

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:

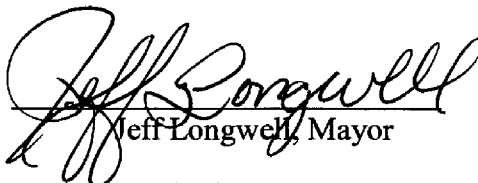
Case No. ZON2016-00008

Zone change from B Multi-Family Residential ("B") to LC Limited Commercial ("LC"), associated with Conditional Use CON2016-00009, on an approximately 0.32-acre property described as:

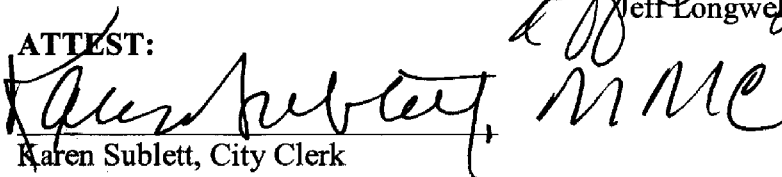
LOTS 30-32-34-36, EXCEPT THAT PART DEEDED TO CITY, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; ALONG WITH, LOTS 38-40, EXCEPT THAT PART LYING WEST OF A LINE STARTING AT A POINT 59 FEET EAST OF THE SW CORNER LOT 40 AND ENDING AT A POINT 47.2 FEET EAST OF THE NW CORNER OF LOT 38 DEEDED TO CITY FOR HIGHWAY PURPOSES, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; generally located east of Interstate Highway I-135, on the east side of Minnesota Avenue and north of 1st Street.

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.

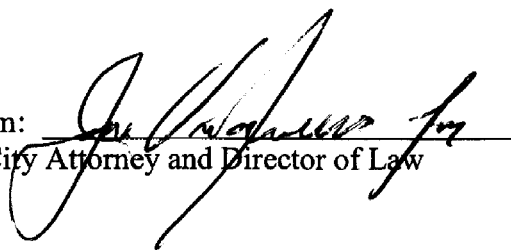

Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Jennifer Magana, City Attorney and Director of Law

**City of Wichita
City Council Meeting
July 12, 2016**

TO: Mayor and City Council

SUBJECT: ZON2016-00008 and CON2016-00009 – City Zone Change from B Multi-Family Residential to LC Limited Commercial and a Conditional Use to Allow the Outdoor Sale of Vehicles on Property Generally Located East of Interstate Highway I-135, North of East 1st Street, Between North Ash Street and North Minnesota Avenue (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Background: The applicants are requesting LC Limited Commercial (LC) zoning on the 0.32-acre, platted B Multi-Family Residential (B) zoned portion of the of the 0.84-acre site located north of East 1st Street, on the east side of North Minnesota Avenue. This B zoned north portion of the site is developed as a triplex (built 1935). The south and east parts of the site are the applicants' LC zoned auto repair and indoor car sales business, as permitted by Use Exception BZA12-87. Use Exceptions are now Conditional Uses.

The applicants also requesting a Conditional Use, CON2016-00009, to replace BZA12-87. CON2016-00009 proposes to permit outdoor vehicle display and sales. The Unified Zoning Code (UZC, Sec-D.3.6.x) requires a Conditional Use for car sales in the LC zoning district.

The LC and B zoned properties also had a variance approved, BZA13-87, to reduce the required parking from 41 parking spaces to 31 parking spaces and to reduce the 20-foot front setback along the portion of the site with Minnesota Avenue frontage for parking spaces. BZA13-87 was approved the same day as BZA12-87, subject to the above conditions, plus improvements to an abutting alley to City Standards, requiring parking barriers along right-of-way and landscaping in the reduced front setback that was not occupied by parking.

The construction of Interstate Highway I-135 (I-135), between 1971 and 1978, re-routed and reconfigured this portion of Minnesota Avenue into a cul-de-sac, taking away its intersection with 1st Street on its south end. The only access to this portion of Minnesota Avenue is on its north side at its intersection with 2nd Street. An older B zoned residential neighborhood made up of single-family residences, a few duplexes, tri-plexes, and four-plexes (mostly built in the 1920s) abuts and adjacent to the north, east, and northeast sides of the site. An older B zoned residential neighborhood made up of mostly single-family residences, scattered duplexes, tri-plexes, and four-plexes (built 1872-1940s) is located south of the site, across 1st Street. The applicants' 10,000-square foot auto repair business building was built in 1988.

Analysis: On May 19, 2016, the MAPC considered and approved (10-0) the requested LC zoning and CON2016-00009, subject to the following conditions;

- (1) The Conditional Use permitted is the outdoor display and sale of automobiles and light trucks only, subject to the Supplemental Use Regulations UZC, Art.III, Sec.III-D.3.6.x. No sale or rental of trailers, vehicles or trucks larger than pick-ups are permitted.
- (2) No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.
- (3) No outdoor display of cars for sales or cars waiting for repair is allowed north of Lot 38, Block 1, Minneapolis Addition.
- (4) No outdoor storage of tires, parts, oil barrels or any other items used in car repair. All parked cars waiting for repair must be operable with current tags. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use
- (5) Access onto and off of the site shall be off of Ash Street and the north moist point of Minnesota Avenue. No delivery of cars shall be permitted off of Minnesota Avenue.
- (6) A six to eight foot tall solid wood fence shall be erected around the property where adjacent or abutting residential zoned properties.
- (7) All employee and customer parking and car sale 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. The paving must be completed before the any vehicles are displayed or sold.
- (8) The site shall be in compliance with the UZC's parking standards for car sales and limited vehicle repair.
- (9) Outdoor lighting sources, including base or pedestal, pole and fixture, shall employ cut-off luminaries to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded such that the light

source is not visible from the neighboring lot. Lighting sources shall be limited to 15 feet in height within 200 feet of residential zoning Districts. No building lighting shall be permitted on the north and east side of the building. 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.

- (10) No repair work shall be conducted except in the enclosed building, and further provided that no body work or painting is done.
- (11) 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. No building signs are permitted on the north or east sides of the building. No signs on Minnesota Avenue or Ash Street
- (12) There shall be no use of elevated platforms for the display of vehicles.
- (13) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- (14) Provide a revised site plan for approval by the Planning Director within 60 days of approval of the Conditional Use and zoned change or the case will be declared null and void. No car sales until the revised site plan is approved
- (15) 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

There were no protesters at the MAPC meeting.

On June 6, 2016, District Advisory Board (DAB) I considered and approved (8-0) the requested LC zoning and CON2016-00009, subject to the above conditions approved by the MAPC. There were no protesters at the DAB I meeting. Planning staff has not received valid protests or appeals to the request.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance and resolution as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC, approve the requested zone change and the Conditional Use with its associated conditions and place the ordinance on the first reading (simple majority vote).

Attachments:

- MAPC minutes
- DAB memo
- Ordinance
- Resolution