Wichita-Sedgwick County Metropolitan Area Planning Department

December 20, 2022

Ernest Doyon
8323 West Kellogg Drive
Wichita, KS 67209

RE: ZON2022-00030: Zone change request in the City from LC Limited Commercial to GC General Commercial for property located on the East side of South Broadway Avenue, 400 feet North of East Harry Street (1528 South Broadway).

Dear Applicant;

At its regular meeting on **November 1, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request.

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

Sincerely,

Christina Rieth
Current Plans, Associate Planning

Copies to: MABCD
Mike Hoheisel, City Council District III
Becca Johnson, CSR District III

Wichita-Sedgwick County Metropolitan Area Planning Department

July 22, 2022

Ernest Doyon
8323 West Kellogg Drive
Wichita, KS 67209

RE: ZON2022-00030: Zone change request in the City from LC Limited Commercial to GC General Commercial for property located on the East side of South Broadway Avenue, 400 feet North of East Harry Street (1528 South Broadway).

Dear Applicant;

At its regular meeting on **July 21, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request.

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 **August 4, 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 **August 4, 2022 at 5:00 p.m.**

This application is scheduled for consideration by the Wichita City Council on **Tuesday, September 6, 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 zoning 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,

Christina Rieth
Associate Planner

Copies to: MABCD
Mike Hoheisel, City Council District III
Becca Johnson, CSR District III

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON November 11, 2022

ORDINANCE NO. 51-969

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. ZON2022-00030

City zone change from LC Limited Commercial to GC General Commercial with Protective Overlay #394 on property described as:

The South 64 feet of the West Half of Lot 8, in Zimmerly's Addition, Sedgwick County, Kansas, EXCEPT that part dedicated to the public for street purposes.

Protective Overlay #394 shall hereby read as follows:

1. No off-site or portable signs shall be permitted on the subject property. Signs shall be in accordance with the City of Wichita sign code for LC Limited Commercial zoning, with the exception that signs shall be monument-style and limited to 20 feet in height. No LED signs shall be permitted.

2. Any new light poles or lighting fixtures on the buildings shall be of the same color and design and shall have cut-off fixtures which direct light away from adjacent, eastern residential zoned residential dwellings. Light poles shall be limited to a maximum height, including the base of the light pole of 15 feet. Light poles shall not be located within the western platted 20-foot setback.

3. Outdoor speakers and sound amplification systems shall not be permitted.

4. No buildings shall exceed one story in height with a maximum building height of 35 feet.

5. Landscaping shall be installed per the requirements of CON2002-00043, which permits the landscape street yard to be located behind the building wall line. All landscaping shall be installed prior to the publication of the ordinance, permitting Vehicle Repair, General as a permitted use.

6. The site is limited to one paint booth which shall be located on the western most portion of the building. Any exhaust system of a paint booth shall also be on the western most portion of the building.

7. Uses on the site are restricted to those permitted by-right in LC Limited Commercial, in addition to Vehicle and Equipment Sales (as permitted by CON2002-00043), and in addition to Vehicle Repair, General as permitted by GC General Commercial zoning. Vehicle Repair, General shall be accessory to a Vehicle Repair, Limited use and shall not exist independently.

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.

ATTEST:

Brandon J. Whipple, Mayor, City of Wichita

Jamie Buster, City Clerk

(SEAL)

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

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	345676	Print Legal Ad-IPL00977290 - IPL0097729		$100.59	2	60 L

Attention: Jamie Buster

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

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON NOVEMBER 11, 2022

ORDINANCE NO. 51-969

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.

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3. Outdoor speakers and sound amplification systems shall not be permitted.
4. No buildings shall exceed one story in height with a maximum building height of 35 feet.
5. Landscaping shall be installed per the requirements of CON2002-00043, which permits the landscape street yard to be located behind the building wall line. All landscaping shall be installed prior to the publication of the ordinance, permitting Vehicle Repair, General as a permitted use.
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SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ATTEST:
Brandon J. Whipple, Mayor, City of Wichita
Jamie Buster, City Clerk
(SEAL) Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0097729
Nov 11 2022

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

No. of Insertions: 1
Beginning Issue of: 11/11/2022
Ending Issue of: 11/11/2022

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 11/11/2022 to 11/11/2022.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 11/11/2022

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	282066	Print Legal Ad - IPL0078828	OCA 150004	$203.80	3	81 L

Attention: MANDY HERBERT

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 June 30, 2022
(One Time Only)
MAPC/BZA July 21, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, July 21, 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 Wichita City Hall Building – 1 st Floor Council Chambers – 455 N. Main Street, 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.

CON2022-00024: Conditional Use request in the City for an Accessory Apartment located approximately one-quarter mile north of East Kellogg and one-half mile west of South Oliver (325 South Belmont Street).

CON2022-00025: Conditional Use request in the City for a Utility Major located approximately three blocks east of South Seneca Street and two blocks north of West Harry Street (1311 South Osage Street).

CUP2022-00030: Minor amendment request in the City to CUP DP-12 to allow Entertainment (Night Club in the City) associated with restaurants in Limited Commercial zoning; generally located on the south side of East Douglas and within one-quarter mile west of South Rock Road (7607 & 7703 E Douglas Avenue).

VAC2022-00020: Request in the City to vacate a portion of a platted setback on LI Limited Industrial zoned property located 600 feet south of West Harry Street, on the west side of South Hoover Street.

VAC2022-00021: Request in the City to vacate a portion of platted access control of on LI Limited zoned property generally located on the north side of West MacArthur Road and one quarter mile east of South Maize Road (9909 West York Street).

ZON2022-00030: Zone change request in the City from LC Limited Commercial to GC General Commercial for property located on the East side of South Broadway Avenue, 400 feet North of East Harry Street (1528 South Broadway).

ZON2022-00031: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential to build a duplex on property located on north of East Pawnee Avenue and within one-quarter mile east of South Rock Road (2150 S Lori Ln).

ZON2022-00034: Request in the City to Amend Protective Overlay (PO) #13, Provision #6 to allow off-site sign advertising uses within the PO only on property zoned LI Limited Industrial located on the west side of North Greenwich Road, north of K-96 Highway and south of East 29th Street north.

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 Wichita City Hall 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 Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. 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 June 30, 2022
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0078828
Jun 30 2022

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

No. of Insertions: 1
Beginning Issue of: 06/30/2022
Ending Issue of: 06/30/2022

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 06/30/2022 to 06/30/2022.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 06/30/2022

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
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

STAFF REPORT
MAPC: July 21, 2022
DAB III: August 3, 2022

CASE NUMBER:	ZON2022-00030 (City)
APPLICANT/AGENT:	Ernest C. Doyon (Applicant)
REQUEST:	GC General Commercial
CURRENT ZONING:	LC Limited Commercial
SITE SIZE:	0.22 acres
LOCATION:	Generally located on the east side of South Broadway Avenue, 400 feet north of East Harry Street (1528 South Broadway)
PROPOSED USE:	Vehicle Repair, General.
RECOMMENDATION:	Approve subject to Protective Overlay #394



BACKGROUND: The applicant is requesting a zone change from LC Limited Commercial to GC General Commercial. The property is located on the east side of South Broadway Avenue, 400 feet north of East Harry Street (1528 South Broadway). The property is currently developed with an auto repair shop. The applicant proposes to operate an autobody shop on site, which is defined by the Unified Zoning Code as Vehicle Repair, General.

LC Limited Commercial zoning permits Vehicle Repair, Limited, which permits maintenance on vehicles within an enclosed building. The typical types of maintenance allowed by this use category are brakes repairs, engine and transmission repairs, tune-ups, tire repairs, alignments, etc. Vehicle Repair, General differs because it permits body work, fender repair, auto body painting, etc. Vehicle Repair, General is first permitted in GC General Commercial zoning.

The applicant plans to use the existing building on the property to operate the autobody shop. The existing building was constructed in 1977. Though there is residential uses abutting to the east, the maintenance bays on the building are closer to South Broadway and the zoning code requires work to be done within an enclosed building.

There is already parking on site that satisfies the parking requirements. A six-foot wooden fence provides a buffer between the existing site and the adjacent neighborhood of residential dwellings. In 2002, this site was included in a larger Conditional Use (CON2002-00043) application for Vehicle and Equipment Sales for property encompassing this budling and all land north to East Boston Avenue. The Conditional Use was approved with a condition requiring landscaping. CON2002-00043 required the following for landscaping *"A landscaped street yard and landscape buffering shall be provided and maintained on the property that shall comply with a landscape plan approved by the Planning Director that include a partial waiver of the landscape requirements to permit the landscaped street yard to be located behind the building wall line and to permit three buffer trees instead of eight."* Upon a site visit, it does not appear that this landscaping has been installed. Staff recommends that the applicant be required to install all applicable landscaping prior to the publication of the ordinance, permitting Vehicle Repair.

Property to the north is under the same ownership as the applicant, it is zoned LC Limited Commercial, and is developed with a parking lot. In 2002, a Conditional Use was approved permitting Outdoor Vehicle and Equipment Sales. Property to the south is under the same ownership as the subject site, is zoned LC Limited Commercial, and it is developed with a parking lot. Property to the east is zoned TF-3 Two-Family Residential and is developed with a single-family residential dwelling. Property to the west is zoned LC Limited Commercial and is developed with a vacant commercial retail building. In 2019, a Conditional Use was approved to permit Outdoor Vehicle sales, but was restricted for three years unless extended by Conditional Use amendment.

Within 300 feet of the subject property is a parcel that was subject to a zoning change and a Protective Overlay. In 2010, the Planning Department approved a zone change from LC Limited Commercial to GC General Commercial, subject to the implementation of a Protective Overlay. ZON2010-00010 allowed wholesales and business services on the property, but PO-241 restricts the uses and signage on the property. Therefore, a zone change with a Protective Overlay is appropriate for this site.

CASE HISTORY: On June 26, 1883, the Zimmerly's Addition was created. In 2002, the City of Wichita approved a Conditional Use (CON2002-00043) to allow vehicle and equipment sales on the properties at 1506 to 1528 South Broadway.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Parking lot
SOUTH:	LC	Parking lot
EAST:	TF-3	Single-family residential dwelling
WEST:	LC	Vacant commercial retail building

PUBLIC SERVICES: South Broadway Avenue is a paved, four-lane arterial with sidewalks on both sides. Wichita Transit serves this area within one block south of the subject property, on the northeast corner of South Broadway Avenue and East Harry Street. Municipal services already serve this site, as it has been previously developed.

CONFORMANCE TO PLANS/POLICIES: The request to rezone the property is governed by the following adopted plans:

- *The Community Investments Plan.* The requested zoning aligns with the goals of the *Community Investment Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. This map indicates the site to appropriate for "Commercial" uses. This indicates that the proposed development will encompass "areas that reflect 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 proximity to, and potentially mixed with, Residential Uses."
    - The site is in conformance with the Land Use Compatibility element of the *Community Investment Plan's* Locational Guidelines which state that major commercial land uses should be buffered from residential land uses with screening and design features to mitigate adverse impacts. The property has been previously approved for Vehicle and Equipment Sales and currently operates as an auto repair shop. A screening fence is already installed on the east property line between these commercial uses and the residential properties abutting to the east, and the proposed Protective Overlay requires a landscape buffer to be installed prior to permitting Vehicle Repair, General.
- *South Central Neighborhood Plan*. The requested zoning change is not in conformance with the Future Land use Map of the *South Central Neighborhood Plan*, but it is in conformance with the Locational Guidelines of the plan. The *South Central Neighborhood Plan* identifies the subject property to be located in the "Commercial Redevelopment Node" of the plan's Future Land Use Map. This category encourages "medium-intensity commercial, such as community destination retail and restaurant uses that are developed in a node rather than a strip commercial pattern." The proposed use does not fit this definition. However, the current uses of Vehicle and Equipment Sales and Vehicle Repair, Limited also do not fit this definition. The applicant has owned the property since at least 2002 when the Conditional Use for Vehicle and Equipment Sales was approved and is desiring to expand his existing business model with a use that is contextual with the existing uses on the site.
    - The Location Guidelines of the *South Central Neighborhood Plan* state that "Changes in zoning classification and approval of Conditional Use Permits should be accompanied by conditions of approval, if necessary, to mitigate any negative impacts of signage, traffic, lighting, and noise on adjacent properties; to encourage architectural compatibility with the surrounding area; and to establish landscaping, screening, and/or buffering to maintain compatibility among uses." The Protective Overlay and Landscape Ordinance seek to mitigate potential negative impacts while promoting economic opportunities along the commercial redevelopment corridor.

- *Wichita: Places for People Plan*. The requested zoning aligns with the goals of the *Places for People Plan*. The subject site is located within an "Area of Opportunity" and a "Community Core". The *Plan* states that "In Areas of Opportunities, where the economic markets are typically limited, small-scale infill and redevelopment projects will define the initial improvements." The applicant proposes to repurpose an existing small-scale building for their autobody shop. Community Cores are "intended to serve multiple

neighborhoods, often anchored at or near the intersection of activity streets." Small-scale commercial buildings, such as the existing building on site, are deemed appropriate along community core nodes.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the zone change request, subject to the following provisions of Protective Overlay #394:

1. No off-site or portable signs shall be permitted on the subject property. Signs shall be in accordance with the City of Wichita sign code for LC Limited Commercial zoning, with the exception that signs shall be monument-style and limited to 20 feet in height. No LED signs shall be permitted.

2. Any new light poles or lighting fixtures on the buildings shall be of the same color and design and shall have cut-off fixtures which direct light away from adjacent, eastern residential zoned residential dwellings. Light poles shall be limited to a maximum height, including the base of the light pole of 15 feet. Light poles shall not be located within the western platted 20-foot setback.

3. Outdoor speakers and sound amplification systems shall not be permitted.

4. No buildings shall exceed one story in height with a maximum building height of 35 feet.

5. Landscaping shall be installed per the requirements of CON2002-00043, which permits the landscape street yard to be located behind the building wall line. All landscaping shall be installed prior to the publication of the ordinance, permitting Vehicle Repair, General as a permitted use.

6. The site is limited to one paint booth which shall be located on the western most portion of the building. Any exhaust system of a paint booth shall also be on the western most portion of the building.

7. Uses on the site are restricted to those permitted by-right in LC Limited Commercial, in addition to Vehicle and Equipment Sales (as permitted by CON2002-00043), and in addition to Vehicle Repair, General as permitted by GC General Commercial zoning. Vehicle Repair, General shall be accessory to a Vehicle Repair, Limited use and shall not exist independently.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property to the north is under the same ownership as the applicant, it is zoned LC Limited Commercial, and is developed with a parking lot. In 2002, a Conditional Use was approved permitting Outdoor Vehicle and Equipment Sales. Property to the south is under the same ownership as the subject site, is zoned LC Limited Commercial, and it is developed with a parking lot. Property to the east is zoned TF-3 Two-Family Residential and is developed with a single-family residential dwelling. Property to the west is zoned LC Limited Commercial and is developed with a vacant commercial retail building. In 2019, a Conditional Use was approved to permit Outdoor Vehicle sales, but was restricted for three years unless extended by Conditional Use amendment. Within 300 feet of the subject property is a parcel that was subject to a zoning change and a Protective Overlay. In 2010, the Planning Department approved a zone change from LC Limited Commercial to GC General Commercial, subject to the implementation of a Protective Overlay. ZON2010-00010 allowed wholesales and business services on the property, but PO-241 restricts the uses and signage on the property. Therefore, a zone change with a Protective Overlay is appropriate for this site.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned LC Limited Commercial with a Conditional Use for Vehicle and Equipment Sales, which supports a variety of residential, public, civic, commercial, industrial, and agricultural uses. The subject property is currently developed with a vehicle repair shop.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The zone change from LC Limited Commercial to GC General Commercial may create negative impacts on nearby properties that are typical to an autobody shop, such as noise and odor. However, the Protective Overlay restricts the uses on the property and minimizes any potential negative impacts on nearby property.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning change would allow the property to be in conformance with the *Community Investments Plan*, the *South Central Neighborhood Plan*, and the *Places for People Plan*, as discussed in this staff report.

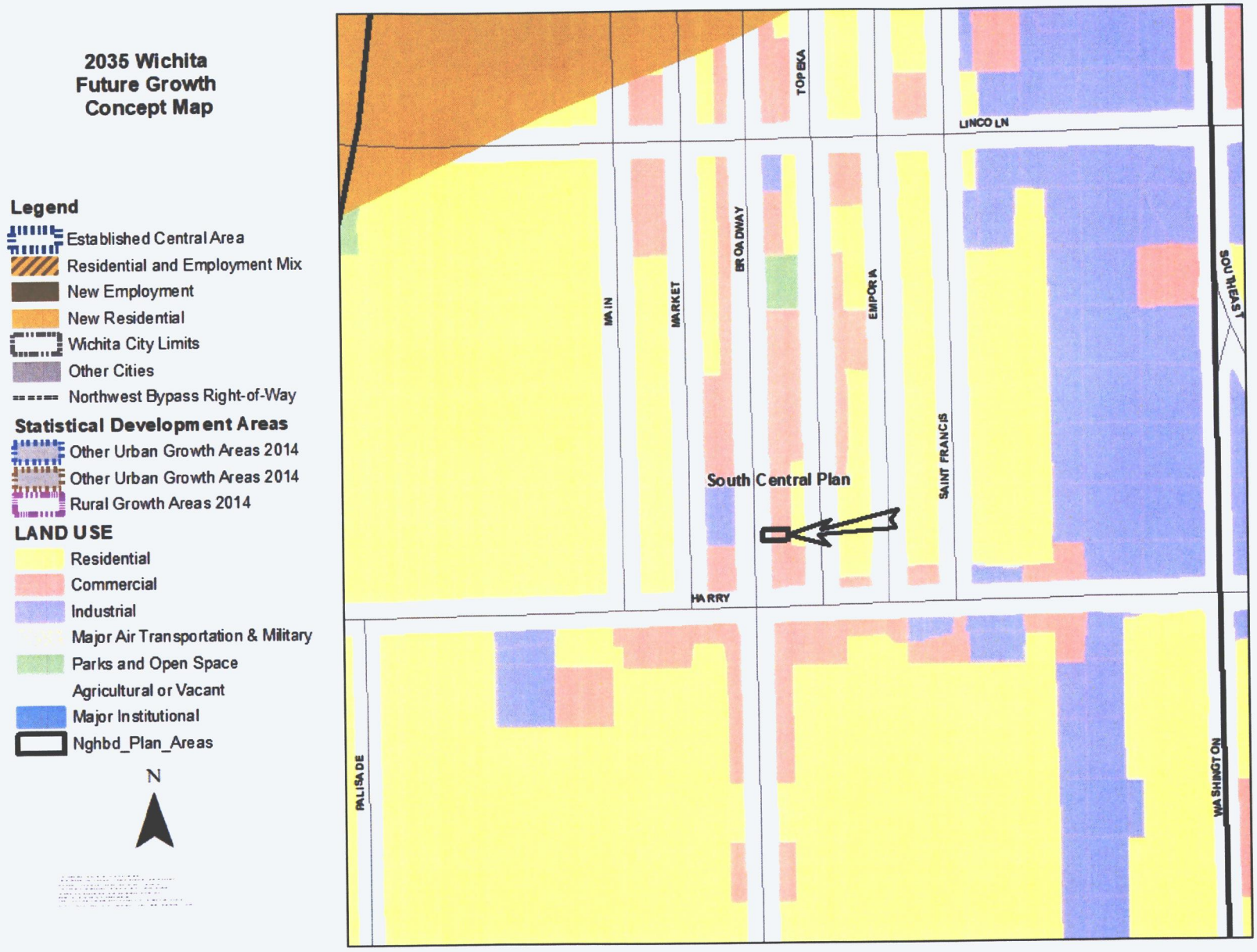
5. **Impact of the proposed development on community facilities:** The requested zoning change is not anticipated to have significant adverse impacts on community facilities or resources.

Attachments:

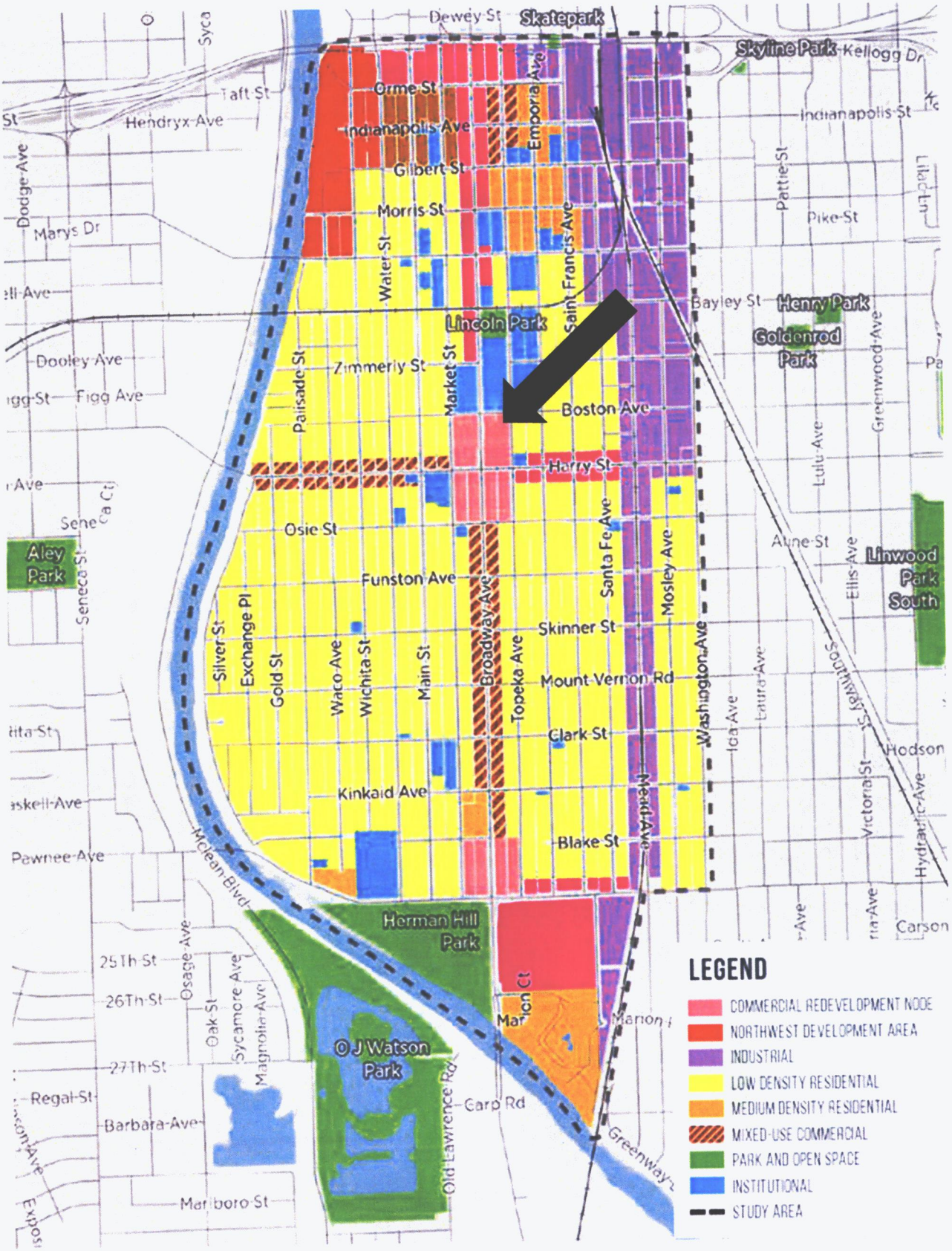
1. Aerial Map
2. Future Growth Concept Map
3. South Central Plan Future Land Use Map
4. Zoning Map
5. Site Pictures

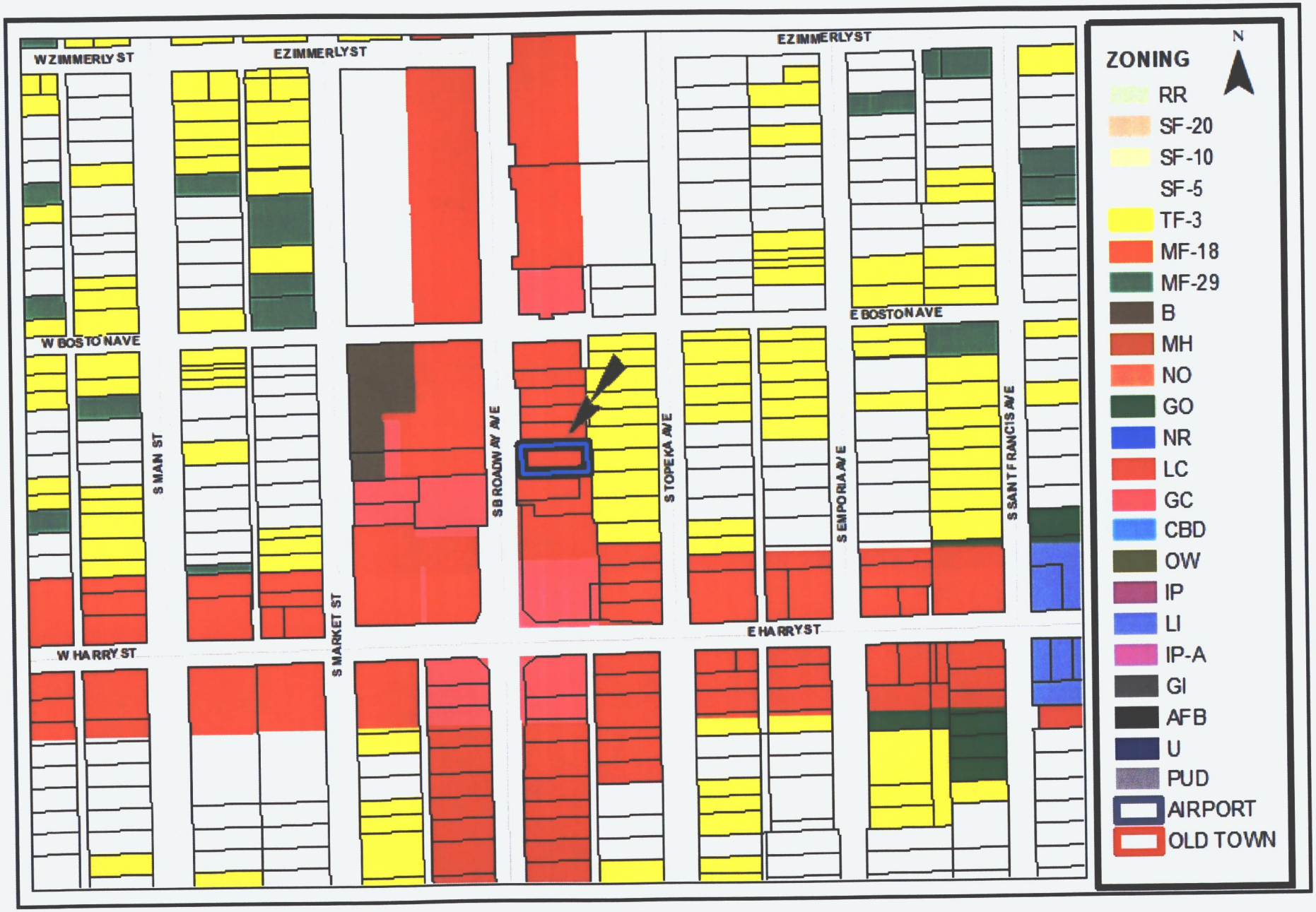

S BROADWAY AVE
S TOPEKA AVE

2035 Wichita Future Growth Concept Map



FUTURE LAND USE MAP




W ZIMMERLY ST
EZIMMERLY ST
EZIMMERLY ST
W BOSTON AVE
E BOSTON AVE
S MAIN ST
S BROADWAY AVE
S TOPEKA AVE
S EMPORIA AVE
S SAINT FRANCIS AVE
S MARKET ST
W HARRY ST
E HARRY ST
N
ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN

Looking northeast towards site



Looking east away from site



Looking north away from site



Looking south away from site



Looking west away from site

