Wichita-Sedgwick County Metropolitan Area Planning Department

December 7, 2022

Limokam, LLC
Attn: Mouhamed Kamile Ligali
2510 E. Pawnee St.
Wichita, KS 67211

RE: **ZON2022-00046 and CON2022-00035:** Zone Change request in the City from MF-29 Multi-Family Residential to LC Limited Commercial (with CON2022-00035) for Vehicle and Equipment Sales, Outdoor, located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 North Hillside).

Dear Applicant;

At its regular meeting on **December 6, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **DENY** of the request.

Section V-C.11 of the Unified Zoning Code states that in the event that the governing body denies a request, a similar application shall not be refiled for one year from the latest advertised public hearing date (that is the Planning Commission hearing on October 6, 2022). A request for a more restrictive zoning classification shall not be filed for six months from the same date.

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

Sincerely,

E. Ebach

Eryn Ebach
Associate Planner

Copies to: MABCD
Brandon Johnson, Council Member District I
Tasha Hayes, CSR District I
S. Mellies, City Engineering

Fairmount Neighborhood Assoc.
Attn: Darryl Carrington
1512 N. Gentry
Wichita, KS 67208

Wichita-Sedgwick County Metropolitan Area Planning Department

October 7, 2022

Limokam, LLC
Attn: Mouhamed Kamile Ligali
2510 E. Pawnee St.
Wichita, KS 67211

RE: **ZON2022-00046 and CON2022-00035:** Zone Change request in the City from MF-29 Multi-Family Residential to LC Limited Commercial (with CON2022-00035) for Vehicle and Equipment Sales, Outdoor, located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 North Hillside).

Dear Applicant;

At its regular meeting on **October 6, 2020**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request with the following conditions:

1. In addition to uses permitted in the "LC" Limited Commercial District, the site shall be limited to the sales of cars and light trucks. 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.
2. The number of used cars for sale shall be limited to no more than five at any one time.
3. The applicant shall submit a site plan illustrating the display areas, vehicle circulation, solid screening, ingress and egress, parking areas for all uses on the site, dumpsters, landscaping, signs, lighting and showing all easements and setbacks for review and approval by the Planning Department, prior to the issuance of a building permit,
4. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles shall not encroach onto public right-of-way.
5. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
6. There shall be no use of elevated platforms for the display of vehicles.
7. No amplification system shall be permitted.
8. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
9. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.

Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **October 20, 2022**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **October 20, 2022 p.m.**

This application is scheduled for consideration by the Wichita City Council on **Tuesday, November 8, 2022, beginning at 9:00 a.m.** The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

This is a reminder that the notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Eryn Ebach Freund
Associate Planner

Copies to: MABCD
Brandon Johnson, Council Member District I
Tasha Hayes, CSR District I
S. Mellies, City Engineering

Fairmount Neighborhood Assoc.
Attn: Darryl Carrington
1512 N. Gentry
Wichita, KS 67208

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
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Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
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Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	316357	Print Legal Ad - IPL0089366		$335.58	4	100 L

Attention: MANDY HEBERT

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

LEGAL PUBLICATION
CCA 160004
Published in The Wichita Eagle on September 15, 2022
(One Time Only)
MAPC/BZA October 6, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 6, 2022, no earlier than 1:30 p.m., the WichitaSedgwick 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 the Ronald Reagan Building, 271 West Third Street, 2nd Floor, 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)268-4421.*

BZA2022-00038: Variance request in the City to permit a sign area increase from 32 sq. ft. to 42 sq. ft. to increase visibility of sign and to permit an LED sign on property zoned GO General Office, located on the west side of South Hillside Ave and within one half mile south of East Douglas Ave (311 S Hillside).
BZA2022-00041: Variance request in the City to increase the height of an off-site sign to 60 feet on property zoned LI Limited Industrial, generally located on the west side of Hydraulic Avenue, within one-quarter mile north of East 37th Street North (4035 North Hydraulic Avenue).
BZA2022-00042: Variance request in the City to increase the permitted height of a screening wall from 9 to 10 feet on property zoned SF-5 Single-Family Residential; generally located a quarter-mile east of the intersection of North Ridge Road and West 13th Street North.
CON2022-00032: Conditional Use request in the City for Day Care, General, located in SF-5 Single Family zoning district, approximately one-quarter mile east of the intersection of East Central Avenue and North Woodlawn Blvd (7011 East Central Avenue).
CON2022-00033: Conditional Use request in the City to amend CON2012-21 to allow outside music and dancing and amend CU-523 to modify hours of operation on property zoned LC Limited Commercial; generally located on the north side of West 21st Street North and within one block east of North Tyler Road (8550 & 8556 W 21st Street).
CON2022-00034: Conditional Use Request in the City to permit an off-site sign within 300 feet of residential property; on property zoned GI General Industrial; located between North Hydraulic and I-135 Highway and within one-quarter mile north of East 37th Street North (4035 N Hydraulic).
CON2022-00035: Conditional Use request in the City for Vehicle and Equipment Sales, Outdoor (associated with ZON2022-00046) for a used car dealership on property zoned LC Limited Commercial; located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 N. Hillside Ave).
CUP2022-00041: Request in the City to Amend the Hanley Community Unit Plan DP-154 to permit a carwash on Parcel 7, zoned LC Limited Commercial; located on the east side of North Webb Road within one-quarter mile south of East 21st Street North (2110 North Webb Rd).
CUP2022-00042: Community Unit Plan Amendment request in the City to DP-126 to increase the height of an existing cell tower from 120 feet to 137 feet on property zoned GC General Commercial; located within one-quarter mile north of East Central Avenue and within one-quarter mile east or North Edgemoor.
CUP2022-00043: Request in the City to Amend Parcel 5 of the Tallgrass East Business Park CUP DP-192 to convert a medical office into a general office use (with ZON2022-00048), located within one-block east of North Webb Road and one-half mile south of K-96 Highway (9727 E Shannon Woods Cir).
CUP2022-00044: Request in the City to amend the LC Limited Commercial zoned Community Unit Plan DP-279 to align all Parcels and Reserves with the replat of Cross Pointe 2nd Addition, and revise provisions for signage totals and size, access drives, landscaping, height of buildings and architectural control on certain parcels; generally located on the southeast side of East 21st Street North and North Greenwich Road.
VAC2022-00028: Request in the City to Vacate a portion of a platted setback on LI limited Industrial zoned property; generally located on the southwest corner of East 39th Street North and North Webb Road.
VAC2022-00029: Request in the City to Vacate platted sanitary sewer easements on property zoned LI Limited Industrial; generally located 1200 feet south of the K-96 Highway and North Hoover Road, on the east side of North Hoover Road.
VAC2022-00030: Request in the City to Vacate utility easements in Limited Commercial (LC) zoning in CUP DP-250 for site development; generally located on the west side of North Ridge Road and on the north side of West 37th Street North.
ZON2022-00040: Zone change request in the City from SF-5 Single-Family Residential and MH Manufactured Housing to MF-18 Multi-Family Residential on property located on the west side of South 167th Street West and within one-quarter mile north of West Maple Street.
ZON2022-00045: Zone Change request in the City from LC Limited Commercial District with PO #175 to GC General Commercial District with PO #397 to allow development of vacant parcels; generally located east of South Seneca Street within one-half mile of West Harry Street.
ZON2022-00046: Zone Change request in the City from MF-29 Multi-Family Residential to LC Limited Commercial (with CON2022-00035) for Vehicle and Equipment Sales, Outdoor, located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 North Hillside).
ZON2022-00047: Zone Change request in the City from LC Limited Commercial to CBD Central Business District to redevelop the site in a consistent manner with surrounding properties; generally located on the south side of West Douglas Avenue, within two-block east of South Seneca Street (901 W Douglas).
ZON2022-00048: Zone change request in the City from B Multi-Family Residential to GO General Office associated with CUP2022-00043 a minor amendment to Community Unit Plan DP-192 to allow general office uses on Parcel 5, generally located within one-block east of North Webb Road and one-half mile south of K-96 Highway (9727 E Shannon Woods Cir).
ZON2022-00050: Zoning change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District to build duplexes; generally located on the east side of South Greenwich Road, within one-quarter mile south of East Harry Street.
ZON2022-00051: Zone change request in the City from TF-3 Two-Family Residential District to MF-18 Multi-Family Residential District; generally located on the southwest corner of West Burton Avenue and South Meridian Avenue (201 South Meridian).
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 in-person at the Ronald Reagan Building (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 - Planning@wichita.gov
Mailing Address - Wichita-Sedgwick County Metropolitan Area Planning Department
Attn: Scott Wadle
271 W. 3rd 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/651544141
You can also dial in using your phone.
United States: +1 (571) 317-3112
Access Code: 651-544-141
Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141
Or dial directly: 651544141@67.217.95.2 or 67.217.95.2##651544141
New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/651544141
Attend In-Person
You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202.The in-person option is primarily 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 (316-2684464) by 5pm, 3 days prior to the meeting.
WITNESS MY HAND on September 15, 2022
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0089366
Sep 15 2022

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

No. of Insertions: 1
Beginning Issue of: 09/15/2022
Ending Issue of: 09/15/2022

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, 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 09/15/2022 to 09/15/2022.

M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 09/15/2022

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County

STEFANI SCOTT BEARD
My Notary ID # 131768951
Expires October 23, 2022

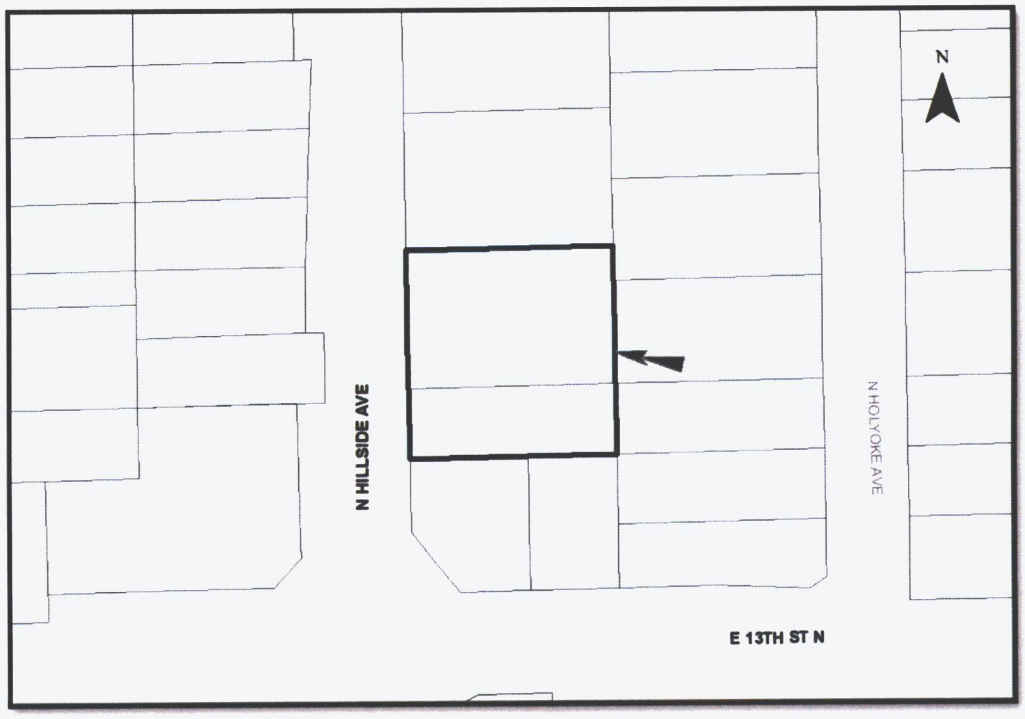
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. __

STAFF REPORT
MAPC October 6, 2022
DAB I October 3, 2022

CASE NUMBER:	CON2022-00035 and ZON2022-00046 (City)
APPLICANT/AGENT:	Limokam LLC, Mouhamed Kamile Ligali (owner)
REQUEST:	Request to rezone a portion of the subject property with a Conditional Use request for Vehicle and Equipment Sales, Outdoor
CURRENT ZONING:	LC Limited Commercial, TF-3 Two-Family Residential, and MF-29 Multi-Family Residential
SITE SIZE:	0.51 acres
LOCATION:	Generally located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 North Hillside Avenue).
PROPOSED USE:	Vehicle and Equipment Sales, Outdoor
RECOMMENDATION:	Denial



BACKGROUND: The applicant is requesting two items:

1) a zone change from MF-29 Multi-Family Residential District to LC Limited Commercial District on the north one-third of the subject site, and

2) a Conditional Use to permit Vehicle and Equipment Sales, Outdoor

The subject site is a 0.5-acre property generally located on the east side of North Hillside Avenue and within one block north of East 13th Street North (1414 North Hillside Avenue). Two-thirds of the subject site is currently zoned LC Limited Commercial District, while the remaining one-third of the property is zoned M-29 Multi-Family Residential District. The LC Limited Commercial District permits Vehicle Sales as a Conditional Use, subject to the Supplementary Use Regulations outlined in the Unified Zoning Code (UZC) Article III-D.6.x. The requested zone change from MF-29 Multi-Family Residential District to LC Limited Commercial District would permit the applicant to request Conditional Use for the entirety of their property.

The subject site is located in the northeast corner of the North Hillside Avenue and East 13th Street North intersection and has frontage and access from North Hillside Avenue. All four corners of this intersection are zoned LC Limited Commercial District and are generally developed with neighborhood-serving commercial uses. The intersection and surrounding neighborhood are located within the Established Central Area (ECA) and the Central Northeast Area Plan.

Properties abutting the subject site to the north are zoned MF-29 Multi-Family Residential District and are developed with two-family and four-family residences. The property to the south of the subject site is zoned LC Limited Commercial District and is developed with an automotive service shop. Properties to the east of the subject site are zoned TF-3 Two-Family Residential District and MF-29 Multi-Family Residential District and are developed with single-family residences and duplexes. West of the subject site, across North Hillside Avenue, properties are zoned LC Limited Commercial District. These properties at the northwest corner of the intersection are undeveloped, with the exception of a neighborhood retail store and parking lot.

The applicant's proposed site plan shows 18 display stalls located on the northwest corner of the lot, along North Hillside Avenue, to be used for Vehicle Sales (see attachment #5, site plan). A proposed four off-street parking stalls, including one accessible stall, are located near the building entrance and designated for customer use. Should the MAPC adopt alternative findings for approval of this request, staff recommends that the number of vehicles for sale be limited to five. Additionally, seven customer parking stalls would be required per the Off-street Parking Schedule in Article IV-A of the UZC.

A brief survey of the subject area indicated two used car lots operating within a mile of the site:

- Air Capital Automotive operates an auto repair shop and used car dealership approximately .40 miles west of the subject site on the northeast corner of East 13th Street North and North Poplar Avenue. The property is zoned GC General Commercial District, which permits Vehicle and Equipment Sales by right. In 2011, MAPC approved a request to rezone Lots 34 and 36, Poplar Avenue of the Rose Hill Addition to GC General Commercial District so that they could be used as overflow vehicle storage for the business (ZON2011-00042).

- Mech Auto Sales operates a used car dealership approximately .90 miles east of the subject site at the west corner of East 13th Street North and North Dellrose Avenue. The property is zoned LC Limited Commercial District, which permits Vehicle and Equipment Sales by Conditional Use. In 1993, a Use Exception was granted by the Board or Zoning Appeals (BZA 12-93).

CASE HISTORY: In 1887, the subject site was platted as Lots 172, 174, 176, 178, 180, and 182 of Fairmount Addition to the City of Wichita, Kansas. There have been no other zoning actions on this site

ADJACENT ZONING AND LAND USE:

NORTH:	MF-29	Two-family residences
SOUTH:	LC	Automotive Services Shop
EAST:	TF-3 & MF-29	Single-family and Two-family residences
WEST:	LC	Retail and Undeveloped

PUBLIC SERVICES: North Hillside Avenue and East 13th Street North are paved four-lane arterial streets, each developed with left-turning lanes at their intersection. Sidewalks are located on the north and south sides of East 13th Street North and the east and west sides of North Hillside Avenue. Wichita Transit serves the site and has stops at the intersection. City water and stormwater are located in the North Hillside Avenue right-of-way. City sewer is located in the rear of the property running parallel to the east property line.

CONFORMANCE TO PLANS/POLICIES: The requested Conditional Use is found to be not in conformance with the following adopted plans:

The Community Investments Plan: The requested Conditional Use does not conform to the *Community Investments Plan* (The Wichita-Sedgwick County Comprehensive Plan) as its intensity and scale are greater than recommended for the subject area.

The *Plan* includes the 2035 Wichita Future Growth Concept Map, which illustrates the preferred growth concepts for the city. The subject site is labeled as appropriate for "Commercial" land use, a category encompassing various locations that "reflect the full diversity of commercial development intensities and types." Rather than designating specific intensities and types for the different "Commercial" areas, the *Plan* suggests that existing development and neighborhood context should serve as a guide for what is appropriate for each unique location.

Development at the intersection of North Hillside Avenue and East 13th Street North is comprised of lower-intensity neighborhood-serving commercial development, while Vehicle Sales, Outdoor is considered a higher-intensity use. Following the guidelines of the *Plan,* the requested Conditional Use would be inconsistent with the recommended development for this area.

Furthermore, the *Community Investments Plan* provides locational guidelines to serve as a framework for future land use decisions. These are provided generally and for specific geographic areas. The subject site is located within the Established Central Area (ECA), described by the *Plan* as "the downtown core and the mature neighborhoods surrounding it." Locational guidelines for the ECA further emphasize that development should occur where its scale is "appropriate for its context." Vehicles Sales at this location would not fit into the current context of the neighborhood and, therefore, would not be in conformance with the *Plan.*

Wichita: Places for People Plan: *The Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). In general, the ECA is envisioned as "a place for people - a place that provides for the movement of people - on foot, on bike, and through transit - in balance with automobiles." Ensuring development follows a nodal pattern "which creates a critical mass of activity at the center and transitions in scale and intensity" is key to realizing this vision.

The *Places for People Plan* designates the intersection of North Hillside Avenue and East 13th Street North as a Neighborhood Hub. These are defined as concentrations of amenities and services that can "satisfy the daily needs of the surrounding neighborhoods." Vehicle sales lots are not generally considered neighborhood-serving, nor do they provide goods or services to meet daily needs. Buildings located in a Neighborhood Hub are ideally live/work units, small-scale commercial structures, or medium-scale mixed-use structures. As indicated by the applicant's site plan, the scale of the proposed auto dealership would exceed what is recommended for this area. Additionally, this use would not contribute to the walkability of the area and the vision described for the ECA.

Central Northeast Area Plan, 2005 Update: The proposed request does not conform to the Central Northeast Area Plan. *The Central Northeast Area Plan, 2005 Update* outlines goals and strategies for revitalizing neighborhoods in central northeast Wichita. Priorities outlined in the *Central Northeast Area Plan* include those which--

1. Encourage "more neighborhood-serving retail and personal services" in the area;
2. And "retain existing businesses, and create new businesses and employment opportunities that will benefit area residents."

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **DENIED.** This recommendation is based on the following findings:

1. **The zoning, uses, and character of the neighborhood:** Properties abutting the subject site to the north are zoned MF-29 Multi-Family Residential District, and are developed with two-family and four-family residences. Property to the south of the subject site is zoned LC Limited Commercial District and is developed with an automotive service shop. Properties to the east of the subject site are zoned TF-3 Two-Family Residential District and MF-29 Multi-Family Residential District and are developed with a single-family residences and duplexes. West of the site, across North Hillside Avenue, properties are zoned LC Limited Commercial District. These properties at the northwest corner of the intersection are undeveloped with the exception of a neighborhood retail store and parking lot.

2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property is zoned LC Limited Commercial District. The existing structure on the subject property could be used for uses permitted in the LC district. Outdoor Vehicle Sales are only permitted by Conditional Use in the LC district.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Outdoor storage and display of vehicles are not consistent with the type of development in the subject area. Approval of this request could set a precedent for additional Outdoor Vehicle Sales lots or other "heavy" commercial uses.

4. **Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant**: Approval of this request could provide an economic gain to the applicant, which is generally considered a gain to the public welfare. However, any gain must be considered in light of the possible negative impacts to the public welfare, including the effects of future development on neighboring properties. Denial could be regarded as a loss of economic opportunity for the applicant.

5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested Conditional Use is not in conformance with the *Community Investments Plan*, the *Wichita: Places for People Plan,* or the *Northeast Central Area Plan* as discussed in the staff report.

6. **Impact of the proposed development on community facilities:** An approval of Outdoor Vehicle Sales as a Conditional Use for this site could increase the traffic volume in this area in addition to possible increase in light pollution.

Should the Metropolitan Area Planning Commission determine that this application be approved, staff recommends that it shall be subject to the following conditions and the Commission should adopt additional findings to support the recommendation.

1. In addition to uses permitted in the "LC" Limited Commercial District, the site shall be limited to the sales of cars and light trucks. 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.

2. The number of used cars for sale shall be limited to no more than five at any one time.

3. The applicant shall submit a site plan illustrating the display areas, vehicle circulation, solid screening, ingress and egress, parking areas for all uses on the site, dumpsters, landscaping, signs, lighting and showing all easements and setbacks for review and approval by the Planning Department, prior to the issuance of a building permit,

4. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles shall not encroach onto public right-of-way.

5. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.

6. There shall be no use of elevated platforms for the display of vehicles.

7. No amplification system shall be permitted.

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

9. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.

10. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

Attachments:
1) Unified Zoning Code, Article III-D.6.x
2) Aerial Map
3) Zoning Map
4) 2035 Future Growth Concept Map
5) Site Plan
6) Site Photos

Attachment 1: Supplementary Use Regulations of the Unified Zoning Code Article III-D.6.x.

Vehicle and Equipment Sales, Outdoor, in LC. Outdoor Vehicle and Equipment Sales shall be subject to the following standards when located within the LC District.

(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 project Adjacent properties from light, debris and noise and to preserve Adjacent property values even when the changed 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 a t 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. IC-B.4. No string-type or search lighting shall be permitted.

(5) The noise levels shall be in compliance with the lighting requirements 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.

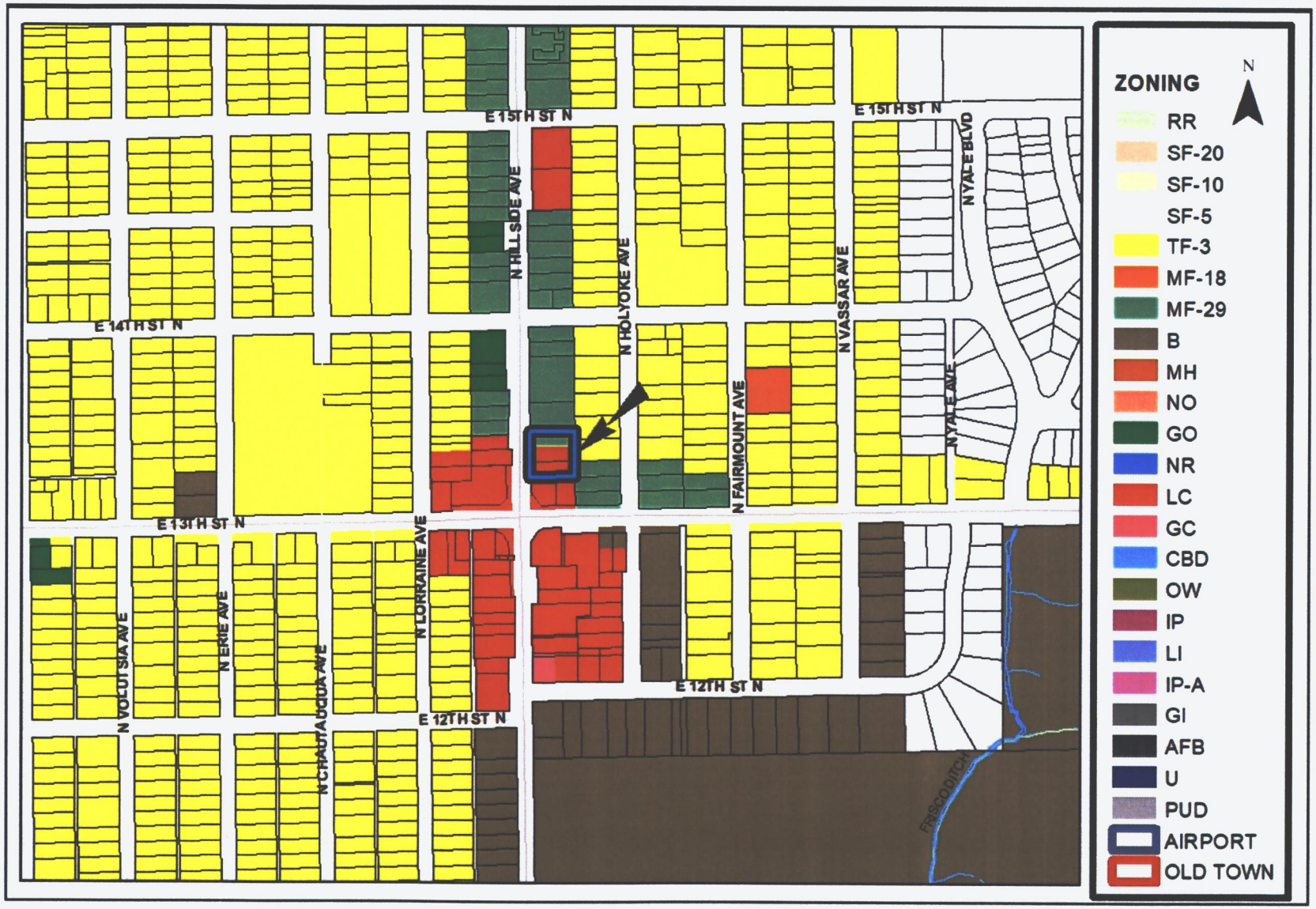
(7) Only those Signs permitted in the LC District shall be permitted on this Site, except that no portable, flashing, moving or off-site Signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted.

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

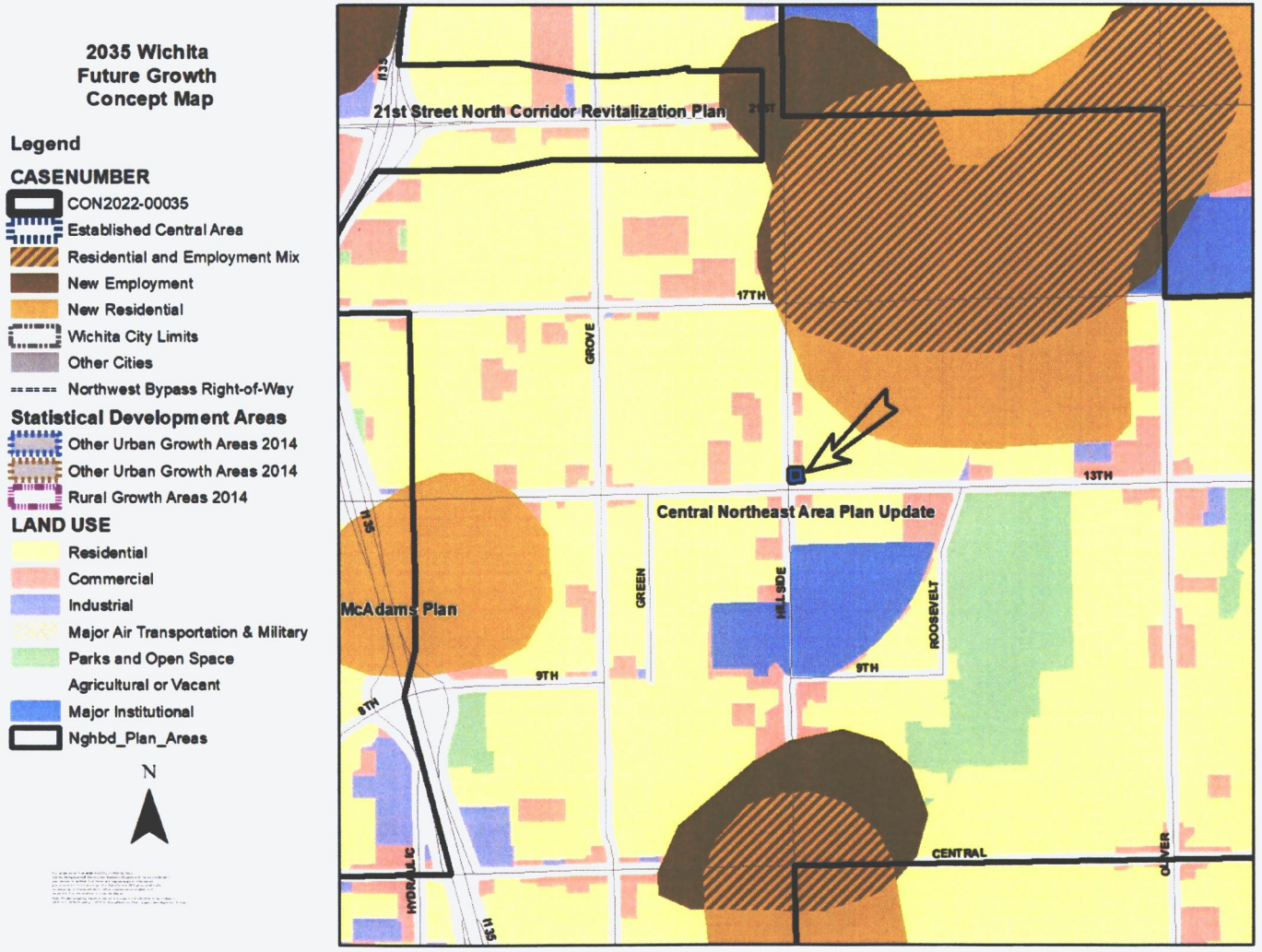
Attachment 2. Aerial map



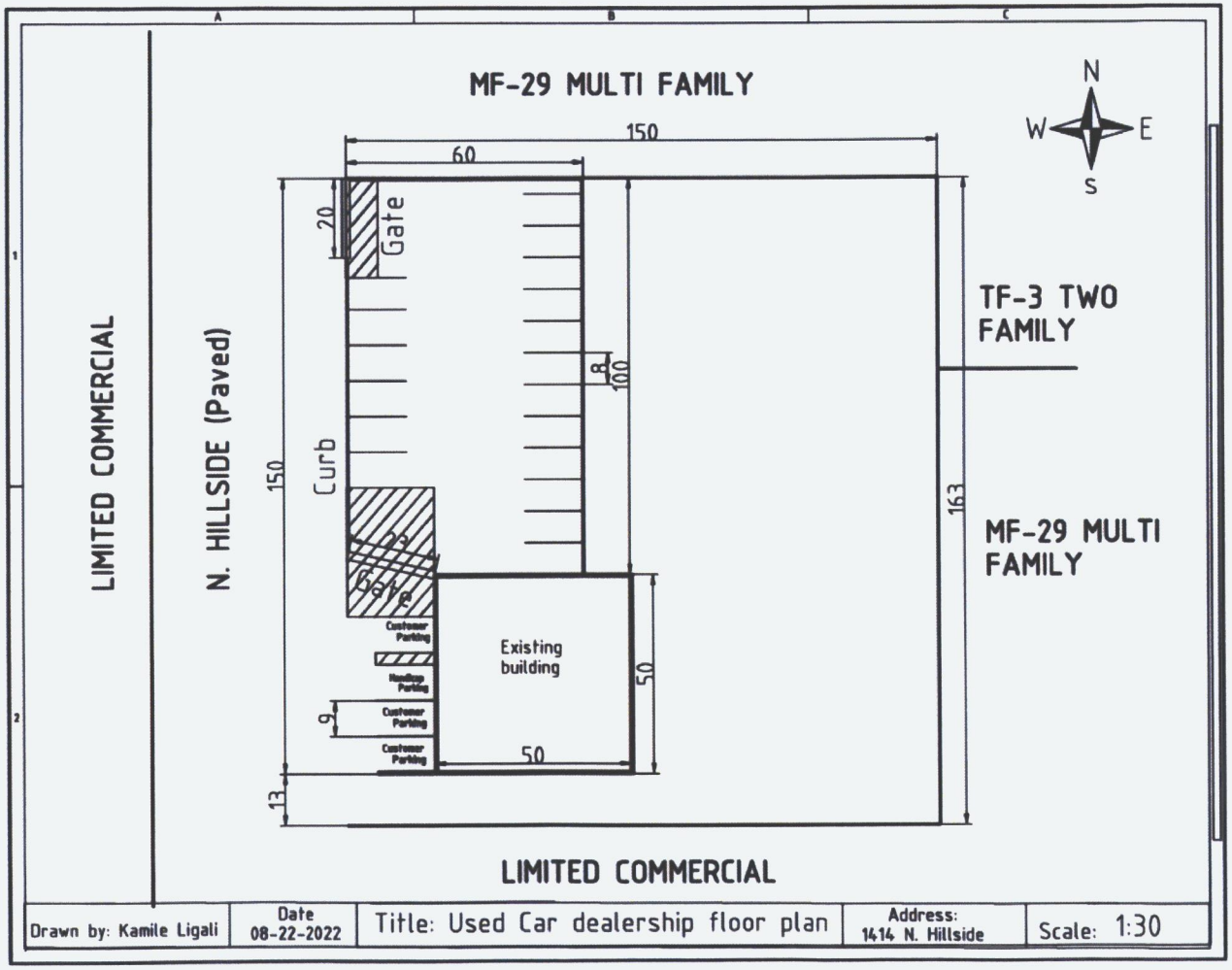
Attachment 3. Zoning map



Attachment 4. Future Growth Concept Map



Attachment 5. Site Plan



Attachment 6. Site photos



Subject site (facing northeast).



North portion of the subject site (area of requested zone change)



South of the subject site.



Southwest of the subject site.



West of the subject site