



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

February 8, 2019

Jerry Owsley  
2545 South Atlantic Avenue #2206  
Daytona Beach, Florida 32118

Daniel Adams  
6000 West Central Avenue  
Wichita, Kansas 67212

**RE: CON2018-00046-City Conditional Use to allow Outdoor Vehicle and Equipment Sales on .33 acres zoned LC Limited Commercial subject to Protective Overlay #96 generally located on the northwest corner of West Central Avenue and North Boyd Avenue (6000 West Central).**

Dear Ladies and Gentlemen:

At its regular meeting on **February 7, 2019**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **approve** the request subject to the conditions found in the attached staff report.

The action of the MAPC is final unless one or more of the following exist: (1) the applicant appeals the action of the MAPC; (2) one or more valid protest petitions are filed with the City Clerk opposing the action of the MAPC; or (3) an appeal is filed by anyone with standing to appeal, which shall include the applicant; the Planning Director; the Zoning Administrator; the Wichita City Council; or any owner of land affected by the application. Protests and/or Appeals must be filed with the City Clerk within 14 days, **February 21, 2019**, of the conclusion of the Metropolitan Area Planning Commission hearing of February 7, 2019.

If a protest or an appeal of the decision of the MAPC is filed, the application will be forwarded to the Wichita City Council for consideration on May 16, 2018.

If no valid protests or appeals opposing the action of the MAPC are filed with the City Clerk by **5:00 p.m. on Thursday, February 21, 2019**, the action of the MAPC will be considered final.

This is a reminder that the zoning notification signs should now be removed from the property.

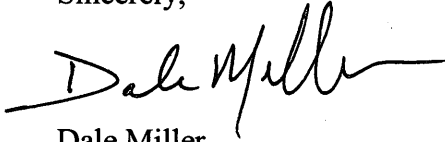
~~City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688~~

**T 316.268.4421 F 316.268.4390**

[www.wichita.gov](http://www.wichita.gov)

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Miller", with a stylized, flowing script.

Dale Miller  
Director of Planning

Copies to: Bryan Frye, Wichita City Councilman, District V, mail stop 1-13

Laura Rainwater, District V, mail stop 1-13

Leonard Fox, MAPC, 1<sup>st</sup> Floor, Ronald Reagan Building

Loretta Buckner, Orchard Breeze Neighborhood Association, 5602 West 3<sup>rd</sup> Street, Wichita, KS 67212

Larry White, Orchard Park Neighborhood Association, 4409 West 10<sup>th</sup> Street, Wichita, KS 67212

Julianne Kallman, City Engineering, mail stop 1-71

## CONDITIONAL USE RESOLUTION NO. CON2018-00046

**WHEREAS**, Jerry Owsley, (Owners) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to allow vehicle and equipment sales on LC Limited Commercial zoned property; generally located on the north side of West Central Avenue approximately one-quarter mile west of I-235 described as:

Lot 1, Block A, West Central Gardens Third Addition, Wichita, Sedgwick County, Kansas, except the south 10 feet for street (6000 W. Central).

### SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use shall be limited to the sales of cars and pick-up (light) trucks. No sale or rental of trailers, boats, motorcycles/scooters, recreational vehicles or trucks larger than pick-ups are permitted.
2. All improvements to the property must be finished before car sales is permitted. Those improvements shall include, but not limited to, clearly marked customer and employee parking and the display area, proposed lighting and a solid fenced trash receptacle area.
3. The applicant shall submit a revised site plan drawn to scale for review and approval by the Planning Director, within 60 days of approval and prior to the selling of any cars or light trucks. The site plan will include, but not be limited to, internal circulation that will remain open at all time to allow access, the existing solid wooden fence along the west property line, parking barriers along the south property line, any existing or proposed signs, existing or proposed lighting, and fenced trash receptacle. The site will be developed according to the revised site plan.
4. The selling of vehicles is subject to the supplemental use regulations of UZC Section III D. 6. x. pertaining to vehicle and equipment sales in the LC zoning district.
5. No customer parking or display vehicle parking is allowed on the north side of the property.
6. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

### SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #96

1. Complete Access Control to Central Avenue
1. If the site is redeveloped, then complete access control shall be provided along Arapaho Avenue
2. The garage doors to the north shall remain closed at all times except when needed to provide access to the business.

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

**WHEREAS**, the MAPC did, at the meeting of February 7, 2019, consider said application; and

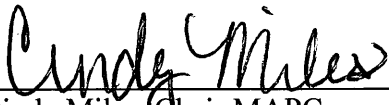
**WHEREAS**, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for Limited Used Auto Sales on LC Limited Commercial zoned property described as:

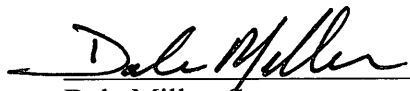
Lot 1, Block A, West Central Gardens Third Addition, Wichita, Sedgwick County, Kansas,  
except the south 10 feet for street (6000 W. Central).

Adopted this 7th Day of February 2019

METROPOLITAN AREA PLANNING COMMISSION

  
Cindy Miles, Chair MAPC

ATTEST:

  
Dale Miller, Secretary



## STAFF REPORT

MAPC: February 7, 2019  
DAB V: February 4, 2019

**CASE NUMBER:** CON2018-00046

**OWNER/APPLICANT:** Jerry D. Owsley (Owner) / Daniel Adams (Applicant)

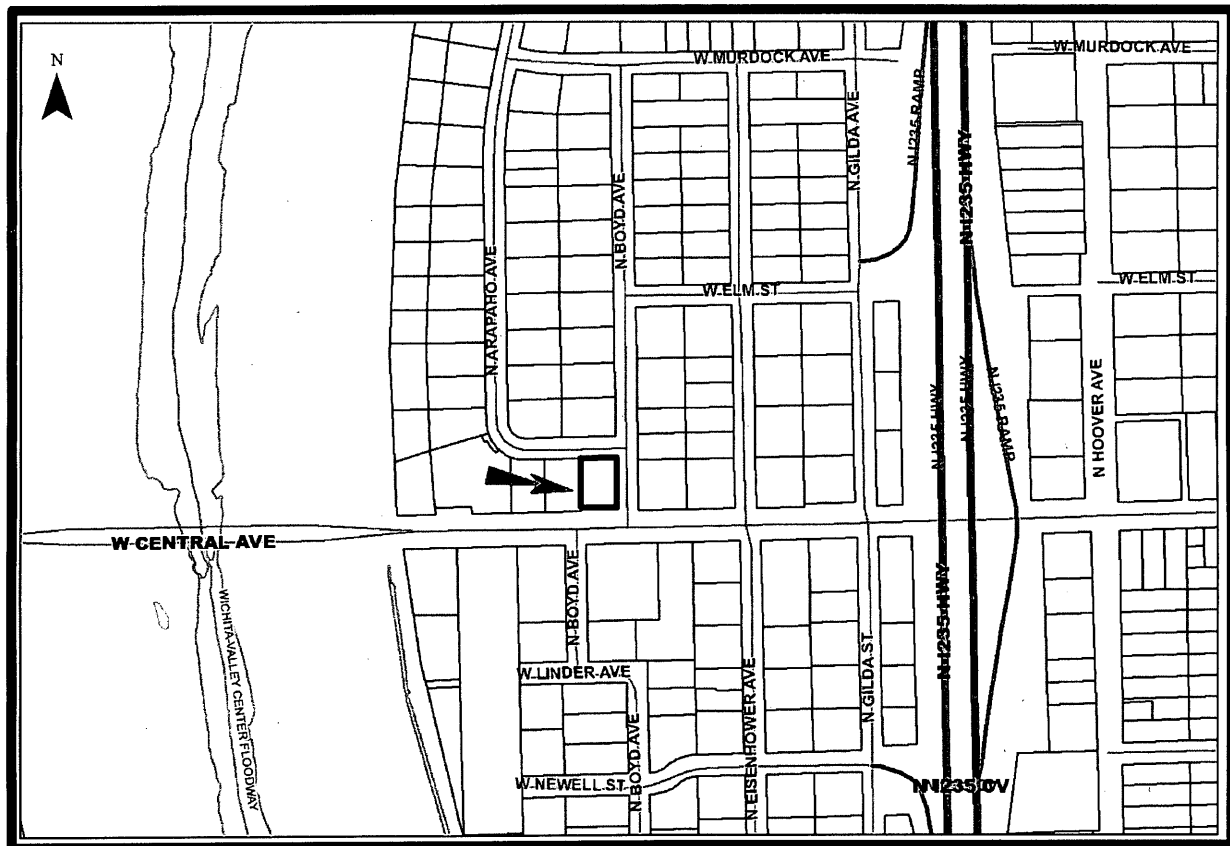
**REQUEST:** Conditional Use for Outdoor Vehicle Sales

**CURRENT ZONING:** LC Limited Commercial with P.O. #96

**SITE SIZE:** 0.33 acre

**LOCATION:** Northwest Corner of West Central Avenue and North Boyd Avenue, approximately 900 feet west of I-235 South (6000 W. Central)

**PROPOSED USE:** Outdoor Vehicle Sales



**BACKGROUND:** The applicant is requesting a “conditional use” to allow outdoor vehicle sales on property zoned Limited Commercial (LC). The site is located 900 feet west of the I-235 overpass at West Central Avenue. The subject site is developed with a one-story masonry service repair building with garage door openings on the north and south elevations that was constructed in 1981. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a conditional use in the LC zoning district. No vehicle repair will be provided as part of the car sales business.

The applicant’s site plan shows the existing commercial structure with customer and vehicle sales parking spaces marked. The site has two drive accesses, one onto North Boyd Avenue and one onto North Arapaho Avenue which is restricted by Protective Overlay #96 that states “The garage doors to the north shall remain closed at all times except when needed to provide access to the business.:

Between the Wichita-Valley Center Floodway and I-235 there is only one property that has frontage along West Central Avenue that is not zoned LC. Property north of the site is zoned SF-5 Single-Family residential and developed with single-family residences. Property east of the site is zoned LC and is developed with a flooring retail store. West of the site is zoned LC and is developed with an adult day care facility. Property south of the site is zoned LC and is developed with an office building and convenience store.

There are several used auto-related businesses located along West Central Avenue east of the I-235 overpass. This would be the first used car dealership located along this section of West Central Avenue between I-235 and Ridge Road.

Outdoor vehicle and equipment sales uses are subject to the following supplementary use regulations control in UZC Article III, Section III-D.6.x. when located within the LC zoning district as follows:

- (1) Location shall be Contiguous to a major Street as designated in the *Transportation Plan* adopted by the Governing Bodies, and as amended from time to time.
- (2) Visual Screening of areas Adjacent to residential zoning Districts shall be provided to protect Adjacent properties from light, debris and noise and to preserve Adjacent property values even when the change in use to Vehicle and Equipment Sales replaces a previous use that is of equal or greater intensity. In no case shall Screening be less than that required by Sec. IV- B.1-3.
- (3) All Parking, Outdoor Storage and display areas shall be paved with concrete, asphalt or asphaltic concrete or any comparable hard surfacing material. Parking barriers shall be installed along all perimeter boundaries Abutting streets, except at driveway entrances or where Fences are erected, to ensure that parked Vehicles do not encroach onto public Street Right-of- Way.
- (4) The lighting shall be in compliance with the lighting requirements of Sec.IV-B.4. No string-type or search lighting shall be permitted.
- (5) The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.
- (6) No repair work shall be conducted except in an enclosed Building, and further provided that no body or fender work is done.

(7) Only those Signs permitted in the LC District shall be permitted on this Site, except that no portable, flashing, moving or off-site Signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted.

(8) There shall be no use of elevated platforms for the display of Vehicles.

**CASE HISTORY:** The site was platted as Lot 1, Block A, West Central Gardens 3<sup>rd</sup> Addition in 1956. In June 2001 the zoning was changed from GO General Office to LC (ZON2001-26) to allow the building to be used for a windshield replacement business. P.O. #96 required the following restrictions:

1. Complete Access Control to Central Avenue
1. If the site is redeveloped, then complete access control shall be provided along Arapaho Avenue
2. The garage doors to the north shall remain closed at all times except when needed to provide access to the business.

**ADJACENT ZONING AND LAND USE:**

|        |      |                           |
|--------|------|---------------------------|
| NORTH: | SF-5 | Single-family residences  |
| SOUTH: | LC   | Office, convenience store |
| EAST:  | LC   | Adult day care            |
| WEST:  | SF-5 | Single-family residence   |

**PUBLIC SERVICES:** The subject property has access to West Central Avenue, a four-lane arterial with a 20-foot wide center turn lane at this location. Municipal water and sewer services and all other utilities are currently provided to the subject property.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services.

**RECOMMENDATION:** Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED with the following conditions:

- 1) The Conditional Use shall be limited to the sales of cars and pick-up (light) trucks. No sale or rental of trailers, boats, motorcycles/scooters, recreational vehicles or trucks larger than pick-ups are permitted.
- 2) All improvements to the property must be finished before car sales is permitted. Those improvements shall include, but not limited to, clearly marked customer and employee parking and the display area, proposed lighting and a solid fenced trash receptacle area.
- 3) The applicant shall submit a revised site plan drawn to scale for review and approval by the Planning Director, within 60 days of approval and prior to the selling of any cars or light trucks. The site plan will include, but not be limited to, internal circulation that will remain open at all time to allow access, the existing solid wooden fence along the west property line, parking barriers along the south property line, any existing or proposed signs, existing or proposed lighting, and fenced trash receptacle. The site will be developed according to the revised site plan.
- 4) The selling of vehicles is subject to the supplemental use regulations of UZC Section III D. 6. x. pertaining to vehicle and equipment sales in the LC zoning district.

- 5) No customer parking or display vehicle parking is allowed on the north side of the property.
- 6) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 7) If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

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

1. **The zoning, uses and character of the neighborhood:** Between the Wichita-Valley Center Floodway and I-235 there is only one property that has frontage along West Central Avenue that is not zoned LC. Property north of the site is zoned SF-5 Single-Family residential and developed with single-family residences. Property east of the site is zoned LC and is developed with a flooring retail store. West of the site is zoned LC and is developed with an adult day care facility. Property south of the site is zoned LC and is developed with an office buildings and convenience store.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC and was previously a windshield repair shop.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Vehicle sales on a site this size when developed with the conditional use, will not have a negative effect on the area based on the existing uses.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as being located within the Established Central Area.
5. **Impact on Community Facilities:** All public facilities are available and existing road facilities are adequate.

Staff Report Attachments:

- a. Site Plan Submitted by Applicant

← CENTRAL AVE →

Grass

Grass

SIDE WALK

Grass

Grass

Grass

Neighborhood

Grass

Handicap parking

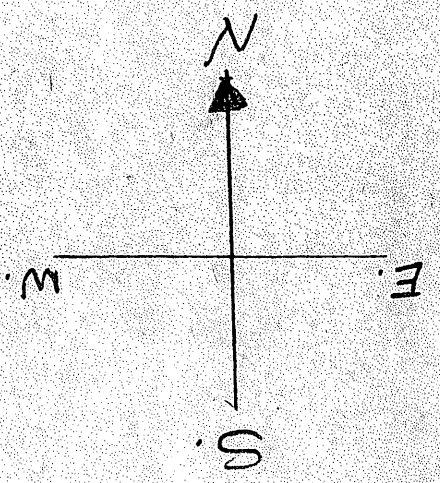
Handicap parking

OFFICES

Grass

SCALE: 1:10

COM 2018-46



SITE PLAN

APPROVED 3/1/19 *[Signature]*