OCA 150004

(Published in the Wichita Eagle, 7/19/2019

ORDINANCE NO. 51-068

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2019-00016

City zone change from GO General Office to LC Limited Commercial described as:

The west 25 feet of Lot 54, Block C, Planeview No. 2 Addition, Wichita, Sedgwick County, Kansas

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

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

AGENDA ITEM NO. 12

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC: June 6, 2019
DAB III: June 5, 2019

CASE NUMBER: ZON2019-00016 & CON2019-00016

APPLICANT/AGENT: Ross Parkway Apartments II, LLC (Applicant) / Ferris Consulting (Agent)

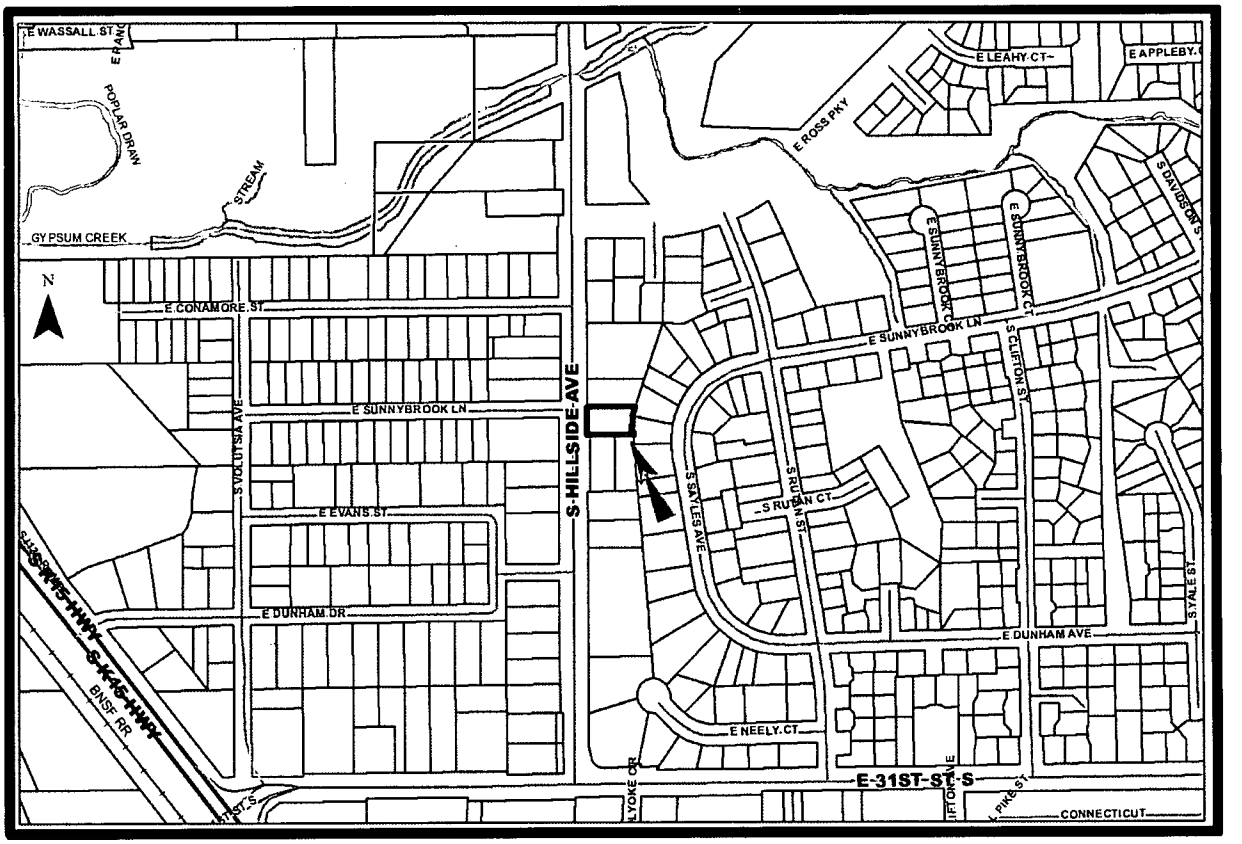
REQUEST: Zone change to LC Limited Commercial and a Conditional Use for Outdoor Vehicle Sales

CURRENT ZONING: GO General Office

SITE SIZE: 0.37 acres

LOCATION: On the east side of South Hillside Avenue approximately one-quarter mile north of East 31st Street South (3002 S Hillside Ave).

PROPOSED USE: Outdoor Vehicle Sales



BACKGROUND: The applicant is requesting a zone change for a strip of land approximately 25 feet by 200 feet from GO General Office to LC Limited Commercial as well as a conditional use to allow outdoor vehicle sales on property generally located one-quarter mile north of East 31st Street South and on the east side of South Hillside Avenue. The majority of the subject property is already zoned LC. The site has an existing single family dwelling unit near the east property line and the other existing building is used for auto repair, limited. The dwelling unit was built 1958 and the commercial building was built 1967. Both existing uses will continue on the site. The applicant has indicated that the auto sales will encompass 800 square feet of the existing commercial space and the sales area will front Hillside Avenue. The number of vehicles being displayed at any one time would be limited to five (5) or less (see site plan). The site has access via Hillside Avenue with a drive on the south side of the property. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a conditional use in the LC zoning district. Outdoor vehicle and equipment sale uses are subject to supplementary use regulations in the Unified Zoning Code Section III-D.6.x.

The applicant is required to provide sufficient off-street parking as outline by the UZC Sec.IV-A.4 for all uses on the site. Off-street parking is calculated by the area dedicated to each use. The total parking requirement for this lot is 15 spaces. According to the site plan submitted by the applicant, the site has 16 available parking spaces when taking into account 4 spaces in the repair bays. The parking requirement by use on the site is as follows:

- Single Family Residence
  - **Parking requirement: 1 per dwelling unit.**
- Vehicle Repair, Limited
  - Parking ratio: 1 per 333 square feet plus 3 spaces
  - Applicable area: 2,552 square feet
  - **Parking requirement: 11 spaces**
- Outdoor Vehicle Sales
  - Parking ratio: 1 per 500 square feet plus 2 spaces for the first 10,000 sq. ft. of lot area used for sales or storage.
  - Applicable area: 800 building square feet, Approx. 4,600 square feet sales/storage space.
  - **Parking requirement: 3**

Property north of the site is zoned MF-29 Multi Family and is a residential use for the church property abutting to the north. Property east of the site is zoned MF-29 and is single family homes and duplexes. West of the site is zoned Limited Commercial and is a fast food restaurant and a small strip retail center. Property south of the site is zoned primarily LC with a small strip of GO fronting Hillside and is developed with an auto repair business. There are several auto repair uses in the area both along Hillside south of this property and to the west fronting East 31st Street. A property located at 2885 South Hillside Avenue (about 500 feet north of the subject property) is an auto repair business that also has a conditional use for vehicles sales (CON2006-00023). The general area is a mix of commercial uses and two churches which front Hillside, with multi-family housing to the east and single family homes west of the businesses the front Hillside.

CON2006-00023 provides a precedent in this area for auto repair businesses selling used vehicles. The full conditions for this site are attached, but in general the conditions address the following:

- The conditional use is only valid as long as the site operates as a vehicle repair, limited garage.
- A limitation to the number of display vehicles at any one time.
- Prohibiting outdoor storage of salvage vehicles or those waiting for repair as well as providing screening for outdoor storage of any parts associated with the vehicle repair use.
- The number and location of customer parking.

CASE HISTORY: No case history was found. The site was platted as Lots 54, Block C, Planeview Subdivision No 2 Addition in 1955

ADJACENT ZONING AND LAND USE:

NORTH:	MF-29	Church residence
SOUTH:	LC/ GO	Commercial
EAST:	MF-29	Single Family and Duplex residential
WEST:	LC	Fast food restaurant and small strip shopping center.

PUBLIC SERVICES: The subject property has access to South Hillside, a four lane, paved arterial road. 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. The Future Growth Concept Map identifies the area as "Residential" with small pockets of "Commercial" and "Industrial" along Hillside as an arterial street. Under the "Commercial" land use category, the site is eligible for "the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, Residential Uses."

The Locational Guidelines of the *Community Investments Plan* recommends that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The site has direct access to South Hillside Avenue—a 4-lane arterial. The conditions attached to a Conditional Use can address site design issues. The Locational Guidelines also recommend that primary outdoor sales should be located along highway corridors or in areas where the uses have already been established. There are like uses already established in the area.

In the past the MAPC has identified smaller car sales lots as being more of a local commercial establishment in their nature, as opposed to the cluster of larger car sales lots located primarily along highway corridors, which are more regional in their clientele draw. The MAPC has also recommended that buildings that had in the past been used for automobile activities, such as vehicle repair garages, be considered as possible sites for car sales. The applicant's proposal is to continue to use the site for limited auto repair, while adding car sales on the site conforms to what the MAPC has recommended for this type of site in the past.

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

Approval shall be subject to the following conditions:

1) In addition to the uses permitted in the LC Limited Commercial district, the site shall be limited to the sale of cars and pick-up (light) trucks only as long as it continue to operate as a vehicle repair, limited garage. No sale or rental of trailers, boats, motorcycles/scooters, recreational vehicles or trucks larger than pick-ups are permitted. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.

2) No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. Outside storage of parts, including tires, associated with the vehicle repair, limited operation shall be within a 6-foot solid screen area.

3) All vehicles associated with the car sales lot shall be located on the west side of the existing commercial building fronting South Hillside Avenue and shall be located entirely within the west 25 feet and the north 85 feet of Lot 54, Block C, Planeview Subdivision No. 2 Addition. The site shall be limited to the display of no more than five (5) vehicles for sale at any given time.

4) All customer parking will be confined to the portion of the site not occupied with the vehicle display area and shall be clearly marked as such. One space must be van accessible. The interior fenced area shall be made available for customer parking during business hours in order to meet the parking requirement. No customer parking spaces shall block or encroach into the ingress/egress driveway.

5) 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.

6) All improvements shall be completed within one year of the approval of the conditional use by the MAPC or the city Council. No vehicle sales shall be allowed until all permits have been acquired and all improvements to the site have been made.

7) The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the selling of any cars or light trucks, prior to car sales is permitted. The site plan will include, but not be limited to, internal circulation that will remain open at all time to allow access, area intended for customer parking, parking barriers along the west property line, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.

8) Off-street parking spaces shall be provided in accordance with Article IV, Sec. IV-A of the UZC. No vehicles for sale shall be displayed in required off-street parking spaces.

9) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

10) 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:** Property north of the site is zoned MF-29 Multi Family and is a residential use for the church property abutting to the north. Property east of the site is zoned MF-29 and is single family homes and duplexes. West of the site is zoned Limited Commercial and is a fast food restaurant and a small strip retail center. Property south of the site is zoned primarily LC with a small strip of GO fronting Hillside and is developed with an auto repair business. There are several auto repair uses in the area both along Hillside south of this property and to the west fronting East 31st Street. About 500 feet north of the subject property is an auto repair business that also has a conditional use for vehicles sales. (CON2006-00023). The general area is a mix of commercial uses and two churches which front Hillside, with multi-family housing to the east and single family homes west of the businesses the front Hillside.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is primarily zoned LC with a small strip zone of GO fronting Hillside. This request will make the site all one

zone. The property is suitable for the commercial uses to which it has been restricted, including its current use of vehicle repair, limited.

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 have minimal negative impacts on the area and will likely improve the property, given the recommendation of additional conditions limited the number of display vehicles, screening, etc.

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 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. The Future Growth Concept Map identifies the area as "Residential" with small pockets of "Commercial" and "Industrial" along Hillside as an arterial street. Under the "Commercial" land use category, the site is eligible for "the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, Residential Uses."

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Staff Report Attachments:

1. Area Map
2. Zoning Map
3. Land Use Map
4. Site Plan Submitted by Applicant
5. CON2006-00023 Conditions

SITE PLAN

APPROVED [signature] BY 10/24/2019

Site Plan (Revised)
ZON2019-00016/CON2019-0016
3002 S. Hillside



Revised 10-02-19