

(Published in the Wichita Eagle, 7/19/2019)

ORDINANCE NO. 51-068

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. ZON2019-00016

City zone change from GO General Office to LC Limited Commercial described as:

The west 25 feet of Lot 54, Block C, Planeview No. 2 Addition, Wichita, Sedgwick County, Kansas

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.

*Jeff Longwell*  
Jeff Longwell, Mayor

ATTEST:

*Karen Sublett*  
Sec Karen Sublett, City Clerk



(SEAL)

Approved as to form: *Jennifer Magaña*  
Jennifer Magaña, City Attorney and Director of Law

CONDITIONAL USE RESOLUTION NO. 19-259

CON2019-00016

**WHEREAS**, Greg Ferris of Ferris Consulting. (Agent), on behalf of Ross Parkway Apartments II, LLC (Applicant) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for outdoor used vehicle sales, on property zoned Limited Commercial at 3002 South Hillside Avenue and legally described as:

Lot 54, Block C, Planeview Subdivision No. 2 Addition, Wichita, Sedgwick County, Kansas.

**WHEREAS**, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

**WHEREAS**, the MAPC did, at the meeting of June 6, 2019, consider said application; and

**WHEREAS**, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for outdoor used vehicle sales, on property zoned Limited Commercial at 3002 South Hillside Avenue and legally described as:

Lot 54, Block C, Planeview Subdivision No. 2 Addition, Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. In addition to the uses permitted in the LC Limited Commercial district, the site shall be limited to the sale of cars and pick-up (light) trucks only as long as it continue to operate as a vehicle repair, limited garage. No sale or rental of trailers, boats, motorcycles/scooters, recreational vehicles or trucks larger than pick-ups are permitted. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.
2. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. Outside storage of parts, including tires, associated with the vehicle repair, limited operation shall be within a 6-foot solid screen area.
3. All vehicles associated with the car sales lot shall be located on the west side of the existing commercial building fronting South Hillside Avenue and shall be located entirely within the west 25 feet and the north 85 feet of Lot 54, Block C, Planeview Subdivision No. 2 Addition. The site shall be limited to the display of no more than five (5) vehicles for sale at any given time.
4. All customer parking will be confined to the portion of the site not occupied with the vehicle display area and shall be clearly marked as such. One space must be van accessible. The interior fenced area shall be made available for customer parking during business hours in order to meet the parking requirement. No customer parking spaces shall block or encroach into the ingress/egress driveway.
5. All improvements to the property must be finished before car sales is permitted. Those

improvements shall include, but not limited to, clearly marked customer and employee parking and the display area.

6. All improvements shall be completed within one year of the approval of the conditional use by the MAPC or the city Council. No vehicle sales shall be allowed until all permits have been acquired and all improvements to the site have been made.
7. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the selling of any cars or light trucks, prior to car sales is permitted. The site plan will include, but not be limited to, internal circulation that will remain open at all time to allow access, area intended for customer parking, parking barriers along the west property line, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.
8. Off-street parking spaces shall be provided in accordance with Article IV, Sec. IV-A of the UZC. No vehicles for sale shall be displayed in required off-street parking spaces.
9. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
10. 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.

Adopted this 9th Day of July 2019

  
Jeff Longwell, Mayor

ATTEST:

  
Karen Sublett, City Clerk



Approved as to form:   
Jennifer Magaña, City Attorney and Director of Law