Wichita-Sedgwick County Metropolitan Area Planning Department

August 4, 2023

Vyamungu Seth
2825 East Glen Oaks Drive
Wichita, KS 67216

RE: **CON2023-00024:** Conditional Use request in the City to allow Vehicle and Equipment Sales, Outdoor; generally located on the northeast corner of East 13th Street North and North Topeka Avenue (404 East 13th Street North).

Dear Applicant;

At its regular meeting on **August 1, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** of the request with the following conditions. Please note that the City Council added an additional Condition that is in bold below. This new condition means that the site can only be eligible to sell vehicles as long as the driving school is in business. If the driving school closes and is no longer in business on this site, the site cannot be used for vehicle sales. The City Council also is requiring a new site plan as discussed by the Planning Commission.

1) Vehicle and Equipment Sales, Outdoor shall be an ancillary use to a driving school.
2) The site is limited to the sale of five vehicles.
3) The Conditional Use shall be limited to the sales of cars and pick-up (light) trucks. 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.
4) Because the UZC's definition of "vehicle repair limited" does not allow the outside repair or maintenance services of vehicles none shall be conducted on the site, unless a building is provided for this activity; UZC. Art. II, Sec.II-B.14.i. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. No outside storage of parts, including tires, oil containers or any similar type of receptacles for new or used petroleum products.
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, proposed lighting.
6) The site will be developed according to the approved site plan.
7) A conditional use amendment shall be required for any changes to these conditions.
8) The applicant shall provide a parking study for review and approval by the Zoning Administrator detailing the daily use of the existing uses and demonstrating the opportunity to have a reduced off-street parking need for all three uses on-site.
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.

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

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD
Maggie Ballard, Council Member District VI
Ana Lopez, CSR District VI
Ellen Riordan, 1415 North Topeka Avenue, Wichita, KS 67214

Wichita-Sedgwick County Metropolitan Area Planning Department

June 23, 2023

Vyamungu Seth
2825 East Glen Oaks Drive
Wichita, KS 67216

RE: **CON2023-00024:** Conditional Use request in the City to allow Vehicle and Equipment Sales, Outdoor; generally located on the northeast corner of East 13th Street North and North Topeka Avenue (404 East 13th Street North).

Dear Applicant;

At its regular meeting on **June 22, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request with the following conditions:

1) The site is limited to the sale of five vehicles.
2) The Conditional Use shall be limited to the sales of cars and pick-up (light) trucks. 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.
3) Because the UZC's definition of "vehicle repair limited" does not allow the outside repair or maintenance services of vehicles none shall be conducted on the site, unless a building is provided for this activity; UZC. Art. II, Sec.II-B.14.i. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. No outside storage of parts, including tires, oil containers or any similar type of receptacles for new or used petroleum products.
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6) A conditional use amendment shall be required for any changes to these conditions.
7) The applicant shall provide a parking study for review and approval by the Zoning Administrator detailing the daily use of the existing uses and demonstrating the opportunity to have a reduced off-street parking need for all three uses on-site.
8) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
9) 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.

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 **July 6, 2023**. 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 **July 6, 2023 at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) VI on **Monday, July 10, 2023**, beginning at 6:30 p.m. at the Evergreen Community Center and Library (2601 North Arkansas). For more information on this meeting, please contact Community Services Representative for District VI, Ana Lopez at (316) 303-8042 or alopez@wichita.gov. This application will be presented to the Wichita City Council on **Tuesday, July 25, 2023**, beginning at 9:00 a.m.

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

Sincerely,

Christina Rieth
Current Plans
Associate Planner

Copies to: MABCD
Maggie Ballard, Council Member District VI
Ana Lopez, CSR District VI
Ellen Riordan, 1415 North Topeka Avenue, Wichita, KS 67214

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON August 8, 2023

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

RESOLUTION NO. 23-323

WHEREAS, M & B Investing, LLC, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial District located on the northeast corner of East 13th Street North and North Topeka Avenue, legally described as:

Lots 2, 4, 6, and 8, on Topeka Avenue, Well's 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 22, 2023, consider said application; and

WHEREAS, the Wichita City Council 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 Wichita City Council that this application be approved to allow a Conditional Use to permit Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial District located on the northeast corner of East 13th Street North and North Topeka Avenue, legally described as:

Lots 2, 4, 6, and 8, on Topeka Avenue, Well's Addition, Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

1) Vehicle and Equipment Sales, Outdoor shall be an ancillary use to a driving school.
2) The site is limited to the sale of five vehicles.
3) The Conditional Use shall be limited to the sales of cars and pick-up (light) trucks. 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.
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6) The site will be developed according to the approved site plan.
7) A conditional use amendment shall be required for any changes to these conditions.
8) The applicant shall provide a parking study for review and approval by the Zoning Administrator detailing the daily use of the existing uses and demonstrating the opportunity to have a reduced off-street parking need for all three uses on-site.
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.

This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 1st day of August, 2023.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL)

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

McClatchy

Beaufort Gazette | Belleville News-Democrat | Bellingham Herald | Bradenton Herald | Centre Daily Times | Charlotte Observer | Columbus Ledger-Enquirer | Fresno Bee | The Herald - Rock Hill | Herald Sun - Durham | Idaho Statesman | Island Packet | Kansas City Star | Lexington Herald-Leader | Merced Sun-Star | Miami Herald | el Nuevo Herald - Miami | Modesto Bee | Raleigh News & Observer | The Olympian | Sacramento Bee | Fort Worth Star-Telegram | The State - Columbia | Sun Herald - Biloxi | Sun News - Myrtle Beach | The News Tribune Tacoma | The Telegraph - Macon | San Luis Obispo Tribune | Tri-City Herald | Wichita Eagle

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Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	452699	Print Legal Ad-IPL01344390 - IPL0134439	OCA 150004	$119.07	2	71 L

Attention: Sashia Beard

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

LAlvarez@wichita.gov

LEGAL PUBLICATION

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON August 8, 2023

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS. RESOLUTION NO. 23-323

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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 22, 2023, consider said application; and

WHEREAS, the Wichita City Council 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 Wichita City Council that this application be approved to allow a Conditional Use to permit Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial District located on the northeast corner of East 13th Street North and North Topeka Avenue, legally described as:

Lots 2, 4, 6, and 8, on Topeka Avenue, Well's Addition, Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

Vehicle and Equipment Sales, Outdoor shall be an ancillary use to a driving school.

The site is limited to the sale of five vehicles.

The Conditional Use shall be limited to the sales of cars and pick-up (light) trucks. 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.

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All improvements to the property must be finished before car sales is permitted. Those improvements shall include, but not be limited to: clearly marked customer and employee parking and the display area; and proposed lighting.

The site will be developed according to the approved site plan.

A conditional use amendment shall be required for any changes to these conditions.

The applicant shall provide a parking study for review and approval by the Zoning Administrator detailing the daily use of the existing uses and demonstrating the opportunity to have a reduced off-street parking need for all three uses on-site.

The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

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 Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 1st day of August, 2023.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0134439
Aug 8 2023

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

1 insertion(s) published on:
08/08/23

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, 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 08/08/2023 to 08/08/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 08/09/2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
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The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
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The Telegraph - Macon
San Luis Obispo Tribune
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Wichita Eagle

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Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	425993	Print Legal Ad-IPL01245720 - IPL0124572	OCA 150004	$251.68	3	100 L

Attention: MANDY HEBERT

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

kgonzalez@wichita.gov

LEGAL PUBLICATION
OCA 150004
Published in The Wichita Eagle on June 1, 2023
(One Time Only)
MAPC/BZA June 22, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 22, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2023-00013: Conditional Use request in the City to permit Nightclub in the City on property zoned Limited Commercial, within 300 feet of a park; generally located on the southeast corner of West Douglas Avenue and South Seneca Street (1019 W. Douglas Ave).

CON2023-00024: Conditional Use request in the City to allow Vehicle and Equipment Sales, Outdoor; generally located on the northeast corner of East 13th Street North and North Topeka Avenue (404 East 13th Street North).

CON2023-00025: Conditional Use request in the City to allow Wrecking and Salvage (with ZON2023-00035 to change SF-5 to LI), to bring existing use into compliance; generally located on the northwest corner of West Esthner Avenue and South Baehr Street.

CUP2023-00018: Request in the City to Amend the Chelsea Station CUP DP-62 to allow a 40.47 square foot mural on the north elevation of the building on Parcel 11; generally located west of North Broadmoor Street and south of East 21st Street North (2023 N. Broadmoor).

CUP2023-00019: Request in the City to amend CUP DP-356 to permit Vehicle Sales/Rental, Outdoor on Parcel 2, increase height of masonry screening to 8 feet, and increase size of Parcel 2; located on the north side of East Kellogg Drive, within one-quarter mile east of South Rock Road.

PUD2023-00006: Zone change request in the City from TF-3 Two-Family Residential to PUD Planned Unit Development #114 to for custom development standards and allow shipping containers to be used for residence; located on the southeast corner of East 1st Street North and North Poplar Avenue (158 North Poplar).

VAC2023-00019: Vacation request in the City to vacate a portion of a platted access control to allow access to a community boat ramp for the Rennick Addition; located on the north side of West 45th Street North and one-half mile west of North Hoover Road.

VAC2023-00020: Vacation request in the City to vacate a portion of a platted alley to allow for future redevelopment; generally located south of East 21st Street North, between North Market Street and North Park Place.

VAC2023-00021: Request in the City to vacate a portion of an easement in which the existing building encroaches 2.26 feet; located on the northwest corner of South Lulu Avenue and East 49th Street (4999 S. Lulu Ave).

VAC2023-00022: Vacation request in the City to vacate 100 linear feet of alley south of Lot 1 to allow better use of property and control access to owner's buildings; generally located south of East Central Avenue and east of North Mosely Avenue. (448 & 430 N Mosley Avenue).

ZON2023-00029: Zoning change request in the City from Single-Family Residential SF-5 to Two-Family Residential TF-3; generally located west of Young Street and 283.5 feet north of West 1st Street North (225 N Young).

ZON2023-00030: Zone change request in the City from Single-Family Residential SF-5 to Two Family Residential TF-3; generally located on the west of North Arkansas Avenue and north of West 38th Street North (3825 N Arkansas).

ZON2023-00031: Zone change request in the City from General Office GO to Neighborhood Retail NR; generally located on the south side of East English Street and east side of South Hillside Avenue (200 S Hillside)

ZON2023-00033: Zone change request in the City from TF-3 Two-Family Residential District to GO General Office District for a medical office; generally located south of East Elm Street and north of East Central Avenue, on the west side of North Lorraine Avenue and the east side of North Chautauqua Avenue.

ZON2023-00034: Zone change request in the City from SF-5 to MF-18, subject to Protective Overlay #413 to allow multiple duplexes on one lot; generally located west of North Clara Street, within 180 feet south of West Elm Street (741 North Clara).

ZON2023-00035: Zone change request in the City from SF-5 Single-Family Residential to LI Limited Industrial (with CON2023-25 for Wrecking/Salvage) to bring a property into compliance; generally located on the west side of South Baehr Street, north of West Esthner Ave (1701 & 1721 S Baehr St).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate (see below):
1) Participate virtually
2) Attend in-person at the Ronald Reagan Building
3) Submit comments ahead of time

Participate Virtually
Join Zoom Meeting
https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySlBNbFJQTDFyV0xPVDBXUT09
Meeting ID: 408 986 6967
Passcode: 094136
One tap mobile
+16699006833,,4089866967#,,,,*094136# US (San Jose)
+17193594580,,4089866967#,,,,*094136# US
Meeting ID: 408 986 6967
Passcode: 094136
Find your local number: https://us06web.zoom.us/u/kc65codfb1

Attend In-Person
You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202.The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time
You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email Planning@wichita.gov
Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department
Attn: Scott Wadle
271 W. 3rd Street – Suite 201
Wichita, KS 67202
Phone 316.268.4421
Fax 316.858.7764

WITNESS MY HAND on June 1, 2023
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0124572
Jun 1 2023

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

1 insertion(s) published on:
06/01/23

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, 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 06/01/2023 to 06/01/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 06/01/2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

AGENDA ITEM NO. 4.2

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC: June 22, 2023
DAB VI: July 10, 2023

CASE NUMBER:	CON2023-00024 (City)
APPLICANT/AGENT:	The Shemeza Co., LLC (Applicant) / Seth VYamungu (Contract Purchaser)
REQUEST:	Conditional Use to allow Vehicle and Equipment Sales, Outdoor
CURRENT ZONING:	LC Limited Commercial District
SITE SIZE:	0.32 acres
LOCATION:	Generally located on the northeast corner of East 13th Street North and North Topeka Avenue (404 East 13th Street North).
PROPOSED USE:	Outdoor Automotive sales
RECOMMENDATION:	Denial

BACKGROUND: The applicant is requesting a Conditional Use to allow Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial District. The property is addressed as 404 East 13th Street North, which is generally located on the northeast corner of East 13th Street North and North Topeka Avenue. It is currently developed with a clothing alterations store and a driving school, both of which intend to remain in operation. Therefore, the site will house three separate businesses. The driving school and the proposed vehicle sales lot intend to share office space.

The attached site plan indicates that the applicant intends to have five (5) outdoor display spaces in the northeast corner of the property in addition to four (4) vehicles inside the building. The site plan indicates there are six (6) off-street parking spaces on the south side of the lot, along East 13th Street North. These six (6) spaces are shared parking spaces for each of the three (3) businesses. An analysis of the off-street parking requirement for each business shows the total number of off-street parking spaces required is a minimum of eight (8) spaces. The applicant indicates that the alterations shop conducts business by appointment only and the driving school serves one student at a time who is typically dropped off for the lesson and picked up when the lesson concludes. Therefore, it is unlikely that either of those businesses will utilize their combined total of four (4) off-street parking spaces at any given time. Staff recommends that the applicant for the vehicle sales lot either submit a parking study to be reviewed by the Zoning Administrator or an Administrative Adjustment to reduce the off-street parking requirement for the site.

Vehicle and Equipment Sales are subject to Supplementary Use Regulations of the Unified Zoning Code (UZC) Section III-D.6.x. Below is a review of the proposed car lot compared to the Supplementary Use Regulations.

(1) 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.

Staff Comment: The property is contiguous to East 13th Street North, which is classified as an arterial street.

(2) 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.

Staff Comment: Property to the north is developed with residential but is zoned LC Limited Commercial District. Section IV-B.2 requires solid screening between non-residential and residential zoning districts. Per this section of the UZC, screening is not required along the north property line. However, a wood screening fence is currently in-place along the north property line.

(3) 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.

Staff Comment: If approved, the applicant shall comply with this regulation.

(4) The lighting shall be in compliance with the lighting requirements of Sec. IC-B.4. No string-type or search lighting shall be permitted.

Staff Comment: The site plan does not indicate if or where lighting facilities will be located. If approved, the applicant shall comply with this regulation.

(5) The noise levels shall be in compliance with the noise requirements of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.

Staff Comment: If approved, the applicant shall comply with this regulation.

(6) No repair work shall be conducted except in an enclosed Building, and further provided that no body or fender work is done.

Staff Comment: If approved, the applicant shall comply with this regulation.

(7) Only those Signs permitted in the LC 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.

Staff Comment: If approved, the applicant shall comply with this regulation.

(8) There shall be no use of elevated platforms for the display of Vehicles.

Staff Comment: If approved, the applicant shall comply with this regulation.

Properties to the east, north, and west are zoned LC Limited Commercial District. Property to the east is developed with the historic Adeline Apartment building and is used for multi-family housing. Property to the north is a single-family dwelling. Properties to the west are a mostly vacant lot fronting East 13th Street, except for a retail ice cooler/dispenser located on the far west portion of the property and a single-family dwelling one property north of East 13th Street. Property to the southwest is zoned TF-3 Two-Family Residential District and developed with a church parking lot. Property to the south is zoned TF-3 and developed with a single-family dwelling located in the Topeka-Emporia Historic District.

Within one block to the west, at the intersection of East 13th Street and North Broadway Avenue, there are two existing car lots located on the northwest and southwest corners. In 2019, the Wichita City Council followed the staff and MAPC recommendation and denied the expansion of the car lot on the southwest corner of East 13th Street and North Broadway Avenue from expanding to the intersection of East 13th Street and North Market Street. The Council cited possible negative impacts to nearby residential uses, public opposition, the suitability for the site to be used for other commercial uses in LC zoning, and the possibility of setting a precedent for future car lots to be located off of North Broadway. Outside the immediate vicinity, the nearest car lot is located one-third mile north on the southeast corner of North Broadway Avenue and East 16th Street.

CASE HISTORY: In 1885, the property was platted as part of the Wells Addition. In 1958, the property was rezoned from residential to LC Limited Commercial District. In 2016, and Conditional Use (CON2016-00061) was approved for Vehicle and Equipment Sales, Outdoor, but was considered null and void for failure to satisfy the conditions of approval by providing an updated site plan within six months of approval.

ADJACENT ZONING AND LAND USE:

North:	LC	Single-Family Dwelling
South:	TF-3	Single-Family Dwelling in Topeka-Emporia Historic District
West:	LC	Vacant Lot and Ice Retail Ice Cooler
East:	LC	Historic Adeline Apartment Building

PUBLIC SERVICES: East 13th Street North is a paved, four-lane arterial street with sidewalks on both sides. North Topeka Avenue is a paved, one-way arterial street with sidewalks on both sides. Wichita Transit provides regular bus service in the vicinity with bus stops along East 13th Street and North Broadway Avenue.

CONFORMANCE TO PLANS/POLICIES: The requested Conditional Use is governed by the following plans.

Community Investments Plan: The requested Conditional Use is not in conformance to the *Community Investments Plan.* The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for "Residential". This category anticipates all levels of residential densities typically found in an urban municipality. Though the site has been zoned commercially since 1958, LC Limited Commercial zoning provides a wide array of less intensive commercial uses than an auto sales lot, demonstrated by the existing alterations shop and driving school uses that will continue to operate on-site.

The requested Conditional Use is not conformance with the Locational Guidelines of the *Community Investments Plan.*

- General Development Pattern: The requested Conditional Use is not in conformance with these Guidelines. These Guidelines encourage major commercial and employment centers to be located at the intersections of arterial streets and along highways and commercial corridors. Furthermore, the Guidelines encourage higher density residential uses and neighborhood serving retail and office uses to be used as buffers between lower density residential uses and major commercial and employment centers. Though the use would be located at the intersection of two arterial streets, North Topeka Avenue effectively functions as a residential collector and is primarily residential in nature in the near vicinity. Furthermore, East 13th Street at this location, is not a commercial corridor as there are a number of residential properties that directly abut East 13th Street east and west of this location. The primary commercial corridor in the vicinity is North Broadway Avenue. Finally, this Guideline recommends lower intensity uses to buffer the low-density residential from higher intensity uses.
- General Land Use Compatibility: The requested Conditional Use is not in conformance with these Guidelines. These Guidelines discourage higher intensity development from locating in areas of existing lower-intensity development, particularly established low-density residential areas. The current request is for a small-scale vehicle sales lot, but approval would permit the entire site to be utilized if the other two existing businesses were to relocate. This would permit the auto sales lot to grow in intensity where it abuts residential development to the north, east, and across the street to the south.

Wichita: Places for People Plan: The requested Conditional Use is not in conformance with the goals of the *Wichita: Places for People Plan.* The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as "a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles."

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested Conditional Use is not in conformance with Strategy 6, "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The context of the environment is mostly residential with higher intensity commercial uses along the North Broadway Corridor and to the east near the railroad overpass. Historically, vehicle sales lots have been confined to the North Broadway Corridor. In 2019, the Wichita City Council denied expansion of an existing auto sales lot from expanding west to the intersection of East 13th Street and North Market Street—confining the auto-sales activity to the intersection of East 13th Street and North Broadway Avenue.
- Current Condition: The subject property is located within an area identified as an "Area of Opportunity." The Places for People Plan defines Areas of Opportunity as those "areas with disconnected development patterns and a lack of walkable places and facilities. These areas need strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area." The immediate context has less regional draw than before and has the opportunity to capitalize on existing residential and transit service to redefine the context based on the principles of the *Places for People Plan.* A vehicle sales lot outside the context of the North Broadway Avenue commercial corridor is not in conformance with the principles of the *Places*

for People Plan.

Historic Midtown Plan: The requested Conditional Use is not in conformance with the Historic Midtown Plan. The Plan's preferred land uses discourage auto-related uses and destination uses that do not serve the local population. Additionally, the Plan identifies North Broadway Avenue to be the main commercial corridor where higher intensity uses should be located. Historically, North Broadway Avenue has been the corridor in which car lots have been located, and existing car lots in the vicinity are at the intersection of East 13th Street and North Broadway Avenue. Since the original Conditional Use was approved for the subject site in 2016, the City Council denied the expansion of the car lot to the intersection of East 13th Street and North Market Street, keeping auto sales as a use confined to the North Broadway Avenue corridor.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **DENIED.**

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood:
   Properties to the east, north, and west are zoned LC Limited Commercial District. Property to the west is developed with the historic Adeline Apartment building and is used for multi-family housing. Property to the north is a single-family dwelling. Properties to the west are a mostly vacant lot fronting East 13th Street, except for a retail ice cooler/dispenser located on the far west portion of the property and a single-family dwelling one property north of East 13th Street. Property to the southwest is zoned TF-3 Two-Family Residential District and developed with a church parking lot. Property to the south is zoned TF-3 and developed with a single-family dwelling located in the Topeka-Emporia Historic District.

   Within one block to the west, at the intersection of East 13th Street and North Broadway Avenue, there are two existing car lots located on the northwest and southwest corners. In 2019, the Wichita City Council followed the staff and MAPC recommendation and denied the expansion of the car lot on the southwest corner of East 13th Street and North Broadway Avenue from expanding to the intersection of East 13th Street and North Market Street. Outside the immediate vicinity, the nearest car lot is located one-third mile north on the southeast corner of North Broadway Avenue and East 16th Street.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC Limited Commercial District, which is suitable for a wide variety of residential, civic, and commercial land uses including the existing alterations shop and driving school that will continue to use the site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of restrictions to permit a vehicle sales lot could set a precedent for future vehicle sales lots in the area, outside of the North Broadway Avenue corridor. It would also permit a larger vehicle sales lot should the two other existing uses relocate. A vehicle sales lot could introduce light pollution and negative visual impact to the residential uses to the north, east, and the south.

4. Length of time subject property has remained vacant as zoned: The site has not been vacant since it was zoned commercial in 1958. In 1986, the current structure was constructed.

5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of this application could have an impact on the welfare of abutting and adjacent residential uses. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:

The proposed application is not in conformance to the *Community Investments Plan,* the *Wichita Places for People Plan*, or the *Historic Midtown Plan* as discussed in the report.

7. Impact of the proposed development on community facilities: Should the request be approved; it is not anticipated to have significant negative impacts on community facilities. The proposed use is not likely to induce a significant increase in traffic to the area.

8. Opposition or support of neighborhood residents: Staff has not received comment from neighborhood residents at the time of the publication of the staff report.

Should the Metropolitan Area Planning Commission determine that this application be approved, staff recommends that it shall be subject to the following conditions and the Commission should adopt additional findings to support the recommendation.

1) The Conditional Use shall be limited to the sales of cars and pick-up (light) trucks. 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) Because the UZC's definition of "vehicle repair limited" does not allow the outside repair or maintenance services of vehicles none shall be conducted on the site, unless a building is provided for this activity; UZC. Art. II, Sec.II-B.14.i. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. No outside storage of parts, including tires, oil containers or any similar type of receptacles for new or used petroleum products.

3) 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, proposed lighting.

4) The site will be developed according to the approved site plan.

5) A conditional use amendment shall be required for any changes to these conditions.

6) The applicant shall provide a parking study for review and approval by the Zoning Administrator detailing the daily use of the existing uses and demonstrating the opportunity to have a reduced off-street parking need for all three uses on-site.

7) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

8) 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.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos

Site Plan

North lot
back yard
24ft
5
1
2
Extra Car lot
3
4
Driving school & Auto Sales office
bathroom
50.59ft
406.59ft
725.59ft
Alterations Alterations
912.59ft
48ft
Car lot outdoor
230.59ft
over head door
over head door
43ft
fence
fence
front door
Driving School and Auto Sales office
Shared
wheel chair parking
48ft
42.4ft
Entrance
12th St.
South
West lot
Yard west

N
N TOPEKA AVE
N EMPORIA AVE
E 13TH ST N

ZONING
N
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
HISTORICAL
DELANO
N BROADWAY AVE
N EMPORIA AVE
N TOPEKA AVE
E 13TH ST N
AA95-8
BZA2011-00025
BZA2010-00054
BZA1-36
BZA2010-00054
CON2016-00061
BZA24-49
BZA14-85 CON2019-00028
BZA2-52
BZA15-81
H77-7
H77-7
H77-7
H77-7

2035 Wichita Future Growth Concept Map

Looking northeast at site

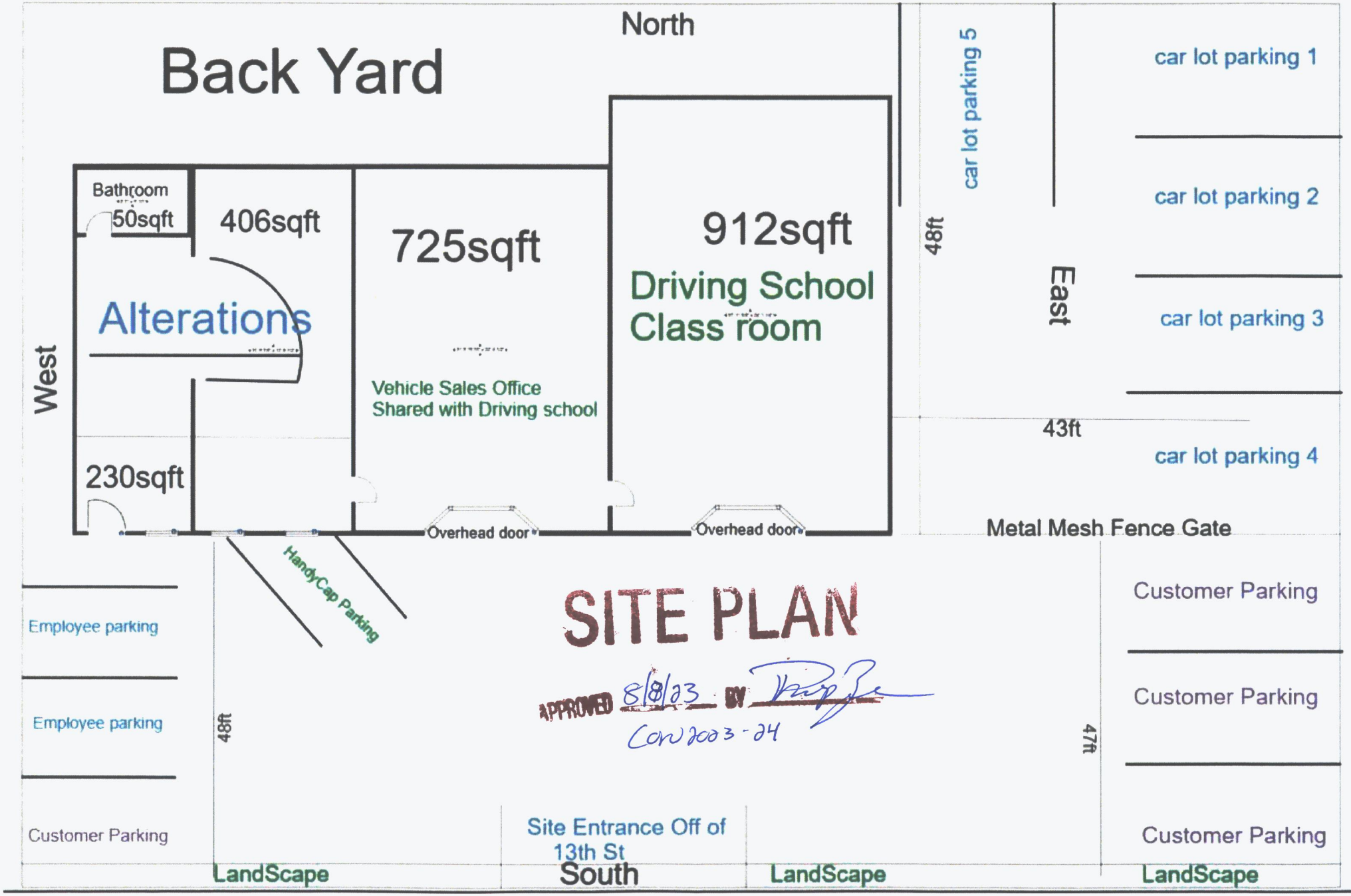
Looking west away from site

Looking north at property west of site

Looking north away from site

Looking south away from site

Looking southwest away from site


North
Back Yard
Bathroom
50sqft
406sqft
725sqft
912sqft
Driving School
Class room
Alterations
West
Vehicle Sales Office
Shared with Driving school
230sqft
Overhead door
Overhead door
HandyCap Parking
car lot parking 5
48ft
East
car lot parking 1
car lot parking 2
car lot parking 3
43ft
car lot parking 4
Metal Mesh Fence Gate
SITE PLAN
APPROVED 8/8/23 BY
CON2003-24
Employee parking
Employee parking
Customer Parking
48ft
Site Entrance Off of
13th St
South
47ft
Customer Parking
Customer Parking
LandScape
LandScape
LandScape