



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

February 8, 2022

Ryno and Walls Properties, Inc  
3804 W Maple  
Wichita, KS 67213

**RE: ZON2021-00053:** City zone change from SF-5 Single Family Residential and LC Limited Commercial to GC General Commercial to allow outdoor vehicle storage associated with a vehicle repair business; generally located one block east of South West Street on the north side of West Maple (3804 W. Maple)

Dear Applicant;

At its regular meeting on **February 8, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request subject to the enclosed Protective Overlay.

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

Sincerely,

Philip Zevenbergen, AICP  
Senior Planner

Copies to: MABCD  
Jeff Blubaugh, City Council District IV  
Rebecca Fields, CSR District IV  
Ryno Properties 1, Inc., 525 E 1<sup>st</sup> Street North, Wichita, KS 67202  
MKEC Engineering, Joey Deneke, 411 N Webb Rd., Wichita, KS 67206

## **City Council Approved Protective Overlay**

### **1. Land Uses:**

- a. All uses permitted within the LC Limited Commercial Zoning District in addition to Vehicle Storage Yard as permitted in GC General Commercial.
- b. The uses permitted are only those uses permitted by-right and not by conditional use unless specifically identified.
- c. Vehicle Storage Yard, as defined by the Wichita-Sedgwick County Unified Zoning Code, shall be permitted only as incidental and subordinate to the principal use of Vehicle Repair, Limited.
  - i. Vehicle Storage Yard shall be permitted as accessory to a Vehicle Repair, Limited use. Commercial parking accessory to the permitted uses on the parcel is also permitted.
  - ii. The term Vehicle Storage Yard does not include Wrecking/Salvage Yard.
  - iii. The Vehicle Storage Yard shall be used for the storage of licensed operable Motor Vehicles only, and in no case shall it be used for sales, or dismantling, of any vehicles or equipment, or for storage of materials or supplies. Non-mechanical servicing such as replacing windshield washer fluid, light bulbs and interior cleaning shall be allowed. Vehicle repair and/or mechanical servicing of any vehicles or equipment shall be done inside of an enclosed building.
  - iv. Storage of boats, trailers, or unoccupied recreations vehicles is prohibited.
  - v. An 8-foot screening fence shall be provided where a Vehicle Storage Yard is abutting and adjacent to residential zoning, including gates.
  - vi. The minimum setback for a Vehicle Storage yard where abutting and adjoining residential zoning districts shall be 20 feet. The Setback requirement can be modified or waived if the applicant demonstrates there is sufficient Screening to substitute for the Setback protections.
  - vii. The storage area for Vehicle Storage Yard shall be paved with concrete, asphalt or asphaltic concrete or any comparable surfacing material and shall be maintained in good condition and free of weeds, trash and other debris.

### **2. Lighting:**

- a. Unless otherwise noted, Lighting shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Sec. IV-B.4.
- b. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
- c. New light poles shall not exceed 15 feet in height when within 200 feet of adjoining residential land-uses. Notwithstanding any other provisions in the Unified Zoning Code.

### **3. Screening and Landscaping:**

- a. Unless otherwise noted, Screening shall in accordance with the Wichita-Sedgwick County Unified Zoning Code, Sec. IV-B.1-3.
- b. All loading docks, docking areas, outdoor storage, and trash receptacles shall be screened to reasonably hide them from ground view with fencing and/or landscaping as approved by the Planning Department.
- c. A landscape buffer is required where abutting or adjacent to residential zoning per the Wichita Landscape Ordinance. The landscape buffer associated area for the Vehicle Storage Yard shall be 1.5 times the standard set forth in the Landscaped Ordinance and shall be comprised of mixture of evergreen and shade trees.

4. Setbacks: Unless otherwise noted, Setbacks shall in accordance with the Wichita-Sedgwick County Unified Zoning Code.
5. Noise: Shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code Sec. IV-C.6 and Title 7.41 of the Wichita City Code.
6. Parking: Shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Sec. IV-A, unless otherwise specified.
7. Access: Access for the Vehicle Storage Yard shall be restricted to existing drives on the south 150 feet of the site.
8. Signs
  - a. Signs are restricted to those permitted in LC Limited Commercial.
  - b. Off-site/billboard and portable signs are prohibited.
9. Title: The transfer of the title on all or any portion of the land included in the Protective Overlay does not constitute a termination of the overlay or any portion thereof; but said overlay shall run with the land and be binding upon the present owners, their successors and assigns. However, the Director of the Planning Department, with the concurrence of the Zoning Administrator, may approve minor adjustments to the conditions in this overlay, consistent with the approval, without filing a formal ordinance amendment.

Any major changes to this Protective Overlay shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations to the P.O. shall be done in accordance with the Unified Zoning Code.

ORDINANCE NO. 51-710

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. ZON2021-00053**

City zone change from LC Limited Commercial and SF-5 Single-Family Residential to GC General Commercial, subject to Protective Overlay #387, on a zoning lot described as:

Lot 3, and the North 20 feet of Lots 1 and 2, Block 1, Westborough Addition, Sedgwick County, Kansas; AND

The South 132 feet of Lots 1 and 2, Block 1, Westborough Addition, Sedgwick County, Kansas; AND

Lot 28, and the North 20 feet of Lots 29 and 30, in Block 1, Westborough Addition, Sedgwick County, Kansas; AND

The South 132 feet of Lots 29 and 30, Block 1, Westborough Addition, Sedgwick County, Kansas.

**Protective Overlay #387**

**1. Land Uses:**

- a. All uses permitted within the LC Limited Commercial Zoning District in addition to Vehicle Storage Yard as permitted in GC General Commercial.
- b. The uses permitted are only those uses permitted by-right and not by conditional use unless specifically identified.
- c. Vehicle Storage Yard, as defined by the Wichita-Sedgwick County Unified Zoning Code, shall be permitted only as incidental and subordinate to the principal use of Vehicle Repair, Limited.
  - i. Vehicle Storage Yard shall be permitted as accessory to a Vehicle Repair, Limited use. Commercial parking accessory to the permitted uses on the parcel is also permitted.
  - ii. The term Vehicle Storage Yard does not include Wrecking/Salvage Yard.
  - iii. The Vehicle Storage Yard shall be used for the storage of licensed operable Motor Vehicles only, and in no case shall it be used for sales, or dismantling, of any vehicles or equipment, or for storage of materials or supplies. Non-mechanical servicing such as replacing windshield washer fluid, light bulbs and interior cleaning shall be allowed. Vehicle repair and/or mechanical servicing of any vehicles or equipment shall be done inside of an enclosed building.
  - iv. Storage of boats, trailers, or unoccupied recreational vehicles is prohibited.
  - v. An 8-foot screening fence shall be provided where a Vehicle Storage Yard is abutting and adjacent to residential zoning, including gates.

- vi. The minimum setback for a Vehicle Storage Yard where abutting and adjoining residential zoning districts shall be 20 feet. The setback requirement can be modified or waived if the applicant demonstrates there is sufficient screening to substitute for the setback protections.
- vii. The storage area for Vehicle Storage Yard shall be paved with concrete, asphalt or asphaltic concrete or any comparable surfacing material and shall be maintained in good condition and free of weeds, trash and other debris.

2. Lighting:

- a. Unless otherwise noted, lighting shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Sec. IV-B.4.
- b. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
- c. New light poles shall not exceed 15 feet in height when within 200 feet of adjoining residential land-uses, notwithstanding any other provisions in the Unified Zoning Code.

3. Screening and Landscaping:

- a. Unless otherwise noted, screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Sec. IV-B.1-3.
- b. All loading docks, docking areas, outdoor storage, and trash receptacles shall be screened to reasonably hide them from ground view with fencing and/or landscaping as approved by the Planning Department.
- c. A landscape buffer is required where abutting or adjacent to residential zoning per the Wichita Landscape Ordinance. The landscape buffer associated area for the Vehicle Storage Yard shall be 1.5 times the standard set forth in the Landscaped Ordinance and shall be comprised of a mixture of evergreen and shade trees.

4. Setbacks: Unless otherwise noted, setbacks shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code.

5. Noise: Shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code Sec. IV-C.6 and Title 7.41 of the Wichita City Code.

6. Parking: Shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Sec. IV-A, unless otherwise specified.

7. Access: Access for the Vehicle Storage Yard shall be restricted to existing drives on the south 150 feet of the site.

8. Signs:

- a. Signs are restricted to those permitted in LC Limited Commercial.
- b. Off-site/billboard and portable signs are prohibited.

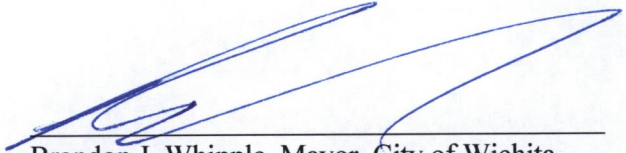
9. Title: The transfer of the title on all or any portion of the land included in the Protective Overlay does not constitute a termination of the overlay or any portion thereof; but said overlay shall run with the land and be binding upon the present owners, their successors and assigns. However, the Director of the Planning Department, with the concurrence of the Zoning Administrator, may approve minor adjustments to the conditions in this overlay, consistent with the approval, without filing a formal ordinance amendment.

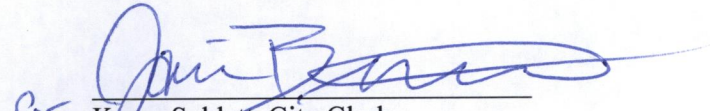
10. Any major changes to this Protective Overlay shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations to the Protective Overlay shall be done in accordance with the Unified Zoning Code.

**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.

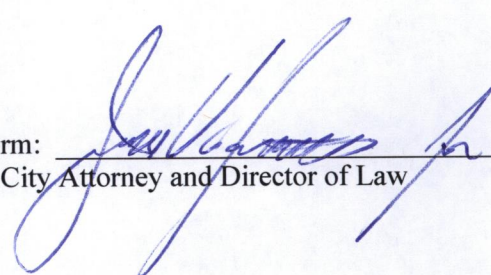
ATTEST:

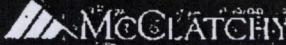
  
Brandon J. Whipple, Mayor, City of Wichita

  
Ser Karen Sublett, City Clerk

(SEAL)



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



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  
Merced Sun-Star  
Miami Herald

El Nuevo Herald - Miami  
Modesto Bee  
Raleigh News & Observer  
The Olympian  
Sacramento Bee  
Fort Worth Star-Telegram  
The State - Columbia  
Sun Herald - Biloxi

Sun News - Myrtle Beach  
The News Tribune - Tacoma  
The Telegraph - Macon  
San Luis Obispo Tribune  
Tri-City Herald  
Wichita Eagle

## AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification              | Order PO | Amount   | Cols | Depth |
|-----------|--------------|-----------------------------|----------|----------|------|-------|
| 32522     | 219272       | Print Legal Ad - IPL0060848 |          | \$223.96 | 3    | 89 L  |

Attention: Jamie Buster  
CITY OF WICHITA/CLERKS OFFICE  
455 N MAIN ST FL 13  
WICHITA, KS 67202

### LEGAL PUBLICATION

OCA 180004

PUBLISHED IN THE WICHITA EAGLE ON February 18, 2022  
ORDINANCE NO. 51-710

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. ZON2021-00063

City zone change from LC Limited Commercial and SF-5 Single-Family Residential to GC General Commercial, subject to Protective Overlay #387, on a zoning lot described as:  
Lot 3, and the North 20 feet of Lots 1 and 2, Block 1, Westborough Addition, Sedgwick County, Kansas; AND  
The South 132 feet of Lots 1 and 2, Block 1, Westborough Addition, Sedgwick County, Kansas; AND  
Lot 28, and the North 20 feet of Lots 29 and 30, in Block 1, Westborough Addition, Sedgwick County, Kansas; AND  
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i. Vehicle Storage Yard shall be permitted as accessory to a Vehicle Repair, Limited use.

Commercial parking accessory to the permitted uses on the parcel is also permitted.

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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.

ATTEST:

Brandon J. Whipple, Mayor, City of Wichita

Karen Sublett, City Clerk

(SEAL) Approved as to form:

Jennifer Magan, City Attorney and Director of Law

IPL0060848

Feb 18 2022

In The STATE OF KANSAS

In and for the County of Sedgwick

No. of Insertions: 1

Beginning Issue of: 02/18/2022

Ending Issue of: 02/18/2022

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 02/18/2022 to 02/18/2022.

*M. Hayley*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 02/28/2022

*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!