



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

April 20, 2018

PCH, Inc.  
Attn: Darin Campbell  
2020 East 1<sup>st</sup> Street  
Wichita, KS 67214

Kaw Valley Engineering, Inc.  
Attn: Levi Bond  
200 North Emporia Ave., Suite 100  
Andover, KS 67202

**RE: CON2017-00041** - City Conditional Use to allow boat and trailer sales and expand the vehicle display area on property zoned LC Limited Commercial; generally located at the northeast corner of Interstate 135 and East 1<sup>st</sup> Street (2020 E. 1<sup>st</sup> St.)

Dear Applicants:

At its regular meeting on **April 10, 2018** the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request.

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

Sincerely,

A handwritten signature in cursive script that reads 'Kathy L. Morgan'.

Kathy L. Morgan, Senior Planner  
Current Plans Division

Copies to: MABCD  
Brandon Johnson, WCC District I, Mail Stop 1-13  
Kameelah Alexander, Community Services Representative

RESOLUTION No. 18-108

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 on March 5, 2018, 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. CON2017-00041**

A Conditional Use, associated with zone case ZON2016-00008, to allow outdoor vehicle and equipment sales, specifically the sale of automobiles, boats, trailers 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:**

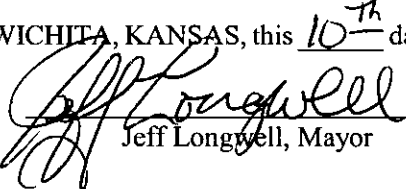
1. The Conditional Use permitted is the outdoor display and sale of automobiles, boats, trailers and light trucks only, subject to the Supplemental Use Regulations UZC, Sec-D.3.6.x. No sale or rental of vehicles or trucks larger than pick-ups are permitted.
2. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.
3. No outdoor 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.

4. Access onto and off of the site shall be off of Ash Street and the northern most point of Minnesota Avenue.
5. 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 is adjacent or abutting residential zoned properties; metal panel is an acceptable screening material.
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.
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, 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. Replace CON2016-00009 in its entirety with the conditions outlined herein.
17. 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 10<sup>th</sup> day of April, 2018.

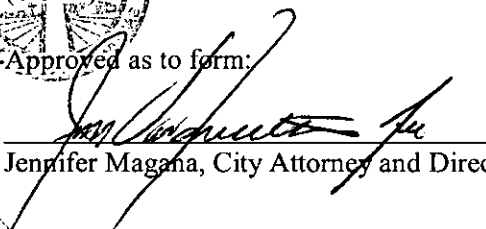
  
Jeff Longwell, Mayor

ATTEST:

  
Karen Sublett, City Clerk



Approved as to form:

  
Jennifer Magana, City Attorney and Director of Law



**BACKGROUND:** The applicant requests an amendment to CON2016-00009 to include boat and trailer sales and an expanded outdoor display area of vehicles and boats on property zoned LC Limited Commercial (LC). The property is developed with a one-story metal commercial building and hard surface parking area. Should this application be approved, Condition #1 will be amended to include boat and trailer sales, increase outdoor display on the site as shown on the attached site plan and replace CON2016-00009.

The surrounding neighborhood is zoned B Multi-Family Residential (B) and is developed with single-family residences, a few duplexes, tri-plexes and four-plexes. These houses were built in the 1920s and are located to the north, east and south of the site. West of the site is Interstate Highway 135 (I-135) right-of-way. The construction of I-135 re-routed and re-configured Minnesota Avenue into a cul-de-sac on the north side of 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 West, Sixty Six Addition, Sedgwick County, Kansas; along with Even Lots 30 through the North 5 feet of Lot 48, along with that portion of Minnesota Avenue Right-of-Way vacated by VAC2016-00004; and except that part deeded to City, Block 1, Minneapolis Addition to Wichita, Sedgwick County.

Two BZA cases (BZA12-87 and BZA13-87) were approved by the Board of Zoning Appeals to address parking reduction on the site. In 2016, the Metropolitan Area Planning Commission (MAPC) approved ZON2016-00008 and CON2016-00009 which changed the zoning from B to LC with a conditional use to allow vehicle sales and outdoor display for the sale of automobiles and light trucks. It is the conditional use that is being amended by this application.

CON2017-00041, should the application be approved, will amend Condition #1 to allow boat and trailer sales, retain all of the other conditions approved in CON2016-00009 and replace CON2016-00009.

**ADJACENT ZONING AND LAND USE:**

NORTH:	B	Single-Family residences, duplexes, tri-plexes and four-plexes
SOUTH:	B	Single-Family residences, duplexes, tri-plexes and four-plexes
EAST:	B	Single-Family residences, duplexes, tri-plexes and four-plexes
WEST:	I-135	I-135 and Right-of-Way

**PUBLIC SERVICES:** Public water is located in Minnesota Avenue. Sewer is located in the vacated alley that was retained as a utility easement. There is no access to the Minnesota Avenue cul-de-sac. Access to the site is on Ash Street north of East 1<sup>st</sup> Street.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types typically found in large urban municipality with appropriate neighborhood-serving businesses/retail.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to the following conditions:

1. The Conditional Use permitted is the outdoor display and sale of automobiles, boats, trailers and light trucks only, subject to the Supplemental Use Regulations UZC, Sec-D.3.6.x. No sale or rental of 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 northern 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 is adjacent or abutting residential zoned properties; metal panel is not an acceptable screening material.
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.
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, 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. Replace CON2016-00009 in its entirety with the conditions outlined herein.
17. 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 neighborhood:** The site is already zoned LC with a Conditional Use to allow automobile and light truck sales with outdoor storage. The surrounding neighborhood is zoned B Multi-Family Residential (B) and is developed with single-family residences, a few duplexes, tri-plexes and four-plexes built in the 1920s to the north, east and south of the site. West of the site is the Interstate Highway 135 (I-135) right-of-way.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is already zoned LC with a Conditional Use to allow automobile and light truck sales with outdoor storage. The site is adjacent to the off and on ramps for I-135.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested conditional use should be minimal as vehicle sales and outdoor storage is already an allowed use.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types typically found in large urban municipality with appropriate neighborhood-serving businesses/retail.
- (5) **Impact of the proposed development on community facilities:** All services are in place. Any increased demand on community facilities can be handled by existing infrastructure.

Attachment: Site Plan