copy

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

August 26, 2019

Sandra Chavez Luz Mireles
215 East 13th Street North
Wichita, KS 67214

Steven Enterprises, LLC
455 North Broadway
Wichita, KS 67202

Robert W. Kaplan
301 North Main, Suite 1600
Wichita, KS 67202

RE: ZON2019-00030 & CON2019-000028 - City request change from B Multiple-Family and GO General Office to LC Limited Commercial and consider the request for a Conditional Use Permit for outdoor vehicles sales on properties located on the south side of East 13th Street North between North Market Street and North Broadway Avenue (215 and 221 East 13th Street North).

Dear Applicants:

At its regular meeting on **August 2, 2019**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the requests as recommended by staff. The vote of the MAPC on the above action was 11 to 0, with one abstention.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **September 5, 2019**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **September 5, 2019 at 5:00 p.m.**

If a valid protest petition is filed, this application will be presented to the Wichita City Council on **Tuesday, October 1, 2019, beginning at 9:00 a.m.** If there are no protest petitions filed, this application will be presented to the Wichita City Council on **Tuesday, September 24, 2019, beginning at 9:00 a.m.** The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 North Main, Wichita, Kansas.

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 268-4421.

Sincerely,

David L. Yearout, AICP
Principal Planner

Copies to: WCC VI, Cindy Claycomb, Mail Stop 1-13
Janet Johnson, CSR VI, 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
Julianne Kallman, Engineering, Mail Stop 1-71

(150004) Published in The Wichita Eagle on Nov. 22, 2019

ORDINANCE NO. 51-146

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. ZON2019-00030 and CON2019-00028

Zone amendment to change classification from B Multi-Family Residential to LC Limited Commercial and subject to the development standards contained in the Conditional Use Permit of Case No. CON2019-00028, on property described as:

Lot 1245 Market Street Bush's Addition, Wichita, Sedgwick County, Kansas.

Said property CONTAINS: 0.14 acres of land, more or less, generally located on the south side of 13th Street North and on the east side of North Market Street (215 East 13th Street North).

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. CON2019-00028, which permits outdoor vehicle and equipment sales, subject to:

1. The entirety of the property at 215 East 13th Street North (Lot 1245 on Market, Bush's Addition to Wichita) shall be restricted to use as an office and off-street parking only and no vehicles shall be displayed or stored that are associated with the sales lot at 221 East 13th Street North.

2. The existing screening fence along the south property line of the lot at 215 East 13th Street shall be removed or replaced with material that complies with permitted fencing materials of the Unified Zoning Code Section IV-B.4.h.

3. The owners shall be responsible with complying with the landscaping ordinance for the property at 215 East 13th Street including removing paving materials as needed to create a landscaping buffer along the south property line.

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 to the property at 221 East 13th Street:

    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 bod 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 19 day of Nov, 2019.

ATTEST:

Karen Sublett, City Clerk

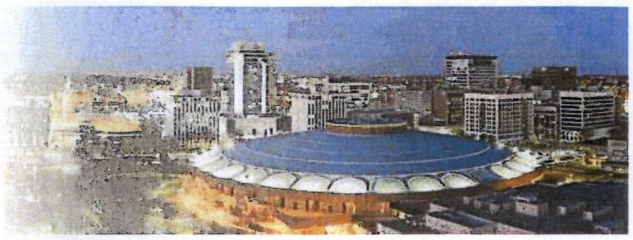
Jeff Longwell, Mayor

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law

The Wichita Eagle
Kansas.com
330 N Mead St | Wichita, KS 67202 | 316-268-6000



LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
453697	0004467073			$58.80	1	98

Attention: Jamie Buster

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

LEGAL PUBLICATION

Published in The Wichita Eagle
on November 22, 2019
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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 19th day of November, 2019.

ATTEST:

Karen Subielt, City Clerk

Jeff Longwell, Mayor

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law
0004467073

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

1 Insertions

Beginning issue of: 11/22/2019

Ending issue of: 11/22/2019

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 **11/22/2019** to **11/22/2019**.

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

(Signature of Principal Clerk)
DATED: 11/22/2019

Notary Public Sedgwick County, Kansas

JENNIFER RAE BAILEY
Notary Public - State of Kansas
My Appt. Expires 6/4/2021