

SR 72-22 Possible amendment to zoning ordinance RE: Commercial and Residential Storage Warehouses

ACTION

DATE

COMMITTEE

M.A.P.C. Deferred 2-8-73
MAPC Approved 4-26-73
MAPC Resubmitted 5-24-73
~~B.C.C./B.C.C.~~ Returned to MAPC 5-18-73

BCC Approved as recommended 6-5-73

PUBLISHED IN THE DAILY RECORD ON JUN 15 1973

ORDINANCE NO. 32-709

AN ORDINANCE RELATING TO RESIDENTIAL STORAGE WAREHOUSES AS "EXCEPTIONS" IN THE "B" MULTIPLE FAMILY DWELLING DISTRICT, THE "BB" OFFICE DISTRICT AND THE "LC" LIGHT COMMERCIAL DISTRICT, AMENDING SECTIONS 28.04.020, 28.04.090 AND 28.04.183.3 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 28.04.020 of the Code of the City of Wichita, Kansas shall be amended by adding the following definitions:

WAREHOUSES

Commercial Warehouse: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

Residential Storage Warehouse: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

SECTION 28.04.090.1 of the Code of the City of Wichita, Kansas, shall be amended by adding the following to the permitted uses:

1.27 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

SECTION 28.04.090.2 of the Code of the City of Wichita, Kansas, shall be amended by deleting paragraph 2.3 from the list of prohibited uses.

SECTION 28.04.183 of the Code of the City of Wichita, Kansas shall be amended by adding the following:

5. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use, Residential Storage Warehouses, in the "B" Multiple Family Dwelling, the "BB" Office, and the "LC" Light Commercial Districts, subject to the following conditions and requirements:

5.1 The tract for such use located in the "B" Multiple Family Dwelling District or the "BB" Office District shall be contiguous or adjacent to either the "LC" Light Commercial, "C" Commercial, "E" Multiple Light Industrial or "F" Heavy Industrial zoning districts.

5.2 The use must be located contiguous to an arterial street as designated in the Transportation Plan.

5.3 There shall be a minimum lot area of two acres or more. All buildings shall set back not less than thirty-five feet from arterial street right-of-way when located in the "LC" Light Commercial District, and twenty feet when located in the "B" Multiple Family Dwelling District or the "BB" Office District. There shall be a twenty foot building setback line from all other streets, unless a platted building setback line would require a greater setback.

5.4 Where the lot is adjacent to a residential zoning district a twenty-five foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a twenty foot landscaped front yard shall be provided when within one hundred 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 five feet nor more than eight feet in height.

5.5 When the development is in close proximity to residential development, the architectural design shall be submitted to the Superintendent of Central Inspection for review and a recommendation to the Board 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 Board of Zoning Appeals, may be retained in the BZA case file and by the Superintendent of Central Inspection to ensure that final development plans and construction comply therewith.

5.6 Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five feet.

5.7 Off-street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.

5.8 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.9 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.

5.10 All storage on the property shall be kept within an enclosed building.

5.11 No activities such as miscellaneous or garage sales shall be conducted on the premises.

5.12 The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

5.13. A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the Traffic Engineering Division, Department of Public Works, for tentative approval prior to the filing for the exception. Two copies of the approved plan shall accompany the application for consideration by the Board of Zoning Appeals.

5.14 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.

5.15 All areas not paved, as required by 5.8 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.

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

5.17 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

5.18 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.

5.19 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

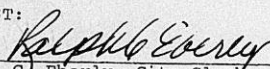
The original Section 28.04.090.2.3 of the Code of the City of Wichita, Kansas, is hereby repealed.

This ordinance shall take effect on its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 12th day of June, 1973.

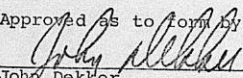

James M. Donnell, Mayor

ATTEST:


Ralph C. Eberly, City Clerk

(SEAL)

Approved as to form by:


John Dekker
Director of Law

May 31, 1973

Board of City Commissioners

Jack H. Galbraith, Chief Planner

DR 72-22 - Amendment to the Zoning
Ordinance Re: Residential Storage
Warehouses

At your regular meeting of May 15, 1973, you considered a proposed amendment to the zoning ordinance that would authorize the Board of Zoning Appeals to consider and permit the establishment of residential storage warehouses in the "B", "BB" and "LC" districts subject to certain conditions. Your action was to return the amendment to the Planning Commission for their reconsideration of requiring a minimum lot area of two acres; and that plans approved by the Board of Zoning Appeals would be the plans that development would later follow.

In reconsidering the amendment, the Planning Commission concurred in the increase of the minimum lot area to two acres and that Section 5.5 be amended by adding the following:

Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Board of Zoning Appeals, may be retained in the Board of Zoning Appeals case file and by the Superintendent of Central Inspection to ensure that final development plans and construction comply therewith.

Reconsideration of this proposed amendment is scheduled for your meeting of June 5, 1973.

JHG:ber

cc: Ralph Wulz, City Manager

DELINEATED COPY

ORDINANCE NO. _____

AN ORDINANCE RELATING TO RESIDENTIAL STORAGE WAREHOUSES AS "EXCEPTIONS" IN THE "B" MULTIPLE FAMILY DWELLING DISTRICT, THE "BB" OFFICE DISTRICT AND THE "LC" LIGHT COMMERCIAL DISTRICT, AMENDING SECTIONS 28.04.020, 28.04.090 AND 28.04.183.3 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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Residential Storage Warehouse: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

SECTION 28.04.090.1 of the Code of the City of Wichita Kansas, shall be amended by adding the following to the permitted uses:

1.27 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

SECTION 28.04.090.2 of the Code of the City of Wichita, Kansas, shall be amended by deleting paragraph 2.3 from the list of prohibited uses.

~~2.3--Promotional activities, provided that they are first determined to meet the requirements of Section 28.04.183-3.~~

SECTION 28.04.183 of the Code of the City of Wichita, Kansas shall be amended by adding the following:

5. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use, Residential Storage Warehouses, in the "B" Multiple Family Dwelling, the "BB" Office, and the "LC" Light Commercial Districts, subject to the following conditions and requirements:

5.1 The tract for such use located in the "B" Multiple Family Dwelling District or the "BB" Office District shall be contiguous or adjacent to either the "LC" Light Commercial, "C" Commercial, "E" Light Industrial or "F" Heavy Industrial zoning districts.

5.2 The use must be located contiguous to an arterial street as designated in the Transportation Plan.

5.3 There shall be a minimum lot area of two acres or more. All buildings shall set back not less than thirty-five feet from arterial street right-of-way when located in the "LC" Light Commercial District, and twenty feet when located in the "B" Multiple Family Dwelling District or the "BB" Office District. There shall be a twenty foot building setback line from all other streets, unless a platted building setback line would require a greater setback.

5.4 When the lot is adjacent to a residential zoning district a twenty-five foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a twenty foot landscaped front yard shall be provided when within one hundred 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 of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than five feet nor more than eight feet in height.

5.5 When the development is in close proximity to residential development, the architectural design shall be submitted to the Superintendent of Central Inspection for review and a recommendation to the Board 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 Board of Zoning Appeals, may be retained in the BZA case file and by the Superintendent of Central Inspection to ensure that final development plans and construction comply therewith.

5.6 Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five feet.

5.7 Off-street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.

5.8 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.9 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.

5.10 All storage on the property shall be kept within an enclosed building.

5.11 No activities such as miscellaneous or garage sales shall be conducted on the premises.

5.12 The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

5.13. A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the Traffic Engineering Division, Department of Public Works, for tentative approval prior to the filing for the exception. Two copies of the approved plan shall accompany the application for consideration by the Board of Zoning Appeals.

5.14 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.

5.15 All areas not paved, as required by 5.8 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.

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

5.17 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

5.18 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.

5.19 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

The original Section 28.04.090.2.3 of the Code of the City of Wichita, Kansas, is hereby repealed.

This ordinance shall take effect on its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this _____ day of _____, 1973.

James M. Donnell, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

Approved as to form by:

John Dekker
Director of Law

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 24, 1973:

4. DR 72-22 - Amendment to the Zoning Ordinance Re: Commercial and Residential Warehouses.

GALBRAITH reviewed the following staff report which had been provided the Planning Commissioners prior to the meeting:

At your regular meeting of April 26, 1973, the Planning Commission recommended an amendment to the Zoning Ordinance to permit the establishment of Residential Storage Warehouses in the "B", "BB" and "LC" Districts, subject to conditions of the ordinance and by approval of the Board of Zoning Appeals.

This amendment was forwarded on to the Board of City Commissioners and was considered by them on May 15, 1973. They have returned the ordinance amendment to you with the following recommended changes:

1. That Section 5.3 be amended to require a minimum lot area of two acres or more in lieu of the one acre or more as recommended by the Planning Commission.
2. That Section 5.5 be amended by adding the following: Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Board of Zoning Appeals, may be retained in the BZA case file and by the Superintendent of Central Inspection to ensure that final development plans and construction comply therewith.

No one was present to speak on this matter.

MOTION: That the recommendations of the City Commission and the proposed amendment as revised and set forth in the staff report be approved. Blakey moved and Jackson seconded.

HARRISON said he was not in agreement with the revision suggested on lot size. He pointed out that the ordinance was developed primarily for apartment residents and it seemed reasonable to him that they should be in close proximity to such developments. He said that had he anticipated this type of action by the City Commission he would never have made the motion to recommend this ordinance revision. He brought up the fact that adequate storage facilities might be required as a part of the approval for Residential Community Unit Plans. He said he had more of an interest now in "killing" this ordinance than in trying to assist in its passage.

JACKSON said he was much in favor of the architectural control suggested in item two as that was one of his concerns from the beginning, and if the City Commission feels two acres should be the minimum, it would not bother him.

TAYLOR said she understood there was concern on the part of the City Commission that if the site was not large enough with sufficient rental facilities, that it might not be economical to provide facilities for a resident manager.

GALBRAITH said the City Commissioners had noted from the Planning Commission minutes that Colby Sandlian who has had experience in the operation of residential warehouse facilities had recommended larger than one acre sites and the facilities for a resident manager, based on his own experience and his observation of such operations throughout the country.

The question was raised as to whether there were many 2-acre undeveloped sites in the city which could be used for this purpose and it was felt that they would be limited except at the fringe of the City.

HARRISON commented that in the beginning, the purpose was to design an ordinance for the principal use of occupants of apartments and he felt such facilities are needed, but should be related to the individual multiple family developments. He said it was not his intent to give too much weight to the commercial or light commercial aspects of this matter because he felt such facilities should be a neighborhood use and that the smaller size would lend itself more easily to locations throughout the city. HARRISON stated he would be more in favor of requiring such facilities to be included in a residential CUP than to limit their location by require too large an area.

BLAKEY suggested that such might be considered in developing the new zoning ordinance.

BURNETT arrived.

VOTE-ON MOTION: Carried by a vote of 4 in favor (Blakey, Jackson, Kamen and Taylor) and 2 opposed (Hennessy and Harrison). Burnett abstained because he had not been present for the discussion. (Rising absent.)

May 25, 1973

Mr. Ken L. Ingham, Attorney
230 Page Court, 220 West Douglas
Wichita,, Kansas 67202

Re: DR 72-22 - Amendment to the
Zoning Ordinance Re: Residen-
tial Storage Warehouses

Dear Mr. Ingham:

At its regular meeting on May 24, 1973, the Metropolitan Area Planning Commission reconsidered the above-captioned proposed amendment to the zoning ordinance. Their action was to recommend approval of the ordinance to the City Commission, subject to the conditions previously approved, except for the following two changes:

1. That Section 5.3 be amended to require a minimum lot area of two acres or more in lieu of the one acre or more as previously recommended by the Planning Commission.
2. That Section 5.5 be amended by adding the following:
Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Board of Zoning Appeals, may be retained in the BZA case file and by the Superintendent of Central Inspection to ensure that final development plans and construction comply therewith.

This matter will again be forwarded to the City Commission for reconsideration on June 5, 1972, the meeting to start at 9:00 in Room 201 City Building, 204 South Main.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Mike Russell, 230 Page Court, 220 West Douglas 67202
Colby Sandlian, 435 North Broadway 67202
Vincent Bogart, 501 One Twenty Building 67202

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

May 17, 1973

TO Wichita-Sedgwick County Metropolitan
Area Planning Commission

FROM Jack H. Galbraith, Chief Planner *JHG*

SUBJECT DR 72-22 - Amendment to the Zoning
Ordinance Re: Residential Storage
Warehouse

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Consideration of these revisions to the proposed zoning amendment will be scheduled for your meeting of May 24, 1973.

JHG:GEL:ber

cc: Ken L. Ingham, 230 Page Court, 220 West Douglas 67202
Mike Russell, 230 Page Court, 220 West Douglas 67202
Colby Sandlian, 435 North Broadway 67202
Vincent Bogart, 501 One Twenty Building 67202

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE May 16, 1973




TO Robert A. Lakin, Director of Planning
FROM Ralph Wulz, City Manager

SUBJECT Proposed Ordinance Amending
the Zoning Ordinance Providing
for Residential Storage Warehouses

The subject ordinance was considered by the City Commission on May 15, 1973. The Commission suggested the following amendments and moved that the proposed ordinance be returned to the MAPC for consideration of these amendments:

1. Paragraph 5, 3 - amend to provide a minimum lot area of two acres.
2. Paragraph 5, 5 - amend to provide that plans and specifications for the proposed structure must meet with BZA approval and construction be in accordance therewith.

Copies of the subject ordinance are returned herewith. Please bring this matter to the attention of the MAPC.


Ralph Wulz
City Manager

RW:fjh
Attachment



ORDINANCE NO. _____

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This ordinance shall take effect on its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this _____ day of _____, 1973.

James M. Donnell, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

Approved as to form by:

John Dekker
Director of Law

May 17, 1973

Wichita-Sedgwick County Metropolitan
Area Planning Commission

Jack H. Galbraith, Chief Planner

DR 72-22 - Amendment to the Zoning
Ordinance Re: Residential Storage
Warehouse

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Consideration of these revisions to the proposed zoning amendment will be scheduled for your meeting of May 24, 1973.

JHG:GEL:ber

cc: Ken L. Ingham, 230 Page Court, 220 West Douglas 67202
Mike Russell, 230 Page Court, 220 West Douglas 67202
Colby Sandlian, 435 North Broadway 67202
Vincent Bogart, 501 One Twenty Building 67202

May 15, 1973

Mr. Kenneth L. Ingham
230 Page Court, 220 West Douglas
Wichita, Kansas 67202

RE: DR 72-22 - Amendment to the
Zoning Ordinance RE: Resi-
dential Storage Warehouse

Dear Mr. Ingham:

The Board of City Commissioners on May 15, 1973 considered the above captioned matter and their action was to return the case to the Metropolitan Area Planning Commission for reconsideration of requiring a two acre minimum lot size and providing assurances that the construction plans approved will be the plans that the development later complies with.

Reconsideration of this matter will be placed on the Planning Commission agenda for May 24, 1973.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rw

cc: Vincent Bogart, Attorney, 501 One Twenty Building 67202
Mike Russell, 230 Page Court, 200 West Douglas 67202
Colby Sandlian, 435 North Broadway 67202

May 14, 1973

Ralph Wulz, City Manager

Jack H. Galbraith, Chief Planner

DR 72-22 - Amendment to the Zoning
Ordinance Re: Residential Storage
Warehouses

Attached are the minutes of the Planning Commission in discussing the above-captioned matter. This item is scheduled for consideration by the City Commission on May 15, 1973.

JHG:ber

Attachment

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 26, 1973:

4. DR 72-22 - Public Hearing on amendment to zoning ordinance
Re: Commercial and Residential Warehouses.

GALBRAITH pointed out that this proposed amendment to the zoning ordinance was discussed with the Planning Commission on February 8, 1973 and the staff was instructed to advertise for a public hearing to amend the ordinance to permit residential type warehouses in "B" Multiple Family, "BB" Office and "LC" Light Commercial districts. He referred to the draft of the amendment which had been provided the Commissioners and said it is very similar to the one previously considered. He stated that the members of the Board of Zoning Appeals were reluctant to make a determination as to whether or not a proposed development was architecturally compatible with a certain neighborhood, so it is proposed that the Superintendent of Central Inspection, who is an architect, review the plans and make a recommendation to the Board of Zoning Appeals as to whether or not he believes the proposal will be compatible with the neighborhood.

COLBY SANDLIAN stated that about two years ago he became engaged in developing mini warehouse storage facilities and visited several different cities and observed such operations. He said that in each of the cities visited, such use is required in light or heavy industrial. He pointed out that the reason for this requirement is because if allowed in a lighter classification, they are developed on a small scale (10 or 15 units) and problems develop so far as control of the activities associated therewith. He stated that his first such facility at 2nd and Mathewson was small and he did not have someone living on the site, and he encountered problems. Since that time he said they have built all their units on a much larger scale and on more acreage. He pointed out that there are large amounts of heavy commercially zoned land already in Wichita which could be utilized.

SANDLIAN felt that to allow such uses indiscriminately throughout the City would present problems in maintaining them to make sure people did not carry on a business from such a location, which is being done in many areas of the nation. Users of the facility stock goods at the site and customers visit the warehouse. He said this often happens unless there is a manager living on the site. He said he has a manager living on his site now on Harry and this eliminates such a possibility. He stated such a use should be fenced, but doubted if anyone in a residential area would want to look at a chainlink fence with three wires above it.

SANDLIAN also pointed out that in many areas of the nation such facilities are being constructed as a part of an apartment development which is already permitted in the existing ordinance. He agreed the need is real and people are using them, but he repeated that in his opinion if "B", "BB" and "LC" are opened up for such a

use there would be difficulty in turning down the small number of units on small sites.

BURNETT said the Zoning Committee viewed Mr. Sandlian's storage warehouse facility on East Harry and agreed it was a desirable development and asked him concerning its construction and movability.

SANDLIAN said they have a definite plan so far as construction and have never been able to justify the costs involved in a movable building; further, he considered such a use permanent, and the site is landscaped and attempts made to have an attractive and desirable business. He said theirs are of brick because that seems to be more compatible with any neighborhood, and they do not have a flat roof on their structures.

As for a minimum area, SANDLIAN said cities seem to have different requirements. He stated that so far as size of the individual storage units, he attempts to provide whatever the demand is in a certain area. On his east side location the demand is more for 10x24 and 10x20 units, while his site to the south will have more 5x10 and 10x10 units. SANDLIAN stated further that his site in Kansas City is four acres total and he has developed at this time 36,000 square feet, and that he never considers less than two acres.

BLAKEY suggested the requirement condition 5.3 should be changed from 10,000 square feet to 75,000 square feet, and SANDLIAN thought that would be better.

In further discussion, SANDLIAN said he did not even attempt to establish such a use in anything other than the "C" where the present ordinance requires warehouses to be located. He said that such a use might be compatible in "LC" if surrounded by "LC" zoning and uses, but questioned the ability to define the difference between such a site and any other "LC" area.

RISING asked if there would be any problem to potential users of such a facility if it was not available moderately close to their residence.

SANDLIAN doubted that there would be and said people from all other Wichita are using his East Harry facility, and when his facilities to the south are opened, he expects users from the south and west, and suggested that it would be only a matter of less than 10 minutes to drive from most areas on the west side to the south facility.

SANDLIAN said that in Phoenix, Albuquerque and most other cities he has visited, in almost every case these uses are in industrial areas on the perimeter of the City. He pointed out also that the type of storage anticipated is seasonal goods or that which

would not require frequent visits.

RISING felt certain there would be a problem of people using such a facility for business purposes and that there would definitely be a need for close policing.

HARRISON said he could see a definite need, but near apartment complexes, and he disagreed that the matter of time should make no difference in that users would want them close to their residence. He suggested the possibility of developers providing such a facility as a part of their apartment complex, designed to be compatible with the surrounding areas.

SANDLIAN said there is nothing to keep people from building storage units as a part of the apartment development, but the difference is that such storage is available only to residents of the apartment complex whereas this proposed ordinance relates to the providing of such service to the general public.

BLAKEY referred again to his previous suggestion that the area be changed from 10,000 square feet to 75,000 square feet, and further, that under 5.4 landscaping be in addition to any architectural type screening fence and that the screening fence be solid or semi-solid wood or masonry and not a chainlink fence with barbed wire.

KENNETH INGHAM, attorney, was present to speak in favor of the proposed amendment, and asked Michael Russell to present their views.

MICHAEL RUSSELL said he agreed, and also disagreed with some of the comments made by Mr. Sandlian. He felt that there is a difference between residential storage and commercial storage, and he agreed that an 8-foot chainlink fence with barbed wire would not be desirable. He agreed with a solid wall around the perimeter of such an operation, but asked that it be kept in mind that what is being discussed is residential storage and not commercial. As far as the practicality of a movable structure, he said their studies do show it possible to economically construct a movable structure. He had no opposition to the many requirements suggested by the proposed ordinance.

RUSSELL referred to the recent zone change request (Z-1490) which brought about consideration of this amendment, and said that in that case he had submitted letters from apartment developers in the general area of Woodlawn and 21st Street expressing favorable comments for such facilities being established on the tract covered by Z-1490.

RUSSELL had a question about condition 5.6 which provides

that any side of the building providing doorways to storage areas shall be set back from the property line not less than 35 feet. RUSSELL illustrated on the blackboard how some of their smaller units would not have doorways facing into the inner drive, but in between buildings and was concerned that this might not be permitted under the wording. After brief discussion, the Commission agreed that this should be no problem and would not be the intent of the ordinance.

In further discussion, RUSSELL stated that he has seen business conducted from some of the residential storage warehouses, but if properly operated with a manager living on the premises, this can be controlled, and in the ordinance being considered, conducting of any business from the units is prohibited.

When the reason for considering this type of business in "B" or "BB" was brought up, GALBRAITH pointed out that originally the Planning Commission recommended its use in only the "LC", but the City Commission returned it for consideration of also permitting it in "B" and "BB" as an exception by the Board of Zoning Appeals. It was his feeling that if allowed in "B" or "BB", it should certainly be allowed in "LC". The "C" would still be required for commercial warehouses.

In further discussion, RUSSELL indicated a residential storage warehouse would be desirable in a commercially zoned area where there is a market for such a facility, but at the 21st and Woodlawn area, they were unable to get the "LC" zoning which had been requested by Z-1490 and yet there is a great demand for such a facility in the proximity of the large apartment complexes in this general area. RUSSELL stated he would have a resident manager at all times.

KAMEN was apprehensive about the desirability of such uses in the "B", "BB" or "LC" districts and felt the Commission should consider this amendment very carefully. He suggested that it would be desirable if the developers of apartments provided interior storage for their tenants. He felt if the ordinance as being considered is passed, there could be considerable trouble develop in a residential area.

JACKSON said he recognized the need and felt that a big mistake is being made by apartment developers in not providing sufficient storage.

HENNESSY brought up the possibility of making the required setback for such uses correspond with the setback requirement for the zoning in which it is to be located, i.e., 20-foot setback in "B" and "BB" and 35-foot setback in "LC", which would maintain the compatibility of setback lines for all structures in that

particular district. This was considered desirable, and it was pointed out that in thinking of the site at 21st and Woodlawn (Z-1490), it is adjacent to "LC" which is why the 35-foot setback was suggested.

MOTION: That the Planning Commission recommend to the City Commission the approval of the amendment to the ordinance as advertised except that 5.3 and 5.4 conditions be changed as follows:

5.3 There shall be a minimum lot area of 75,000 square feet. All buildings shall be set back thirty-five feet from arterial street right-of-way lines when the lot is zoned "LC", and twenty feet when the lot is zoned either "B" or "BB". Buildings shall maintain a twenty foot setback from all other streets.

5.4 Where the lot is adjacent to a residential zoning district a twenty-five foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a twenty foot landscaped front yard shall be provided when within one hundred 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, masonry, architectural tile, wood or other similar material (not including woven wire) and shall be at least five feet but not more than eight feet in height;

and an additional requirement as follows:

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.

HARRISON said he thought each of the conditions should be voted on separately because by the above motion he would have to vote in opposition and yet he is in favor overall. He continued that he was in favor of numerous small residential storage warehouse facilities all over town rather than the bigger complexes and fewer of them. He felt that there is a need for such facilities to be close to the apartment developments and was in favor of a smaller area for such a site being permitted.

There was discussion of the possibility of reducing the minimum site to one acre and it was stated that it would not be economically feasible to have a manager living on the premises

for such a small site. A vote was taken which indicated Harrison was the only member in favor of a 10,000 square foot minimum site; while the majority of the Commissioners were agreeable to a one acre size.

AMENDMENT TO MOTION: That 5.3 provide for a minimum lot area of one acre or more. Blakey moved and Burnett seconded the original motion and the amendment.

RISING said he considered it important that such an operation be manned or it would not be properly policed and one acre is not large enough to justify manning. BLAKEY pointed out that then the owner would just have to build a larger site.

LAKIN asked if it was intended that the motion include any change to 5.6 with respect to setback of doors to storage areas as brought up by Mr. Russell. The Commission agreed that a change was not necessary and that it was not the intent of 5.6 to not permit a side door opening in the center.

VOTE ON MOTION: Carried by a vote of 6 in favor (Blakey, Burnett, Hennessy, Jackson, Harrison and Rising) and 2 opposed (Kamen and Taylor).

May 9, 1973

Board of City Commissioners

Robert A. Lakin, Director of Planning

DR 72-22 - Amendment to the Zoning
Ordinance Re: Residential Storage
Warehouses

We have been requested to consider an amendment to the Zoning Ordinance to permit the construction of Residential Storage Warehouses in zoning districts other than the "C" Commercial, "E" Light Industrial and "F" Heavy Industrial. The first draft of the ordinance change was to permit said uses in the "LC" Light Commercial district as an "exception" and was deferred by the Metropolitan Area Planning Commission for comments from the Zoning Advisory Committee and the Board of Zoning Appeals.

Based on their comments and your direction that the Planning Commission also consider the possibility of this use in other districts, the amendment was readvertised and recommended for approval by the Planning Commission on April 26, 1973.

The attached proposed amendment to the Zoning Ordinance will permit the establishment of Residential Storage Warehouses as an "exception" in the "B" Multiple-family, "BB" Office and the "LC" Light Commercial zoning districts, subject to the conditions set forth in the ordinance, and the approval by the Board of Zoning Appeals. These conditions of approval are designed to protect surrounding property and provide a method to permit the development of what is considered a relatively new use in close proximity to residential neighborhoods without requiring a zone change to a heavier classification which permits uses that would be detrimental to the neighborhood.

RAL:JHG:ber

Attachment

cc: Ralph Wulz, City Manager, w/a
John Dekker, Director of Law, w/a

May 1, 1973

Mr. Kenneth L. Ingham
230 Page Court, 220 West Douglas
Wichita, Kansas 67202

Re: DR 72-22 - Amendment to the
Zoning Ordinance Re: Residential
Storage Warehouse

Dear Mr. Ingham:

The Planning Commission, at its regular meeting on April 26, 1973, considered the above-captioned proposed amendment to the City Zoning Ordinance. The action of the Planning Commission was to recommend the approval of the amendment as advertised, except that conditions 5.3 and 5.4 were changed to read as follows:

5.3 There shall be a minimum lot area of one acre or more. All buildings shall be set back thirty-five feet from arterial street right-of-way lines when the lot is zoned "LC", and twenty feet when the lot is zoned either "B" or "BB". Buildings shall maintain a twenty foot setback from all other streets.

5.4 Where the lot is adjacent to a residential zoning district a twenty-five foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a twenty foot landscaped front yard shall be provided when within one hundred 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, masonry, architectural tile, wood or other similar material (not including woven wire) and shall be at least five feet but not more than eight feet in height.

Page 2 - Mr. Kenneth Ingham
May 1, 1973

In addition, the Planning Commission also added the following condition:

A residential 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.

This matter will be forwarded to the Board of City Commissioners for consideration on May 15, 1973.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Vincent Bogart, Attorney, 501 One Twenty Building 67202
Mike Russell, 230 Page Court, 200 West Douglas 67202
Colby Sandlian, 435 North Broadway 67202

April 19, 1973

Wichita-Sedgwick County Metropolitan
Area Planning Commission

Jack H. Galbraith, Chief Planner

DR 72-22 -Amendment to the Zoning Ordinance
Re: Residential Storage Warehouse

Attached hereto is a copy of the legal notice of the proposed amendment to the zoning ordinance relative to residential storage warehouses. This proposal would define both commercial and residential storage warehouses and authorize the Board of Zoning Appeals to consider as an "exception" the residential storage warehouse in the "B" Multiple Family, and the "BB" Office District and the "LC" Light Commercial District, subject to certain conditions.

Consideration of this proposed amendment is scheduled for your meeting of April 26, 1973.

JHG:ber

() Published in the Daily Record on April 4, 1973.

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, APRIL 26, 1972, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m., will consider the following change to Title 28, the Code of the City of Wichita, Kansas:

The following definitions shall be added to Section 28.04.020 Definitions:

WAREHOUSES

Commercial Warehouse: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

Residential Storage Warehouse: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

The following shall be added to Permitted Uses in Section 28.04.090 "IC" Light Commercial District Regulations:

1.27 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

The following shall be deleted from Prohibited Uses in Section 28.04.090 "IC" Light Commercial District Regulations:

2.3 Promotional activities, provided that they are first determined to meet the requirements of Section 28.04.183.3.

Section 28.04.183 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

5. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use, Residential Storage Warehouses, in the "B" Multiple Family Dwelling, the "BB" Office, and the "IC" Light Commercial Districts, subject to the following conditions and requirements:

5.1 The tract for such use located in the "B" Multiple Family Dwelling District or the "BB" Office District shall be contiguous or adjacent to either the "IC" Light Commercial, "C" Commercial, "E" Light Industrial or "F" Heavy Industrial zoning districts.

5.2 The use must be located contiguous to an arterial street as designated in the Transportation Plan.

5.3 There shall be a minimum lot area of ten thousand square feet and all buildings shall be set back thirty-five feet from arterial street right-of-way lines and twenty feet from all other street right-of-way lines.

5.4 Where the lot is adjacent to a residential zoning district a twenty-five foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a twenty foot landscaped front yard shall be provided when within one hundred 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.

5.5 When the development is in close proximity to residential development, the architectural design shall be submitted to the Superintendent of Central Inspection for review and a recommendation to the Board as to whether or not the architecture is compatible with the surrounding development, and that adequate screening is being provided.

5.6 Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five feet.

5.7 Off-street parking shall be required on the basis of one space for each 2000 square feet of floor area in the facility.

5.8 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.9 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.

5.10 All storage on the property shall be kept within an enclosed building.

5.11 No activities such as miscellaneous or garage sales shall be conducted on the premises.

5.12 The servicing or repairing of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

5.13 A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the Traffic Engineering Division, Department of Public Works, for tentative approval prior to the filing for the exception. Two copies of the approved plan shall accompany the application for consideration by the Board of Zoning Appeals.

5.14 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.

5.15 All areas not paved, as required by 5.8 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.

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

5.17 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

5.18 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

The proposed amendments will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 3rd day of April, 1973.

Robert A. Lakin, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission

(SEAL)

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 16, 1973

TO Wichita-Sedgwick County Metropolitan
Area Planning Commission

FROM Jack H. Galbraith, Chief Planner *JHG*

SUBJECT DR 72-22 - Amendment to the Zoning
Ordinance Re: Residential Storage
Warehouses

As you will recall, at your meeting of February 8, 1973, you considered a proposed amendment to the zoning ordinance (see attachment #1) suggesting that the Board of Zoning Appeals have jurisdiction to authorize as an "exception" residential storage warehouses in the "LC" Light Commercial District, subject to certain conditions. After considerable discussion, your action was to refer the proposed amendment to the Board of Zoning Appeals and the Zoning Advisory Committee for their review and comments:

The Board of Zoning Appeals met on February 27 and, although there first appeared to be some reluctance to assume the responsibility to considering whether or not this new use was appropriate in the "LC" District, they concurred and had no suggested changes in the proposed conditions. They did offer that they felt the most difficult condition to determine was whether the proposed storage warehouse would be compatible with the surrounding residential development and they expressed that they could not administer this condition.

Following the Board of Zoning Appeals consideration of this amendment, the Board of City Commissioners considered zone Case Z-1490 "AA" to "LC", generally located on the north side of 21st Street west of Woodlawn. You will recall that the stated use of this property was for storage warehouses should both the amendment and zone change be approved. Your action was to recommend unani- mously that the change to "LC" not be approved.

The City Commission, in considering the zone case on February 27, 1973, returned the request to the Planning Commission for your reconsideration and recommendation as to the inclusion of the residential storage warehouse use in other than the "LC" district, such as the "B" Multiple family or "BB" Office District (minutes attached to the associated zone case).

On February 28, 1973, we reviewed the proposed amendment with the Zoning Advisory Committee, pointing out the direction of the City Commission and the reluctance expressed by the Board of Zoning Appeals to determine the architectural compatibility of the structures with adjacent residential uses. Several Committee members concurred, one member particularly noting that the

storage warehouses he had observed out of the state were made of metal and painted a bright color to attract attention.

After considerable discussion, it was the recommendation of the Committee that the uses be made an outright permitted use in the "LC" District, subject to the conditions recommended, with some minor changes, and that it be the responsibility of the City staff to determine whether or not the conditions were complied with. It was particularly noted that should the Superintendent of Central Inspection determine that the architecture was not compatible with adjacent residential uses, his decision could be appealed to the Board of Zoning Appeals. The Zoning Advisory Committee agreed that the storage warehouse use should first be attempted in the "LC" District and not in the "B" or "BB" districts at this time. They urged the administrative review of these uses rather than requiring an "exception" request before the Board of Zoning Appeals.

Based on this suggestion, the attached (alternate 2) is proposed, which permits the use in the "LC" District. Please note that the differences in Alternate 1 and 2 are underlined.

The Planning Department position is that either Alternate 1 or 2 should provide a satisfactory solution to handling storage garages at this time. Both the "B" and "BB" Districts are used too frequently as spot zones and as buffer between the commercial districts and the residential classifications. It appears that storage warehouses are not appropriate in these districts and that there are sufficient undeveloped "LC" areas that offer an opportunity for this use.

The Planning Department has received a letter from Vincent L. Bogart, attorney, stating that he is now representing the applicants in zone case Z-1490 and the associated proposed amendment to the zoning ordinance. Mr. Bogart would like to present their views on the use being permitted in the "B" and "BB" zones and also possibly the "R-6" General Residential District. He has suggested amendments similar to attachments 1 and 2, permitting the use in either "B" or "BB" with the same conditions.

Should the Planning Commission determine that it is desirable to attempt this use in either the "B" or "BB" Districts, the same general conditions might be satisfactory if reviewed by the Board of Zoning Appeals where the views of adjacent property owners can be heard. One additional condition that might be considered would be that the "B" or "BB" parcel shall be adjacent to either the "LC", "C", "E" or "F" districts.

JHG:ber
Attachments

Alternate 1

() Published in The Daily Record on January 18, 1973

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, FEBRUARY 8, 1973, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m., will consider the following change to Title 28, the Code of the City of Wichita, Kansas:

The following definitions shall be added to Section 28.04.020 Definitions:

WAREHOUSES

Commercial Warehouse: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

Residential Storage Warehouse: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

The following shall be added to Permitted Uses in Section 28.04.090 "LC" Light Commercial District Regulations:

1.27 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

The following shall be deleted from Prohibited Uses in Section 28.04.090 "LC" Light Commercial District Regulations:

2.3 Promotional activities, provided that they are first determined to meet the requirements of Section 28.04.183.3.

Section 28.04.183 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

5. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use, Residential Storage Warehouses, in the "LC" Light Commercial District, subject to the following conditions and requirements:

5.1 The use must be located in a district contiguous to an arterial street as designated in the Transportation Plan. Ingress and egress must be limited to said arterial streets.

5.2 There shall be a minimum lot area of ten thousand square feet and all buildings shall be set back thirty-five feet from all street right-of-way lines.

5.3 Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five feet.

5.4 Off-street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.

5.5 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.6 All lights shall be shielded to direct light onto the use established and shall be of sufficient intensity to discourage vandalism and theft.

5.7 All storage on the property shall be kept within an enclosed building.

5.8 No activities such as miscellaneous or garage sales shall be conducted on the premises.

5.9 The servicing or repairing of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

5.10 A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the Traffic Engineering Division, Department of Public Works, for tentative approval prior to the filing for the exception. Two copies of the approved plan shall accompany the application for consideration by the Board of Zoning Appeals.

5.11 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.

5.12 All areas not paved, as required by 5.5, shall be landscaped with grass, shrubs, trees or ground cover and be maintained in good condition.

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

5.14 When the development is in close proximity to residential development, the architectural design shall be determined by the Board of Zoning Appeals to be compatible with surrounding development.

5.15 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

5.16 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

The proposed amendments will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 16th day of January, 1973.

(SEAL)

Robert A. Lakin, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission

Alternate 2

The following definitions shall be added to Section 28.04.020
Definitions:

WAREHOUSES

Commercial Warehouse: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

Residential Storage Warehouse: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

The following shall be added to Permitted Uses in Section 28.04.090 "LC" Light Commercial District Regulations:

1.27 Residential Storage Warehouses, subject to the following conditions and requirements:

- a. The use must be located in a district contiguous to an arterial street as designated in the Transportation Plan.
- b. There shall be a minimum lot area of ten thousand square feet and all buildings shall be set back thirty-five feet from arterial street right-of-way lines and twenty feet from all other street right-of-way lines.
- c. Where the lot is adjacent to a residential zoning district a twenty-five foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a twenty foot landscaped front yard shall be provided when within one hundred feet of a residential zoning district or when across the street from a residential zoning district.
- d. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five feet.
- e. Off-street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.

f. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

g. 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.

h. All storage on the property shall be kept within an enclosed building.

i. No activities such as miscellaneous or garage sales shall be conducted on the premises.

j. The servicing or repairing of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

k. A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted.

l. Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.

m. All areas not paved, as required by paragraph f. 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.

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

o. When the development is in close proximity to residential development, the architectural design shall be compatible with surrounding development as determined by the Superintendent of Central Inspection.

p. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

1.28 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

() Published in The Daily Record on _____, 1973

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, _____, 1973, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m., will consider the following changes to Title 28, the Code of the City of Wichita, Kansas:

The following definitions shall be added to Section 28.04.020, Definitions:

WAREHOUSES

Commercial Warehouse: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

Residential Storage Warehouse: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

Section 28.04.070 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

A.

14. Residential Storage Warehouses, provided that the following conditions prevail:

- a. The use must be located in a district contiguous to an arterial street as designated in the Transportation Plan. Ingress and egress must be limited to said arterial streets.
- b. There shall be a minimum lot area of ten thousand square feet and all buildings shall be set back thirty-five feet from all street right-of-way lines.

Prepared by Bogart

- c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five feet.
- d. Off-street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.
- e. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
- f. All lights shall be shielded to direct light onto the use established and shall be of sufficient intensity to discourage vandalism and theft.
- g. All storage on the property shall be kept within an enclosed building.
- h. No activities such as miscellaneous or garage sales shall be conducted on the premises.
- i. The servicing or repairing of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
- j. A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted with the application for zone change.
- k. Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.
- l. All areas not paved, as required by (e), shall be landscaped with grass, shrubs, trees or ground cover and be maintained in good condition.
- m. The area shall be properly policed by the owner or operator for removal of trash and debris.
- n. When the development is in close proximity to residential development, the architectural design shall be compatible with surrounding development.
- o. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

p. *Some type of fencing or screening*

Section 23.04.080 of the Code of the City of Wichita, Kansas, shall be amended in paragraph A thereof by deleting the following:

11. Storage Garage

and by adding the following:

11. Storage Garage or Residential Storage Warehouse.

The proposed amendments will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this _____ day of _____, 1973.

ROBERT A. LAKIN, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

January 31, 1973

TO Wichita-Sedgwick County Metropolitan
Area Planning Commission

FROM Jack H. Galbraith, Chief Planner *JHG*

SUBJECT DR 72-22 - Amendment to the Zoning Ordinance
Re: Residential Storage Warehouse

We have recently been requested to consider an amendment to the zoning ordinance to permit residential storage warehouses as exceptions in the "LC" Light Commercial district subject to the approval by the Board of Zoning Appeals. We have attempted to establish conditions for approval by the Board that should be adequate to protect surrounding properties.

Attached is a copy of the proposed amendment which has been advertised for a public hearing for your regular meeting on Thursday, February 8, 1973.

Please call if you have any suggestions or questions on this proposal.

JHG:ber

Attachment

() Published in The Daily Record on January 18, 1973

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, FEBRUARY 8, 1973, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m., will consider the following change to Title 28, the Code of the City of Wichita, Kansas:

The following definitions shall be added to Section 28.04.020 Definitions:

WAREHOUSES

Commercial Warehouse: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

Residential Storage Warehouse: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

The following shall be added to Permitted Uses in Section 28.04.090 "LC" Light Commercial District Regulations:

1.27 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

The following shall be deleted from Prohibited Uses in Section 28.04.090 "LC" Light Commercial District Regulations:

2.3 Promotional activities, provided that they are first determined to meet the requirements of Section 28.04.183.3.

Section 28.04.183 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

5. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use, Residential Storage Warehouses, in the "LC" Light Commercial District, subject to the following conditions and requirements:

- 5.1 The use must be located in a district contiguous to an arterial street as designated in the Transportation Plan. Ingress and egress must be limited to said arterial streets.
- 5.2 There shall be a minimum lot area of ten thousand square feet and all buildings shall be set back thirty-five feet from all street right-of-way lines.
- 5.3 Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five feet.
- 5.4 Off-street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.
- 5.5 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
- 5.6 All lights shall be shielded to direct light onto the use established and shall be of sufficient intensity to discourage vandalism and theft.
- 5.7 All storage on the property shall be kept within an enclosed building.
- 5.8 No activities such as miscellaneous or garage sales shall be conducted on the premises.
- 5.9 The servicing or repairing of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
- 5.10 A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the Traffic Engineering Division, Department of Public Works, for tentative approval prior to the filing for the exception. Two copies of the approved plan shall accompany the application for consideration by the Board of Zoning Appeals.
- 5.11 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50⁴ feet in gross surface area. Signs shall not project over any public right-of-way.

5.12 All areas not paved, as required by 5.5, shall be landscaped with grass, shrubs, trees or ground cover and be maintained in good condition.

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

5.14 When the development is in close proximity to residential development, the architectural design shall be determined by the Board of Zoning Appeals to be compatible with surrounding development.

5.15 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

5.16 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

The proposed amendments will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 16th day of January, 1973.

(SEAL)

Robert A. Lakin, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission

April 12, 1973

Mr. Vincent Bogart
Attorney
Suite 501 - 120 S. Market
Wichita, Ks. 67202

Dear Mr. Bogart:

Attached hereto is a copy of a proposed amendment to the Zoning Ordinance of the City of Wichita. This amendment has been advertised for public hearing before the Wichita-Sedgwick County Metropolitan Area Planning Commission at their regular meeting on Thursday, April 26, 1973, at 1:30 P.m.

It is desired that this amendment provide a method of approval for "Residential Storage Warehouses" in the "B", "BB", and "LC" zoning districts by the Board of Zoning Appeals.

I would appreciate your review of the proposed ordinance and if you have any suggestions, I would appreciate your comments prior to the public hearing.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rw

cc: Kenneth L. Ingham, 230 Page Ct., 220 W. Douglas 67202

March 27, 1973

Mr. Vincent Bogart, Attorney
Suite 501, 120 South Market
Wichita, Kansas 67202

Re: DR 72-22 - Amendment to the
Zoning Ordinance Re: Residen-
tial Storage Warehouses

Dear Mr. Bogart:

The Metropolitan Area Planning Commission, at its regular meeting on March 22, 1973, discussed an amendment concerning the above-captioned matter. Their action was to instruct the Planning Department to prepare an amendment to the zoning ordinance authorizing the Board of Zoning Appeals to consider residential storage warehouses as an exception in the "B" Multi-family and "BB" Office Districts. Glen Lytle has been assigned the project of preparing the amendment. We anticipate that the amendment will be advertised for the Planning Commission meeting of April 26, 1973. At such time as this is prepared, we will forward a copy for your review.

If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Kenneth Ingham, Attorney, ²⁰Page Court 67202
Glen Lytle, Special Assistant for Zoning

March 16, 1973

Wichita-Sedgwick County Metropolitan
Area Planning Commission

Jack H. Galbraith, Chief Planner

DR 72-22 - Amendment to the Zoning
Ordinance Re: Residential Storage
Warehouses

As you will recall, at your meeting of February 8, 1973, you considered a proposed amendment to the zoning ordinance (see attachment #1) suggesting that the Board of Zoning Appeals have jurisdiction to authorize as an "exception" residential storage warehouses in the "LC" Light Commercial District, subject to certain conditions. After considerable discussion, your action was to refer the proposed amendment to the Board of Zoning Appeals and the Zoning Advisory Committee for their review and comments.

The Board of Zoning Appeals met on February 27 and, although there first appeared to be some reluctance to assume the responsibility to considering whether or not this new use was appropriate in the "LC" District, they concurred and had no suggested changes in the proposed conditions. They did offer that they felt the most difficult condition to determine was whether the proposed storage warehouse would be compatible with the surrounding residential development and they expressed that they could not administer this condition.

Following the Board of Zoning Appeals consideration of this amendment, the Board of City Commissioners considered zone Case Z-1490 "AA" to "LC", generally located on the north side of 21st Street west of Woodlawn. You will recall that the stated use of this property was for storage warehouses should both the amendment and zone change be approved. Your action was to recommend unanimously that the change to "LC" not be approved.

The City Commission, in considering the zone case on February 27, 1973, returned the request to the Planning Commission for your reconsideration and recommendation as to the inclusion of the residential storage warehouse use in other than the "LC" district, such as the "B" Multiple family or "BB" Office District (minutes attached to the associated zone case).

On February 28, 1973, we reviewed the proposed amendment with the Zoning Advisory Committee, pointing out the direction of the City Commission and the reluctance expressed by the Board of Zoning Appeals to determine the architectural compatibility of the structures with adjacent residential uses. Several Committee members concurred, one member particularly noting that the

storage warehouses he had observed out of the state were made of metal and painted a bright color to attract attention.

After considerable discussion, it was the recommendation of the Committee that the uses be made an outright permitted use in the "LC" District, subject to the conditions recommended, with some minor changes, and that it be the responsibility of the City staff to determine whether or not the conditions were complied with. It was particularly noted that should the Superintendent of Central Inspection determine that the architecture was not compatible with adjacent residential uses, his decision could be appealed to the Board of Zoning Appeals. The Zoning Advisory Committee agreed that the storage warehouse use should first be attempted in the "LC" District and not in the "B" or "BB" districts at this time. They urged the administrative review of these uses rather than requiring an "exception" request before the Board of Zoning Appeals.

Based on this suggestion, the attached (alternate 2) is proposed, which permits the use in the "LC" District. Please note that the differences in Alternate 1 and 2 are underlined.

The Planning Department position is that either Alternate 1 or 2 should provide a satisfactory solution to handling storage garages at this time. Both the "B" and "BB" Districts are used too frequently as spot zones and as buffer between the commercial districts and the residential classifications. It appears that storage warehouses are not appropriate in these districts and that there are sufficient undeveloped "LC" areas that offer an opportunity for this use.

The Planning Department has received a letter from Vincent L. Bogart, attorney, stating that he is now representing the applicants in zone case Z-1490 and the associated proposed amendment to the zoning ordinance. Mr. Bogart would like to present their views on the use being permitted in the "B" and "BB" zones and also possibly the "R-6" General Residential District. He has suggested amendments similar to attachments 1 and 2, permitting the use in either "B" or "BB" with the same conditions.

Should the Planning Commission determine that it is desirable to attempt this use in either the "B" or "BB" Districts, the same general conditions might be satisfactory if reviewed by the Board of Zoning Appeals where the views of adjacent property owners can be heard. One additional condition that might be considered would be that the "B" or "BB" parcel shall be adjacent to either the "LC", "C", "E" or "F" districts.

JHG:ber
Attachments

The following definitions shall be added to Section 28.04.020
Definitions:

WAREHOUSES

Commercial Warehouse: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

Residential Storage Warehouse: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

The following shall be added to Permitted Uses in Section 28.04.090 "LC" Light Commercial District Regulations:

1.27 Residential Storage Warehouses, subject to the following conditions and requirements:

- a. The use must be located in a district contiguous to an arterial street as designated in the Transportation Plan.
- b. There shall be a minimum lot area of ten thousand square feet and all buildings shall be set back thirty-five feet from arterial street right-of-way lines and twenty feet from all other street right-of-way lines.
- c. Where the lot is adjacent to a residential zoning district a twenty-five foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a twenty foot landscaped front yard shall be provided when within one hundred feet of a residential zoning district or when across the street from a residential zoning district.
- d. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five feet.
- e. Off-street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.

f. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

g. 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.

h. All storage on the property shall be kept within an enclosed building.

i. No activities such as miscellaneous or garage sales shall be conducted on the premises.

j. The servicing or repairing of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

k. A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted.

l. Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.

m. All areas not paved, as required by paragraph f. 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.

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

o. When the development is in close proximity to residential development, the architectural design shall be compatible with surrounding development as determined by the Superintendent of Central Inspection.

p. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

1.28 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

The following shall be deleted from Prohibited Uses in Section 28.04.090 "LC" Light Commercial District Regulations:

2.3 Promotional activities, provided that they are first determined to meet the requirements of Section 28.04.183.3.

WICHITA-SEDGWICK COUNTY

DATE

March 9, 1973

METROPOLITAN AREA PLANNING DEPARTMENT

TO MAPC Zoning Advisory Committee
FROM Glen E. Lytle, Secretary *GEL*
SUBJECT DR 72-22 Proposed Amendment to Zoning Ordinance
Re: Commercial and Residential Storage Warehouses

At the ZAC Subcommittee No. 3 meeting of February 28, 1973 a proposed amendment to the existing zoning ordinance of the above mentioned subject was discussed. This was by direction of the MAPC to get ZAC Committee comments on the proposed amendment.

ZAC members present were Kopietz, Stewart, Elliott, Graves, Shearer, Moore, Mooney, Kappleman and Faroh. Staff members present were Lytle, Feldner and Galbraith.

The amendment to the existing zoning ordinance would permit the construction of residential storage warehouses in the "LC" Light Commercial District as an exception with the Board of Zoning Appeals approval. After discussion by those present, it was moved, seconded and carried that it be recommended to the Planning Commission that the amendment be drafted to place it in the ordinance as a permitted use in the "LC" district with provisions for protection of adjacent residential properties be included as part of the ordinance and administered without the need for approval of the Board of Zoning Appeals. The attached draft is for your information and comment. The committee felt that another meeting to discuss this particular subject would not be necessary, but after receipt of the draft, suggestions or comments should be directed to me, so please do so by Wednesday, March 14, 1973.

GEL:rne
Attachment

ATTENTION:

Subcommittee No. 3
Kopietz, Stewart, Graves, Elliott, Shearer, Goebel, Trout.

Next meeting to continue work of Article 7, Signs, will be held at 10:00 a.m., Thursday, March 15, 1973 in the Traffic Commission Conference Room, 6th Floor, City Building Annex.

The following definitions shall be added to Section 28.04.020
Definitions:

WAREHOUSES

Commercial Warehouse: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

Residential Storage Warehouse: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

The following shall be added to Permitted Uses in Section 28.04.090 "LC" Light Commercial District Regulations:

1.27 Residential Storage Warehouses, subject to the following conditions and requirements:

- a. The use must be located in a district contiguous to an arterial street as designated in the Transportation Plan.
- b. There shall be a minimum lot area of ten thousand square feet and all buildings shall be set back thirty-five feet from arterial street right-of-way lines and twenty feet from all other street right-of-way lines.
- c. Where the lot is adjacent to a residential zoning district a twenty-five foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a twenty foot landscaped front yard shall be provided when within one hundred feet of a residential zoning district or when across the street from a residential zoning district.
- d. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five feet.
- e. Off-street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.

f. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

g. 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.

h. All storage on the property shall be kept within an enclosed building.

i. No activities such as miscellaneous or garage sales shall be conducted on the premises.

j. The servicing or repairing of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

k. A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted.

l. Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.

m. All areas not paved, as required by paragraph f. 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.

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

o. When the development is in close proximity to residential development, the architectural design shall be compatible with surrounding development as determined by the Superintendent of Central Inspection.

p. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

1.28 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

The following shall be deleted from Prohibited Uses in Section 28.04.090 "LC" Light Commercial District Regulations:

2.3 Promotional activities, provided that they are first determined to meet the requirements of Section 28.04.183.3.

Telephone 263-6291

Law Office
Vincent L. Bogart

One Twenty Building
Suite 501, 120 South Market
Wichita, Kansas 67202

12 March 1973

Jack Galbraith, Chief Planner
Planning Department, MAPD
City Building Annex
Wichita, Kansas 67202

Re: Zoning Ordinance Change

Dear Mr. Galbraith:

This letter will notify you in writing of my representation of the applicants for zoning change in Z-1490 and the companion request for a change in zoning ordinance. I will be working with Mr. Ingham.

I am enclosing two suggested revisions, the first would be if it were to be handled by an appeal to the Board of Zoning Appeals and the second, by a change of the present city ordinances. We would, of course, like to have the MAPC consider the change in R-6 as well as B or BB, but since the city commission particularly directed the attention of the MAPC to B and BB, I have confined the requested changes to those two areas. I would like, however, to at least speak to the R-6 possibilities at the time of the hearing.

I hope these will be of some assistance. I realize that the amendment into B carries an awfully large number of conditions, but if you feel it is necessary to have this many, my clients feel they can live with them.


We are assuming that the matter will be heard by the Metropolitan Area Planning Commission on the 22nd.



Mr. Galbraith
12 March 1973
Page 2

It was my understanding in our conversations that you had presented the possible zoning change to the Board of Zoning Appeals prior to the action of the City Commission and that the Board of Zoning Appeals did not have an opportunity to consider the possibility of an exception in the B and BB categories. It was also my understanding in talking to you that you did suggest this possibility to the ZAC. Please consider this a request that we be given an opportunity to present our views to either of those bodies if you intend to discuss it prior to the March 22nd hearing.

Very truly yours,


VINCENT L. BOGART

VLB/cp

CC: Kenneth Ingham
Attorney at Law
Page Court
Wichita, Kansas 67202

() Published in The Daily Record on _____, 1973

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, _____, 1973, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m., will consider the following change to Title 28, the Code of the City of Wichita, Kansas:

The following definitions shall be added to Section 28.04.020, Definitions:

WAREHOUSES

Commercial Warehouse: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

Residential Storage Warehouse: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

Section 28.04.183 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

5. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use, Residential Storage Warehouses, in the "B" or "BB" District, subject to the following conditions and requirements:

5.1 The use must be located in a district contiguous to an arterial street as designated in the Transportation Plan. Ingress and egress must be limited to said arterial streets.

5.2 There shall be a minimum lot area of ten thousand square feet and all buildings shall be set back thirty-five feet from all street right-of-way lines.

5.3 Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five feet.

5.4 Off-street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.

5.5 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.6 All lights shall be shielded to direct light onto the use established and shall be of sufficient intensity to discourage vandalism and theft.

5.7 All storage on the property shall be kept within an enclosed building.

5.8 No activities such as miscellaneous or garage sales shall be conducted on the premises.

5.9 The servicing or repairing of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

5.10 A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the Traffic Engineering Division, Department of Public Works, for tentative approval prior to the filing for the exception. Two copies of the approved plan shall accompany the application for consideration by the Board of Zoning Appeals.

5.11 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.

5.12 All areas not paved, as required by 5.5, shall be landscaped with grass, shrubs, trees or ground cover and be maintained in good condition.

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

5.14 When the development is in close proximity to residential development, the architectural design shall be determined by the Board of Zoning Appeals to be compatible with surrounding development.

5.15 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

5.16 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

The proposed amendments will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this _____ day of _____, 1973.

(SEAL)

ROBERT A. LAKIN, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

() Published in The Daily Record on _____, 1973

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, _____, 1973, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m., will consider the following changes to Title 28, the Code of the City of Wichita, Kansas:

The following definitions shall be added to Section 28.04.020, Definitions:

WAREHOUSES

Commercial Warehouse: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

Residential Storage Warehouse: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

Section 28.04.070 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

A.

14. Residential Storage Warehouses, provided that the following conditions prevail:

a. The use must be located in a district contiguous to an arterial street as designated in the Transportation Plan. Ingress and egress must be limited to said arterial streets.

b. There shall be a minimum lot area of ten thousand square feet and all buildings shall be set back thirty-five feet from all street right-of-way lines.

- c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five feet.
- d. Off-street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.
- e. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
- f. All lights shall be shielded to direct light onto the use established and shall be of sufficient intensity to discourage vandalism and theft.
- g. All storage on the property shall be kept within an enclosed building.
- h. No activities such as miscellaneous or garage sales shall be conducted on the premises.
- i. The servicing or repairing of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
- j. A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted with the application for zone change.
- k. Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.
- l. All areas not paved, as required by (e), shall be landscaped with grass, shrubs, trees or ground cover and be maintained in good condition.
- m. The area shall be properly policed by the owner or operator for removal of trash and debris.
- n. When the development is in close proximity to residential development, the architectural design shall be compatible with surrounding development.
- o. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

Section 28.04.080 of the Code of the City of Wichita, Kansas, shall be amended in paragraph A thereof by deleting the following:

11. Storage Garage

and by adding the following:

11. Storage Garage or Residential Storage Warehouse.

The proposed amendments will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this _____ day of _____, 1973.

ROBERT A. LAKIN, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)

WICHITA-SEDGWICK COUNTY

DATE February 16, 1973

METROPOLITAN AREA PLANNING DEPARTMENT

TO Board of Zoning Appeals
FROM Jack H. Galbraith, Secretary *JHG*
SUBJECT DR 72-22 - Amendment to the Zoning Ordinance
RE: Residential Storage Warehouse

Attached hereto is a copy of a proposed amendment to the zoning ordinance to permit residential storage warehouses as exceptions in the "LC" Light Commercial District, subject to the approval of the Board of Zoning Appeals. The amendment was considered by the Planning Commission on February 8, 1973. The action of the Commission was to defer a decision on this amendment, and they instructed that copies be furnished to the Zoning Advisory Committee and the Board of Zoning Appeals for their review and comment. This matter has been scheduled for consideration at the regular meeting of the Board of Zoning Appeals on February 27, 1973. If you have any questions concerning this matter, please contact our office.

JHG:rw
attachment

February 16, 1973

Board of Zoning Appeals

Jack H. Galbraith, Secretary

DR 72-22 - Amendment to the Zoning Ordinance
RE: Residential Storage Warehouse

Attached hereto is a copy of a proposed amendment to the zoning ordinance to permit residential storage warehouses as exceptions in the "LC" Light Commercial District, subject to the approval of the Board of Zoning Appeals. The amendment was considered by the Planning Commission on February 8, 1973. The action of the Commission was to defer a decision on this amendment, and they instructed that copies be furnished to the Zoning Advisory Committee and the Board of Zoning Appeals for their review and comment. This matter has been scheduled for consideration at the regular meeting of the Board of Zoning Appeals on February 27, 1973. If you have any questions concerning this matter, please contact our office.

JHG:rw
attachment

February 12, 1973

Mr. Kenneth L. Ingham
230 Page Court
220 West Douglas
Wichita, Kansas 67202

Re: DR 72-22 - Proposed amend-
ment to the Zoning Ordinance
Re: Commercial and Residen-
tial Storage Warehouses

Dear Mr. Ingham:

At the regular meeting of the Metropolitan Area Planning Commission on February 8, 1973, the above-captioned matter was considered. The action of the Commission was to defer a decision on this amendment, and they instructed that copies be furnished to the Zoning Advisory Committee and the Board of Zoning Appeals for their review and comment.

At such time as we have comments from these two groups, we will advise you as to the rescheduling of this proposed amendment on the Planning Commission agenda.

If you have any question concerning this item, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Glen Lytle, Special Assistant for Zoning
Robert Feldner, Supt. of Central Inspection

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE January 19, 1973



TO Jack H. Galbraith, Chief Planner
FROM Robert G. Finch, Executive Assistant to the City Manager

SUBJECT DR 72-22 - Proposed Amendment
to Zoning Ordinance, Re: Resi-
dential Storage Warehouse

The proposed regulation contained in Section 28.04.185 (5.11) which reads that "Signs shall not exceed 20 feet in height nor exceed 50 feet in gross surface area," is not clear.

Should this read "50 square feet?"

RGF/mp



January 31, 1973

Wichita-Sedgwick County Metropolitan
Area Planning Commission
Jack H. Galbraith, Chief Planner

DR 72-22 - Amendment to the Zoning Ordinance
Re: Residential Storage Warehouse

We have recently been requested to consider an amendment to the zoning ordinance to permit residential storage warehouses as exceptions in the "LC" Light Commercial district subject to the approval by the Board of Zoning Appeals. We have attempted to establish conditions for approval by the Board that should be adequate to protect surrounding properties.

Attached is a copy of the proposed amendment which has been advertised for a public hearing for your regular meeting on Thursday, February 8, 1973.

Please call if you have any suggestions or questions on this proposal.

JHG:ber

Attachment

January 16, 1973

R. W. Bruggeman, Director of Public Works

Jack H. Galbraith, Chief Planner

DR 72-22 - Proposed Amendment to
Zoning Ordinance Re: Residential
Storage Warehouse

We have recently been requested to consider an amendment to the zoning ordinance to authorize the Board of Zoning Appeals to approve residential storage warehouses in the light commercial district subject to certain conditions. We have attempted to establish conditions for approval that should be adequate to protect adjacent residential properties.

Attached hereto is a copy of the proposed amendment which has been advertised for a public hearing before the Planning Commission at their regular meeting on February 8, 1973. I would appreciate your review of this proposal and if you, or any member of your staff, have any suggestions, I would appreciate comments by January 31, 1973.

JHG:ber

Attachment

cc: Ralph Wulz, City Manager, w/a
John Dekker, Director of Law, w/a
Robert Feldner, Supt. of Central Inspection, w/a
M. S. Mitchell, Asst. Supt. Public Works Maint., w/a
James Aiken, Director, Environmental Health, w/a

January 16, 1973

Mr. Kenneth L. Ingham
230 Page Court
220 West Douglas
Wichita, Kansas 67202

Dear Mr. Ingham:

Attached hereto is a copy of a proposed amendment to the Zoning Ordinance of the City of Wichita. This amendment has been advertised for public hearing before the Wichita-Sedgwick County Metropolitan Area Planning Commission at their regular meeting on Thursday, February 8, 1973, at 1:30 p.m.

It is desired that this amendment provide a method of approval for Residential Storage Warehouses in the Light Commercial District by the Board of Zoning Appeals. This case has been assigned number DR 72-22.

I would appreciate your review of the proposed ordinance and if you have any suggestions, I would appreciate your comments prior to the public hearing. We would also hope that you will be available to attend the Planning Commission meeting on February 8, 1973.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

Enclosure

from: Lytle date: 9-21-72

admins. adv. plans com. dev. graphics

~~skin~~

- knisley
- rathke
- eubanks
- leiker
- wagner
- black

- young, don
- shen

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- stockwell
- looney
- mitchell
- east
- coloman
- hawbaker
- darrow
- houston
- curfman

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- gabraith
- lytle
- young, bob
- gisi
- shirkey
- newby
-
- mc surry
- johnsen

- all staff
- comment
- note & return
- handle

- pierce
- barber
- garland
- king
- davis
- hanes
- crook
- livesay
- pate

- information
- files
- signature
- library

remarks:

I'm still not wholly convinced
that these belong other than in C
& not in the neighborhood themselves
but go ahead.

179-105

DRAFT

8-20-72

ORDINANCE NO. _____

AN ORDINANCE RELATED TO THE USES PERMITTED IN THE "LC" LIGHT COMMERCIAL ZONING DISTRICT, AMENDING SECTIONS 28.04.020, 28.04.090 and 28.04.183 OF THE CODE OF THE CITY OF WICHITA, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION I. That Section 28.04.020 of the Code of the City of Wichita, Kansas, be amended to include the following definitions:

COMMERCIAL WAREHOUSE: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

RESIDENTIAL STORAGE WAREHOUSE: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence such as; passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

SECTION II. That Section 28.04.090 of the Code of the City of Wichita, Kansas, be amended as follows:

Add to the list of permitted uses.

1.27 Uses listed in Section 28.04.183 only when approved in the manner therein provided.

Delete item number 2.3 from the prohibited uses.

2.3 Promotional activities, provided that they are first determined to meet the requirements of Section 28.04.183.3.

SECTION III. That Section 28.04.183 of the Code of the City of Wichita, Kansas, be amended by adding the following:

5. The Board of Zoning appeals may, by special permit, grant exceptions and authorize as a use, Residential Storage Warehouses, in the "LC" Light Commercial District subject to the following conditions and requirements.

5.1 The use must be located in a district contiguous to an arterial street (as designated on Map 13A in the Transportation Plan ~~Proposals~~, ~~adopted February 3, 1966~~, and ~~amendments thereto~~.) Ingress and egress must be limited to said arterial streets.

5.2 There shall be a minimum lot area of ten thousand square feet and shall provide a building setback line of thirty-five feet from all street right-of-way lines.

setback from other sides

5.3 Any side of the building providing doorways to storage areas shall be setback from the property line not less than thirty-five feet.

5.4 A plot plan showing ingress and egress, widths of driveways, loading areas and on site traffic circulation shall be submitted to the Traffic Engineering Division, Department of Public Works, for approval prior to the filing of the ^{application} application.

?

5.5 Off street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.

5.6 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.7 All lights shall be shielded to direct light onto the use established and shall be of sufficient intensity to discourage vandalism and theft.

5.8 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.

5.9 All areas not paved, as required by 5.6, shall be landscaped with grass, shrubs, trees or ground cover and be maintained in good condition.

5.10 The area shall be properly policed by the owner for removal and trash and debris on a daily basis.

5.11 When the development is in close proximity to residential development the architectural design shall be determined ^{by the Board} to be compatible with surrounding development.

by whom?

5.12 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

5.13 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

SECTION IV. This ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas this ____ day of _____ 1972.

ORDINANCE NO. ____

AN ORDINANCE RELATED TO THE USES PERMITTED IN THE "LC"
LIGHT COMMERCIAL ZONING DISTRICT, AMENDING SECTIONS 28.04.020,
28.04.090 and 28.04.183 OF THE CODE OF THE CITY OF WICHITA,
KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
WICHITA, KANSAS:

SECTION I. That Section 28.04.020 of the Code of the City
of Wichita, Kansas, be amended to include the following definitions:

COMMERCIAL WAREHOUSE: A building or portion thereof
used for the storage of any property not per-
mitted in a Residential Storage Warehouse. This
shall not be deemed to include the storage area
in connection with a purely retail business when
located on the same property.

RESIDENTIAL STORAGE WAREHOUSE: A building or portion
thereof designed or used exclusively for storing
the excess personal property of an individual or
family when such is not located on the lot with
their residence such as; passenger motor vehicle,
house trailer, motorcycle, boat, camper, and other
items of personal property generally stored in
residential accessory structures. This shall not
include the storage of any merchandise, stock,
furnishings or vehicles of a business of any kind.

SECTION II. That Section 28.04.090 of the Code of the City
of Wichita, Kansas, be amended as follows:

Add to the list of permitted uses.

1.27 Uses listed in Section 28.04.183 only
when approved in the manner therein provided.

Delete item number 2.3 from the prohibited uses.

2.3 Promotional activities, provided that they are
first determined to meet the requirements of
Section 28.04.183.3.

SECTION III. That Section 28.04.183 of the Code of the City of Wichita, Kansas, be amended by adding the following:

5. The Board of Zoning appeals may, by special permit, grant exceptions and authorize as a use, Residential Storage Warehouses, in the "LC" Light Commercial District subject to the following conditions and requirements.

5.1 The use must be located in a district contiguous to an arterial street (as designated on Map 13A Transportation Plan Proposals, adopted February 3, 1966, and amendments thereto.) Ingress and egress must be limited to said arterial streets.

5.2 There shall be a minimum lot area of ten thousand square feet and shall provide a building setback line of thirty-five feet from all street right-of-way lines.

5.3 Any side of the building providing doorways to storage areas shall be setback from the property line not less than thirty-five feet.

5.4 A plot plan showing ingress and egress, widths of driveways, loading areas and on site traffic circulation shall be submitted to the Traffic Engineering Division, Department of Public Works, for approval prior to the filing of the application.

5.5 Off street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.

5.6 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.7 All lights shall be shielded to direct light onto the use established and shall be of sufficient intensity to discourage vandalism and theft.

5.8 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.

5.9 All areas not paved as required by 5.6 shall be landscaped with grass, shrubs, trees or ground cover and be maintained in good condition.

5.10 The area shall be properly policed by the owner for removal and trash and debris on a daily basis.

5.11 When the development is in close proximity to residential development the architectural design shall be determined to be compatible with surrounding development.

5.12 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

5.13 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

SECTION IV. This ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas this ____ day of _____ 1972.

WICHITA-SEDGWICK COUNTY

Lyle
DATE

METROPOLITAN AREA PLANNING DEPARTMENT

September 11, 1972

TO Glen Lytle, Special Assistant for Zoning
FROM Jack H. Galbraith, Chief Planner *JHG*
SUBJECT Amendment to Zoning Ordinance
re personal storage garages

As a result of our recent discussion with Dekker, Feldner and Donnelly relative to the apparent interest in storage garages for personal items, such as household goods, motor vehicles, campers, boats and boat trailers, motorcycles, etc., please give some thought to a definition and district that will permit this type of use in the new zoning ordinance regulations.

Also, after you arrive at an appropriate definition, prepare a draft amendment for our present zoning regulations, either permitting the use as an outright use in the Light Commercial district or perhaps, preferably, by approval of the Board of Zoning Appeals as an exception in the light commercial, subject to specific conditions.

I would like your proposal by September 27, so that we can consider this on the Planning Commission agenda for October 26, 1972.

JHG:ber

cc: Robert A. Lakin
Director of Planning

Personal Storage - All storage shall be within an enclosed building. Storage shall be limited to motor vehicles, boats, campers, camper trailers, motorcycles, household goods and personal affects of the lessee. No goods to be stored that are for resale.

Gen: This is our
Thought on wording...
Joe

from: Lytle date: 9-01-72

admins.

- lakin
- knissley
- rathke
- eubanks
- felker
- wagner
- black

- young, don
- shen
-
-

adv. plans

- stockwell
- looney
- mitchell
- east
- colman
- hawbaker
- darrow
- houston
- curfman

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com. dev.

- starbuck
- lytle
- young, bob
- pist
- shirley
- newby
-
- mc murry
- johnson

- all staff
- comment
- note & return
- handie
- information
- files
- signature
- library

graphics

- pierce
- barber
- garland
- king
- davis
- haines
- crook
- livesay
- pate

remarks: _____

DRAFT 9-20-72

ORDINANCE NO. _____

AN ORDINANCE RELATED TO THE USES PERMITTED IN THE "LC"
LIGHT COMMERCIAL ZONING DISTRICT, AMENDING SECTIONS 28.04.020,
28.04.090 and 28.04.183 OF THE CODE OF THE CITY OF WICHITA,
KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
WICHITA, KANSAS:

SECTION I. That Section 28.04.020 of the Code of the City
of Wichita, Kansas, be amended to include the following definitions:

COMMERCIAL WAREHOUSE: A building or portion thereof
used for the storage of any property not per-
mitted in a Residential Storage Warehouse. This
shall not be deemed to include the storage area
in connection with a purely retail business when
located on the same property.

RESIDENTIAL STORAGE WAREHOUSE: A building or portion
thereof designed or used exclusively for storing
the excess personal property of an individual or
family when such is not located on the lot with
their residence such as; passenger motor vehicle,
house trailer, motorcycle, boat, camper, and other
items of personal property generally stored in
residential accessory structures. This shall not
include the storage of any merchandise, stock,
furnishings or vehicles of a business of any kind.

SECTION II. That Section 28.04.090 of the Code of the City
of Wichita, Kansas, be amended as follows:

Add to the list of permitted uses.

1.27 Uses listed in Section 28.04.183 only
when approved in the manner therein provided.

Delete item number 2.3 from the prohibited uses.

2.3 Promotional activities, provided that they are
first determined to meet the requirements of
Section 28.04.183.3.

SECTION III. That Section 28.04.183 of the Code of the City of Wichita, Kansas, be amended by adding the following:

5. The Board of Zoning appeals may, by special permit, grant exceptions and authorize as a use, Residential Storage Warehouses, in the "LC" Light Commercial District subject to the following conditions and requirements.

5.1 The use must be located in a district contiguous to an arterial street (as designated on Map 13A Transportation Plan Proposals, adopted February 3, 1966, and amendments thereto.) Ingress and egress must be limited to said arterial streets.

5.2 There shall be a minimum lot area of ten thousand square feet and shall provide a building setback line of thirty-five feet from all street right-of-way lines.

5.3 Any side of the building providing doorways to storage areas shall be setback from the property line not less than thirty-five feet.

5.4 A plot plan showing ingress and egress, widths of driveways, loading areas and on site traffic circulation shall be submitted to the Traffic Engineering Division, Department of Public Works, for approval prior to the filing of the application.

5.5 Off street parking shall be required on the basis of one space for each 2,000 square feet of floor area in the facility.

5.6 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.7 All lights shall be shielded to direct light onto the use established and shall be of sufficient intensity to discourage vandalism and theft.

5.8 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed 50 feet in gross surface area. Signs shall not project over any public right-of-way.

5.9 All areas not paved as required by 5.6 shall be landscaped with grass, shrubs, trees or ground cover and be maintained in good condition.

5.10 The area shall be properly policed by the owner for removal and trash and debris on a daily basis.

5.11 When the development is in close proximity to residential development the architectural design shall be determined to be compatible with surrounding development.

5.12 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

5.13 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

SECTION IV. This ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas this ____ day of
____ 1972.

APPLING AND INGHAM
ATTORNEYS AT LAW
230 PAGE COURT, 220 WEST DOUGLAS
(125 NORTH WATER)
WICHITA, KANSAS 67202

MARVIN R. APPLING
KENNETH L. INGHAM

January 3, 1973

AREA CODE 316
267-0261

Mr. Jack Galbraith
Metropolitan Planning Commission
City Building
220 South Main
Wichita, Kansas 67202

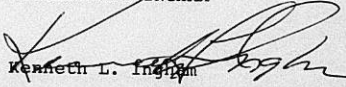
Dear Mr. Galbraith:

Referring to the draft of the proposed amendment to the ordinance related to uses permitted in "LC", light commercial zoning district, I would appreciate it if your department would proceed regarding the adoption of the amendment.

I have an interest in this particular amendment inasmuch as I am in the process of negotiating regarding a particular tract of land. Therefore, I am available at any time to work with your department regarding any changes, additions, or deletions to the draft amendment.

Respectfully yours,

APPLING AND INGHAM

By: 
Kenneth L. Ingham

KLI:bw

