CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

March 8, 2022

Thair Qaki
2333 N Burning Tree Street
Wichita, KS 67228

RE: CON2021-00066: Conditional Use request in the City for Vehicle and Equipment Sales on property zoned LC Limited Commercial; located on the north side of West Maple Street and within a quarter mile west of South West Street (NE corner of W Maple and S Tracy St.)

Dear Applicant:

At its regular meeting on **March 8, 2022**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request subject to the enclosed conditions.

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

Sincerely,

Philip Zevenbergen
Senior Planner

Copies to: MABCD
John Stephen Smith, 220 West 2nd Street, Erie, KS 66733

Conditions of Approval

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.

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 outside of the existing structure on the site.

3. 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.

4. All improvements to the property must be finished before car sales is permitted. Those improvements shall include, but not limited to, paving of the site, parking barriers, and clearly marked customer and employee parking and the display area.

5. The applicant shall submit a scaled revised site and landscape 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, required screening, required landscaping, internal circulation that will remain open during hours of operation to allow access, area designated for display of cars, customer and employee parking, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.

6. The site plan shall show two points of access to the site.

7. A conditional use amendment shall be required for any changes to these conditions.

8. 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.

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

10. 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.

Resolution No. 22-065
(Published in the Wichita Eagle on March 11, 2022)

A RESOLUTION APPROVING CON2021-00066 AUTHORIZING VEHICLE AND EQUIPMENT SALES, ON APPROXIMATELY 0.62 ACRES ZONED LC LIMITED COMMERCIAL, LOCATED ON THE NORTH SIDE OF WEST MAPLE STREET AND WITHIN ONE-QUARTER MILE WEST OF SOUTH WEST STREET, 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 and Equipment Sales on property zoned Limited Commercial (LC), generally located on the north side of West Maple Street and within one-quarter mile west of South West Street and legally described as:

Lot 1, Carley Addition, 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 February 3, 2022, 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 Wichita City Council that this application is approved for a Conditional Use to allow Vehicle and Equipment Sales on property zoned Limited Commercial (LC), generally located on the north side of West Maple Street and within one-quarter mile west of South West Street and legally described as:

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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.
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 outside of the existing structure on the site.
3. 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.
4. All improvements to the property must be finished before car sales is permitted. Those improvements shall include, but not limited to, paving of the site, parking barriers, and clearly marked customer and employee parking and the display area.

5. The applicant shall submit a scaled revised site and landscape 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, required screening, required landscaping, internal circulation that will remain open during hours of operation to allow access, area designated for display of cars, customer and employee parking, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.
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 8th day of March, 2022.

CITY OF WICHITA

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Jennifer Magaña,
City Attorney and Director of Law

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CITY OF WICHITA

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Karen Sublett, City Clerk

(SEAL)

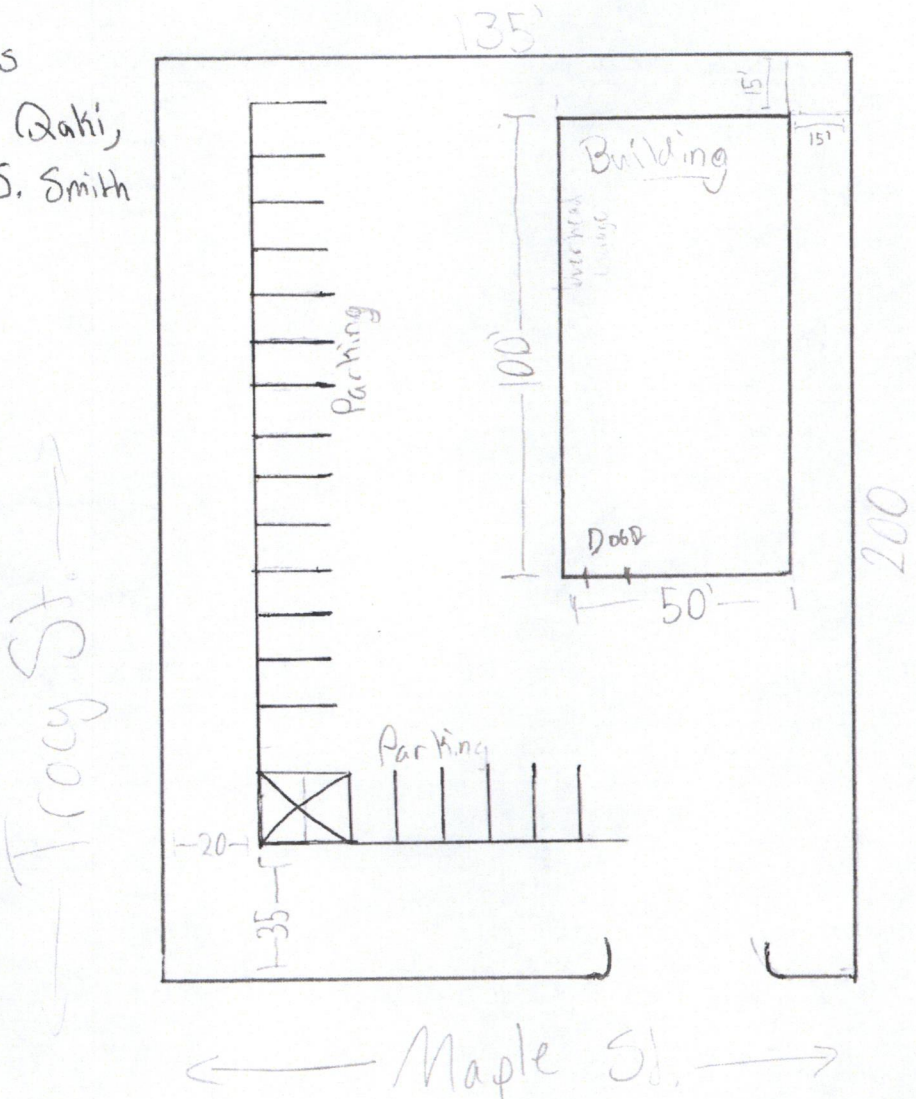
Approved as to form:

Jennifer Magaña,
City Attorney and Director of Law

N
W E
S

40 feet
1 inch

Title: Auto Sales
Applicant: Thair Qaki,
John S. Smith



County Control #: 00336283

SITE PLAN

APPROVED March 1, 22 BY

CeN22-66

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	229667	Print Legal Ad - IPL0063879		$150.99	2	90 L

Attention: Jamie Buster

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

LEGAL PUBLICATION

(Published in the Wichita Eagle on March 11, 2022)

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CITY OF WICHITA
Brandon J. Whipple, Mayor, City of Wichita
ATTEST:
Karen Sublett, City Clerk
(SEAL)
Approved as to form:
Jennifer Magana,
City Attorney and Director of Law
IPL0063879
Mar 11 2022

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

No. of Insertions: 1
Beginning Issue of: 03/11/2022
Ending Issue of: 03/11/2022

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 03/11/2022 to 03/11/2022.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 03/10/2022

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!

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	191675	WIC-12-30-21	OCA 150004	$109.20	1	13.00 in

Attention: Betsy Pagán

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

Copy of ad content
is on the next page

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

No. of Insertions: 1

Beginning Issue of: 12/30/2021

Ending Issue of: 12/30/2021

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 12/30/2021 to 12/30/2021.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 12/30/2021

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!

LEGAL PUBLICATION

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE
ON DECEMBER 30, 2021 (445212)
(One Time Only)

MAPC/BZA January 20, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, January 20, 2022, 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 the Wichita City Hall Building - 1st 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 Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.**

BZA2021-00072: City Variance for a parking reduction on property zoned TF-3 Two Family Residential located 900 feet west of North Hillside Avenue, 450 feet South of East 21st Street North (2909 East Shadybrook).

CON2021-00062: City Conditional Use for Group Residence, Limited on property zoned TF-3 Two Family Residential located 900 feet west of North Hillside Avenue, 450 feet South of East 21st Street North (2909 East Shadybrook).

CON2021-00065: City Conditional Use for Entertainment Establishment (defined as "Night Club in the City") on property zoned LC Limited Commercial; located one-half mile west of North Oliver Avenue, on the North side of East 13th Street North (3906 East 13th Street North).

CON2021-00066: Conditional Use request in the City for Vehicle and Equipment Sales on property zoned LC Limited Commercial; located on the north side of West Maple Street and within a quarter mile west of South West Street (NE corner of W Maple and S Tracy St.).

CUP2021-00070: City CUP amendment to Country Club Park DP-186 to Parcels 2 and 3, adjust parcel boundaries; merge general provision text, and modify signage requirements (1313 Webb Rd) associated with zone change GO to LC (ZON2021-00062).

VAC2021-00054: Request in the City to vacate a portion of a platted street side yard setback on SF-5 Single-Family Residential zoned property generally located north of West 31st Street South, west of South Seneca Street, on the southwest corner of West 29th Street South & South Millwood Avenue.

ZON2021-00061: City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential on property located one-block south of West Douglas Avenue and one-half mile east of South Seneca Street (127 S Millwood).

ZON2021-00062: City zone change to Country Club Park DP-186 to Parcels 2 and 3, GO General Office to LC Limited Commercial associated with CUP amendment (CUP2021-00070); generally located at the southwest corner of E. 13th Street N and N. Webb Rd.

ZON2021-00063: Zone Change request in the City from LI Limited Industrial to SF-5 Single-Family Residential for future development on property located on the east side of North Greenwich Road and within one-half mile north of East 29th Street North.

ZON2021-00064: Zone Change request in the City from TF-3 Two Family Residential to MF-18 Multi-Family Residential to permit 2 additional dwelling units (total of 8) on property located within one-block north of East 13th Street North and two-blocks east of North Hillside Avenue (1432, 1434, & 1436 N Fairmount).

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 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 (316-268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on December 30, 2021
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

AGENDA ITEM NO. 4.1

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC: February 3, 2022
DAB IV: February 7, 2022

CASE NUMBER: CON2021-00066 (City)

APPLICANT/OWNER: John Stephen Smith (Applicant) / Thair Qaki (contract buyer)

REQUEST: Conditional Use for Vehicle and Equipment Sales, Outdoor

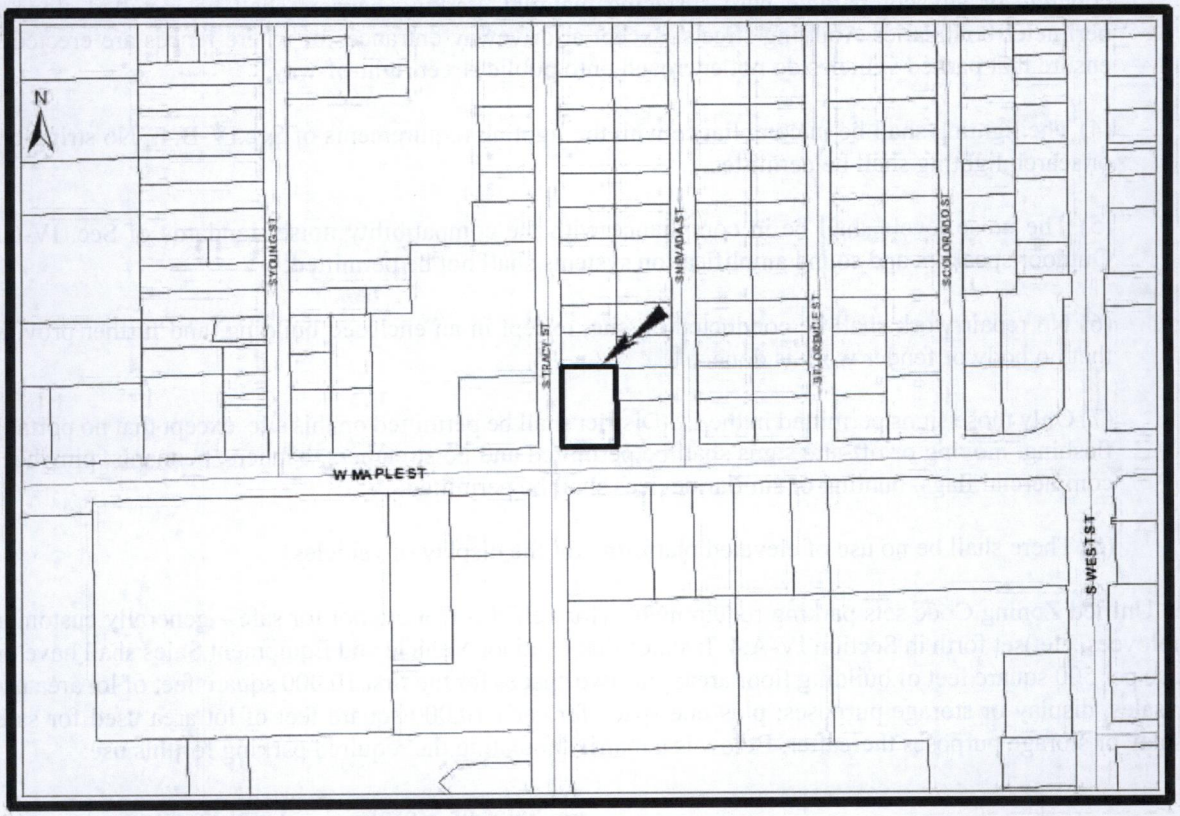
CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.62 acres

LOCATION: Generally located on the north side of West Maple Street and within one-quarter mile west of South West Street (Northeast corner of W. Maple and S. Tracy).

PROPOSED USE: Used Vehicle Sales

RECOMMENDATION: Denial



BACKGROUND: On Thursday, January 20, 2022, this application was scheduled for consideration by the MAPC. However, the applicant was not in attendance at the meeting. Therefore, the MAPC voted to defer the consideration of this request until the February 3, 2022, MAPC meeting. Staff has made contact with the applicant and notified him of the new meeting date and time.

The contract buyer is requesting a Conditional Use to allow Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial. The site is generally located on the north side of West Maple Street and within one-quarter mile west of South West Street (at the northeast corner of West Maple and South Tracey). The subject site is undeveloped. Historical aerial images show structures on the property until at least 1983. Sometime between 1983 and 1997 the structures were removed and the site has remained vacant ever since. Per the Unified Zoning Code (UZC), Outdoor Vehicle and Equipment Sales may be permitted with a Conditional Use in the LC zoning district.

The UZC Section III-D.6.x states that Outdoor Vehicle and Equipment Sales is subject to the following supplementary use regulations when located within the LC zoning 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 protect adjacent properties from light, debris and noise and to preserve adjacent property values even when the change in use to Vehicle and Equipment Sales replaces a previous use that is of equal or greater intensity. In no case
shall the 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 at 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.IV-B.4. No string-type or search lighting shall be permitted.

(5) The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.

(6) No repair work shall be conducted on site, 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.

The Unified Zoning Code sets parking requirements (for vehicles that are not for sale – generally customers, employees, etc.)set forth in Section IV-A.4. It states that Outdoor Vehicle and Equipment Sales shall have one space per 500 square feet of building floor area; plus two spaces for the first 10,000 square feet of lot area used for sales, display or storage purposes; plus one space for each 10,000 square feet of lot area used for sales, display or storage purposes thereafter. Below is a matrix tabulating the required parking for this use:

	Building	**Sales or Storage Area**	**Total Parking Requirement**

Square Feet	5,000	>10,000	
Parking Spaces	10	2	**12**

The site plan shows a proposed 10-foot by 100-foot building to be constructed in the northeast corner of the property. Parking is illustrated to be along the south and west property lines, observing the 35-foot and 20-foot platted setbacks. The site plan indicates a total of 18 parking stalls, which would allow six display spaces. All parking, display, and storage area of the site are required to be paved per the above stated Supplementary Use Regulations.

The applicant will need to change the placement of the building or request the Unified Zoning Code required compatibility setback waived. The northern property line and the north 87 feet of the east property line abut SF-5-Single-Family Residential and TF-3 Two Family Residential zoning districts. Per Section IV-C of the Unified Zoning Code, height and setback compatibility standards shall apply unless the applicant request a waiver. A waiver of these requirements can be approved by Wichita City Council with a recommendation from the MAPC. The height compatibility standards limit the height of a building to 35 feet within 50 feet of a lot line zoned TF-3 or more restrictive. The setback compatibility standards in this case will require a minimum of a 25-foot setback. The site plan shows the building to be setback 15 feet from the north and east property lines. Either the placement of the building will have to adjust, or the compatibility setbacks will have to be waived.

The property is also required to comply with screening landscaping, and lighting standards set forth in the UZC and the Wichita Landscape Ordinance. Section IV-B of the UZC requires a minimum of a six-foot solid screening fence along the north property line and the northern portion of the east property line where abutting SF-5 and TF-3 zoning. The Wichita Landscape Ordinance requires a landscape buffer consisting of at least one shade tree per 40 linear feet along the same portions of property lines.

The Unified Zoning Code Section IV-B.4 states that any lighting facilities are limited to 15 feet in height within 200 feet of a lot line of a residential zoning district. In addition, light sources shall be cut-off luminaries that are shielded and directed down and away from residential districts.

Property to the north is zoned SF-5 Single-Family Residential and developed with a single-family dwelling. Properties to the east are zoned SF-5, TF-3 Two-Family Residential and LC Limited Commercial. The property zoned SF-5 and TF-3 is developed with a single-family dwelling. The property zoned LC is a converted house and is used for massage therapy. Property to the west is zoned PUD Planned Unit Developed and LC with BZA38-86. The property zoned PUD is developed with Starkey's facility providing day programs for adults with disabilities. The property zoned LC is developed with a gas station, and in 1986 it was granted a use exception to permit an automatic car wash. Properties to the south and southwest are zoned LI Limited Industrial and LC with CUP DP-71 and BZA8-79. Both properties are developed with restaurants. Properties zoned LI permit vehicle and equipment sales by-right. In 1979, the LC–zoned property was granted a variance to increase the sign area for real estate signs. This variance applies to the greater property within the CUP for Towne West Mall and is not just specific to the property at this location. The nearest vehicle sales lot is located one-half mile to the northeast at the northeast corner of West Douglas Avenue and North West Street.

CASE HISTORY: In 1995, the property was rezoned (Z-3166) from AA One-Family and B Multi-Family to LC Limited Commercial. In 1996, the property was platted as Lot 1 of the Carley Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family dwelling
SOUTH:	LC and LI	Restaurants
EAST:	SF-5, TF-3 and LC	Single-family dwelling, Massage therapy spa
WEST:	PUD and LC	Adult daycare facility, gas station

PUBLIC SERVICES: West Maple Street is a paved, five-lane arterial with sidewalks on both side. South

Tracy Street is a paved, two-way local street with no sidewalks. Wichita Transit provides regular bus service along West Maple Street with bus stops within one-quarter mile in each direction. Municipal water and sewer services are available on-site.

CONFORMANCE TO PLANS/POLICIES: The proposed Conditional Use is not in conformance with the following plans.

The Community Investments Plan: The requested Conditional Use is not in conformance with the the Community Investment Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area to be on the border between New Residential and New Residential/Employment Mix. The New Residential category states that commercial uses likely will be developed in these locations based on market-driven factors. New Residential/Employment Mix identifies that commercial uses near residential uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight an odor. A vehicle sales lot is a more intensive use that could have negative impacts of visual blight, light pollution and noise that are not compatible with the nearby residential. The site could be developed with commercial uses that would better buffer the residential uses to the north from possible industrial development to the south.

Wichita: Places for People Plan: The requested Conditional Use is not in conformance with the goals of the Wichita: Places for People Plan. The Wichita: Places for People Plan provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the 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."

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested conditional use does not align with Strategy 6, "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." There are no existing vehicle sales lots along West Maple Street at this location. The car lots are located along the West Street corridor which is a much higher intensity commercial corridor than West Maple Street. Furthermore, though the LI Limited Industrial zoning to the south permits Vehicle and Equipment Sales by-right in addition to other higher intensity commercial and industrial uses, lower intensity commercial uses on this site could act as a buffer between possible higher intensity uses south of West Maple and the residential to the north. The north side of West Maple Street has a more residential context whereas the south side is more commercial.
- Current Condition: The subject property is located within an area identified as an "area of opportunity." The Places for People Plan defines Areas of Opportunity as those "areas that generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area, physically and socially." The current Limited Commercial zoning provides significant opportunity for lower intensity commercial uses that would provide private investment in the area.
- Nodal Development Pattern: The Places for People Plan recommends a nodal development pattern that creates a critical mass at the center of a node and transitions in scale and intensity as uses shift from commercial to residential. The plan depicts the property of Towne West Mall to the southwest as the nearest node and categorizes it as a "Regional Center." The subject property falls within the transition area around this node. The Places for People Plan states that the transition area "is intended to reduce the intensity of development, while still accommodating active uses." Transition areas typically see lesser intensity commercial uses mixed with residential to reduce the intensity of uses from the node to the edge. Limited commercial development at this location can buffer residential uses to the north from possible higher intensity uses south of West Maple. The Conditional Use for Vehicle Sales a higher intensity use than other uses permitted by-right in LC Limited Commercial.

RECOMMENDATION: Based upon information available prior to the public hearings and evaluating the conditions and uses of the surrounding neighborhood, staff is recommending the request be **DENIED.**

This recommendation of approval is based on the following findings:

1. **The zoning, uses and character of the neighborhood** Property to the north is zoned SF-5 Single-Family Residential and developed with a single-family dwelling. Properties to the east are zoned SF-5, TF-3 Two-Family Residential and LC Limited Commercial. The property zoned SF-5 and TF-3 is developed with a single-family dwelling. The property zoned LC is a converted house and is used for massage therapy. Property to the west is zoned PUD Planned Unit Developed and LC with BZA38-86. The property zoned PUD is developed with Starkey's facility providing day programs for adults with disabilities. The property zoned LC is developed with a gas station, and in 1986 it was granted a use exception to permit an automatic car wash. Properties to the south and southwest are zoned LI Limited Industrial and LC with CUP DP-71 and BZA8-79. Both properties are developed with restaurants. Properties zoned LI permit vehicle and equipment sales by-right. In 1979, the LC–zoned property was granted a variance to increase the sign area for real estate signs. This variance applies to the greater property within the CUP for Towne West Mall and is not just specific to the property at this location. The nearest vehicle sales lot is located one-half mile to the northeast at the northeast corner of West Douglas Avenue and North West Street. West Street is a higher intensity commercial corridor and a more appropriate location for Vehicle Sales.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC Limited Commercial and is undeveloped. It can support a number of residential, civic, and commercial uses.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Any commercial development would require screening and landscaping per applicable codes. If approved, the Supplementary Use Regulations of Section III-D.6.x in addition to the conditions of approval should mitigate possible negative effects on nearby residential properties.

4. **Length of time subject property has remained vacant as zoned:** The property has been zoned LC Limited Commercial since 1995. Historical aerial images indicate previous structures on the property were razed sometime between 1983 and 1997. Therefore, it is likely the property has never been developed as zoned.

5. **Conformance of the requested change to adopted or recognized Plans/Policies:** The proposed Conditional Use is not in conformance with the following plans.

   The Community Investments Plan: The requested Conditional Use is not in conformance with the the Community Investment Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area to be on the border between New Residential and New Residential/Employment Mix. The New Residential category states that commercial uses likely will be developed in these locations based on market-driven factors. New Residential/Employment Mix identifies that commercial uses near residential uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight an odor. A vehicle sales lot is a more intensive use that could have negative impacts of visual blight, light pollution and noise that are not compatible with the nearby residential. The site could be developed with commercial uses that would better buffer the residential uses to the north from possible industrial development to the south.

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6. **Impact of the proposed development on community facilities:** Development of the property would make use of existing community facilities and resources, and is not expected to exceed their capacity. All public services are available to be extended to serve the property.

If, in the opinion of the Planning Commission, the request is determined to be appropriate, the Planning Commission should adopt alternative findings supporting approval and approval should be 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.

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 outside of the existing structure on the site.

3. 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.

4. All improvements to the property must be finished before car sales is permitted. Those improvements shall include, but not limited to, paving of the site, parking barriers, and clearly marked customer and employee parking and the display area.

5. The applicant shall submit a scaled revised site and landscape 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, required screening, required landscaping, internal circulation that will remain open during hours of operation to allow access, area designated for display of cars, customer and employee parking, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.

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.

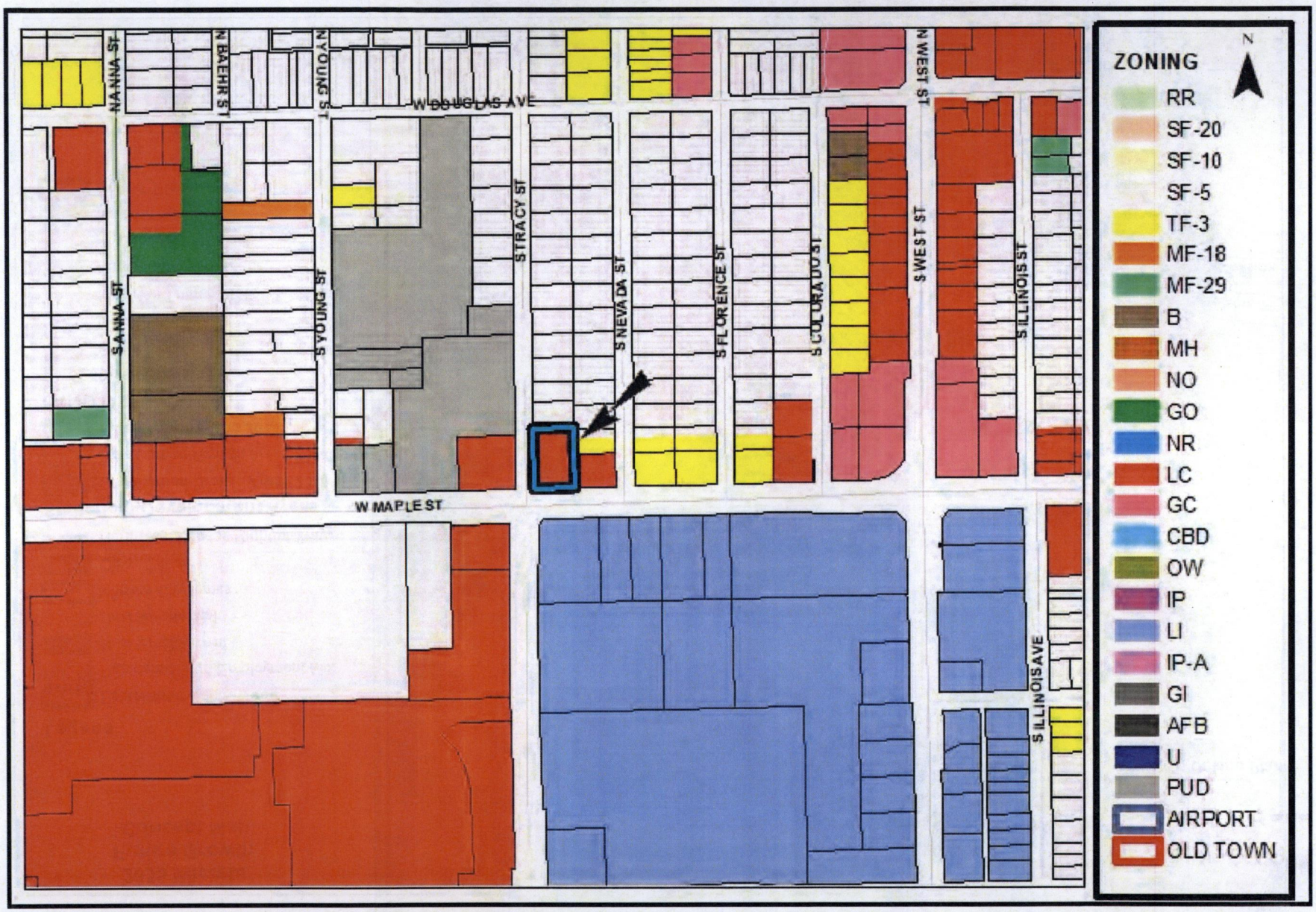
8. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

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.

Staff Report Attachments:

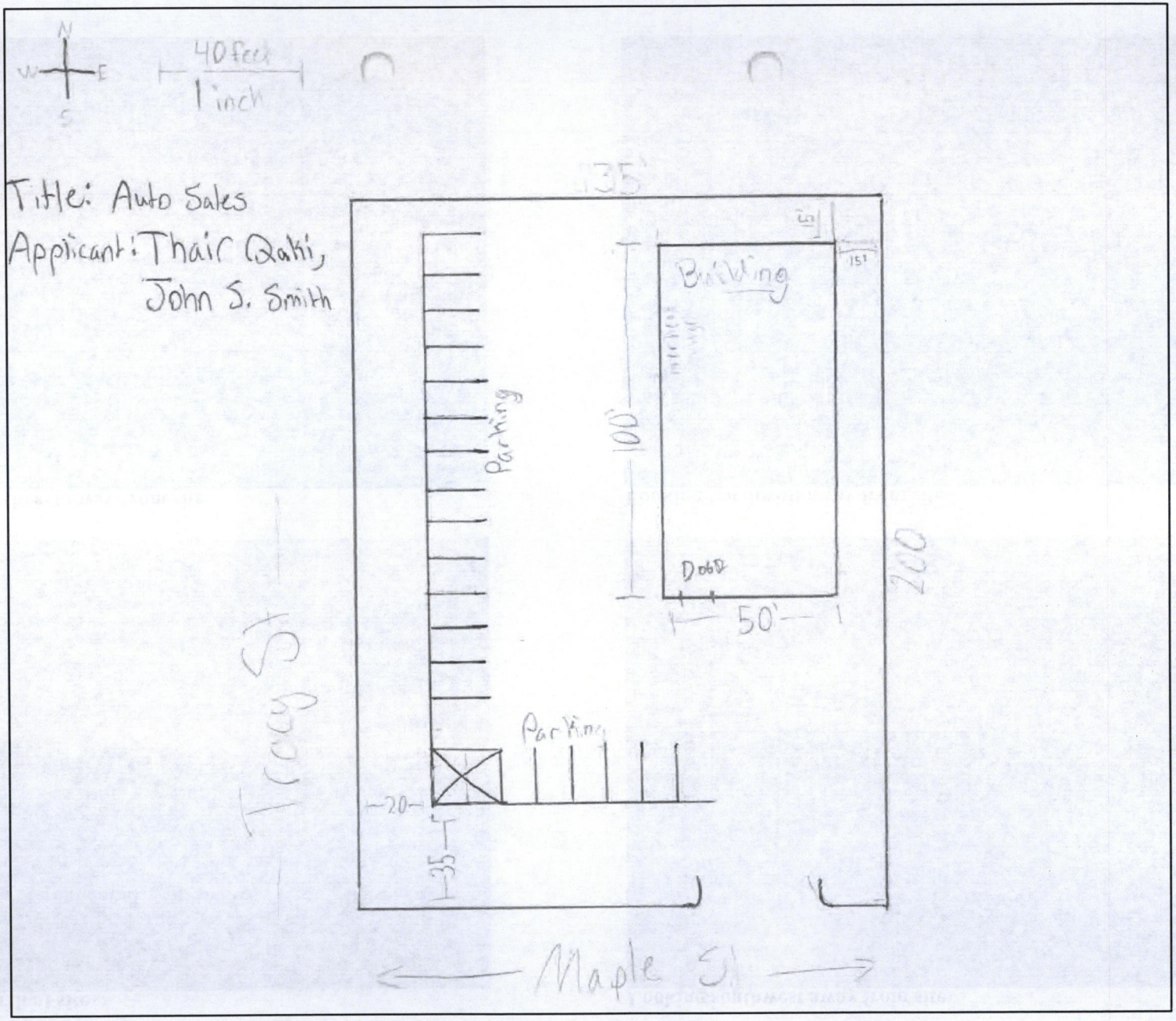
1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Site Plan
5. Site Photos


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S TRACY ST
S NEVADA ST
W MAPLE ST


ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
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NO
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NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
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PUD
AIRPORT
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N BAEHR ST
N YOUNG ST
W DOUGLAS AVE
STRACY ST
S NEVADA ST
S FLORENCE ST
S COLORADO ST
N WEST ST
S WEST ST
S ILLINOIS ST
W MAPLE ST
S ILLINOIS AVE

2035 Wichita Future Growth Concept Map




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W
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S
40 feet
1 inch
Title: Auto Sales
Applicant: Thair Qaki,
John S. Smith
135'
15'
15'
Building
100'
Parking
Door
50'
200
Tracy St
Parking
20'
35'
Maple St

Looking north at site



Looking southwest away from site



Looking northeast away from site



Looking northwest away from site



Looking northeast at residence north of site



Looking northwest at Starkey Facility

