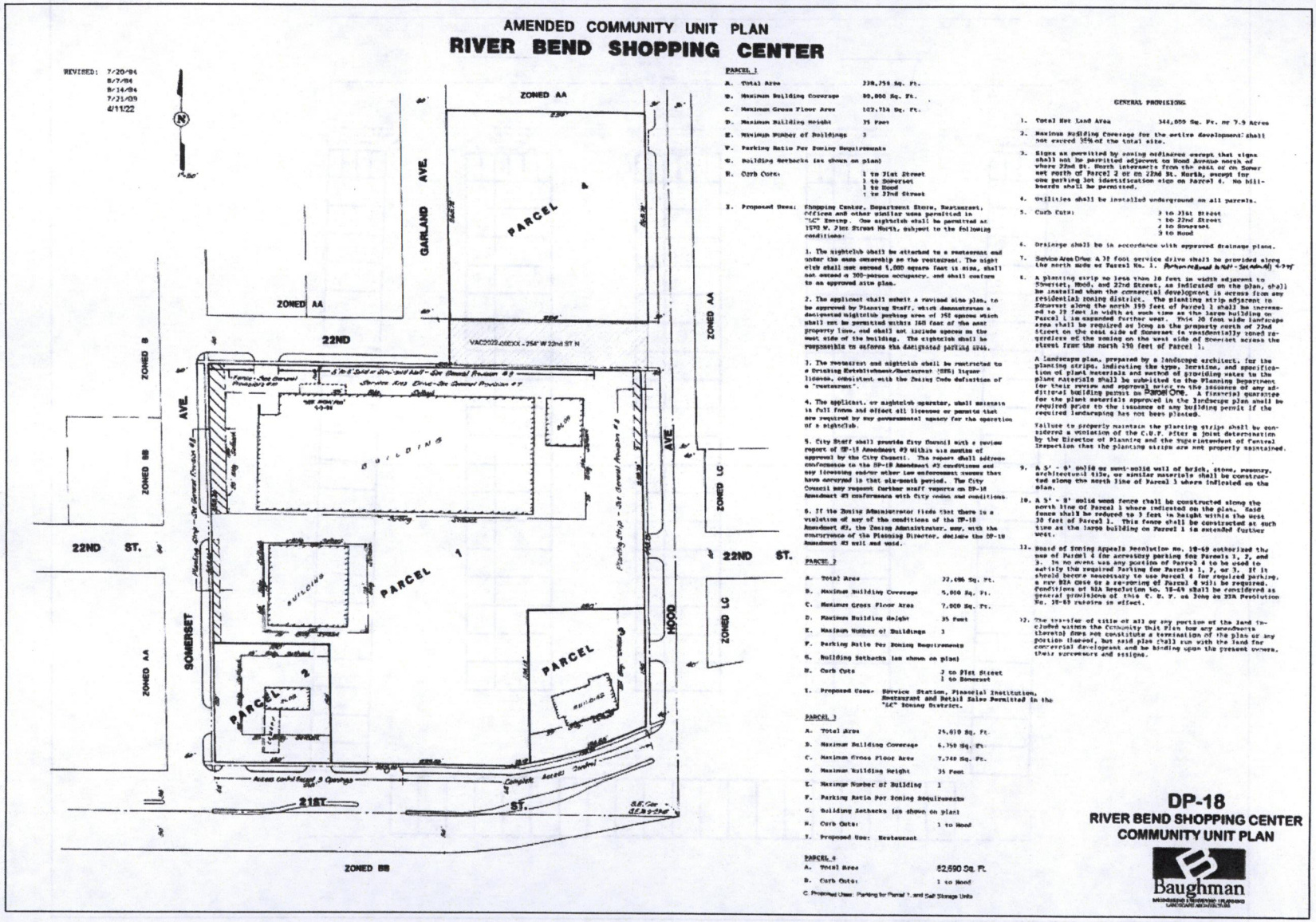
**Recommended Text for CUP DP-18, Parcel 4**

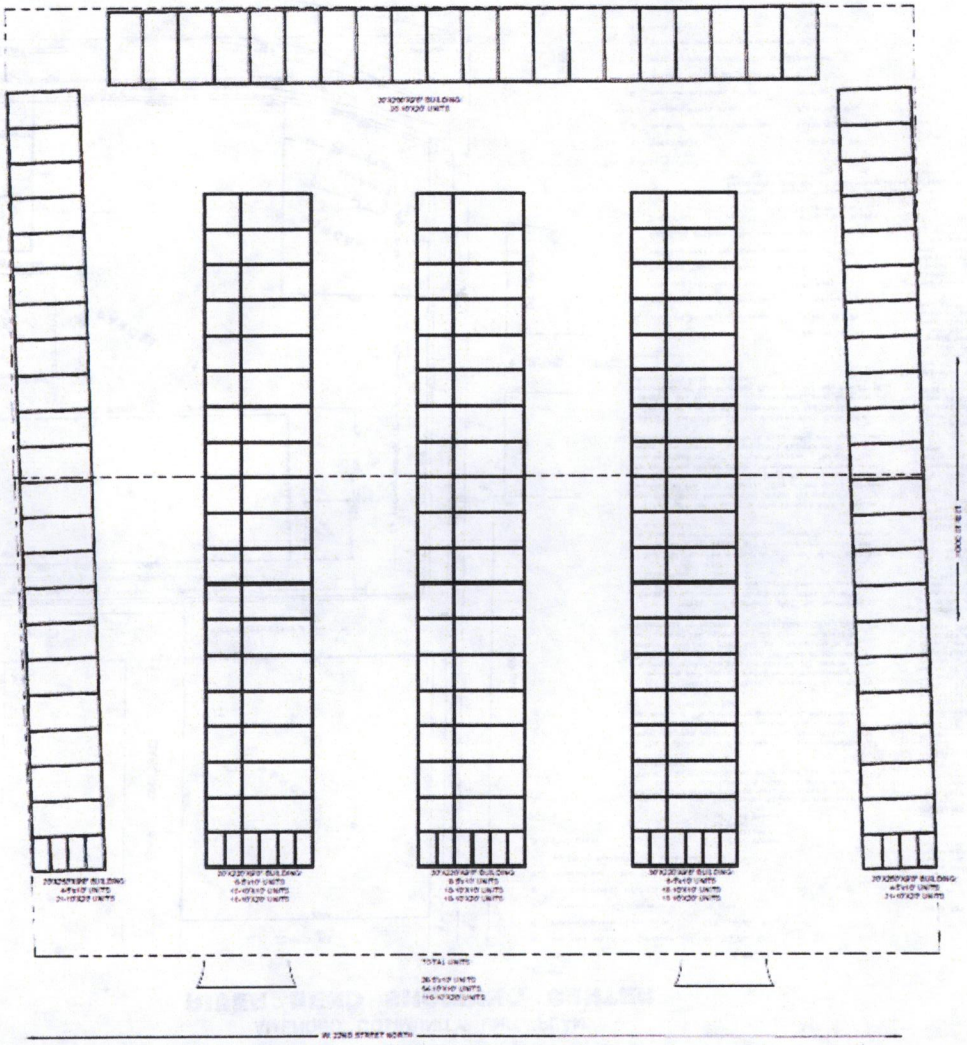
**A.** Total Area: 82,690 sq. ft.
**B.** Curb Cuts: 1 to Hood
**C.** Proposed Uses: Parking for Parcel 1 and Warehouse, Self-Storage subject to Supplementary Use Regulations of the Unified Zoning Code Section III-D.6.y provided that the following regulations shall be waived:

#1: A tract for such use located in the GO District shall be Contiguous with a less restrictive District.

# 2 The use must be located Contiguous to an arterial Street, and have direct access to the arterial Street, as designated in the Transportation Plan adopted by the Governing Bodies and amended from time to time

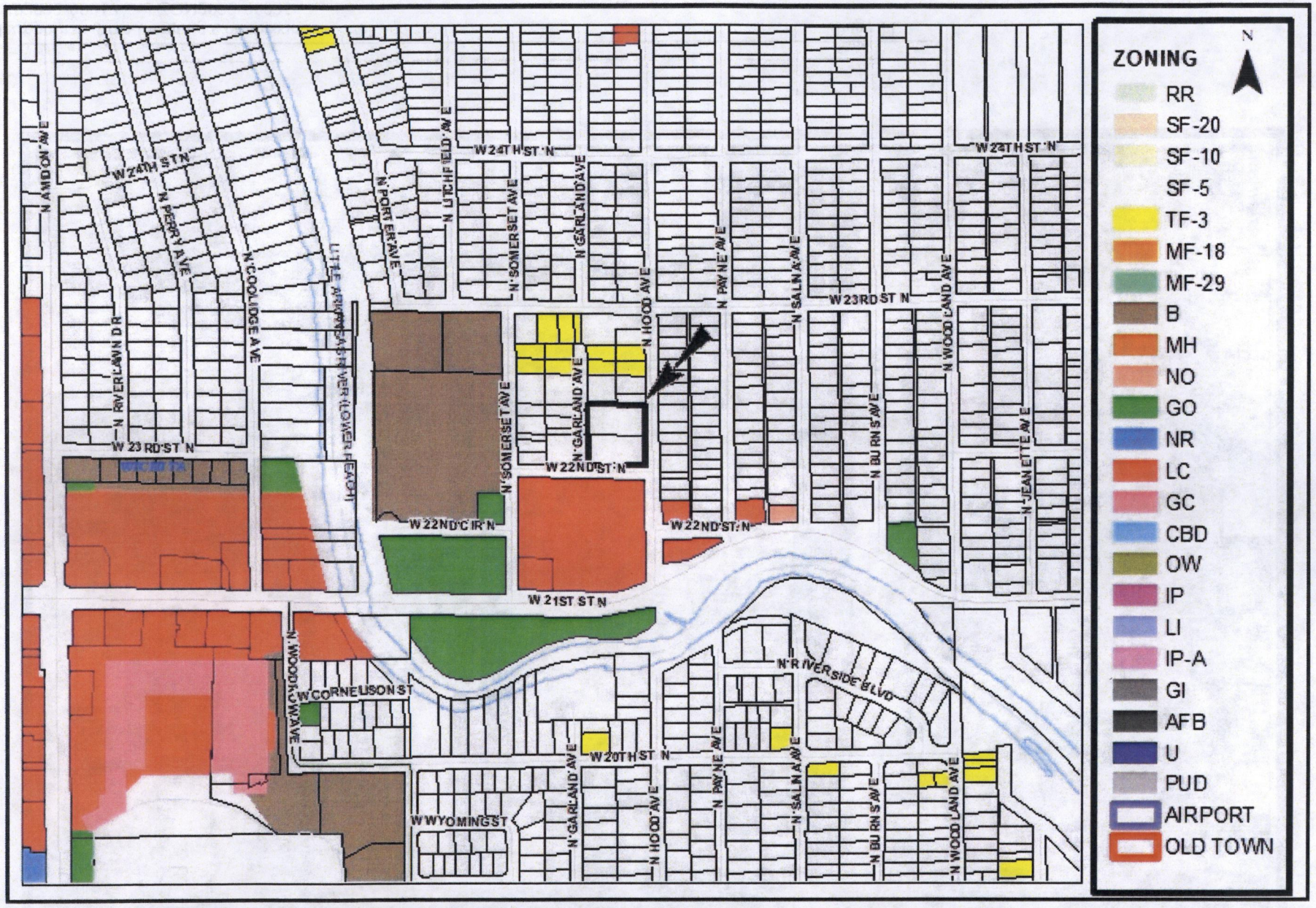
**CUP DP-18 Drawing**



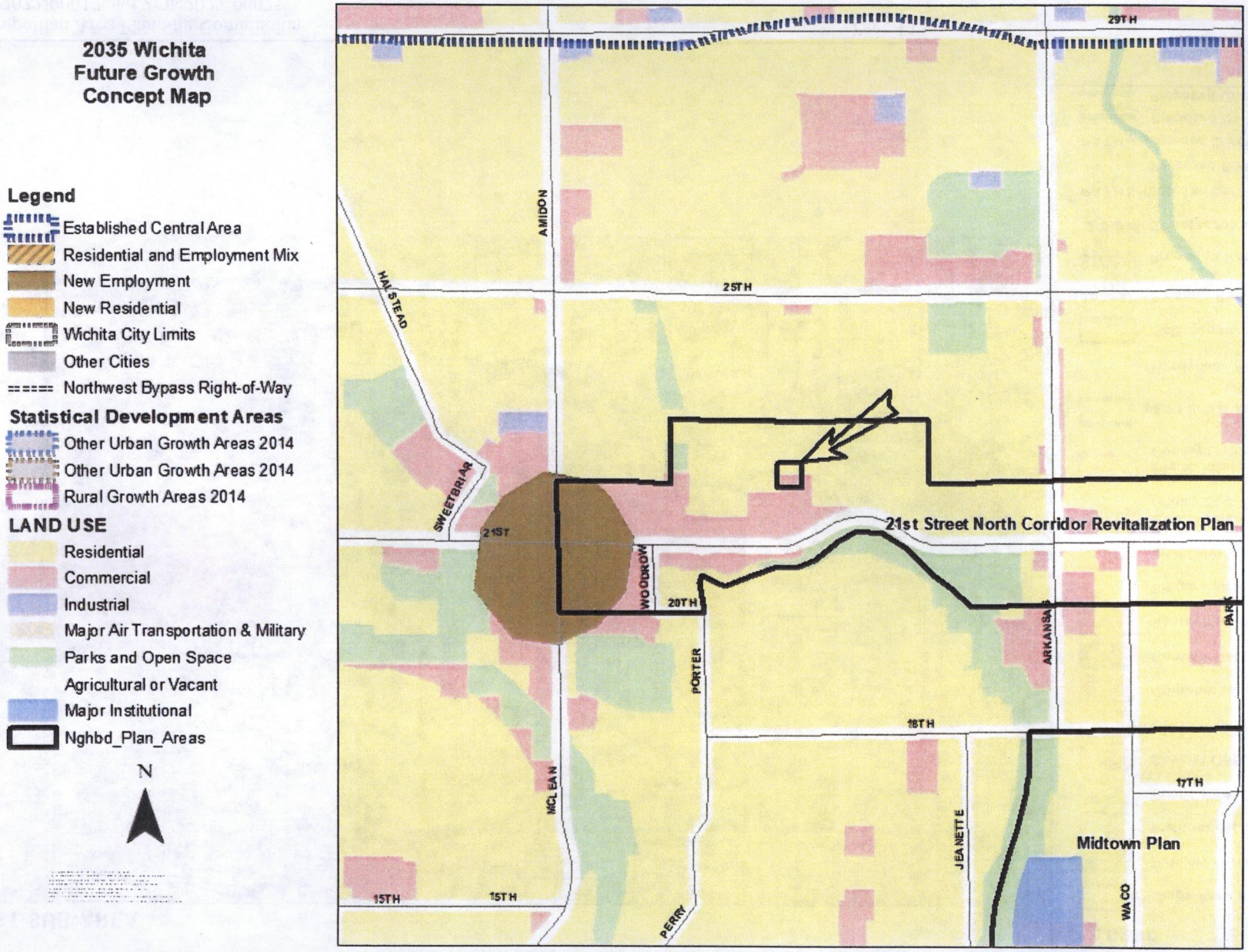


1 OVERALL PLAN

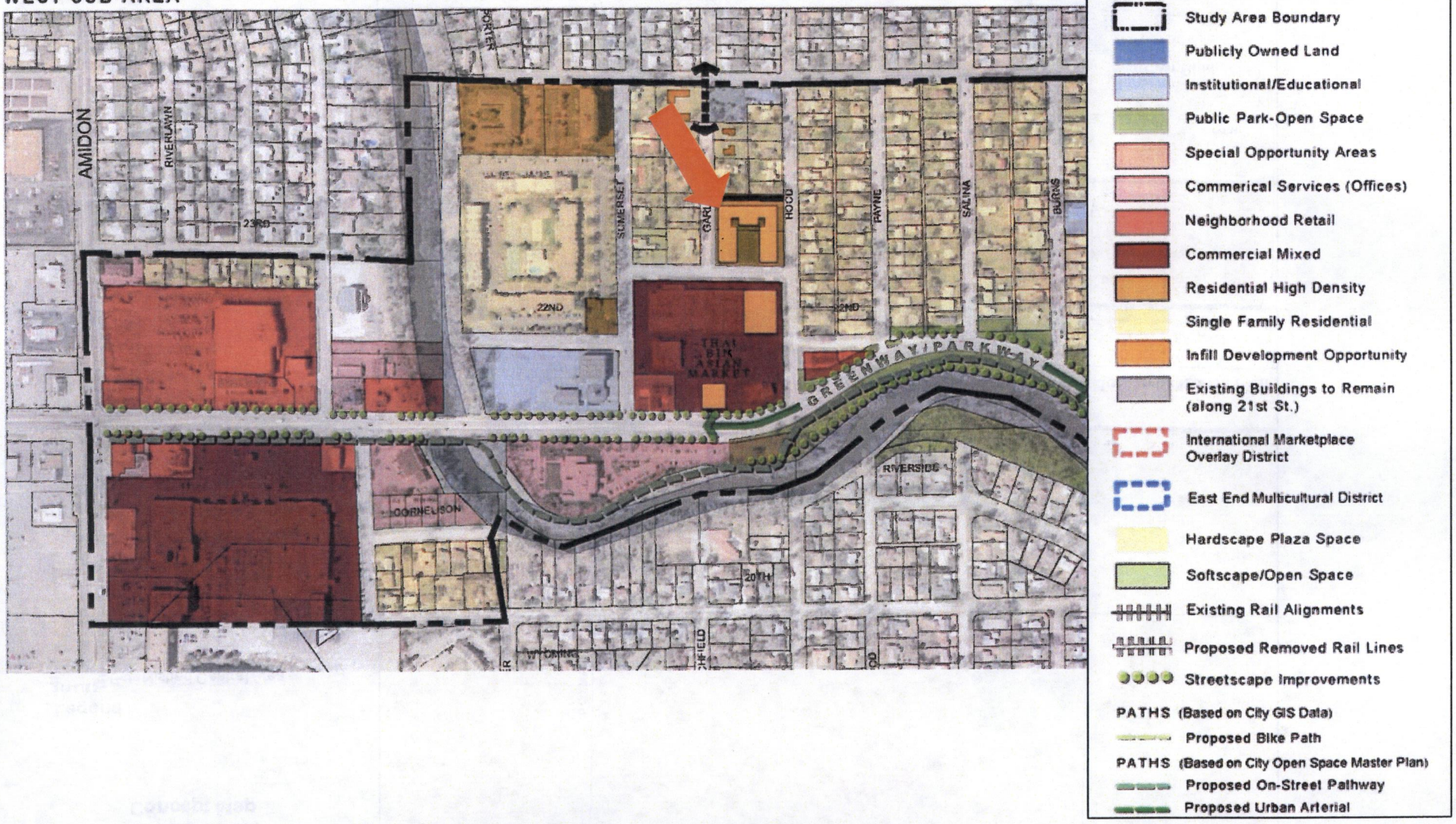

N GARLAND AVE
W 22ND ST N
N HIGH AVE
N


ZONING
N
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
N AMIDON AVE
W 24TH ST N
N PERRY AVE
N COOLIDGE AVE
N RIVERLAWN DR
W 23RD ST N
LITTLE ARKANSAS RIVER (LOWER REACH)
N PORTER AVE
N LITCHFIELD AVE
N SOMERSET AVE
N GARLAND AVE
N HOOD AVE
N PAYNE AVE
N SALINA AVE
W 24TH ST N
W 23RD ST N
N WOODLAND AVE
N BURNS AVE
N JEANETTE AVE
W 22ND ST N
W 22ND CIR N
W 22ND ST N
W 21ST ST N
N WOODLAWN AVE
W CORNELISON ST
N RIVERSIDE BLVD
W 20TH ST N
W WYOMING ST

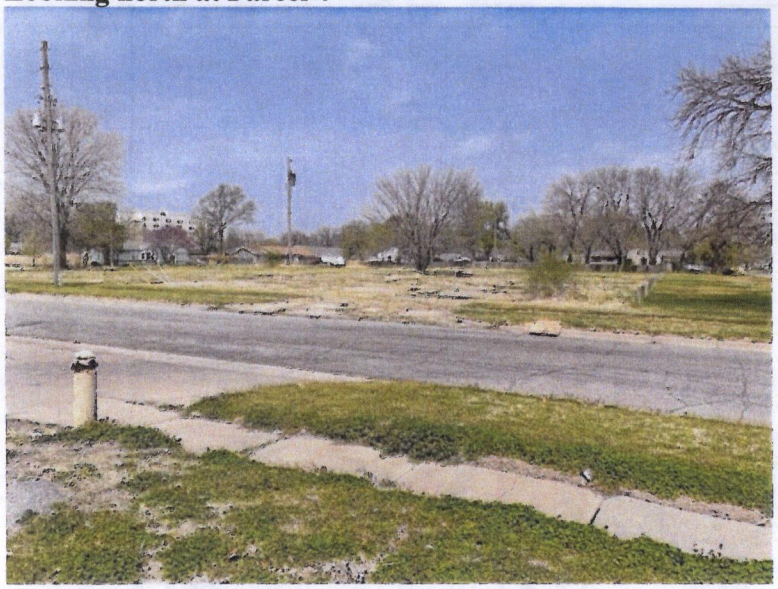
**2035 Wichita Future Growth Concept Map**



## WEST SUB-AREA



**Looking north at Parcel 4**



**Looking southeast, away from Parcel 4**



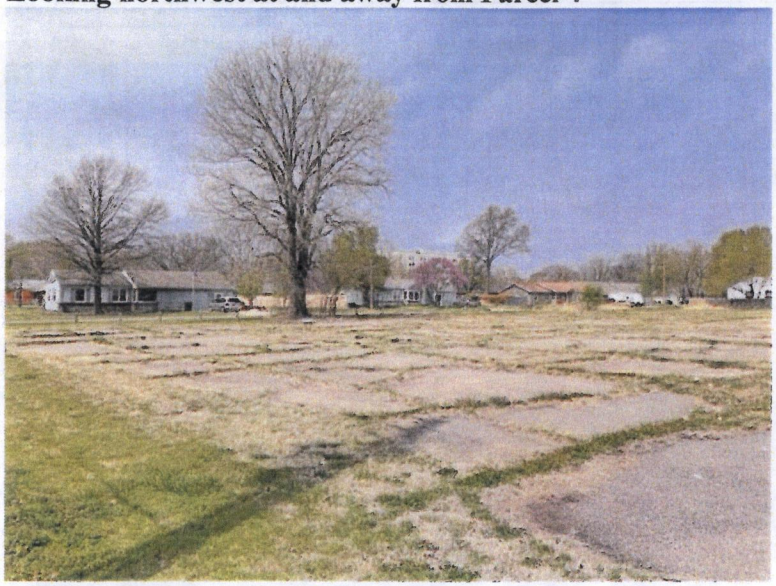
**Looking northeast away from Parcel 4**



**Looking south away from Parcel 4, at Parcel 1**



**Looking northwest at and away from Parcel 4**



**Looking west at Parcel 2**



**Looking north at Parcel 1**

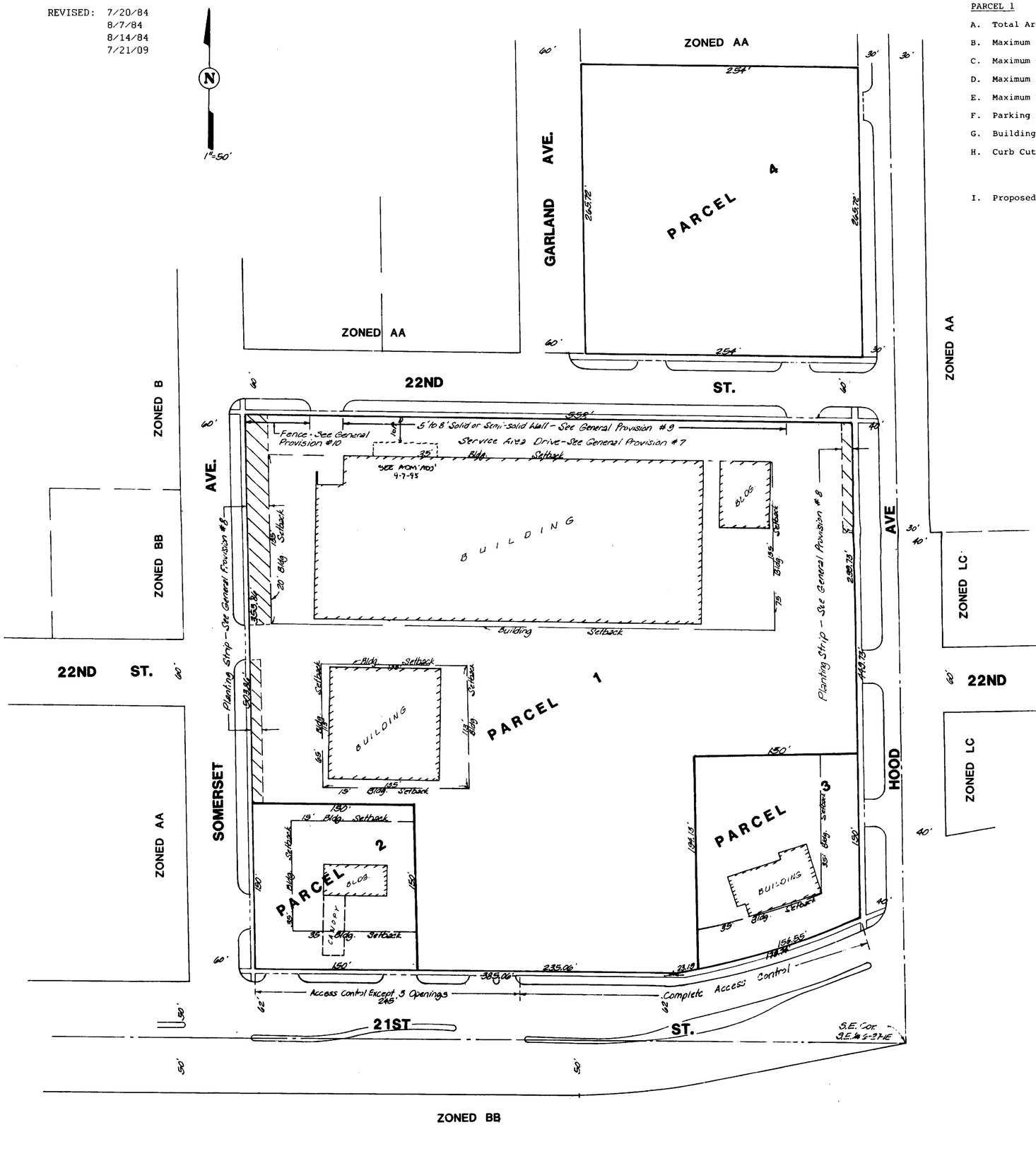


**Looking east at Parcel 3**



# AMENDED COMMUNITY UNIT PLAN
# RIVER BEND SHOPPING CENTER

REVISED: 7/20/84
8/7/84
8/14/84
7/21/09




PARCEL 1

| | | |
|---|---|---|
| A. | Total Area | 228,254 Sq. Ft. |
| B. | Maximum Building Coverage | 80,000 Sq. Ft. |
| C. | Maximum Gross Floor Area | 102,714 Sq. Ft. |
| D. | Maximum Building Height | 35 Feet |
| E. | Maximum Number of Buildings | 3 |
| F. | Parking Ratio Per Zoning Requirements | |
| G. | Building Setbacks (as shown on plan) | |
| H. | Curb Cuts: | 1 to 21st Street<br>1 to Somerset<br>1 to Hood<br>2 to 22nd Street |
| I. | Proposed Uses: | Shopping Center, Department Store, Restaurant, Offices and other similar uses permitted in "LC" Zoning. One nightclub shall be permitted at 1570 W. 21st Street North, subject to the following conditions: |

1. The nightclub shall be attached to a restaurant and under the same ownership as the restaurant. The night club shall not exceed 5,000 square feet in size, shall not exceed a 300-person occupancy, and shall conform to an approved site plan.

2. The applicant shall submit a revised site plan, to be approved by Planning Staff, which demonstrates a designated nightclub parking area of 150 spaces which shall not be permitted within 160 feet of the east property line, and shall not include spaces on the west side of the building. The nightclub shall be responsible to enforce the designated parking area.

3. The restaurant and nightclub shall be restricted to a Drinking Establishment/Restaurant (DER) liquor license, consistent with the Zoning Code definition of a 'restaurant'.

4. The applicant, or nightclub operator, shall maintain in full force and effect all licenses or permits that are required by any governmental agency for the operation of a nightclub.

5. City Staff shall provide City Council with a review report of DP-18 Amendment #3 within six months of approval by the City Council. The report shall address conformance to the DP-18 Amendment #3 conditions and any licensing and/or other law enforcement issues that have occurred in that six-month period. The City Council may request further staff reports on DP-18 Amendment #3 conformance with City codes and conditions.

6. If the Zoning Administrator finds that there is a violation of any of the conditions of the DP-18 Amendment #3, the Zoning Administrator, may, with the concurrence of the Planning Director, declare the DP-18 Amendment #3 null and void.

PARCEL 2

| | | |
|---|---|---|
| A. | Total Area | 22,486 Sq. Ft. |
| B. | Maximum Building Coverage | 5,000 Sq. Ft. |
| C. | Maximum Gross Floor Area | 7,000 Sq. Ft. |
| D. | Maximum Building Height | 35 Feet |
| E. | Maximum Number of Buildings | 1 |
| F. | Parking Ratio Per Zoning Requirements | |
| G. | Building Setbacks (as shown on plan) | |
| H. | Curb Cuts | 2 to 21st Street<br>1 to Somerset |
| I. | Proposed Uses: | Service Station, Financial Institution, Restaurant and Retail Sales Permitted in the "LC" Zoning District. |

PARCEL 3

| | | |
|---|---|---|
| A. | Total Area | 25,810 Sq. Ft. |
| B. | Maximum Building Coverage | 6,750 Sq. Ft. |
| C. | Maximum Gross Floor Area | 7,740 Sq. Ft. |
| D. | Maximum Building Height | 35 Feet |
| E. | Maximum Number of Building | 1 |
| F. | Parking Ratio Per Zoning Requirements | |
| G. | Building Setbacks (as shown on plan) | |
| H. | Curb Cuts: | 1 to Hood |
| I. | Proposed Use: | Restaurant |

PARCEL 4

| | | |
|---|---|---|
| A. | Total Area | 67,450 Sq. Ft. |
| B. | Curb Cuts: | 1 to Hood<br>2 to 22nd Street |
| C. | Proposed Use: | Parking for Pracel No. 1. |

GENERAL PROVISIONS

1. Total Net Land Area 344,000 Sq. Ft. or 7.9 Acres

2. Maximum Building Coverage for the entire development shall not exceed 30% of the total site.

3. Signs as permitted by zoning ordinance except that signs shall not be permitted adjacent to Hood Avenue north of where 22nd St. North intersects from the east or on Somer set north of Parcel 2 or on 22nd St. North, except for one parking lot identification sign on Parcel 4. No billboards shall be permitted.

4. Utilities shall be installed underground on all parcels.

5. Curb Cuts: 3 to 21st Street
4 to 22nd Street
2 to Somerset
~~3~~ to Hood

6. Drainage shall be in accordance with approved drainage plans.

7. Service Area: A 30 foot service drive shall be provided along the north side of Parcel No. 1. Portion reduced to 16ft - See Adm Adj 9-7-95

8. A planting strip no less than 10 feet in width adjacent to Somerset, Hood, and 22nd Street, as indicated on the plan, shall be installed when the commercial development is across from any residential zoning district. The planting strip adjacent to Somerset along the north 190 feet of Parcel 1 shall be increased to 20 feet in width at such time as the large building on Parcel 1 is expanded further west. This 20 foot wide landscape area shall be required as long as the property north of 22nd Street on the east side of Somerset is residentially zoned regardless of the zoning on the west side of Somerset across the street from the north 190 feet of Parcel 1.

   A landscape plan, prepared by a landscape architect, for the planting strips, indicating the type, location, and specification of plant materials and method of providing water to the plant materials shall be submitted to the Planning Department for their review and approval prior to the issuance of any additional building permit on ~~Parcel One~~. A financial guarantee for the plant materials approved in the landscape plan shall be required prior to the issuance of any building permit if the required landscaping has not been planted.

   Failure to properly maintain the planting strips shall be considered a violation of the C.U.P. after a joint determination by the Director of Planning and the Superintendent of Central Inspection that the planting strips are not properly maintained.

9. A 5' - 8' solid or semi-solid wall of brick, stone, masonry, architectural tile, or similar materials shall be constructed along the north line of Parcel 1 where indicated on the plan.

10. A 5' - 8' solid wood fence shall be constructed along the north line of Parcel 1 where indicated on the plan. Said fence shall be reduced to 3 feet in height within the west 20 feet of Parcel 1. This fence shall be constructed at such time as the large building on Parcel 1 is extended further west.

11. Board of Zoning Appeals Resolution No. 18-69 authorized the use of Parcel 4 for accessory parking for Parcels 1, 2, and 3. In no event was any portion of Parcel 4 to be used to satisfy the required Parking for Parcels 1, 2, or 3. If it should become neacessary to use Parcel 4 for required parking, a new BZA case or a re-zoning of Parcel 4 will be required. Conditions of BZA Resolution No. 18-69 shall be considered as general provisions of this C. U. P. as long as BZA Resolution No. 18-69 remains in effect.

12. The transfer of title of all or any portion of the land included within the Community Unit Plan (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns.

DP 18
APPROVED CUP
MAPC 9-6-84 DM
BCC 10-9-84 DM

# DP-18
## RIVER BEND SHOPPING CENTER
## COMMUNITY UNIT PLAN

Baughman
ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE