



**Wichita-Sedgwick County Metropolitan Area Planning Department**

July 14, 2016

Import Auto Center, Inc.  
2204 W 9th Ave.  
Winfield, KS 67156

**REFERENCE: ZON2016-00008 & CON2016-00009** – City request for a zoned change from B Multi-Family Residential (“B”) to LC Limited Commercial (“LC”) and a Conditional Use for outdoor vehicle sales on property generally-located east of I-135, north of 1st Street, between Ash Street and Minnesota Avenue (WCC I).

Dear Applicant,

At its regular meeting on July 14, 2016, the Wichita City Council considered the above captioned request. The action of the Council was to APPROVE the zone change from B Multi-Family Residential (“B”) to LC Limited Commercial (“LC”) and the Conditional Use request, subject to the following conditions.

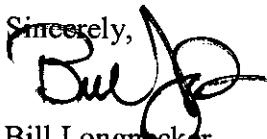
- (1) The Conditional Use permitted is the outdoor display and sale of automobiles and light trucks only, subject to the Supplemental Use Regulations UZC, Sec-D.3.6.x. No sale or rental of trailers, vehicles or trucks larger than pick-ups are permitted.
- (2) No selling of cars shall be allowed until 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 deliver 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 is 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 permitted on the north and east side of the building.
- (10) 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.
- (11) No repair work shall be conducted except in the enclosed building, and further provided that no body work or painting is done.
- (12) 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
- (13) There shall be no use of elevated platforms for the display of vehicles.
- (14) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- (15) 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
- (16) 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

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 316-268-4421.

Sincerely,



Bill Longnecker  
Senior Planner

BL: mc

cc: Kaw Valley Engineering, c/o Tm Austin, 200 N. Emporia, Wichita, KS, 67202  
LaVonta Williams, WCC II, Mail Stop 1-13  
Kameelah Alexander, CSR II, Mail Stop 1-135

RESOLUTION No. 16-194

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT OUTDOOR VEHICLE AND EQUIPMENT SALES, SPECIFICALLY THE SALE OF AUTOMOBILES AND LIGHT PICKUP TRUCKS, ON APPROXIMATELY 0.84-ACRES ZONED LC LIMITED COMMERCIAL ("LC"), GENERALLY LOCATED EAST OF INTERSTATE HIGHWAY 1-135, NORTH OF EAST 1<sup>ST</sup> STREET, BETWEEN MINNESOTA AVENUE AND ASH 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 outdoor vehicle and equipment sales, specifically the sale of automobiles and light pickup trucks, on approximately 0.84-acres zoned LC Limited Commercial ("LC") legally described below:

**Case No. CON2016-00009**

A Conditional Use, associated with zone case ZON2016-00008, to allow outdoor vehicle and equipment sales, specifically the sale of automobiles and light pickup trucks, on approximately 0.84-acres zoned LC Limited Commercial ("LC") described as:

LOT 1, BLOCK 1, ALONG WITH 10 FEET VACATED ALLEY ADJACENT ON WEST, SIXTY-SIX ADDITION, SEDGWICK COUNTY, KANSAS; **ALONG WITH**, 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; **ALONG WITH**, THE EAST 33 FEET OF LOTS 42-44 ALONG WITH THAT PART OF LOTS 42-44 DESCRIBED AS FOLLOWS: BEGINNING 33 FEET WEST OF THE NE CORNER OF LOT 42, THENCE SOUTH 22.60 FEET, THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT 39.58 FEET, THENCE NORTH 2.35 FEET TO THE NORTH LINE OF LOT 42, THENCE EAST 32.50 FEET TO THE POINT OF BEGINNING, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; **ALONG WITH**, THE EAST 33 FEET LOT 46 AND THE NORTH 5 FEET OF THE EAST 33 FEET OF LOT 48, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; generally located east of I-135, north of 1st Street, between Ash Street and Minnesota Avenue.

**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 of the Unified Zone Code (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 deliver 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 is 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 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

**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 date

July 12, 2016

Jeff Longwell  
Jeff Longwell, Mayor

ATTEST:

Karen Sublett, m m c

Karen Sublett, City Clerk



Approved as to form:

Jennifer Magana  
Jennifer Magana, City Attorney and Director of Law



**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 1.12-acre site located north of 1st Street, on the east side of 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. The conditions of approval are:

- (1) All vehicle sales on this property shall be displayed and stored within an enclosed building.
- (2) That portion of the building to be occupied by the automobile sales business shall not exceed 5,000-square feet of floor area.
- (3) All parking spaces on the property shall be surfaced and designated as off-street parking for customers and employees and not be used for display of company vehicles.
- (4) If light is provided on the exterior, it shall be installed so as to not illuminate the adjoining residential properties by shielding and directing the light away from the residential properties.
- (5) Signs shall be limited to that permitted by Sec.28.04.139 of the zoning ordinance, provided however, no string type lighting or banners shall be permitted.
- (6) No sound projecting devices or loud speakers shall be used so as to be heard beyond the property lines.
- (7) All screening required by the zoning ordinance for the protection of the adjacent residential properties shall be installed and maintained in good condition.
- (8) Any change of occupancy of this building or change in the manner in which the automobile sales business is operated, shall null and void the resolution.
- (9) Any expansion of the building shall be subject to compliance with the requirements of the ordinance and must be reconsidered by the BZA.
- (10) Resolution BZA68-83 shall become null and void upon release of this resolution.

The applicants are requesting a Conditional Use to replace BZA12-87, to permit outdoor vehicle display and sales. The Unified Zoning Code (UZC, Sec-D.3.6.x) require 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 applicants' auto repair business building (built 1988, approximately 10,000-square feet) has three bay doors facing 1<sup>st</sup> Street, as well as large windows and the entrance to the office. There is another bay door facing Minnesota Avenue as well as a large window. The applicants' site plan is projected on an aerial of the site. It does not show all of the proposed or existing parking spaces, instead it shows automobiles parked in unidentified space and a proposed sales display area for 13 vehicles. The site plan – aerial shows an existing drive onto Ash Street and an existing drive onto Minnesota Avenue. The site plan does not show proposed or existing

lighting, existing or proposed screening, nor existing or proposed landscaping.

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 1<sup>st</sup> Street on its south end. The only access to this portion of Minnesota Avenue is on its north side at its intersection with 2<sup>nd</sup> 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-plexus, and four-plexes (built 1872-1940s) is located south of the site, across 1<sup>st</sup> Street.

**CASE HISTORY:** The site is platted as Lot 1, Block 1, along with 10 feet of the vacated alley adjacent on the west side, Sixty Six Addition. The Sixty Six Addition was recorded with the Register of Deeds on February 4, 1970. The site is also platted as Lots 30-32-34-36, except that part deeded to the City & Lots 38-40, except that part lying west of a line starting at a point 59 feet east of the southwest corner of Lot 40 and ending at a point 47.2 feet east of the northwest corner of Lot 38 deeded to the City for highway purposes, all in Block 1, Minneapolis Addition. The 'highway' referenced is the west, abutting section of I-135, which was constructed between 1971 and 1978. The construction of I-135 required additional right-of-way and re-routed and re-configured Minnesota Avenue into a cul-de-sac on its south end. The Minneapolis Addition was recorded with the Register of Deeds June 9, 1886. Vacation case V-1523, approved March 1, 1988, vacated with conditions, the east abutting north-south alley from 2<sup>nd</sup> Street to 1<sup>st</sup> Street. As already noted Use Exception BZA12-87 and variance request BZA13-87 were approved with the conditions listed by the BZA on April 28, 1987. Staff has received calls inquiring about the zoning request. None of these calls expressed opposition to the applicants' request.

NOTE: VAC2016-00004 was approved with conditions at the May 12, 2016, Subdivision Committee (SD) meeting. VAC2016-00004 is a request to vacate the south approximately 236 feet of the Minnesota Street public right-of-way. This portion of Minnesota Avenue abuts the east side of the applicants' property and will increase the size of the site. There were no protests at the SD meeting. VAC2016-00004 will be considered at the May 19, 2016, MAPC meeting.

**ADJACENT ZONING AND LAND USE:**

NORTH: B	Single-family residences
SOUTH: B	Single-family residences, scattered duplexes, tri-plexus, four-plexus
EAST: B	Single-family residences, scattered duplexes, tri-plexus, four-plexus
WEST: I-135	Interstate Highway I-135

**PUBLIC SERVICES:** All utilities are available to the site. The site currently has a driveway onto the Minnesota Avenue cul-de-sac on its north end where a tri-plex is located. The only access to this portion of Minnesota Avenue is on its north side with its intersection with the one-way west, two-lane arterial 2<sup>nd</sup> Street. Ash Street is a residential street that intersects with the one-way west, two-lane arterial 2<sup>nd</sup> Street on its north side and with the one-way west, two-lane arterial 1<sup>st</sup> Street on its south side

**CONFORMANCE TO PLANS/POLICIES:** The “2035 Wichita Future Growth Concept Map” of the “Comprehensive Plan” identifies the site as appropriate for “residential development.” The site’s residential development designation appears to confirm the site’s and neighborhood’s development mix of single-family residences, scattered duplexes, tri-plexes, and four-plexes. The Concept Map does not recognize the site’s LC zoning. The requested LC zoning is not a match for the site’s residential development designation, but does match the site’s current LC zoning, which is what most of the site is zoned. The Map does show the area south of the site, across 1<sup>st</sup> Street, as appropriate for “new employment,” which does match up with the site’s LC zoning.

The “2035 Urban Growth Areas Map” identifies the site as being in the “Established Central Area.” The Established Central Area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The Established Central Area is the focus area for the Wichita Urban Infill Strategy. Commercial development in the Established Central Area should be neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context. The proposed LC zoning would allow the expansion of an existing LC zoned auto repair business and car sales. In the past the MAPC has considered the relatively small size of a site for car repair and car sales to be a neighborhood serving business and considered car sales associated with existing or past car repair businesses.

The locational criteria for commercial development states that it should be located at the intersection of arterial streets and along highways and commercial corridors. The site is adjacent to I-135, but has no access to I-135. If VAC2016-00004 is approved the site would abut the east side of the I-135 right-of-way. Access to the site can be provided through the applicant’s east abutting LC zoned auto repair business/indoor car sales, via Ash Street to the one way east bound arterial 1<sup>st</sup> Street and via Minnesota Avenue to the one way west arterial 2<sup>nd</sup> Street. The locational guidelines of the Comprehensive Plan also supports the expansion of existing uses to adjacent areas. The proposed LC zoning would allow the expansion of an existing LC zoned auto repair business and allow outdoor car sales, which is currently allowed indoors.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses including all densities of residential development. The requested LC zoning can be compatible with the Established Central Area’s infill goal of providing neighborhood-serving retail, office uses and high-density residential uses located along arterial streets.

**RECOMMENDATION:** In the past the MAPC has supported the expansion of established businesses after a case-by-case consideration. The proposed LC zoning would allow the expansion of the existing LC zoned auto repair and allow outdoor car sales to replace the current indoor car sales business. The applicant’s 10,000-square foot building was built in 1988 making it perhaps the most recent development in the area. Based upon information available prior to the public hearings, planning staff recommends that the proposed LC zoning and Conditional

Use for outdoor car sales be APPROVED, 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, Sec-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.
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- (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.
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- (8) The site shall be in compliance with the UZC's parking standards for car sales and limited vehicle repair.
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- (13) There shall be no use of elevated platforms for the display of vehicles.
- (14) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- (15) 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
- (16) 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

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the surrounding area:** 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) are abutting 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 1<sup>st</sup> Street. A portion of the applicants' property is the only LC zoning in the neighborhood. I-135 is located approximately 40-50 feet west of the site.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site's B zoning allows the current triplex development by right and ancillary parking by a Conditional Use, as well as any potential duplex, multi-family residential and some office development. The site is located within 40-50 feet of I-135, which makes residential development less attractive, as the traffic generated by the I-135 compromises the value of residential development. The LC zoned portion of the site is permitted for limited auto repair and the indoor display and sale of cars.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested LC zoning and Conditional Use allows for the expansion of the site's car sales and removes the restriction of the indoor display and sale of cars. The proposed Conditional Use is intended to minimize the negatively impact the on older established residential neighborhood and possibly leave a negative visual impact of the community from I-135.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2035 Wichita Future Growth Concept Map" of the "Comprehensive Plan" identifies the site as appropriate for "residential development." The site's residential development designation appears to confirm the site's and neighborhood's development mix of single-family residences, scattered duplexes, tri-plexus, and four-plexus. The Concept Map does not recognize the site's LC zoning. The requested LC zoning is not a match for the site's residential development designation, but does match the site's current LC zoning, which is what most of the site is zoned. The Map does show the area south of the site, across 1<sup>st</sup> Street, as appropriate for "new employment," which does match up with the site's LC zoning.

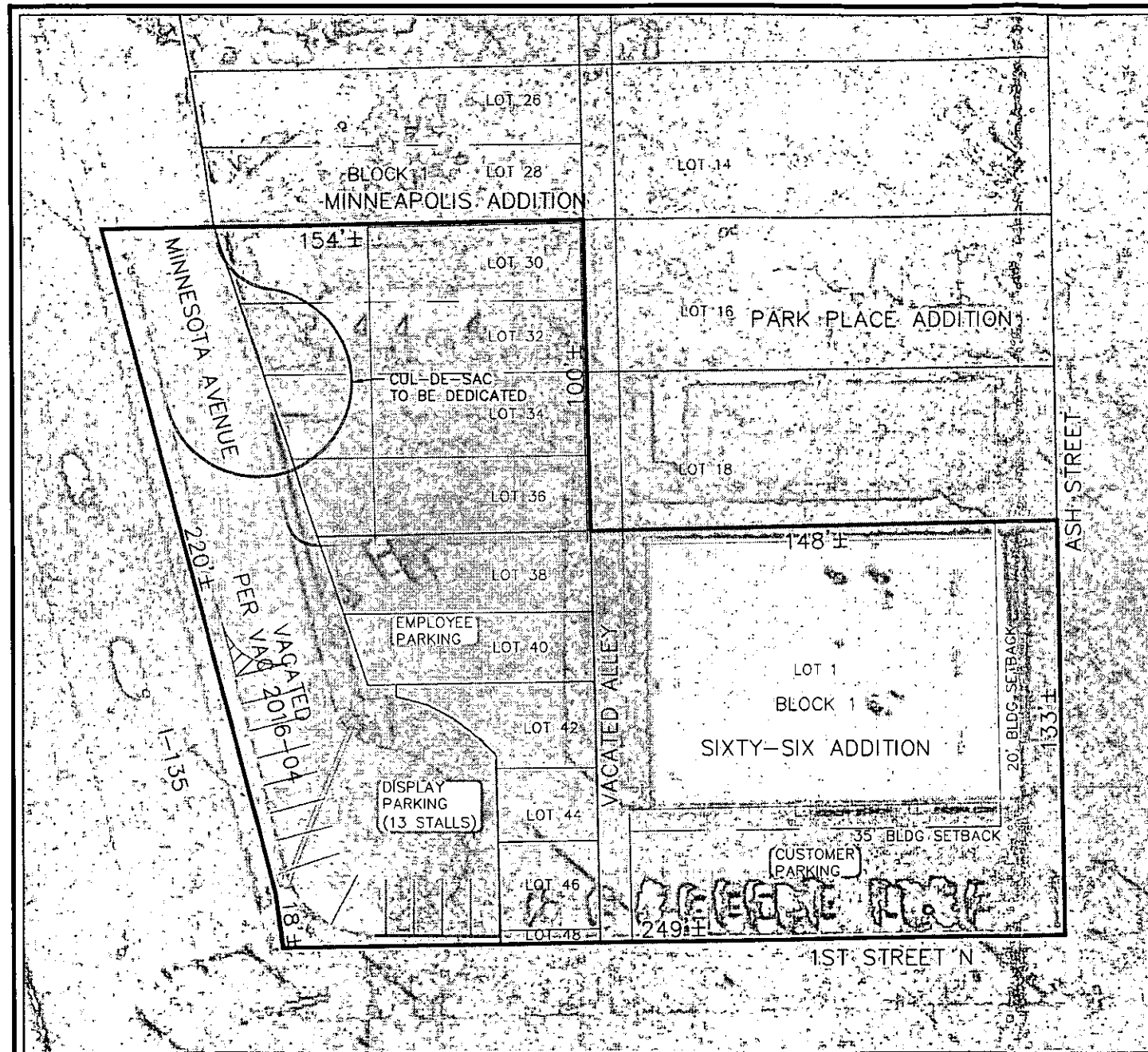
The "2035 Urban Growth Areas Map" identifies the site as being in the "Established Central Area." The Established Central Area is comprised of the downtown core and the

mature neighborhoods surrounding it in a roughly three mile radius. The Established Central Area is the focus area for the Wichita Urban Infill Strategy. Commercial development in the Established Central Area should be neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context. The proposed LC zoning would allow the expansion of an existing LC zoned auto repair business and car sales. In the past the MAPC has considered the relatively small size of a site for car repair and car sales to be a neighborhood serving business and considered car sales associated with existing or past car repair businesses.

The locational criteria for commercial development states that it should be located at the intersection of arterial streets and along highways and commercial corridors. The site is adjacent to I-135. If VAC2016-00004 is approved the site would abut the east side of the I-135 right-of-way. Access to the site can be provided through the applicant's east abutting LC zoned auto repair business, via Ash Street to the one way east arterial 1<sup>st</sup> Street and via Minnesota Avenue to the one way west arterial 2<sup>nd</sup> Street. The locational guidelines of the Comprehensive Plan also supports the expansion of existing uses to adjacent areas. The proposed LC zoning would allow the expansion of an existing LC zoned auto repair business and allow outdoor car sales, which are currently allowed indoors.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses including all densities of residential development. The requested LC zoning can be compatible with the Established Central Area's infill goal of providing neighborhood-serving retail, office uses and high-density residential uses located along arterial streets.

- (5) **Impact of the proposed development on community facilities:** The expanded site will generate more traffic onto Ash Street and 1<sup>st</sup> Street. Paved parking on the site will require a drainage study.



**CONDITIONAL USE CON2016-09**

OWNERS: VENTURE RENTALS INC.  
 LEGAL DESCRIPTION: ALL OF LOTS 30, 32, 34, 36, 38, 40, 42, 44, 46, AND 48 EXCEPT THAT PORTION OF SAID LOTS DEDICATED TO RIGHT-OF-WAY, BLOCK 1, MINNEAPOLIS ADDITION, SEDGWICK COUNTY, KANSAS, ALONG WITH THE ADJACENT MINNESOTA AVENUE RIGHT-OF-WAY EXCEPT DEDICATED RIGHT-OF-WAY FOR I-135, ALONG WITH LOT 1 AND ADJACENT VACATED ALLEY, BLOCK 1, SIXTY-SIX ADDITION, SEDGWICK COUNTY, KANSAS.

GROSS ACREAGE: 1.12 +/-

ZONING: LC, LIMITED COMMERCIAL

ALLOWED CU USES: CAR SALES AND DISPLAY

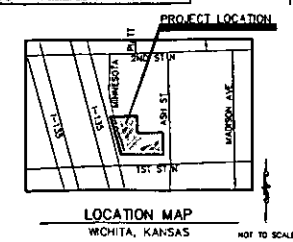
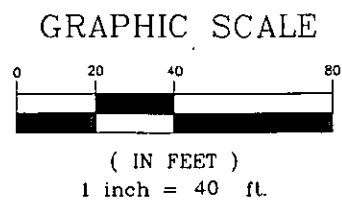
**CONDITIONS:**

1. THE CONDITIONAL USE PERMITTED IS THE OUTDOOR DISPLAY AND SALE OF AUTOMOBILES AND LIGHT TRUCKS ONLY, SUBJECT TO THE SUPPLEMENTAL USE REGULATIONS UZC, SEC-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 SALE 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 MOST 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 IT IS ADJACENT OF 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 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 CUTOFF 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.
10. 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.
11. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN THE ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODYWORK OR PAINTING IS DONE.
12. 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.
13. THERE SHALL BE NO USE OF ELEVATED PLATFORMS FOR THE DISPLAY OF VEHICLES.
14. THE SITE SHALL BE DEVELOPED AND OPERATED IN COMPLIANCE WITH ALL FEDERAL, STATE, AND LOCAL RULES AND REGULATIONS.
15. IF THE ZONING ADMINISTRATOR FINDS THAT THERE IS A VIOLATION OF ANY OF THE CONDITIONS OF THE CONDITIONAL USE, THE ZONING ADMINISTRATION, IN ADDITION TO ENFORCING THE OTHER REMEDIES SET FORTH IN ARTICLE VII OF THE UNIFIED ZONING CODE, MAY, WITH THE CONCURRENCE OF THE PLANNING DIRECTOR, DECLARE THAT THE CONDITIONAL USE IS NULL AND VOID.

**SITE PLAN**  
 APPROVED: *[Signature]*

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**KAW VALLEY ENGINEERING**



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