



Wichita-Sedgwick County Metropolitan Area Planning Department

May 14, 2018

Thomas K. Yun
12511 Fallcreek Lane
Cerritos, CA 90703

RE: CON2018-00016 - City request to amend a previously approved Conditional Use Permit to permit a wooden fence on a self-storage facility at 4551 South Broadway

Dear Mr. Yun:

At its regular meeting on **April 19, 2018**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

A handwritten signature in red ink that reads 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: WCC IV, Jeff Blubaugh, Mail Stop 1-13
Rebecca Fields, CSR IV, Mail Stop 1-135
MABCD
Andrew Buchanan, Southern Star Gas Co., 9120 S. Meridian Street, Haysville, KS
67060
Speakers at Public Hearing

CONDITIONAL USE RESOLUTION NO. CON2018-00016

WHEREAS, Thomas K. and Grace H. Yun (Owners), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests an amendment to a previously approved Conditional Use to modify the replace a masonry wall requirement with a wooden fence on property zoned LC, Limited Commercial District, located on the west side of South Broadway Avenue and north of 47th Street South, at 4551 South Broadway Avenue, and legally described as:

Lot 1, Cypress Addition to the City of Wichita, Sedgwick County, Kansas.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of April 19, 2018, consider said application; and

WHEREAS, the MAPC has authority to amend a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application to amend a previously approved Conditional Use to modify the replace a masonry wall requirement with a wooden fence on property zoned LC, Limited Commercial District, located on the west side of South Broadway Avenue and north of 47th Street South, at 4551 South Broadway Avenue, and legally described as:

Lot 1, Cypress Addition to the City of Wichita, Sedgwick County, Kansas.

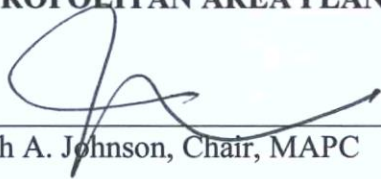
Subject to the following conditions:

1. The requirements of Section III.D.6.y. of the Unified Zoning Code shall be met.
2. The applicant shall maintain the exteriors of a stucco simulating material, and shall be earth-tone in color.
3. The six (6) foot minimum chain link security fence placed along the property line where abutting residential zoning on the west and north side shall be repaired and continuously maintained.
4. Screen walls shall be a six-foot wooden privacy fence along the west line as shown on the approved site plan and shall be maintained in solid condition at all times. The owner shall obtain and comply with the required "encroachment agreement" with Southern Star Gas Company concerning the installation and maintenance of the fencing.
5. The applicant shall submit a new landscape plan to be approved by the Planning Director and shall maintain the landscaping along the western border of the property at all times in compliance with the landscape plan approved by the Planning Director and on record.
6. The applicant shall obtain a flood plain development permit from the City of Wichita for all activity on the property, including the installation of the required screening fencing.
7. The site shall be developed in general conformance with the approved site plan and elevation drawing, and maintained in conformance with the approved site plan.
8. If the screening fence has not been installed within six months of approval, the Conditional Use shall be null and void.

9. 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.

Adopted this 19 Day of April, 2018

METROPOLITAN AREA PLANNING COMMISSION



Joseph A. Johnson, Chair, MAPC

ATTEST:



Dale Miller, Secretary

STAFF REPORT

MAPC April 19, 2018

DAB IV May 7, 2018 (Only if Protested)

CASE NUMBER: CON2018-00016

OWNER/AGENT: Thomas K. and Grace H. Yun (Owners)

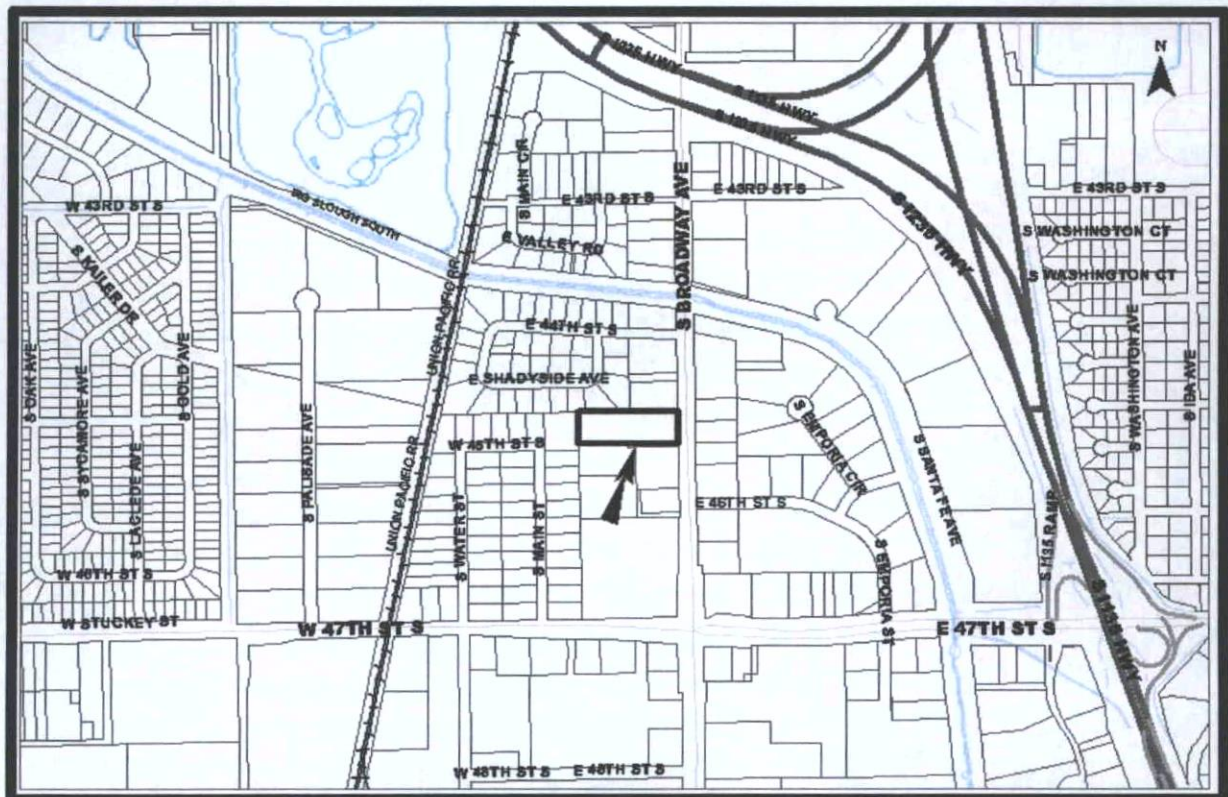
REQUEST: City Conditional Use to amend previous Conditional Use Permit requesting change from masonry wall to wood fencing

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 2.6 acres

LOCATION: Generally located West of Broadway Avenue and approximately ¼ mile north of 47th Street South (4551 South Broadway)

PROPOSED USE: Existing Self-Storage Facility



BACKGROUND: The applicant is requesting an amendment to provision of the Conditional Use Permit granted in 2002 (CON2002-00036) which required the "screenwall shall be of a concrete or masonry material and shall be consistent in color with the storage building." The site plan approved for the development of the self-storage facility shows the southwestern portion of the lot within a 100-foot easement granted to "Cities Service Gas Company". There is a major, high-pressure gas line within that easement, which is now a part of the Southern Star Gas company facilities. That easement precludes construction of any buildings, which is why no storage buildings exist in that area. The lot is 200 feet in width and the easement for the gas line covers the southern 87.1 feet of the lot.

The approval of the Conditional Use Permit in 2002 permitted the construction of the self-storage facility, subject to the following nine conditions:

1. The requirements of Section III.D.6.y. of the Unified Zoning Code (attached) shall be met.
2. The applicant shall submit storage building elevations to be approved by the Planning Director.
3. The storage buildings shall have exteriors of a stucco simulating material, and shall be earth-tone in color.
4. Screen walls shall be of a concrete or masonry material, and shall be consistent in color with the storage buildings.
5. The applicant shall submit a landscape plan to be approved by the Planning Director.
6. The applicant shall submit a site drainage plan, prepared by an engineer, to be approved by the Director of Public Works.
7. The site shall be developed in general conformance with the approved site plan and elevation drawing.
8. If operations have not begun within one year of approval, the Conditional Use shall be null and void.
9. 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.

The property has been developed with the self-storage facility; however, the masonry screening wall along the western property line noted above appears to have never been constructed. A wooden fence exists along this portion of the property, but it is in disrepair. A complaint from the property owner to the west about the failure to comply with the screening wall requirement resulted in this application.

As reported in the 2002 case, and as noted as a condition of the original approval, the provisions of Section III.D.6.y. of the Unified Zoning Code, which establishes supplementary standards for self-storage warehouse facilities in the LC Limited Commercial zoning district. There are 19 separate requirements for the establishment of a self-storage facility in the LC Limited Commercial district. These conditions are still applicable and need to be followed, especially concerning the issue of screening along the west property line.

The screening requirement in question deals with the adjacency to the SF-5 Single Family Residential (SF-5)

property immediately to the west. The particular provision in this instance reads:

“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.”

The above condition was modified in 2002 to mandate a concrete or masonry screening wall on the portion of the western property adjacent to the SF-5 property. This has not been done. The approved site plan from the 2002 Conditional Use does establish a 25-foot “landscaped buffer” along the west side of the property, but the installed fencing does not comply and the overall maintenance of the western portion of the property is lacking.

Communication with representatives from Southern Star Gas Company indicate a desire to not require a masonry wall across the gas easement. As noted, this easement contains a major gas pipeline and the company does regular inspections to assure the pipeline is in good condition and not impacted by any new development.

The representatives state there have been “issues” on this property in the past with construction and other work that does not contact the company before beginning construction. The company is requesting the owners obtain an “encroachment agreement” with Southern Star Gas Company before any new construction in order to assure proper communication is established before any new fencing or other construction.

Also, according to the current flood maps, portions of this property fall within a designated 100-year flood plain and current “flood plain development permits” will be required before any construction activity occurs in order to document compliance with all applicable flood plain regulations.

The area surrounding this property is mostly commercial, with existing commercial development both north and south along Broadway Avenue, and commercial development on the east side of Broadway Avenue. There is also an existing restaurant/bar on the same property immediately to the east of the self-storage facility. Single family residential zoning and development exists to the west. It is the existence of the single family development on the west the provisions regarding screening come into play.

CASE HISTORY: The property is zoned LC Limited Commercial. The property was platted as the Cypress Addition and recorded with the Register of Deeds on May 30, 1974. As noted above, a conditional use permit was granted in 2002 for the self-storage facility existing today.

ADJACENT ZONING AND LAND USE:

NORTH:	GC	commercial development
SOUTH:	GC	commercial development
EAST:	GC	commercial development
WEST:	SF-5	single family residences

PUBLIC SERVICES: Broadway Avenue is a major arterial roadway within Wichita. It is fully developed with turn lanes, curbs and gutters, and all appropriate traffic improvements. All municipal and other public utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “new employment” on the Future Growth Map Concept Map. This location is also within the South Wichita/Haysville Plan area. While the existing land use is consistent with the future land use designation for this area. No new development will result from this amendment.

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

1. The requirements of Section III.D.6.y. of the Unified Zoning Code (attached) shall completely be met.
2. The storage buildings shall maintain the exteriors of a stucco simulating material, and shall be remain earth-tone in color.
3. Screen fencing shall be a six-foot wooden privacy fence along the west line as shown on the approved site plan and shall be maintained in solid condition at all times. The owner shall obtain and comply with the required “encroachment agreement” with Southern Star Gas Company concerning the installation and maintenance of the fencing.
4. The applicant shall maintain the landscaping along the western border of the property at all times in compliance with the landscape plan approved by the Planning Director and on record.
5. The applicant shall obtain a flood plain development permit from the City of Wichita for all activity on the property, including the installation of the required screening fencing.
6. The site shall be maintained in general conformance with the approved site plan.
7. If screening fence has not been installed with six months of approval, the Conditional Use shall be null and void.
8. 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.

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

1. **The zoning, uses and character of the neighborhood:** The area surrounding this property is mostly commercial, with existing commercial development both north and south along Broadway Avenue, and commercial development on the east side of Broadway Avenue. There is also an existing restaurant/bar on the same property immediately to the east of the self-storage facility. Single family residential zoning and development exists to the west.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC Limited Commercial and is essentially fully developed.

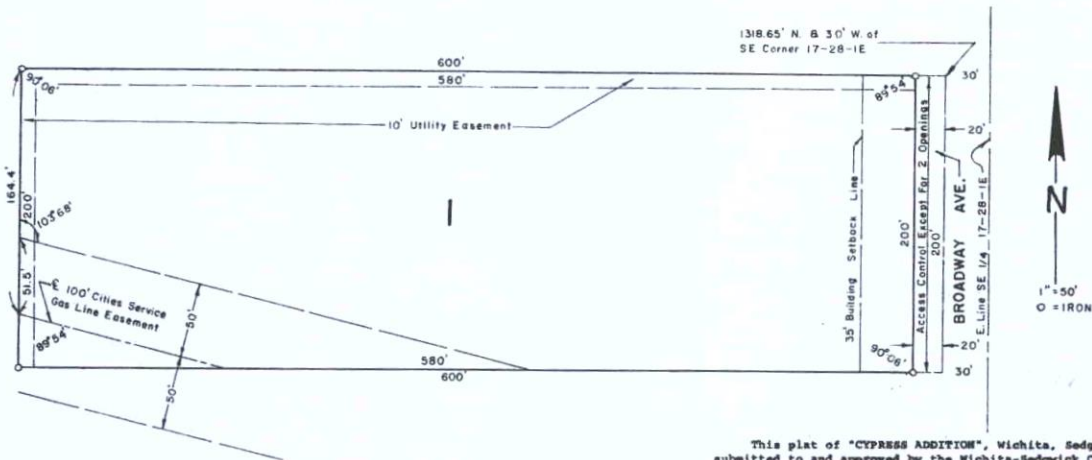
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested action permits a change to the screening materials. Given the existence of the gas pipeline and easement, this change is felt to be appropriate and should not harm other nearby properties.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “new employment” on the Future Growth Map Concept Map. This location is also within the South Wichita/Haysville Plan area. While the existing land use is consistent with the future land use designation for this area. No new development will result from this amendment.
5. **Impact of the proposed development on community facilities:** There will be no impact on community facilities from this amendment.

Staff Report Attachments:

Cypress Addition Plat
Original Site Plan

CYPRESS ADDITION

WICHITA, SEDGWICK COUNTY, KANSAS



This plat of "CYPRESS ADDITION", Wichita, Sedgwick County, Kansas, has been submitted to and approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita, Kansas.

Dated this 23rd day of JULY, 1973.

State of Kansas, County of Sedgwick, SS.

I, Kenneth O. Taylor, Civil Engineer in said State and County, do hereby certify that I have surveyed and platted "CYPRESS ADDITION", Wichita, Sedgwick County, Kansas, and that the accompanying plat is a true and correct exhibit of said survey described as follows: Beginning at a point 1318.65 feet north and 30 feet west of the SE corner of Section 17, T28S, R1E of the 6th P.M., Sedgwick County, Kansas; thence west parallel with the south line of the SE 1/4 of Section 17, T28S, R1E of the 6th P.M., Sedgwick County, Kansas, to a point on the east line of Shepler's Addition, Sedgwick County, Kansas; thence south on the said east line of Shepler's Addition to Sedgwick County, Kansas, a distance of 200 feet; thence east on a line parallel with the south line of the said SE 1/4 to a point 200 feet south of the place of beginning; thence north on a line parallel with the east line of said SE 1/4 a distance of 300 feet to the place of beginning.

Kenneth O. Taylor, Civil Engineer
Kenneth O. Taylor

Know all men by these presents, that I, Daniel C. Denhartog, a single person, have caused the land described in the Civil Engineer's certificate to be platted into a lot and an avenue to be known as "CYPRESS ADDITION", Wichita, Sedgwick County, Kansas. Utility easements as indicated on the plat are hereby granted for the construction and maintenance of all public utilities. The avenue is hereby dedicated to and for the use of the public. All abutter's rights of access to or from Broadway Avenue, over and across the east line of Lot 1, are hereby granted to the City of Wichita, provided, however, that Lot 1 shall have access to Broadway Avenue at two locations as may be established by the City Engineer of the City of Wichita, Kansas.

Daniel C. Denhartog
Daniel C. Denhartog

State of Kansas, County of Sedgwick, SS.

Be it remembered that on this 17 day of September, 1973, before me, a notary public in and for said County and State, came Daniel C. Denhartog, a single person, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Betty Cochran, Notary Public
My Commission expires: 12-10-73
BETTY COCHRAN

Wichita-Sedgwick County Metropolitan Area Planning Commission

By Marie L. Taylor, Chairman
Robert A. Lakin, Secretary
Marie L. Taylor
Robert A. Lakin

This plat approved and all dedications shown hereon accepted by the Board of City Commissioners of the City of Wichita, Kansas, this 18th day of November, 1973.

James M. Donnell, Mayor
Ralph C. Eberly, City Clerk
James M. Donnell
Ralph C. Eberly

This plat approved and all dedications shown hereon accepted by the Board of County Commissioners of Sedgwick County, Kansas this 30th day of May, 1974.

Earl E. Rush, Chairman
Charles E. Peters, Commissioner
Tom Scott, Commissioner
Earl E. Rush
Charles E. Peters
Tom Scott

ATTEST:
Marie Warden, County Clerk
Marie Warden

Entered on transfer record this 30 day of May, 1974.
94690
Marie Warden, County Clerk
Marie Warden

State of Kansas, County of Sedgwick, SS.

This is to certify that this instrument was filed for record in the Register of Deeds Office, at 2:01 o'clock P.M., on the 30th day of May, 1974.

John Hale, Register of Deeds
Pearl B. Gilbert, Deputy
John Hale
Pearl B. Gilbert



This digital plat record accurately reproduces in all details the original plat filed with the Sedgwick County Register of Deeds. Digitized under the supervision of Register of Deeds Bill Meek by Sedgwick County Geographic Information Systems.

Bill Meek, Register of Deeds
Digitized rendition of original signature

G-1 2-19

G-1 2-19

CON 2002-26

APPROVED 3-13-03 BY SK
Site plan approved for building layout only. Parking layout not approved because the south row of parking is located on residentially-zoned property in violation of the zoning regulations and the width of the drive aisle on the east row of parking does not meet the city's typical standards for off-street parking.

PROP. ZONED R



SANDY ROBERTS ARCHITECT
667 OAK FOREST LANE, DERBY, KS. (316)798-8699

METAL STORAGE UNITS
4551 S. BROADWAY

PROJ. NO: 02-C
DATE: 1/29/0
REVISED:

SHEET
1
OF