

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. ZON2014-00023

Amendment to Protective Overlay PO #9 (associated with zoning case Z-3213), to allow outdoor vehicle sales on the LC Limited Commercial ("LC") zoned portion of an approximately 0.682-acres property described as:

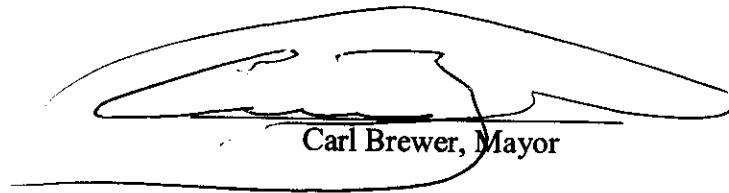
The west 200 feet of Lot 1, Mount Addition, Wichita, Sedgwick County, Kansas; generally located a half-mile south of Harry Street on the east side of Seneca Street.

SUBJECT TO THE FOLLOWING AMENDED PROVISIONS OF PROTECTIVE OVERLAY DISTRICT PO #9:

- (1) Only cars and light trucks that have been repossessed by the site's financial institution may be placed on the site for display for sale; the west 200 feet of Lot 1, the Mount Addition. A maximum of seven cars and light trucks maybe displayed and offered for sale at any one time. All other uses on this site shall be limited to a financial institution, plus other uses allowed in the GO General Office ("GO") zoning district.
- (2) Provide a site plan showing the car and light truck display and sales area in the LC portion of the site; the west 200 feet of Lot 1, the Mount Addition.
- (3) Vehicle and equipment sales shall not be a principle use as defined by the Unified Zoning Code.
- (4) Signage shall be limited to the standards of the GO General Office ("GO") zoning district except for permitting the Credit Union's sign that is 55-square feet.

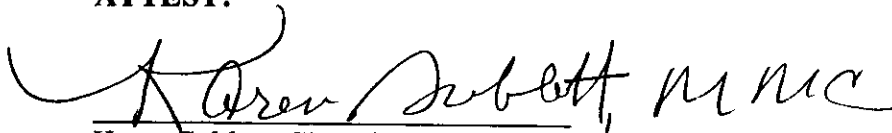
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.



Carl Brewer, Mayor

ATTEST:



Karen Sublett, City Clerk

(SEAL)

Approved as to form: 
Sharon Dickgrafe, Interim City Attorney

**City of Wichita
City Council Meeting
October 14, 2014**

TO: Mayor and City Council

SUBJECT: ZON2014-00023 – Request to Amend Protective Overlay PO #9 to Allow Vehicle Sales on LC Limited Commercial Zoned Property Generally Located North of Pawnee Avenue on the East Side of Seneca Street. (District IV)

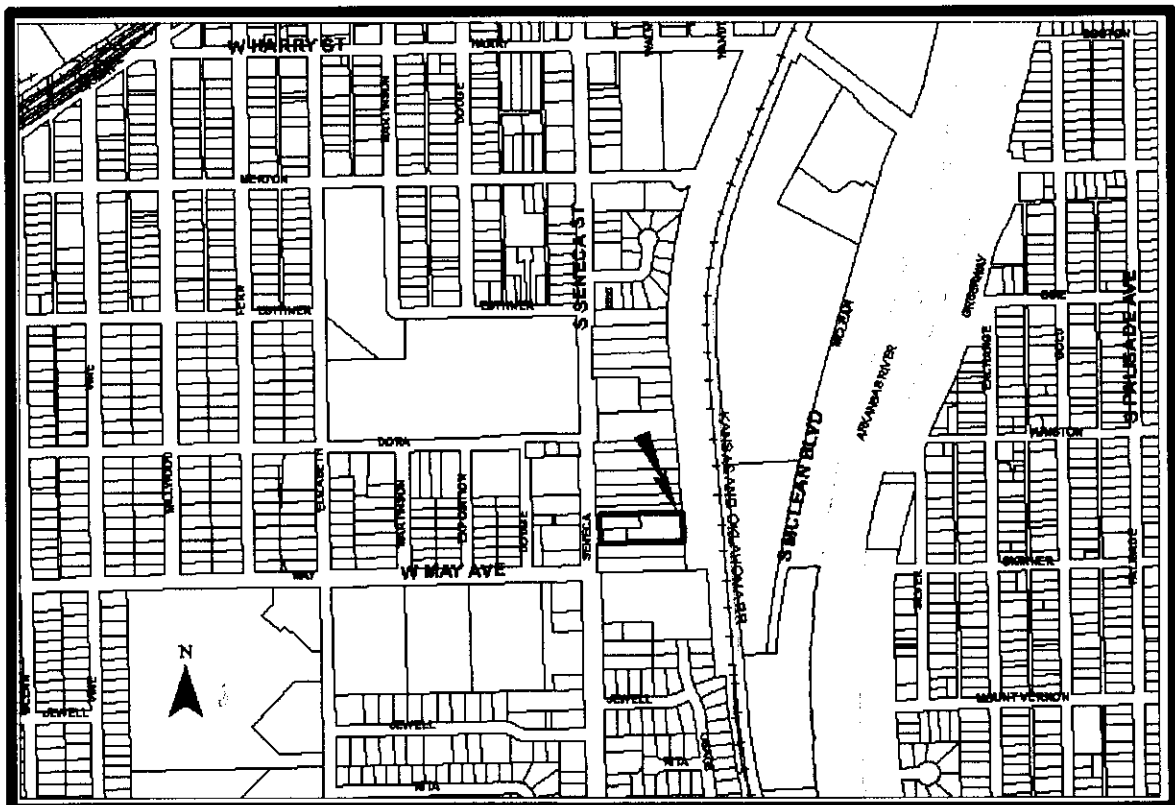
INITIATED BY: Metropolitan Area Planning Department *TJS*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (8-0).

DAB Recommendation: District Advisory Board IV recommended approval of the request (7-0).

MAPD Staff Recommendation: The Metropolitan Area Planning Department staff recommended approval of the request.



Background: The subject site, Lot 1, Mount Addition, has LC Limited Commercial zoning on its west 200 feet (zone case Z-3213 and Protective Overlay PO #9) and GO General Office zoning on its east 222-213 feet. The applicant is requesting an amendment to provision #1 of PO #9 to allow car sales on the LC zoned portion of the subject site. Currently the uses on the site are limited to a financial institution, plus other uses allowed in the GO zoning district. The UZC Unified Zoning Code also requires a Conditional Use for car sales on LC zoned property, however in this case the amendment to PO #9 serves the same purpose as a Conditional Use.

The applicant, Air Capital Finance, is a financial institution with drive-thru service that proposes to display and sell cars and light trucks that it has repossessed after the financing that it had provided failed. The Air Capital Finance building and its paved parking is located on the LC zoned western half of the lot and has frontage on Seneca Street. The GO zoned eastern portion of the lot is a large paved parking area that has its northeastern quarter separated by an eight-foot tall chain link fence with barbed wire topped on it. The GO zoning district does not permit vehicle sales, vehicle storage or wrecking and salvage. A tow truck has been seen parked on this east GO zoned portion.

Vacant TF-3 Two-Family Residential zoned property abuts the south side of the site. Properties located further south include a LC and GO zoned self-storage warehouse, vacant LC zoned land and a LC zoned church. Properties located west of the site, across Seneca Street, are zoned LC and are developed as a loan on a car title building, a commercial strip building (with, but not limited to, two local fast food restaurants, computer repair and retail), the Seneca Bowl bowling alley and an appliance sales store. The MF-29 Multi-Family Residential zoned Aley Public Park is located north of the appliance store. TF-3 zoned single-family residences abut and are adjacent to the north side of the site. A TF-3 and LI Limited Industrial zoned scrap metal recycling yard and the City of Wichita's Central Maintenance Facility abut and are adjacent to the east side of the site. The abutting TF-3 zoning acts as a buffer which the LI zoned scrap metal recycling yard cannot encroach into. A rail road track/spur separates the scrap metal recycling yard from the site.

Analysis: On September 8, 2014, District Advisory Board (DAB) IV considered the request. There were no protests against the requested amendment to PO #9 to allow vehicle sales at the DAB IV meeting. DAB IV voted 8-0 to approve the request, subject to the following amended provisions of PO #9:

- (1) Only cars and light trucks that have been repossessed by the site's financial institution may be placed on the site for display for sale; the west 200 feet of Lot 1, the Mount Addition. A maximum of seven cars and light trucks maybe displayed and offered for sale at any one time.
- (2) Provide a site plan showing the car and light truck display and sales area in the LC portion of the site; the west 200 feet of Lot 1, the Mount Addition.
- (3) Vehicle and equipment sales shall not be a principle use as defined by the UZC.

On September 11, 2014, the Metropolitan Area Planning Commission (MAPC) considered the request. There were no protests at the MAPC meeting. The MAPC voted 8-0 to approve the request, subject to the amended provisions of PO #9, as approved by DAB IV. Planning staff has received no valid protest and received no calls protesting 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 as to form.

Recommendation/Actions: It is recommended that the City Council concur with the findings of the MAPC and approve the zoning, subject to the amended provisions of the Protective Overlay, and place the ordinance on first reading (simple majority vote required).

Attachments:

- MAPC minutes
- DAB memo
- Ordinance