OCA 150004

(Published in the Wichita Eagle, 12/20/19

ORDINANCE NO. 51-1602

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. ZON2019-00039

City zone change from TF-3 Two-Family Residential to LC Limited Commercial described as:

The South 28.71 feet of the South 161.25 feet of the Eat 70 feet of School Reserve, Washington Avenue, Wabash Avenue Subdivision in Beals 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. 4.1

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC: November 7, 2019
DAB III: November 6, 2019

CASE NUMBER: ZON2019-00039 & CON2019-00038

APPLICANT: Eugene Alteneau (Applicant)

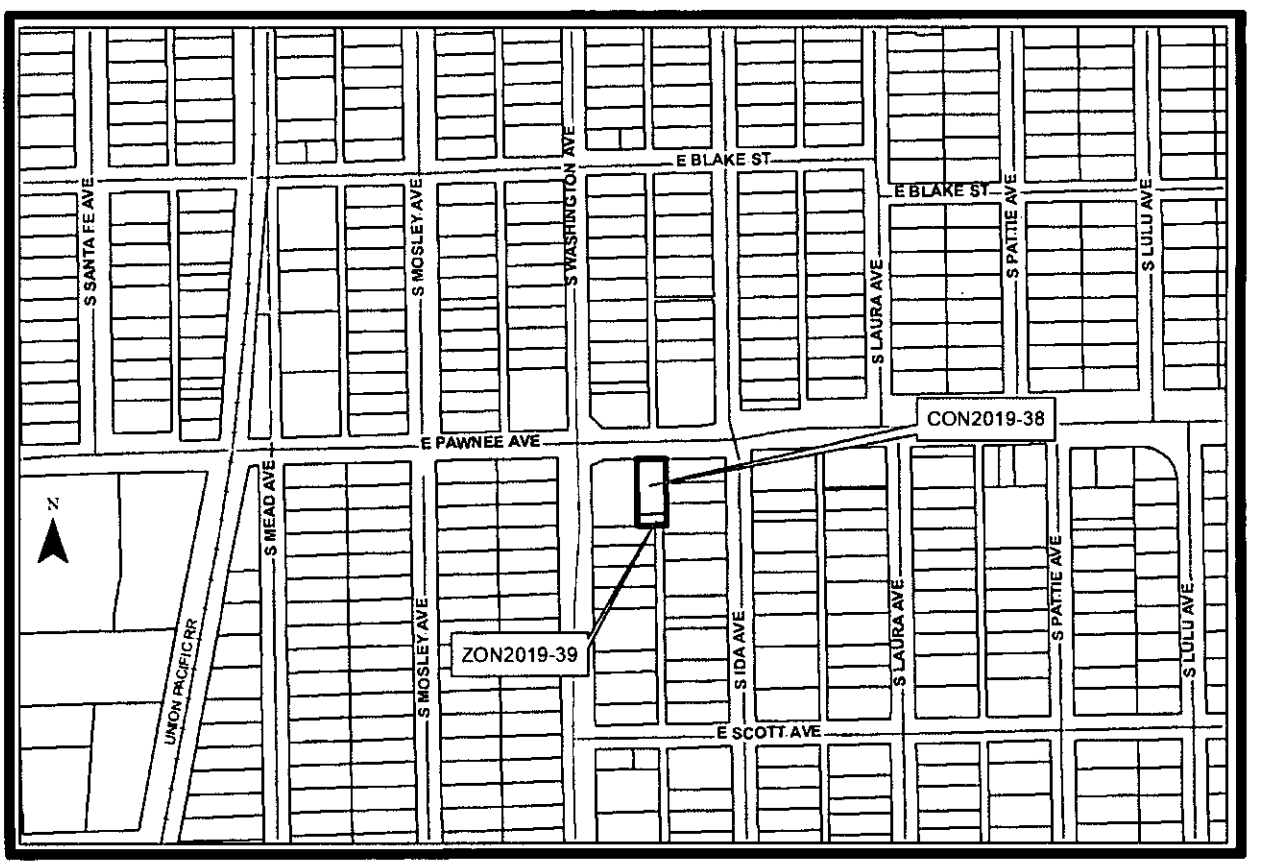
REQUEST: Zone change to LC Limited Commercial and a Conditional Use for Outdoor Vehicle Sales

CURRENT ZONING: TF-3 Two Family Residential

SITE SIZE: 0.05 acres (rezone request area) / .25 acres (total site)

LOCATION: On the south side of East Pawnee Avenue and 550 feet east of South Washington Avenue (1017 E. Pawnee Ave.).

PROPOSED USE: Outdoor Vehicle Sales



BACKGROUND: The applicant is requesting a zone change for a strip of land approximately 28.5 feet by 70 feet from TF-3 Two Family Residential to LC Limited Commercial as well as a conditional use to allow outdoor vehicle sales on property generally located on the south side of East Pawnee Avenue and 550 feet east of South Washington Avenue (1017 E. Pawnee). The majority of the subject property is already zoned LC. The portion zoned TF-3 occupies the rear 28.5 feet of the property and acts as a buffer zone between the TF-3 zoning district that encompasses the remainder of the block to the south. According the site plan, the lot would have space to display 7 cars in addition to 4 customer parking stalls and 3 employee parking stalls. The applicant intends to use the existing 10-foot by 14-foot structure in the southeast corner of the lot as the office. The site has access via East Pawnee Avenue through a 20-foot drive on the northeast corner 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. These regulations are provided for review as an attachment to this staff report.

Property north of the site across East Pawnee is zoned LC and TF-3, and are an abandoned vehicle repair shop and a church respectively. Property east of the site is zoned LC and TF-3 and are a vehicle repair with conditional use for vehicles sales (BZA24-92) and a single family residence. West of the site is zoned Limited Commercial and is a carpet cleaning and installation business. Property south of the site is zoned TF-3 and are the rear yards of single family homes. There is also a public alley right-of-way. A portion of which is requested to be vacated by the applicant concurrently with these cases (VAC2019-00034).

As stated previously, a property located at 1027 East Pawnee Avenue (abutting east of the subject property) is an auto repair business that also has a conditional use for vehicles sales (BZA24-92). The property is owned and operated by the applicant. There are additional used car sales lots at the intersection of East Pawnee Avenue and South Broadway one-half mile west of the subject location.

CASE HISTORY: No case history was found. The site was platted as the east 70 feet of School Reserve, Wabash Avenue Subdivision of Beals Addition, Wichita, Sedgwick County, Kansas 1887.

ADJACENT ZONING AND LAND USE:

NORTH:	LC/ TF-3	abandoned vehicle repair and Church
SOUTH:	TF-3	Single family residential and alley
EAST:	LC/ TF-3	Vehicle repair & Vehicle sales/ single family residential
WEST:	LC	Carpet cleaning and installation business.

PUBLIC SERVICES: The subject property has access to East Pawnee, a five-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 Pawnee 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 Ease Pawnee Avenue—a five-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.

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. 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) The site shall be limited to the display of no more than seven (7) vehicles for sale at any given time.

3) All customer and employee 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. No customer parking spaces shall block or encroach into the ingress/egress driveway.

4) Improvements to the site shall include, but not limited to, clearly marked customer and employee parking and installing screening along the rear property line adjacent to residential zoning in compliance with UZC Section IV-B.1-3.

5) All improvements to the property must be finished before car sales is permitted. No vehicle sales shall be allowed until all permits have been acquired and all improvements to the site have been made.

6) 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 north property line, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.

7) 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.

8) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. The site shall conform to Supplementary Use Regulation for Outdoor Vehicle and Equipment Sales in Limited Commercial as described in Section III-D.6.x of the Unified Zoning Code.

9) If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

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

1. **The zoning, uses and character of the neighborhood:** Property north of the site across East Pawnee is zoned LC and TF-3, and are an abandoned vehicle repair shop and a church respectively. Property east of the site is zoned LC and TF-3 and are a vehicle repair with conditional use for vehicles sales (BZA24-92) and a single family residence. West of the site is zoned Limited Commercial and is a carpet cleaning and installation business. Property south of the site is zoned TF-3 and are the rear yards of single family homes. There is also a public alley right-of-way. A portion of which is requested to be vacated by the applicant concurrently with these cases (VAC2019-00034).

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 TF-3 at the rear of the property. This request will make the site all one zone. The property is suitable for the commercial uses to which it has been restricted.

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 Pawnee 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 Ease Pawnee Avenue—a five-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.

Staff Report Attachments:

1. Area Map
2. Zoning Map
3. Land Use Map
4. Site Plan Submitted by Applicant
5. Vehicle Sales Supplemental Use Regulations.