

Agenda Item # _____

City of Wichita
City Council Meeting
July 2, 2002

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2002-00009 and CON2002-00006 - Rezoning to "LC"
Limited Commercial and a Conditional Use for Self-Service
Storage Warehouse. Generally located south of 13th Street North
and west of St. Paul, (District VI)

INITIATED BY: Metropolitan Area Planning Department

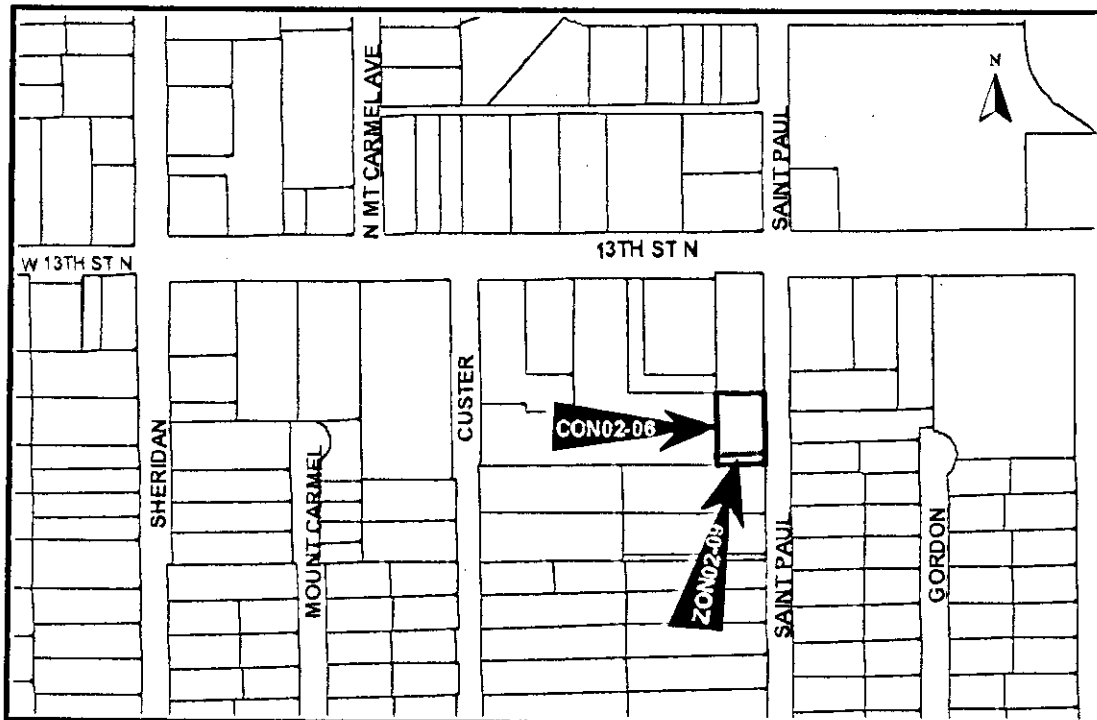
AGENDA ACTION: Planning

*Marvin Krout by
Donna Goffey*

MAPC Recommendation: Approve, subject to staff recommendation (12-0).

DAB Recommendation: Approve, subject to staff recommendation (9-0).

Staff Recommendation: Approve, subject to conditions.



BACKGROUND: The applicant owns U-Stor Self Storage located at 2935 W. 13th St. N. and proposes to expand the facility on adjoining property located immediately east of the existing facility. The subject property is zoned "LC" Limited Commercial except for the south 20 feet, which is zoned "B" Multi-Family Residential. The applicant is requesting to rezone the south 20 feet of the subject property to "LC" Limited Commercial. Additionally, Self-Service Storage Warehouse requires a Conditional Use in the "LC" Limited Commercial zoning district; therefore, the applicant is requesting a Conditional Use on the entire subject property.

The character of the surrounding area is that of mixed-uses with commercial, office, and multi-family uses along the 13th Street corridor and single-family residential uses along St. Paul. The properties to the north and west of the subject property are zoned "LC" Limited Commercial and are developed with a self-storage facility, a mortuary, and a doctor's office. The properties to the south and east of the subject property are zoned "SF-5" Single-Family Residential and are developed with single-family residences, most of which are well maintained but a few of which are showing signs of long-term neglect.

The area along 13th Street between St. Paul and Custer transitioned from single-family residential use to office and commercial uses over a 20 year period from the mid-1960s to the mid-1980s. In the last 20 years, the current boundary between residential and non-residential uses has remained in place, and the subject property and a small commercially-zoned tract on Custer are the only remaining undeveloped non-residential properties in this area. Well planned commercial developments on these properties that provide significant buffers to reinforce the existing boundary between residential and non-residential uses should help stabilize the few troubled residential properties in the area and prevent further encroachment of non-residential uses into the area. To that end, the applicant has proposed an extension of an existing commercial business onto the subject property that provides such buffers.

The applicant submitted the attached elevation drawing of the proposed addition to the self storage facility. The applicant proposes that the exterior of two new storage buildings be of a stucco-like material in a beige color that matches the existing storage buildings. The roof of the proposed storage buildings would be flat with a slight slope for drainage and would be constructed of brown colored metal, which also matches the existing storage buildings. The applicant proposes to use the walls of the storage buildings as the primary screening for the facility, with an eight-foot high wooden fence providing screening in the gaps between storage buildings.

The applicant submitted the attached site plan showing the proposed location of the two new storage buildings in relation to the existing storage facility. The proposed site plan does not conform to three of the Supplementary Use Regulations of the Unified Zoning Code for Self-Storage Service Warehouses. First, the applicant is proposing a 15-foot building setback from St. Paul, rather than the code-required 20-foot building setback. The applicant's justification for this proposal is that the applicant is dedicating an additional five feet of right-of-way for St. Paul as a condition of a Lot Split; therefore, the buildings will be set back 20 feet from the existing property line. Second, the applicant is proposing not to add any parking spaces for the two new storage buildings, rather than the code-required one additional parking space. The applicant's justification for this proposal is that the code provides for reductions of the parking requirement

when existing businesses are expanded or remodeled. Third, the applicant is proposing a 51% building coverage, rather than the code-required 45% building coverage. The applicant's justification for this proposal is that the 45% building coverage is a new code requirement put in place since the existing facility was developed, and the existing facility was developed at a 57% building coverage. The City Council may grant the applicant's requested modifications to the Supplementary Use Regulations since a favorable recommendation has been received from the MAPC.

The Compatibility Setback Standards of the Unified Zoning Code are more strict than the Supplementary Use Regulations for Self-Storage Warehouses and require any non-residential use on the subject property to have a 25-foot setback from the south property line. The applicant proposes a 15-foot setback along the south property line in order to maintain the building setback line of the existing storage facility. The Compatibility Setback Standards can be reduced by a Zoning Adjustment approved by the Planning Director and Zoning Administrator, and planning staff finds that a reduction of the 25-foot compatibility setback is appropriate in this instance.

At the DAB VI hearing on June 3, 2002, there were no speakers, other than the applicant, either in favor of or in opposition to the request. DAB VI expressed concern with the existing storage facility regarding outdoor storage, the lack of screening, and low-lighting. The applicant indicated that the screening and lighting would be improved through the expansion of the facility. The Office of Central Inspection is investigating outdoor storage at the existing facility since it is not permitted. DAB VI voted (9-0) to approve the request subject to the conditions listed below.

At the MAPC hearing on June 6, 2002, one speaker asked questions regarding the location and design of the expanded facility but did not express opposition to the request. The MAPC voted (12-0) to approve the request subject to the following conditions:

1. The requirements of Section III.D.6.y. of the Unified Zoning Code (attached) shall be met except as noted in Conditions 2-4.
2. Section III.D.6.y.(3) shall be modified to permit a 15-foot building setback along St. Paul for self-service storage warehouse buildings on the subject property.
3. Section III.D.6.y.(7) shall be modified to require no off-street parking for self-service storage warehouse use of the subject property as long as eight parking spaces are provided on the adjoining property to the west in the location indicated on the approved site plan.
4. Section III.D.6.y.(18) shall be modified to permit a 51% building coverage for self-service storage warehouse buildings on the subject property.
5. The operation of the self-service storage warehouse facility shall in no way be deemed to include a transfer and storage business, where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business,

individual or corporation for the storage of any merchandise, stock, furnishings, or vehicles of a business of any kind.

6. A copy of the Conditional Use Resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Office of Central Inspection to assure compliance that no commercial storage is occurring in violation of the Conditional Use.
7. All public ingress/egress to the subject property shall be from 13th Street North via the adjoining self-storage property to the west. Access to the St. Paul shall be limited to emergency vehicle access and only if required by the Fire Department. If the Fire Department requires emergency vehicle access to St. Paul, the access drive shall be paved with "Grassy Pavers" or a similar material that will allow emergency vehicle access across the buffer area landscaped with grass.
8. The landscaped yards required by Section III-D.6.y.(4) shall contain plant material at a rate of 1 ½ times the requirements of the Landscape Ordinance and shall be installed and maintained in conformance with a landscape plan approved by the Planning Director.
9. The site shall be developed in general conformance with the approved site plan and elevation drawing. All improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
10. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

After the MAPC hearing, three protest petitions were received. None of the protest petitions are valid because they are not within a 200-foot radius of the property. Also, one of the protest petitions was received after the protest petition period had expired. An attached map shows the location of the protesting properties in relation to the subject property.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and Conditional Use, subject to the recommended conditions; place the ordinance establishing the zone change on first reading; adopt the resolution authorizing the Conditional Use; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

(150004) Published in The Wichita Eagle on JUL 13 2002

ORDINANCE NO. 45-352

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. ZON2002-00009

Zone change from "B" Multi-Family Residential to "LC" Limited Commercial, described as:

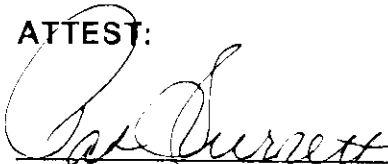
The south 20 feet of Lot 1, Sroade Gardens, Sedgwick County, Kansas. Generally located south of 13th Street North and west of St. Paul.

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 AT WICHITA, KANSAS, JUL -9 2002

ATTEST:



Pat Burnett, City Clerk

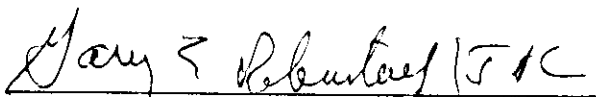


Bob Knight, Mayor

(SEAL)

Approved as to form:




Gary E. Rebenstorf, City Attorney



AGENDA ITEM NO. 6A/
6B

STAFF REPORT

DAB VI June 3, 2002

MAPC June 6, 2002

CASE NUMBER: ZON2002-00009 associated with CON2002-00006

APPLICANT/AGENT: Roger's Enterprises, Inc. c/o Keith Anderson (Owner/Applicant); Baughman Company, PA c/o Russ Ewy (Agent)

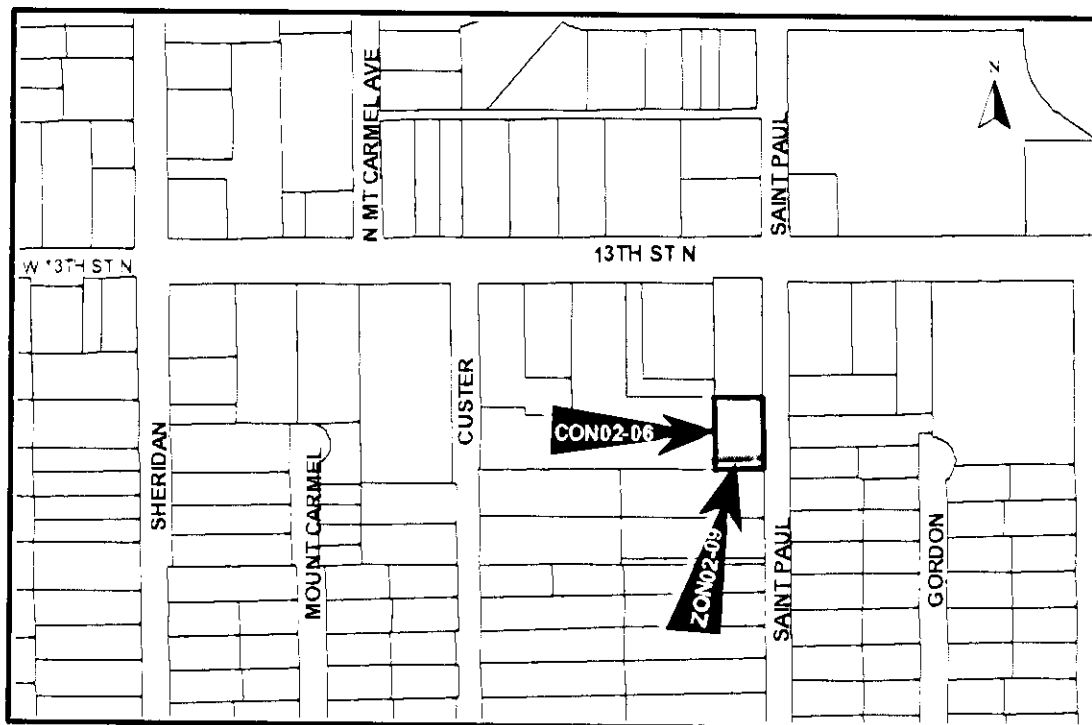
REQUEST: Rezoning to "LC" Limited Commercial and a Conditional Use for Self-Service Storage Warehouse

CURRENT ZONING: "LC" Limited Commercial and "B" Multi-Family Residential

SITE SIZE: 0.33 acres

LOCATION: South of 13th Street North and west of St. Paul

PROPOSED USE: Expansion of U-Stor Self Storage



BACKGROUND: The applicant owns U-Stor Self Storage located at 2935 W. 13th St. N. and proposes to expand the facility on adjoining property located immediately east of the existing facility. The subject property is zoned "LC" Limited Commercial except for the south 20 feet, which is zoned "B" Multi-Family Residential. The applicant is requesting to rezone the south 20 feet of the subject property to "LC" Limited Commercial. Additionally, Self-Service Storage Warehouse requires a Conditional Use in the "LC" Limited Commercial zoning district; therefore, the applicant is requesting a Conditional Use on the entire subject property.

The character of the surrounding area is that of mixed-uses with commercial, office, and multi-family uses along the 13th Street corridor and single-family residential uses along St. Paul. The properties to the north and west of the subject property are zoned "LC" Limited Commercial and are developed with a self-storage facility, a mortuary, and a doctor's office. The properties to the south and east of the subject property are zoned "SF-5" Single-Family Residential and are developed with single-family residences, most of which are well maintained but a few of which are showing signs of long-term neglect.

The area along 13th Street between St. Paul and Custer transitioned from single-family residential use to office and commercial uses over a 20 year period from the mid-1960s to the mid-1980s. In the last 20 years, the current boundary between residential and non-residential uses has remained in place, and the subject property and a small commercially-zoned tract on Custer are the only remaining undeveloped non-residential properties in this area. Well planned commercial developments on these properties that provide significant buffers to reinforce the existing boundary between residential and non-residential uses should help stabilize the few troubled residential properties in the area and prevent further encroachment of non-residential uses into the area. To that end, the applicant has proposed an extension of an existing commercial business onto the subject property that provides such buffers.

The applicant submitted the attached elevation drawing of the proposed addition to the self storage facility. The applicant proposes that the exterior of two new storage buildings be of a stucco-like material in a beige color that matches the existing storage buildings. The roof of the proposed storage buildings would be flat with a slight slope for drainage and would be constructed of brown colored metal, which also matches the existing storage buildings. The applicant proposes to use the walls of the storage buildings as the primary screening for the facility, with an eight-foot high wooden fence providing screening in the gaps between storage buildings.

The applicant submitted the attached site plan showing the proposed location of the two new storage buildings in relation to the existing storage facility. The proposed site plan does not conform to three of the Supplementary Use Regulations of the Unified Zoning Code for Self-Storage Service Warehouses. First, the applicant is proposing a

15-foot building setback from St. Paul, rather than the code-required 20-foot building setback. The applicant's justification for this proposal is that the applicant is dedicating an additional five feet of right-of-way for St. Paul as a condition of a Lot Split; therefore, the buildings will be set back 20 feet from the existing property line. Second, the applicant is proposing not to add any parking spaces for the two new storage buildings, rather than the code-required one additional parking space. The applicant's justification for this proposal is that the code provides for reductions of the parking requirement when existing businesses are expanded or remodeled. Third, the applicant is proposing a 51% building coverage, rather than the code-required 45% building coverage. The applicant's justification for this proposal is that the 45% building coverage is a new code requirement put in place since the existing facility was developed, and the existing facility was developed at a 57% building coverage. The City Council may grant the applicant's requested modifications to the Supplementary Use Regulations upon receiving a favorable recommendation from the MAPC.

The Compatibility Setback Standards of the Unified Zoning Code are more strict than the Supplementary Use Regulations for Self-Storage Warehouses and require any non-residential use on the subject property to have a 25-foot setback from the south property line. The applicant proposes a 15-foot setback along the south property line in order to maintain the building setback line of the existing storage facility. The Compatibility Setback Standards can be reduced by a Zoning Adjustment approved by the Planning Director and Zoning Administrator, and planning staff finds that a reduction of the 25-foot compatibility setback is appropriate in this instance.

CASE HISTORY: The subject property is platted as a part of Lot 1, Sroade Gardens Addition, which was a single-family residential subdivision when it was recorded on June 12, 1931. According to aerial photographs, a single-family residence fronting 13th Street was constructed on this lot by 1938. The subject property was rezoned (Z-0449) on June 1, 1963 to "LC" Limited Commercial with a 20-foot buffer strip of "B" Multi-Family Residential zoning along the south property line. According to aerial photographs, by 1968 the single-family residence had been razed and the existing doctor's office constructed on the lot. The subject property has remained a vacant rear yard to the doctor's office since that time and has recently been purchased for the proposed expansion of the self-storage facility to the west.

The existing self-storage facility property was rezoned (Z-1450 and Z-1498) to "LC" Limited Commercial on August 9, 1974. A Use Exception (BZA 45-83) for a Residential Storage Warehouse that permits the existing self-storage facility was granted September 27, 1983. The Use Exception prohibits use of the facility for the storage of merchandise, stock, furnishings, or vehicles for commercial businesses and requires that the facility be used only for the storage of excess personal property of individuals or families. These were standard provisions of the zoning code at the time the Use Exception was granted, but are not currently provisions of the zoning code.

To treat the expansion area consistently with the existing storage facility, planning staff recommends that the Conditional Use also contain these use restrictions.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Doctor's office
SOUTH:	"SF-5"	Single-family residence
EAST:	"SF-5"	Single-family residences
WEST:	"LC"	Self-service storage warehouse

PUBLIC SERVICES: Access to the subject property will be through the existing self-storage facility to 13th Street North, which is a four-lane arterial street in this location. The current traffic volume on 13th Street North is approximately 18,000 vehicles per day, and the 2030 Transportation Plan estimates that the traffic volume on 13th Street North will increase to approximately 21,000 vehicles per day. Traffic generated by the property if used for self-storage will be significantly less than potentially could be generated by other uses permitted in the "LC" Limited Commercial zoning district, and these uses would require access to St. Paul where single-family residences are located across the street. The subject property can be served by municipal water and sewer service.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area 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.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the requests be APPROVED, subject to the following conditions:

1. The requirements of Section III.D.6.y. of the Unified Zoning Code (attached) shall be met except as noted in Conditions 2-4.
2. Section III.D.6.y.(3) shall be modified to permit a 15-foot building setback along St. Paul for self-service storage warehouse buildings on the subject property.
3. Section III.D.6.y.(7) shall be modified to require no off-street parking for self-service storage warehouse use of the subject property as long as eight parking spaces are provided on the adjoining property to the west in the location indicated on the approved site plan.

4. Section III.D.6.y.(18) shall be modified to permit a 51% building coverage for self-service storage warehouse buildings on the subject property.
5. The operation of the self-service storage warehouse facility shall in no way be deemed to include a transfer and storage business, where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business, individual or corporation for the storage of any merchandise, stock, furnishings, or vehicles of a business of any kind.
6. A copy of the Conditional Use Resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Office of Central Inspection to assure compliance that no commercial storage is occurring in violation of the Conditional Use.
7. All public ingress/egress to the subject property shall be from 13th Street North via the adjoining self-storage property to the west. Access to the St. Paul shall be limited to emergency vehicle access and only if required by the Fire Department. If the Fire Department requires emergency vehicle access to St. Paul, the access drive shall be paved with "Grassy Pavers" or a similar material that will allow emergency vehicle access across the buffer area landscaped with grass.
8. The landscaped yards required by Section III-D.6.y.(4) shall contain plant material at a rate of 1 ½ times the requirements of the Landscape Ordinance and shall be installed and maintained in conformance with a landscape plan approved by the Planning Director.
9. The site shall be developed in general conformance with the approved site plan and elevation drawing. All improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
10. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is that of mixed-uses with commercial, office, and multi-family uses along the 13th Street corridor and single-family residential uses along St. Paul. The properties to the north and west of the subject property are zoned "LC" Limited Commercial, and the properties to the south and east of the subject property are zoned "SF-5" Single-Family Residential. The area along 13th

Street between St. Paul and Custer transitioned from single-family residential use to office and commercial uses over a 20 year period from the mid-1960s to the mid-1980s. In the last 20 years, the current boundary between residential and non-residential uses has remained in place. Well planned commercial development on the subject property that provides significant buffers to reinforce the existing boundary between residential and non-residential uses should help stabilize the few troubled residential properties in the area and prevent further encroachment of non-residential uses into the area.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is apparently suitable for the uses permitted in the "LC" Limited Commercial zoning district. However, the subject property does not directly front the arterial street, so the property is less suitable for the retail uses that typically occupy property zoned "LC" Limited Commercial. Such uses also would be more intrusive to the single-family residential uses across St. Paul to the east than the proposed self-storage use that provides significant buffers to reinforce the boundary between residential and non-residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The recommended conditions of approval should limit noise, lighting, and other activity from adversely impacting surrounding residential areas.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area 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 proposed use of the subject property adheres to these Commercial Locational Guidelines. The Planning Commission also has an informal policy of supporting zoning changes that foster business expansion at current locations rather than requiring relocation.
6. Impact of the proposed development on community facilities: Community facilities should not be adversely impacted.