Wichita-Sedgwick County Metropolitan Area Planning Department

July 9, 2020

Robert W. Kaplan
301 N. Main (STE 1600)
Wichita, KS 67202

RE: CON2020-00017: City Conditional Use to allow vehicle sales outdoors on property zoned LC Limited Commercial, generally located on the north side of West 31st Street South and one block west of South Broadway Avenue (3149 South Old Lawrence Road).

Dear Applicants:

At its regular meeting on **June 18, 2020**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request by a vote of 12 to 0 in accordance with the attached resolution. No protests were filed, so this matter is considered complete, subject to the conditions outlined in the resolution.

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

Sincerely,

David L. Yearout, AICP
Principal Planner

Copies to: Maisch Theodore Living Trust, 1940 S. Oliver, Wichita, KS 67218
James Clendenin, Council Member District III
Maddy Campbell, CSR District III
Paul Hays, OCI, Mailstop 1-72
Jeff Van Zandt, City Law, Mailstop 1-134
Shawn Mellies, Engineering, Mail Stop 1-71
Seth Gotchey, Engineering, Mail Stop 1-71

CONDITIONAL USE RESOLUTION NO. CON2020-00017

WHEREAS, Theodore W. Maisch - Theodore Maisch Living Trust, (Owners), and Robert W. Kaplan (Agent) 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, outdoor on property zoned LC, Limited Commercial District, located on the north side of West 31st Street South and the east side of South Old Lawrence Road, and legally described as:

Lot 1, Cazel's 4th Addition to City of Wichita, Sedgwick County, Kansas.

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 June 18, 2020, 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 Vehicle and Equipment Sales, outdoor on property zoned LC, Limited Commercial District, located on the on the ~~north~~ West side of West 31st Street South and the east side of South Old Lawrence Road, and legally described as:

Lot 1, Cazel's 4th Addition to City of Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. A revised site plan, drawn to scale and addressing the conditions of approval shall be submitted for review and approval by the Planning Director or his designee prior to the issuance of a certificate of occupancy, but no later than 30 days after approval of the Conditional Use. In particular, the site plan shall show the number and arrangement of vehicles for sales on the site, appropriate security for display of the vehicles and the revisions of access from Old Lawrence Road for a single access point as approved by City of Wichita Public Works.

2. All requirements of Article III, Section III.D.6.x. of the Unified Zoning Code shall be met.

3. In addition to uses permitted in the "LC" Limited Commercial district, the property is permitted a Conditional Use for "vehicle and equipment sales, outdoor."

4. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted without first obtaining "GC" General Commercial zoning.

5. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.

6. The site shall be developed in general conformance with the approved site plan. All improvements shown on the approved site plan shall be completed prior to the operation of a vehicle sales lot; except the building addition may be completed at a later date, subject to a revised site plan confirm adequate parking.

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

8. 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.

Adopted this 18th Day of June, 2020

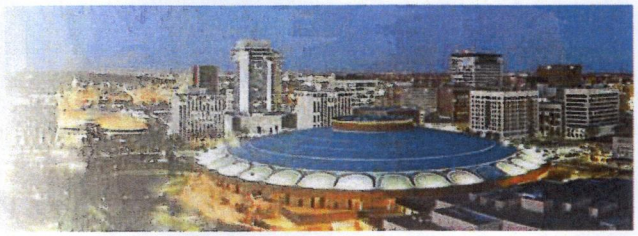
METROPOLITAN AREA PLANNING COMMISSION

Charles A. Warren, Chair MAPC

ATTEST:

Scott Wadle, Secretary

The Wichita Eagle
Kansas.com
330 N Mead St | Wichita, KS 67202 | 316-268-6000



LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
453868	0004654506			$100.80	1	168

Attention: Betsy Pagán

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

LEGAL PUBLICATION

OCA 150004
PUBLISHED IN THE WICHITA EAGLE
ON MAY 28, 2020 (0004654506)
(One Time Only)
MAPC June 18, 2020
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, June 18, 2020 no earlier than 1:30 p.m.**, the WichitaSedgwick County Metropolitan Area Planning Commission (Planning Commission) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Century II - Room 101B - 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice).**If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.**

CON2020-00017 City Conditional Use to allow vehicles sales outdoor on property zoned LC Limited Commercial generally located on the north side of West 31st Street South and one block west of South Broadway Avenue (3149 South Old Lawrence Road).

CON2020-00019 City Conditional Use to permit vehicle sales in Limited Commercial (LC), Generally located on the Southeast corner of North Ridge Road and West 13th Street North (7115 W 13th St N).

CUP2020-00017 City CUP (associated with ZON2020-00015) to create new Harbor Isle Commercial 1 CUP on property seeking rezoning to LC and GC and generally located east of North Meridian Avenue and north of West I-235 Highway.

CUP202000019 City CUP Amendment # 2 to Womer Plaza Shopping Center CUP DP-29 to expand the existing CUP DP-29 associated with a zone change from SF-5 Single Family Residential to LC Limited Commercial (ZON2020-21) ; generally located 1,000 feet south of W 37th St N on the east side on N. Meridian Ave.

VAC202000015 City vacation of a portion of a platted utility easement to allow development on property zoned PUD Planned Unit Development (PUD-57); generally located on the north side of West Maple Street and 1,800 feet east of South Ridge Road.

ZON202000015 City rezoning (associated with (CUP2020-00017) to change zoning to LC and GC and create new CUP generally located east of North Meridian Avenue and north of West I-235 Highway for new commercial development.

ZON202000016 City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential to build a two-story duplex on a vacant lot generally located west of Zoo Blvd and north of W. Central Ave on the east side of N. Kessler (792 N. Kessler)

ZON2020-00017 City zone change from SF-5 Single-Family Residential to OW Office Warehouse; generally located approximately 1/2 mile south of I-35 on the west side of S. Hydraulic Avenue (5398 S. Hydraulic)

ZON2020-00018 City zone change from SF-5 to LC Limited Commercial to redevelop existing building; generally located one-quarter mile south of West 53rd St North on the east side of N. Meridian Avenue (5130 N. Meridian Ave.)

ZON2020-00019 City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential on property located on the west side of North Meridian Avenue, 1900 feet north of West 53rd Street North.

ZON2020-00021 City zone change from SF-5 Single Family Residential to LC Limited Commercial associated with (CUP2020-19, Amendment # 2) to Womer Plaza Shopping Center CUP DP-29 to expand the existing CUP DP-29; generally located 1,000 feet south of W 37th St N on the east side on N. Meridian Ave.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION due to COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time
You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	BPagan@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: David Yearout 271 W. 3rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	3168587764

Participate Remotely
You can participate remotely either by phone, mobile device, or computer by using the following link or phone number.
Please join the meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/856680853
You can also dial in using your phone.
- United States: +1 (872) 240-3212
- Access Code: 856-680-853

Attend a Virtual Connection Site In-Person
You may also participate in the hearing by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on May 22, 2020
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission

In The STATE OF KANSAS
In and for the County of Sedgwick
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 05/28/2020

Ending issue of: 05/28/2020

STATE OF KANSAS)
.SS
County of Sedgwick)

Tony Berg, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from **5/28/2020** to **05/28/2020**.

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

Tony Berg

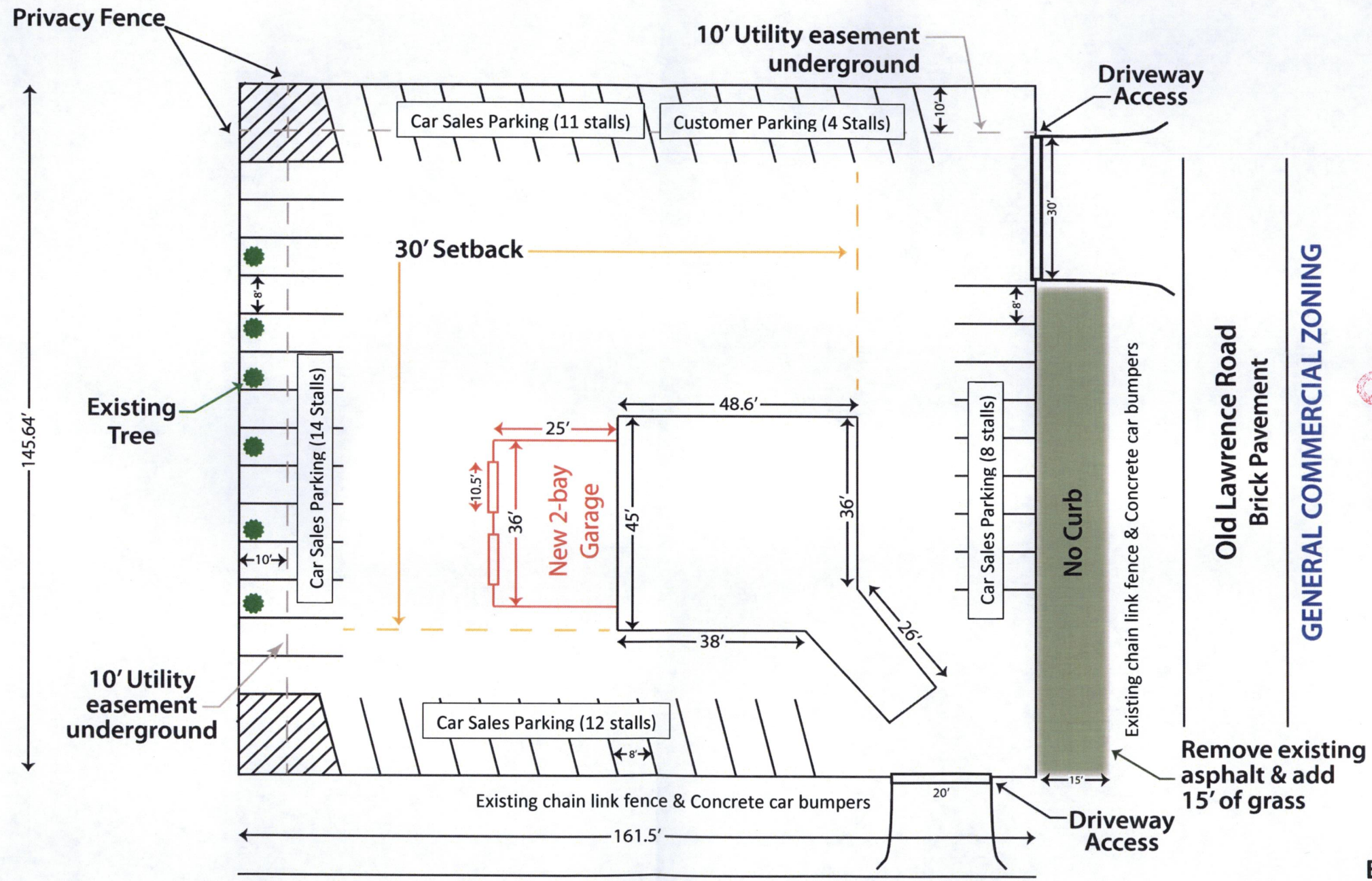
(Signature of Principal Clerk)
DATED: 6/1/2020

Notary Public Sedgwick County, Kansas

JENNIFER RAE BAILEY
Notary Public - State of Kansas
My Appt. Expires 6/14/2021

SITE PLAN FOR CONDITIONAL USE

SINGLE FAMILY HOME



S.OldLawrenceRd.

Lot1Cazel's4thAddition

LIGHTCOMMERCIALZONING

3149

SITE PLAN APPROVED 2/22/21 BY MW

1:24 Scale