

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS :** SCZ-0765 - Zone Change from "RR" Rural Residential to "OW" Office Warehouse on 5 acres of property located approximately ½ mile south of 55th Street South and east of K-15 Highway.

**PRESENTED BY:** Marvin S. Krout, Director of Planning



**PROPOSED AGENDA DATE:** August 12, 1998

**COMMISSION DISTRICT #5**

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MAPC Recommendation: Approve, subject to platting within 1 year, and the additional provisions of a Protective Overlay (P-O). (10-0).

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

Background/Discussion: The applicant requests "OW", Office Warehouse zoning on five unplatted acres currently zoned "RR", Rural Residential. The property is located east of K-15 Highway and is approximately one-half mile south of 55th Street South. It is the applicant's intention to establish self-service storage warehouses and open storage for rent on the property. The applicant's property is U-shaped and has frontage on both Oliver and the K-15 Highway frontage road. The open end of the U-shape is located on the Oliver Street side. There are two site-built homes located on the Oliver Street side of the application area, while the western side is vacant, except for an older mobile home (on wheels, not on a foundation or tied down) that is currently being offered for sale. The "RR" district does not permit mobile homes or mobile home sales as a use by right. The "OW" district does not permit residential uses. If this request is approved for the entire site, the site-built homes will become "nonconforming" uses.

The Office Warehouse district is intended to accommodate office and warehousing activities for the building trades and similar businesses not requiring a highly visible location. Self-service storage warehouse is one of the permitted uses in this district. Outdoor storage in the OW district is permitted only if storage does not occur on public property unless a permit has been obtained from an appropriate governing body, no required off-street parking space or loading area shall be utilized for storage, outdoor storage shall not exceed 100% of the floor area of all buildings on the zoning lot and items stored outdoors shall not be visible from any adjacent non-elevated street nor from ground level view in any adjacent residentially zoned district.

The site is located within Airport Overlay District III South (A-O III-S). The purpose of the airport overlay district is to restrict uses on property located in the flight path of McConnell Air Force Base to those uses thought to be compatible with the air operations conducted by the Air Force. Land uses that concentrate large numbers of persons underneath airport runway takeoff and approach paths where accidents or higher noise levels are most likely to occur are discouraged. In the event of a conflict between the A-O standards and other regulations applicable to the same property, the more restrictive regulations shall apply. The A-O III district is the least restrictive of the three overlay districts. Outside storage yards and warehouse areas are permitted uses in the A-O III-S district.

There are a number of residences, primarily north of the application area, fronting Oliver, 55th Street and the K-15 frontage road. They are all located on "RR", Rural Residential zoned land. The applicant's property surrounds one home on the Oliver Street side. This tract is 230 feet (east to west) by 210 feet (north to south). The land east of Oliver is used for agricultural purposes, and is zoned "RR", Rural Residential. The parcel south of the application area is zoned "LC", Limited Commercial. The west half is developed with a self-storage facility. The east half of the "LC" parcel is developed with a single-family home. Other non-residential uses are located south of the existing self-storage warehouse.

The Unified Zoning code requires screening (constructed of standard building materials e.g. brick, stone, concrete, stucco, or wood) shall be provided on all properties developed for commercial and industrial uses when such uses are located on property adjacent to or across the street from residential zoning districts. Screening of mechanical equipment and outdoor work and storage areas sufficient to reasonably hide them from ground view is required. This screening requirement applies to all loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment and outdoor storage, outdoor work areas or similar uses located within 150 feet of any residential zoning district or public street right-of-way. Outdoor lighting is required to employ cut-off fixtures and is required to be located so as to minimize glare on neighboring properties. Self-service storage warehouse uses require 1 off-street parking space per 8,000 square feet of floor area, plus 1 space per employee, with a minimum of 5 spaces.

At the Derby Planning Commission meeting three persons spoke in opposition to this request and one person spoke in support of this request. The people who spoke in opposition to this request expressed the following concerns: drainage problems, existing code violations on the subject property such as inoperable vehicles and other salvage material, and these individuals felt that this area was primarily residential and should stay that way. The owner of the self service storage units to the west across K-15 spoke in support of this request, indicating that he felt that nonresidential uses were appropriate at this location and the entire area would transition to similar nonresidential uses. The Derby Planning Commission voted unanimously to approve this request, except for the east 230 feet along Oliver, subject to restrictions in a

protective overlay. These restrictions included limiting the use on this property to indoor self-storage, providing screening and landscape buffers on 3 sides, and sign controls.

At the July 16, 1998, MAPC hearing two individuals spoke in opposition to this request stating the same objections which were stated at the Derby Planning Commission. After discussion the MAPC approved this request subject to the conditions which were approved by the Derby Planning Commission.

- Recommended Action:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the additional provisions of a Protective Overlay (P-O) district and subject to platting within 1-year; adopt the resolution and authorize the chairman to sign; and instruct the Planning Department to withhold publication until all conditions have been complied with; or
  2. Return to the Planning Commission for reconsideration.

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

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Applicants:

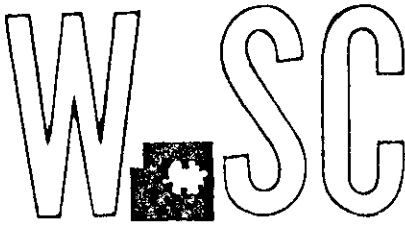
Lloyd E. Medlam Box 556 Derby KS 67037

Protestors:

Floris Trammel 5913 S Oliver Derby KS 67037

Dora Trammel 651 E 140 North Peck KS 67120

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1588  
(316) 268-4421  
FAX (316) 268-4390

Lloyd Medlam  
Box 556  
Derby, KS 67037

August 9, 1999

**RE: SCZ-0765 - Zone change from "RR" Rural Residential to "OW" Office Warehouse generally located 1/2 mile south of 55<sup>th</sup> Street South and east of K-15 Highway.**

Dear Mr. Medlam:

On August 19, 1998, the Board of County Commissioners considered the above-referenced request. The action of the Commission was to APPROVE the request, subject to platting within one year or the case will be considered denied and closed.

We understand the plat has not been submitted within the one year time frame. If we are in error, you should contact our office within 30 days to clear this matter up. If you fail to contact our office within 30 days, the case will be marked closed, and you will be required to submit a new application in order to rezone this property.

You can reach me at (316) 268-4421.

Sincerely,

Keith Gooch  
Senior Planner

cc: Glen Wiltse, Sedgwick County Code Enforcement

