



Wichita-Sedgwick County Metropolitan Area Planning Department

October 13, 2020

Jeremiah Leathers
4027 N. Friar Lane
Wichita, KS 67204

Antoine Wakin
33 Rolling Hills
Wichita, KS 67201

RE: CON2020-00024- City Conditional Use for Vehicle Sales, Outdoor, on property zoned LC generally located on the south side of West Central Avenue and west of North West Street (4231 West Central Avenue).

Dear Applicant:

At its regular meeting on **April 20, 2021**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request.

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

Sincerely,

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
Cindy Claycomb, CM District VI
Ana Lopez, CSR, District VI
Cindy Houston, Garten's Associated Music Services, 4235 W. Central, Wichita, KS 67212

RESOLUTION NO. 20-315

A RESOLUTION APROVING CON2020-00024 AUTHORIZING VEHICLE SALES; LOCATED 920 FEET WEST OF NORTH WEST STREET ON THE SOUTH SIDE OF WEST CENTRAL AVENUE, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow vehicle sales at 4231 West Central Avenue and legally described below:

Case No. CON2020-00024

Conditional Use to Allow Vehicle Sales, Outdoor, on LC Limited Commercial Zoned Property; generally located on the south side of West Central Avenue and west of North West Street and described as:

Lot 1, except the East 61.5 feet thereof, West City Addition, Wichita, Sedgwick County, Kansas; and, Lot 2, except the West 0.1 feet thereof, Westex Addition, Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

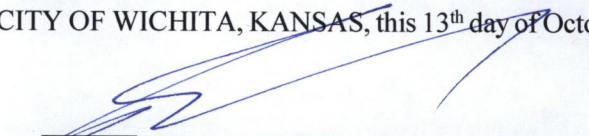
- 1) The Conditional Use shall be limited to the sales of cars and pick-up (light) trucks. No sale or rental of trailers, boats, motorcycles/scooters, recreational vehicles or trucks larger than pick-ups are permitted. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect. No more than five (5) cars for sale will be allowed on the lot at one time.
- 2) Because the UZC's definition of "vehicle repair limited" does not allow the outside repair or maintenance services of vehicles none shall be conducted on the site, unless a building is provided for this activity; (UZC Art. II, Sec.II-B.14.i). No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. No outside storage of parts, including tires, oil containers or any similar type of receptacles for new or used petroleum products.
- 3) 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.
- 4) The applicant shall submit a scaled revised site plan for review and approval by the Planning Director, 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, required screening along the south property line, parking barriers along the north property and west property lines, area designated for display of cars, customer and employee parking, any existing or proposed signs, existing or proposed lighting, landscaping plan along the south property line and location of a fenced trash receptacle. The site will be developed according to the revised site plan.
- 5) 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.
- 6) A conditional use amendment shall be required for any changes to these conditions.
- 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. No parking is allowed on unpaved surfaces on the lot.

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

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

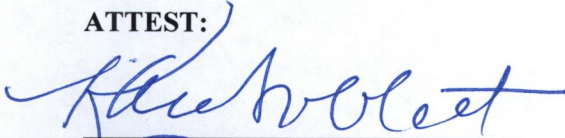
SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this 13th day of October, 2020.



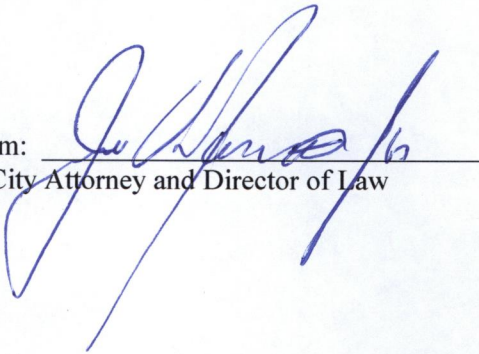
Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

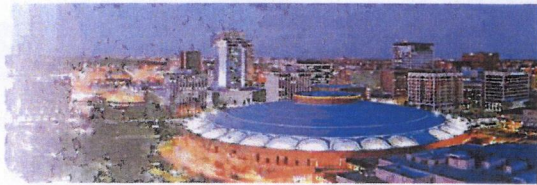


Karen Sublett, City Clerk



Approved as to form: 

Jennifer Magaña, City Attorney and Director of Law



AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
453697	0004730098		150004 MAPC/BZA September 10	\$84.00	1	10.00 In

Attention: Betsy Pagán

CITY OF WICHITA/CLERKS OFFICE
 455 N MAIN ST FL 13
 WICHITA, KS 67202

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

1 Insertions

Beginning issue of: 08/20/2020

Ending issue of: 08/20/2020

STATE OF KANSAS)

.SS

County of Sedgwick)

VICTORIA RODELA, 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 8/20/2020 to 08/20/2020.

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

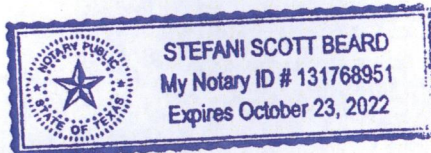
V Rodela

Signature of Principal Clerk

DATED: 8/25/2020

Stefani Scott Beard

Notary Public Dallas County, Texas



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE
ON AUGUST 20, 2020 (4730098)
(One Time Only)

MAPC/BZA September 10, 2020 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, September 10, 2020 no earlier than 1:30 p.m.**, the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals 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 Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2020-00033 City Variance to the sign code for additional height and size of an on-site sign along Kellogg on property zoned LC Limited Commercial and generally located on the south side of Kellogg and one half mile east of South Rock Road (8405 E Kellogg).

CON2020-00024 City Conditional Use for Vehicle Sales, Outdoor, on property zoned LC generally located on the south side of West Central Avenue and west of North West Street (4231 West Central Avenue).

ZON2020-00027 City zone change from SF-5 to TF-3 on property located 1600 feet west of South Seneca Street, 1475 feet south of West Pawnee Avenue (1602 West Dallas).

ZON2020-00028 City zone change from SF-5 to TF-3 Two-Family Residential on property located 885 feet south of West Central Avenue, 3000 feet east of I-235 Highway (538 North Anna).

ZON2020-00030 City Zone Change from Single-Family Residential (SF-5) to General Commercial (GC) for development, Generally located on the East side of South Broadway Avenue and within one half mile south of East 47th Street South (5136 S Broadway).

VAC2020-00021 City vacation of the east 15 feet of a 35-foot building setback to allow new Wendy's footprint on site for longer drive thru queue; generally located southeast of the intersection of Douglas Avenue and Rock Road (160 S. Rock Road).

VAC2020-00022 City vacation of public utility easement to allow for a privately owned service; generally located 1/4 mile west of Meridian on Portwest Circle, south of 53rd Street N (4921 N. Portwest Circle).

VAC2020-00031 City vacation of a portion of a platted rear setback on SF-5 zoned property; generally located east of I-35 on the north side of East 63rd Street South (1100 E 63rd St).

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 Wichita-Sedgwick 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. 3 rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316-858-7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/751333133>

You can also dial in using your phone.
United States: +1 (224) 501-3412

Access Code: 751-333-133

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 (268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on August 17, 2020

Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

