



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

Jenn Roldan  
Carvana, LLC  
300 E. Rio Salado Parkway  
Tempe, AZ 85281

November 17, 2023

**RE: CON2023-00042** – Conditional Use to allow Vehicle and Equipment Sales, Outdoor on the front 1/3 of the lot fronting West 21<sup>st</sup> Street in the LC Limited Commercial zoning district.

Dear Applicant;

At its regular meeting on **November 7, 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.

- 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) 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.
- 3) The applicant shall submit a scaled revised site plan for review and approval by the Planning Department, prior to the selling of any cars or light trucks. The site plan will include, but not be limited to, internal circulation that will remain open during hours of operation to allow access, area designated for display of cars, customer and employee parking, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.
- 4) A conditional use amendment shall be required for any changes to these conditions.
- 5) 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. No parking is allowed on unpaved surfaces on the lot.
- 6) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 7) 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,

Brad Eatherly  
Current Plans  
Senior Planner

CC: MABCD  
Bryan Frye, Council Member District V  
Teresa Veazey, CSR District V  
FD River LLC, 156 N. Emporia, Wichita, KS 67202



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

Jenn Roldan  
Carvana, LLC  
300 E. Rio Salado Parkway  
Tempe, AZ 85281

Sep. 29, 2023

**RE: CON2023-00042** – Conditional Use to allow Vehicle and Equipment Sales, Outdoor on the front 1/3 of the lot fronting West 21<sup>st</sup> Street in the LC Limited Commercial zoning district.

Dear applicant,

At its regular meeting on **September 28, 2023**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request with the following conditions:

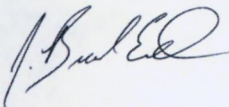
- 1) The Conditional Use shall be limited to the sales of cars and pick-up (light) trucks. No sale or rental of trailers, boats, motorcycles/scooters, recreational vehicles or trucks larger than pick-ups are permitted. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.
- 2) 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.
- 3) The applicant shall submit a scaled revised site plan for review and approval by the Planning Department, prior to the selling of any cars or light trucks. The site plan will include, but not be limited to, internal circulation that will remain open during hours of operation to allow access, area designated for display of cars, customer and employee parking, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.
- 4) A conditional use amendment shall be required for any changes to these conditions.
- 5) 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. No parking is allowed on unpaved surfaces on the lot.
- 6) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 7) 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 **October 12, 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 **October 12, 2023, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) V on **Monday, October 2, 2023** beginning at 6:30 p.m. at Fire Station #21 (2110 North 135<sup>th</sup> Street West). For more information on this meeting, please contact Community Services Representative for District V, Teresa Veazey at (316) 352-4886 or [tcveazey@wichita.gov](mailto:tcveazey@wichita.gov). This application will be presented to the Wichita City Council on **Tuesday, November 7, 2023** beginning at 9:00 a.m.

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,



Brad Eatherly  
Current Plans  
Senior Planner

CC: Bryan Frye, Council Member District V  
Teresa Veazey, CSR, District V  
MABCD

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

RESOLUTION NO. 23-463

**WHEREAS**, Carvana, 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, legally described as:

The East 20 feet of Lot 1, the East 20 feet of the South 75.01 feet of Lot 2, and the south 100 feet of Lot 3, Block 1, Village Charters Addition to 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 September 28<sup>th</sup>, 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 generally located approximately 450 feet east of the intersection of North Tyler Road and West 21<sup>st</sup> Street North, legally described as:

Tract 1: The East 20 feet of Lot 1, the East 20 feet of the South 75.01 feet of Lot 2, and the south 100 feet of Lot 3, Block 1, Village Charters Addition to Wichita, Sedgwick County, Kansas.


Approved subject to the following conditions:

- 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) 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, proposed lighting.
- 3) The applicant shall submit a scaled revised site plan for review and approval by the Planning Department, prior to the selling of any cars or light trucks. The site plan will include, but not be limited to, internal circulation that will remain open during hours of operation to allow access, area designated for display of cars, customer and employee parking, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.
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- 6) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

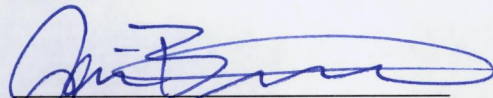
- 7) If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that 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 7<sup>th</sup> day of Nov., 2023.

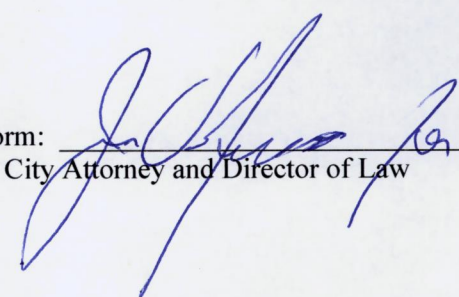
  
Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

  
Jamie Buster, City Clerk

(SEAL)



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



The Beaufort Gazette  
 The Belleville News-Democrat  
 Bellingham Herald  
 Centre Daily Times  
 Sun Herald  
 Idaho Statesman  
 Bradenton Herald  
 The Charlotte Observer  
 The State  
 Ledger-Enquirer

Durham | The Herald-Sun  
 Fort Worth Star-Telegram  
 The Fresno Bee  
 The Island Packet  
 The Kansas City Star  
 Lexington Herald-Leader  
 The Telegraph - Macon  
 Merced Sun-Star  
 Miami Herald  
 El Nuevo Herald

The Modesto Bee  
 The Sun News - Myrtle Beach  
 Raleigh News & Observer  
 Rock Hill | The Herald  
 The Sacramento Bee  
 San Luis Obispo Tribune  
 Tacoma | The News Tribune  
 Tri-City Herald  
 The Wichita Eagle  
 The Olympian

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	488824	Print Legal Ad-IPL01475900 - IPL0147590	RES 23-463	\$107.70	2	64 L

**Attention:** LaTosha Alvarez  
 CITY OF WICHITA/CLERKS OFFICE  
 455 N MAIN ST FL 13  
 WICHITA, KS 67202

JMBuster@wichita.gov

**OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON  
 November 12, 2023  
 BE IT ORDAINED BY THE GOVERNING BODY  
 OF THE CITY OF WICHITA, KANSAS.  
 RESOLUTION NO. 23-463**

WHEREAS, Carvana, 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, legally described as: The East 20 feet of Lot 1, the East 20 feet of the South 75.01 feet of Lot 2, and the south 100 feet of Lot 3, Block 1, Village Charters Addition to 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 September 28th, 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:

Tract 1: The East 20 feet of Lot 1, the East 20 feet of the South 75.01 feet of Lot 2, and the south 100 feet of Lot 3, Block 1, Village Charters Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

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.

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.

The applicant shall submit a scaled revised site plan for review and approval by the Planning Department, prior to the selling of any cars or light trucks. The site plan will include, but not be limited to, internal circulation that will remain open during hours of operation to allow access, area designated for display of cars, customer and employee parking, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan. A conditional use amendment shall be required for any changes to these conditions.

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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 7th day of November 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

IPL0147590

Nov 12 2023

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

1 insertion(s) published on:  
 11/12/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, 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 11/12/2023 to 11/12/2023.

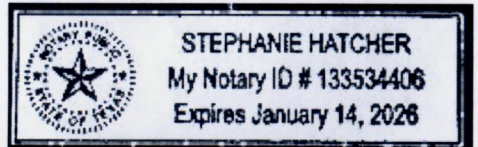
*Stefani Beard*

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

DATED: 01/19/2024

*Stephanie Hatcher*

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



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



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

# AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	462011	Print Legal Ad-IPL01378290 - IPL0137829		\$239.08	3	95 L

**Attention: MANDY HEBERT**  
CITY OF WICHITA/PLANNING DEPT  
271 WEST THIRD ST., 2ND FL, SU 203  
WICHITA, KS 67202

MHEBERT@wichita.gov

## LEGAL PUBLICATION

OCA 150004  
Published in The Wichita Eagle on September 7, 2023  
(One Time Only)  
MAPC/BZA September 28, 2023

NOTICE IS HEREBY GIVEN that on Thursday, September 28, 2023, no earlier than 1:30 p.m., the Wichita-Sedgwick 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 Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

EZA2023-00028: Variance request in the City to reduce the side and the rear setback to bring carport into compliance and permit an addition on the rear, on property zoned SF-5 Single-Family; located within one-block north of West 1st Street North and one-quarter mile west of North Seneca (212 N Elizabeth).

EZA2023-00048: Variance request in the City to allow side setback reduction to 7.5 feet to allow carport; generally located on the southeast corner of North Volusia Avenue and East Mossman Avenue (2803 East Mossman Avenue).

CON2023-00042: Conditional Use request in the City to allow for Vehicle Sales on the front one-third of the lot fronting West 21st Street; located approximately 450 feet east of the intersection of North Tyler Road and West 29th Street North (8620 West 21st Street North).

CON2023-00043: Conditional Use request in the City for Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial District; generally located on the west side of North Hillside Avenue, within 500 feet south of East 13th Street North (1305 North Hillside Avenue).

CON2023-00044: Amendment to existing Conditional Use permitted through BZA 12-89 in the City, to increase number of cars that can be displayed at the site, in a property zoned LC Limited Commercial; generally located on the southwest corner of the East 13th Street North and North Deltrose Avenue (4615 East 13th Street North).

CON2023-00045: Conditional Use request in the City to permit an Accessory Dwelling Unit, zoned TF-3 Two Family Residential; generally located to the east of South Belmont Avenue and 125 feet south of East Lewis Street (408 South Belmont Avenue).

CON2023-00047: Conditional Use request in the City for a Mobile Food Unit in the City (with ZON2023-00050 to LC); generally located on the west side of North Hillside Avenue, within 275 feet south of East 2nd Street North (233 North Hillside Avenue).

CUP2023-00029: CUP Minor Amendment in the City to CUP DP-164 to allow Vehicle and Equipment Sales on Parcels 5A and 5B; generally located on the south side of West 21st Street North, within one-quarter mile east of North Tyler Road (8515 & 8535 West 21st Street North).

VAC2023-00033: Request in the City to vacate the East Boston Avenue right-of-way between Market and Broadway; generally located 360 feet north of East Harry Street.

VAC2023-00034: Request in the City to vacate a portion of a floodway easement and a platted 10-foot utility easement for the expansion of the existing warehouse, on a LI Limited Industrial zoned parcel; generally located Northeast of South Hoover Road and K-42 (2820 S Hoover Road).

VAC2023-00035: Request in the City to vacate a portion of complete access control on property zoned GI General Industrial, generally located on the southeast corner of East 29th Street North and North Mead Street.

VAC2023-00036: Request in the City to vacate a Drainage and Utility Easement, Utility Easement, and Building Setback at Harbor Isle Commercial 2nd Addition on property zoned GC General Commercial District; generally located north of West 40th Street North and east of North Seneca Street.

ZON2023-00050: Zone change in the City from GO General Office District to LC Limited Commercial District for a Mobile Food Unit in the City; generally located on the west side of North Hillside Avenue, within 275 feet south of East 2nd Street North (233 North Hillside Avenue).

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 Wichita-Sedgwick 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=a0k3bW0ySElnbFJOTDFV0xPVDBXU09>  
Meeting ID: 408 986 6967  
Passcode: 094136  
One tap mobile  
+16699006933,4089866967#...094136# US (San Jose)  
+17193594580,4089866967#...094136# US  
Meeting ID: 408 986 6967  
Passcode: 094136  
Find your local number: <https://us06web.zoom.us/j/4089866967>

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 (316-268-4464) 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](mailto: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 September 7, 2023  
Scott Wadle, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning Commission  
IPL0137829  
Sep 7 2023

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

1 insertion(s) published on:  
09/07/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, 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 09/07/2023 to 09/07/2023.

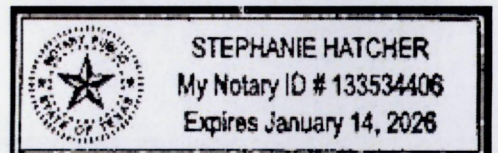
*Stefani Beard*

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

DATED: 09/07/2023

*Stephanie Hatcher*

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



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



**STAFF REPORT**  
MAPC: September 28, 2023  
DAB V: October 2, 2023

**CASE NUMBER:** CON2023-00042 (City)

**APPLICANT/AGENT:** Carvana, LLC (Applicant)

**REQUEST:** Conditional Use to allow Vehicle and Equipment Sales, Outdoor on the front 1/3 of the lot fronting West 21<sup>st</sup> Street in the LC zoning district

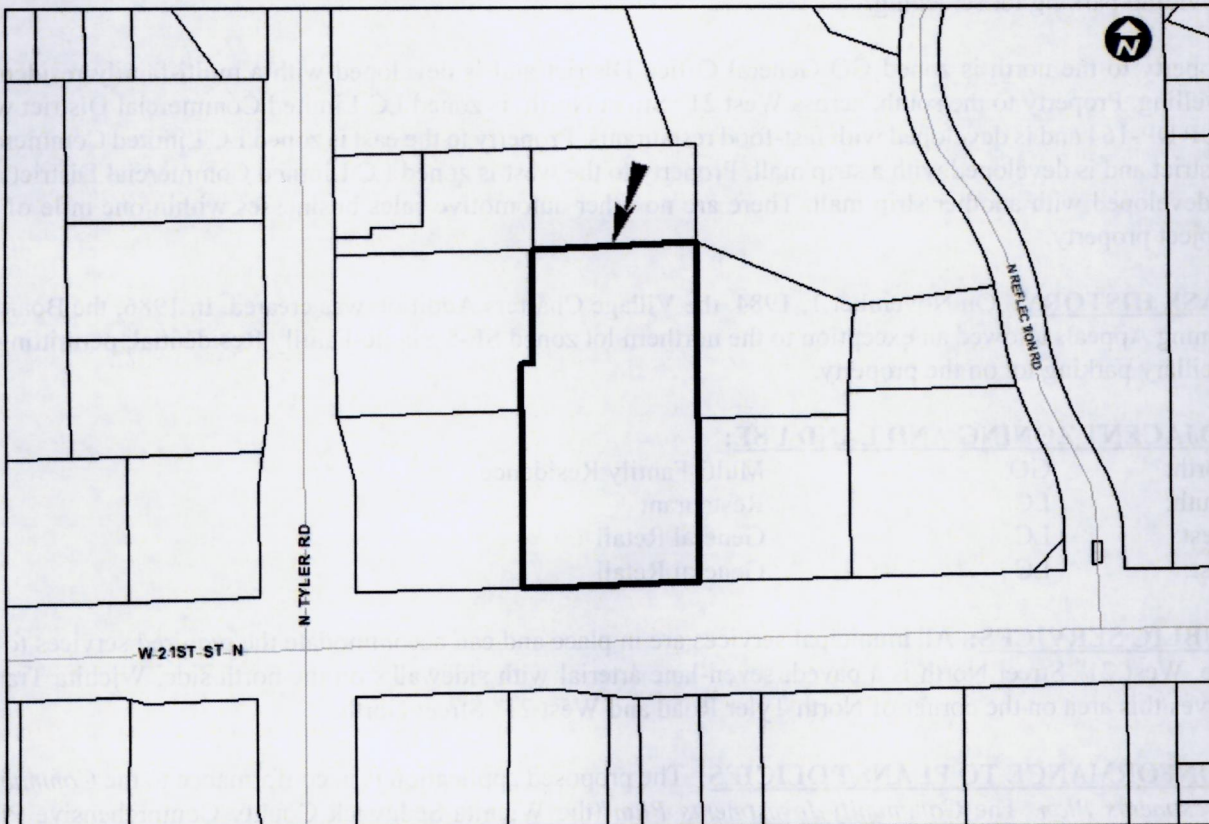
**CURRENT ZONING:** LC Limited Commercial District

**SITE SIZE:** 3.1365 acres

**LOCATION:** Approximately 450 feet east of the intersection of North Tyler Road and West 21<sup>st</sup> Street North (8620 West 21<sup>st</sup> Street North)

**PROPOSED USE:** Automotive sales

**RECOMMENDATION:** Approve with conditions



**BACKGROUND:** The applicant is requesting a Conditional Use to allow Vehicle and Equipment Sales, Outdoor in LC Limited Commercial District on the Village Charters Addition. The property is addressed as 8620 West 21<sup>st</sup> Street, which is approximately located 450 feet east of the intersection of North Tyler Road and West 21<sup>st</sup> Street North.

There are two parcels associated with the subject property, with three different zoning districts. The parcel to the north is zoned SF-5 Single-Family Residential with BZA1-96, for an ancillary parking lot. The southern parcel is divided into two zoning districts; GC General Commercial District and LC Limited Commercial District. Vehicle and Equipment Sales is permitted by-right in the General Commercial District portion of the subject site. The street facing building on the property is zoned LC Limited Commercial District which allows Vehicle and Equipment Sales, Outdoor through Conditional Use Approval. The applicant is currently utilizing the subject site as a Vehicle Repair shop, where vehicles are cleaned and detailed before being delivered to the customer. The applicant is requesting the Conditional Use in order to allow customers to arrive onsite to pick up vehicles purchased online. In general, the Supplementary Use Regulations require that all surfaces be paved with asphalt, concrete, or similar surface, lighting and noise are required to meet the standards of the Unified Zoning Code, they require repair work to be done within an enclosed building, and they prohibit the use of any elevated platform for the display of vehicles.

Vehicle and Equipment Sales, Outdoor in the LC Limited Commercial District are subject to Supplementary Use Regulations of the Unified Zoning Code Section III-D.6.x (attached). The requested use shall conform to these Regulations. Wichita's Landscape Code (Title 28-Zoning: Chapter 28.06 of the Wichita City Code) was passed in order to enhance the attractiveness of the city and improve the quality of life for its citizens and visitors. The ordinance seeks to protect residential developments from surrounding uses, soften harsh expanses of pavement, and screen undesirable views. The property to the north of the subject site, zoned GO General Office District with a Multi-Family residential development, is already screened from this commercial property with a six-foot brick wall. According to Section 3 of the Code, Vehicle and Equipment Sales are exempt from providing parking lot screening.

Property to the north is zoned GO General Office District and is developed with a multi-family residential dwelling. Property to the south, across West 21<sup>st</sup> Street North, is zoned LC Limited Commercial District with CUP DP-164 and is developed with fast-food restaurants. Property to the east is zoned LC Limited Commercial District and is developed with a strip mall. Property to the west is zoned LC Limited Commercial District and is developed with another strip mall. There are no other automotive sales businesses within one mile of the subject property.

**CASE HISTORY:** On November 1, 1984, the Village Charters Addition was created. In 1986, the Board of Zoning Appeals allowed an exception to the northern lot zoned SF-5 Single-Family Residential, permitting an ancillary parking lot on the property.

**ADJACENT ZONING AND LAND USE:**

North:	GO	Multi-Family Residence
South:	LC	Restaurant
West:	LC	General Retail
East:	LC	General Retail

**PUBLIC SERVICES:** All municipal services are in place and can accommodate the required services to the site. West 21<sup>st</sup> Street North is a paved, seven-lane arterial with sidewalks on the north side. Wichita Transit serves this area on the corner of North Tyler Road and West 21<sup>st</sup> Street North.

**CONFORMANCE TO PLANS/POLICIES:** The proposed application is 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 "New Employment". This category is described as follows: *"Encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks likely will be developed within this area as well, based upon market-driven factors. In certain areas, especially those in proximity to existing residential uses, higher density housing and conventional retail centers likely will be developed. In areas where the uses are already established, pockets of industrial uses associated with extraction, processing, or refinement of natural resources or recycling of waste materials likely will be developed."*

Locational Guidelines: The request is in conformance with the Land Use Compatibility Locational Guidelines of the Comprehensive Plan. These guidelines recommend that major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors. Additionally, it recommends that higher intensity development should be developed with screening, buffering, and site design features sufficient to mitigate adverse impacts to lower-density residential. This site is screened with a six-foot wall and the golf course to the north buffers it from the nearby residential properties.

**RECOMMENDATION:** Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **APPROVED**, subject to the following conditions:

The following conditions shall apply:

- 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) 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.
- 3) The applicant shall submit a scaled revised site plan for review and approval by the Planning Department, prior to the selling of any cars or light trucks. The site plan will include, but not be limited to, internal circulation that will remain open during hours of operation to allow access, area designated for display of cars, customer and employee parking, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.
- 4) A conditional use amendment shall be required for any changes to these conditions.
- 5) 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. No parking is allowed on unpaved surfaces on the lot.
- 6) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 7) 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: Property to the north is zoned GO General Office and is developed with a multi-family residential dwelling. Property to the south is zoned LC Limited Commercial with CUP DP-164 and is developed with fast food restaurants. Property to the east is zoned LC Limited Commercial and is developed with a strip mall. Property to the west is zoned GC General Commercial and is developed with a strip mall. In 1996, the Board of Zoning Appeals approved an exception for an ancillary parking lot on the northern most lot on the property. There are no other Vehicle and Equipment Sales businesses within one mile of the subject property.
2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for the uses to which it has been restricted. The property is zoned LC Limited Commercial District and functions as the administrative offices for the online vehicle sales use that is permitted in the GC District in the middle of the site. Outdoor Vehicle Sales are permitted in the LC District by Conditional Use approval subject to the Supplementary Use Regulations found in the Wichita-Sedgwick County Unified Zoning Code, Sec. III-D.6.x. The segment of property to be used as automotive sales is currently developed as a parking lot.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of restrictions will not detrimentally affect nearby properties. Outdoor Vehicle Sales are allowed by Conditional Use and is subject to the Supplementary Use Regulations found in the Wichita-Sedgwick County Unified Zoning Code, Sec. III-D.6.x. Said regulations are designed to mitigate possible negative impacts on surrounding properties.
4. Length of time subject property has remained vacant as zoned: The property is not vacant. The applicant is using the lot to clean and detail vehicles before they are delivered to the purchaser.
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 is not anticipated to have a significant detrimental impact to public health, safety, or welfare. 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 in conformance to the *Community Investments Plan*, as discussed in the report.
7. Impact of the proposed development on community facilities: The proposed use should have not negative impacts on community facilities.
8. Opposition or support of neighborhood residents: At the time of the writing of this report, there has been no opposition from neighborhood residents.

Attachments:

1. Supplementary Use Regulations of the Unified Zoning Code Section III-D.6.x.
2. General Site Plan
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Photos

**Supplementary Use Regulations of the Unified Zoning Code Section III-D.6.x.**

Vehicle and Equipment Sales, Outdoor, in LC. Outdoor Vehicle and Equipment Sales shall be subject to the following standards when located within the LC District.

- (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.
- (2) Visual Screening of areas Adjacent to residential zoning Districts shall be provided to project Adjacent properties from light, debris and noise and to preserve Adjacent property values even when the changed 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.
- (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 a t driveway entrances or where Fences are erected, to ensure that parked Vehicles do not encroach onto public Street Right-of-Way.
- (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.
- (5) The noise levels shall be in compliance with the lighting requirements of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.
- (6) No repair work shall be conducted except in an enclosed Building, and further provided that no body or fender work is done.
- (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.
- (8) There shall be no use of elevated platforms for the display of Vehicles.



**Conditional Use - Site Plan**  
**CUP to allow Vehicles Pickup associated with Online Sales in LC zone**

**Applicant:** FD River LLC  
156 N Emporia Wichita, KS 67202

**Agent:** Jenn Roldan - Carvana, LLC  
300 E Rio Salado Pkwy Tempe, AZ 85281

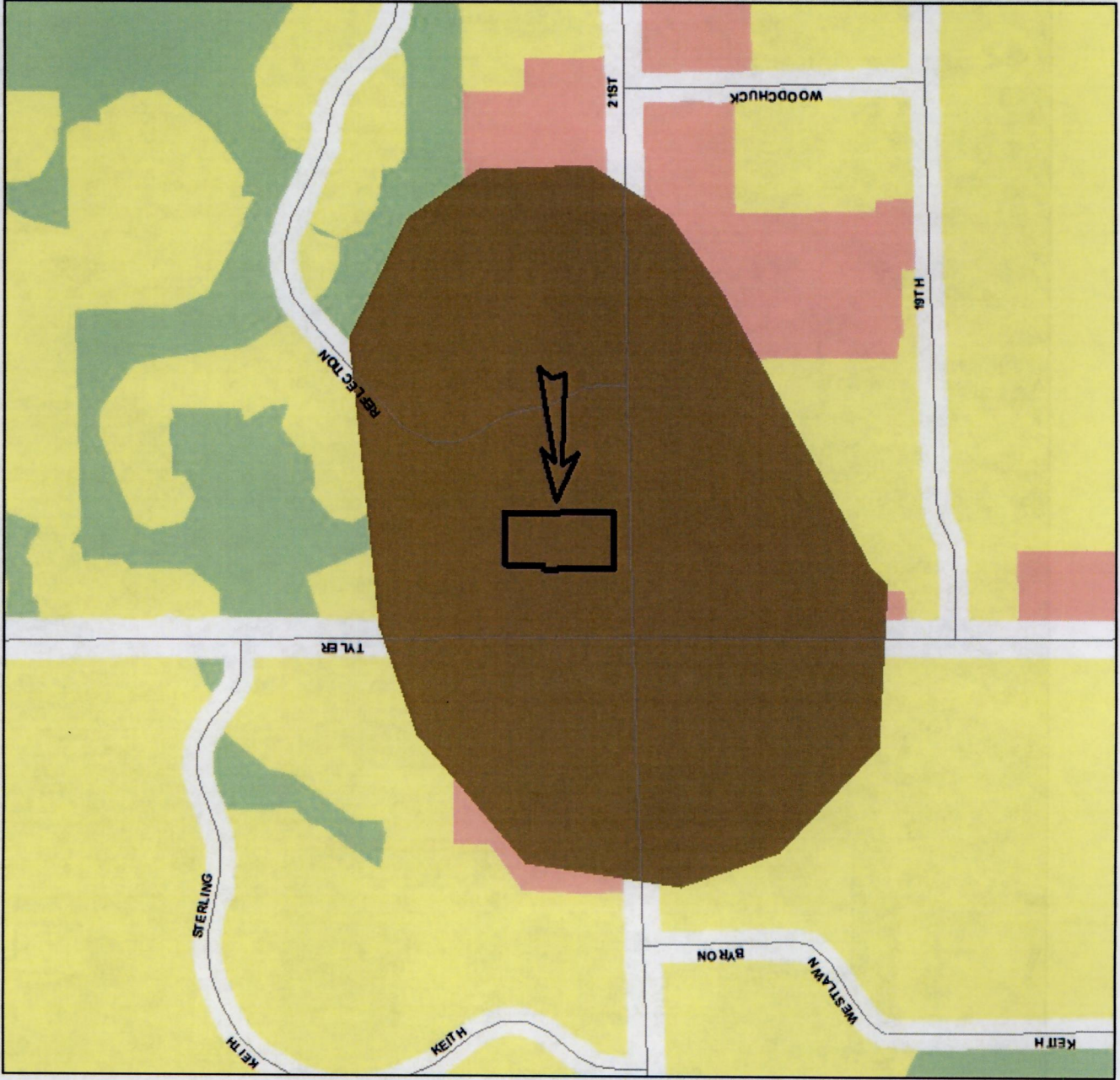
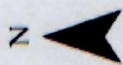
**Legal Description:** Please see attached

**Proposal:** Carvana would like a CUP for the LC portion of the lot to allow for customer's to pick up used vehicles purchased online through Carvana.com. Carvana is not proposing any changes/additions to the physical structure or parking lot.



# 2035 Wichita Future Growth Concept Map

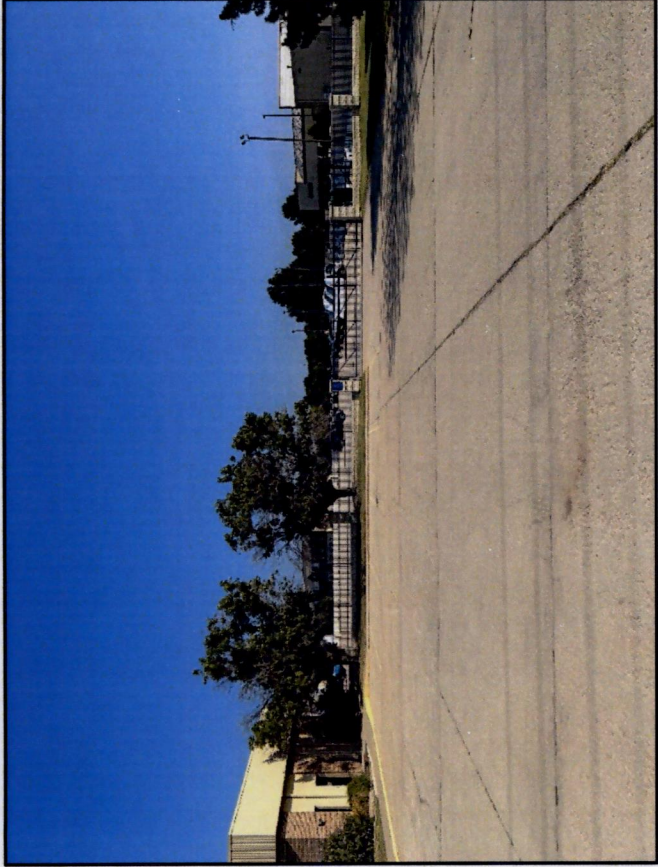
- Legend**
- Established Central Area
  - Residential and Employment Mix
  - New Employment
  - New Residential
  - Wichita City Limits
  - Other Cities
  - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Small City Urban Growth Areas
  - Small City Urban Growth Areas
  - Rural Areas
- LAND USE**
- Residential
  - Commercial
  - Industrial
  - Major Air Transportation & Military
  - Parks and Open Space
  - Agricultural or Vacant
  - Major Institutional
  - Neighborhood/Area Plans



Looking north toward site



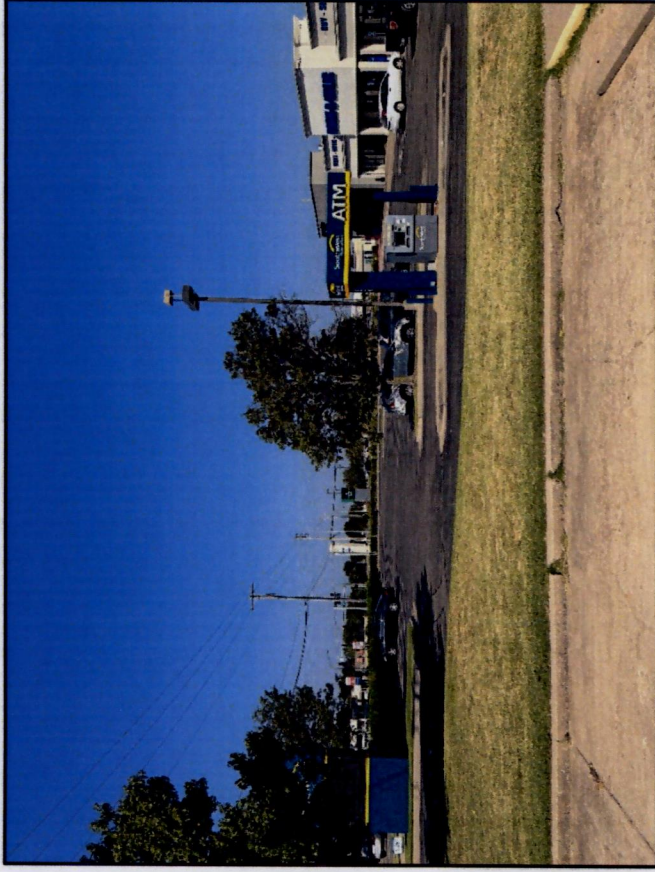
Looking north toward site



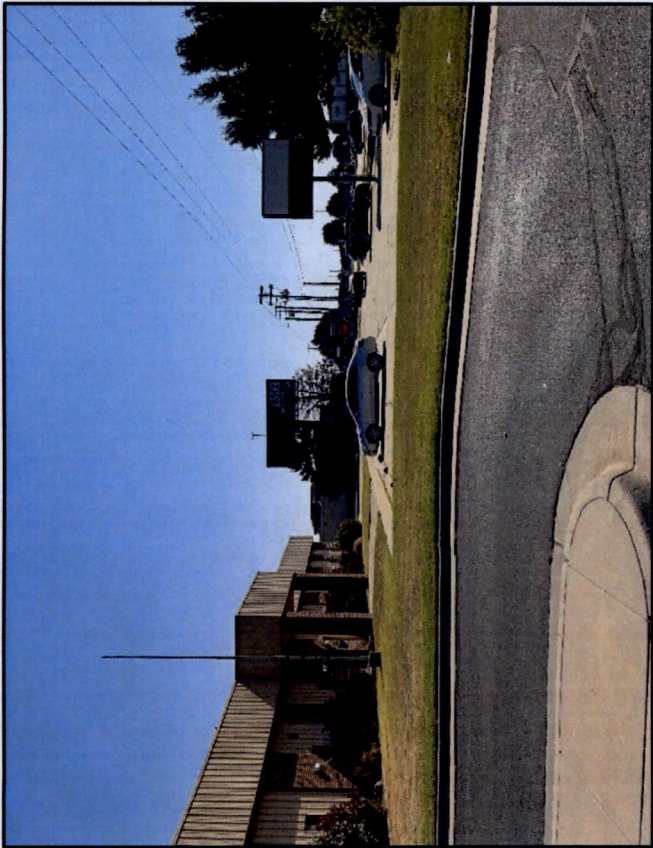
Looking east away from site



Looking west away from site



Looking east toward site



Looking south away from site

