



Wichita-Sedgwick County Metropolitan Area Planning Department

April 8, 2020

Carlos Andreo
641 North Woodlawn Boulevard, #43
Wichita, KS 67208

Chalmer Alcorn
818 South Seneca Street
Wichita, KS 67213

Manuel Figueroa
814 South Seneca Street
Wichita, KS 67213

RE: ZON2020-00001 & CON2020-00002 - City request change from MF-29 Multiple-Family to LC Limited Commercial and consider the request for a Conditional Use Permit for outdoor vehicles sales on properties located on the east side of South Seneca Street and south of West Kellogg Street (814 South Seneca Street).

Dear Applicants:

At its regular meeting on **April 7, 2020**, the Wichita City Council considered the above captioned request. The action of the MAPC was to **APPROVE** the requests as recommended.

Sincerely,

A handwritten signature in red ink, appearing to read 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: WCC IV, Jeff Blubaugh, Mail Stop 1-13
Rebecca Fields, CSR IV, Mail Stop 1-135
Paul Hays, OCI, Mailstop 1-72
J. R. Cox, OCI, Mailstop 1-72
Jeff Van Zandt, City Law, Mailstop 1-134
Shawn Mellies, Engineering, Mail Stop 1-71
Seth Gotchey, Engineering, Mail Stop 1-71

(150004)

Published in The Wichita Eagle on April 17, 2020

ORDINANCE NO. 51-207

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. ZON2020-00001 and CON2020-00002

Zone amendment to change classification from MF-29 Multi-Family Residential to LC Limited Commercial and subject to the development standards contained in the Conditional Use Permit of Case No. CON2020-00002, on property described as:

Lot 2 and 4, Dayton Avenue, Glendale Addition, Wichita, Sedgwick County, Kansas.

Said property CONTAINS: 0.15 acres of land, more or less, generally located on the east side of South Seneca Street south of West Dayton Avenue (814 South Seneca Street).

SECTION 2. That zoning classification of said property is changed to LC Limited Commercial.

SECTION 3. That subject property is subject to the restrictions of Conditional Use Permit of Case No. CON2020-00002, which permits outdoor vehicle and equipment sales, subject to:

1. A revised site plan shall be prepared, drawn to scale, that specifies the exact arrangement of vehicle display to be provided, including the maximum number of vehicles permitted on the subject property. This will include a prohibition of placement of any vehicles in the northwest corner of the property within the vision triangle of the intersection of Seneca Street and Dayton Avenue.
2. An appropriate fence along the east property line of the subject property shall be constructed that complies with permitted fencing materials of the Unified Zoning Code Section IV-B.4.h, and meets the screening requirements of the UZC.
3. The owners shall be responsible with complying with the landscaping ordinance along the east property line of the subject property.
4. The applicant shall submit a revised site plan to be approved by the Director of Planning that is in compliance with these conditions and the requirements of the Unified Zoning Code and the Landscape Ordinance within 60 days of approval and prior to use of the property as parking for the vehicle sales lot.
5. All conditions of the Unified Zoning Code, Section III-D.6.x. for outdoor vehicle and equipment sales shall be in effect and following conditions shall apply:
 - a. 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.

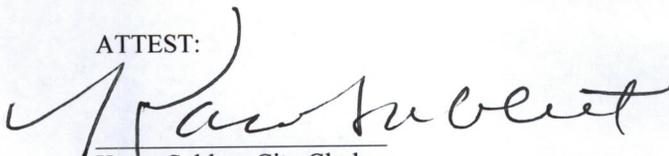
- b. Visual screening of areas adjacent to residential zoning districts shall be provided to protect adjacent properties from light, debris and noise and to preserve adjacent property values even when the change in use to Vehicle and Equipment Sales replaces a previous use that is of equal or greater intensity. In no case shall screening be less than that required by Sec. IV- B.1-3.
 - c. 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.
 - d. The lighting shall be in compliance with the lighting requirements of Sec.IV-B.4. No string-type or search lighting shall be permitted.
 - e. 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.
 - f. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.
 - g. Only those signs permitted in the LC Limited Commercial 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.
 - h. There shall be no use of elevated platforms for the display of vehicles
6. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION 4. 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.

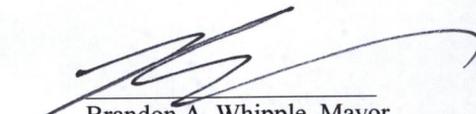
SECTION 5. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 14 day of April, 2020.

ATTEST:



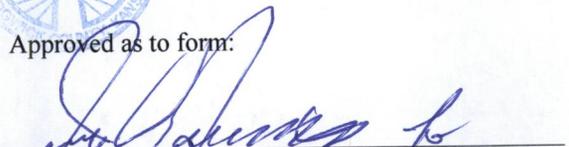
 Karen Sublett, City Clerk



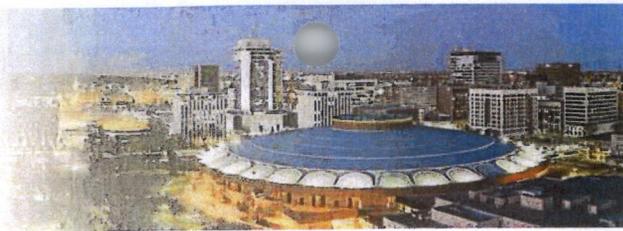
 Brandon A. Whipple, Mayor



Approved as to form:



 Jennifer Magana, City Attorney and Director of Law



LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
453697	0004624372			\$100.80	1	168

Attention: Jamie Buster

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

LEGAL PUBLICATION

(150004)

PUBLISHED IN THE WICHITA EAGLE
ON APRIL 17, 2020 (0004624372)
ORDINANCE NO. 51-207

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Zone amendment to change classification from MF-29 Multi-Family Residential to LC Limited Commercial and subject to the development standards contained in the Conditional Use Permit of Case No. CON2020-00002, on property located at: Lot 2 and 4, Dayton Avenue, Glendale Addition, Wichita, Sedgwick County, Kansas.

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6. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION 4. 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 5. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 14th day of April, 2020.

ATTEST:

Karen Sublett, City Clerk (SEAL)
Brandon A. Whipple, Mayor

Approved as to form:

Jennifer Magana, City Attorney and Director of Law

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

1 Insertions

Beginning issue of: 04/17/2020

Ending issue of: 04/17/2020

STATE OF KANSAS)

.SS

County of Sedgwick)

Tony Berg, 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 4/17/2020 to 04/17/2020.

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

(Signature of Principal Clerk)

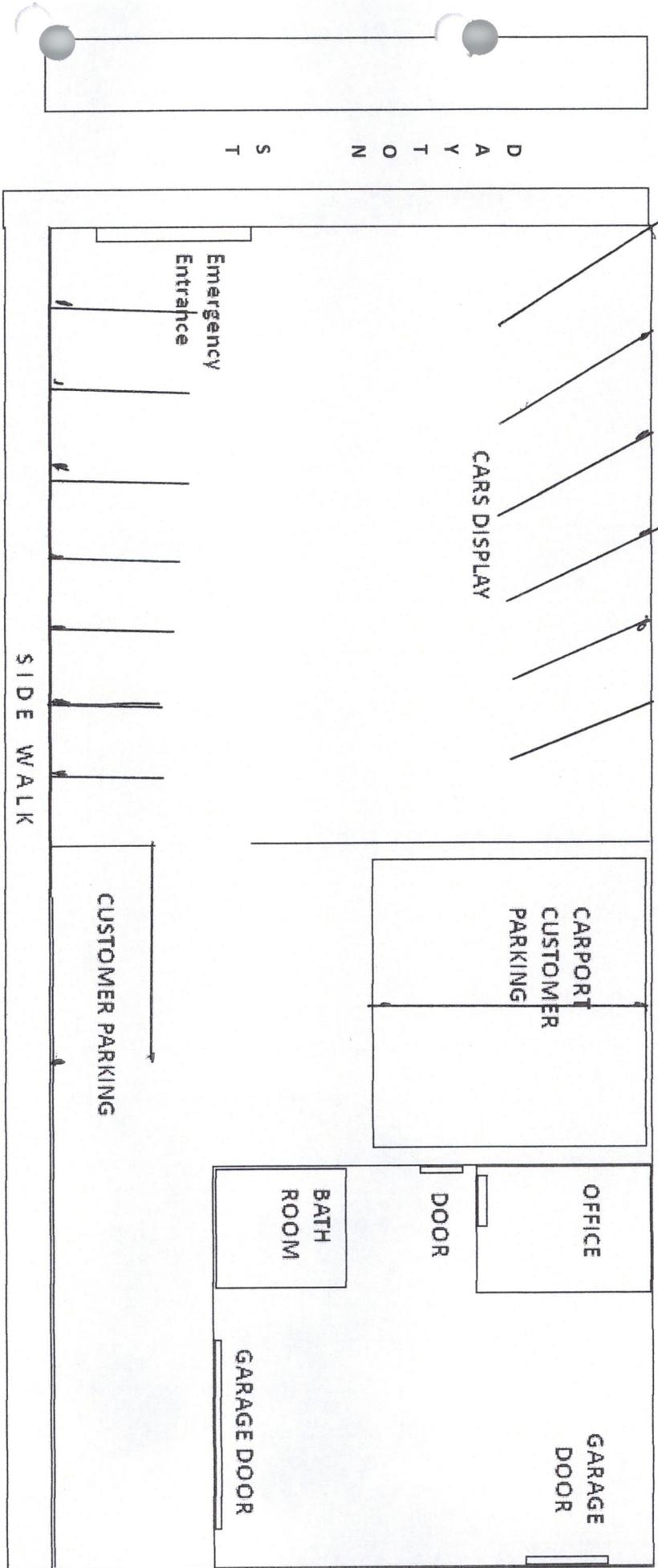
DATED: 4/19/2020

Notary Public Sedgwick County, Kansas

JENNIFER RAE BAILEY
Notary Public - State of Kansas
My Appt. Expires 04/12/2021

MANUEL FIGUEROA

814 S SENECA ST. WICHITA KS 67213



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S E N E C A S T

SITE PLAN

APPROVED
[Signature]