

## Table of Contents

Agenda . . . . .	2
SUB2015-00045	
SUB 2015-45 - HIEGER EAST 2nd - MAPC STAFF REPORT . . . . .	4
SUB2016-00001	
Lighthouse -MAPC Staff Rpt -SUB2016 01 . . . . .	7
SUB2016-00002	
Fontana 5th -MAPC Staff Rpt -SUB2016 02 . . . . .	10
VAC2015-00063	
VAC2015 63 -MAPC Staff Rpt . . . . .	14
ZON2015-00052 (Deferred from 1-21-16)	
ZON2015-00052 Staff Report. . . . .	17
ZON2015-00053	
ZON2015-00053 Staff Report and Site Plan . . . . .	22
CON2015-00040	
CON2015-00040 Staff Report and Site Plan . . . . .	27

**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION AGENDA**

**Thursday, February 4, 2016**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, February 4, 2016**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10<sup>th</sup> Floor, 455 N. Main Street, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

1. Approval of the prior MAPC meeting minutes:

*Meeting Date:* No Minutes

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

**Items may be taken in one motion unless there are questions or comments.**

**SUBDIVISION CASE DETAILS**

- 2-1. **SUB2015-00045: One-Step Final Plat - HIEGER EAST 2ND ADDITION**, located east of 247th Street West, on the North side of 61st Street North (COUNTY)

*Committee Action:* Approved 4-1. Foster - No.  
*Surveyor:* MKEC Engineering, Inc.  
*Acreage:* 2.40  
*Total Lots:* 1 lot

- 2-2. **SUB2016-00001: One-Step Final Plat – LIGHTHOUSE ADDITION**, located on the West side of Hoover Road, North of 21st Street North.

*Committee Action:* Approved 6-0  
*Surveyor:* Savoy Company, P.A.  
*Acreage:* 5.64  
*Total Lots:* 2

- 2-3. **SUB2016-00002: One-Step Final Plat – FONTANA 5TH ADDITION**, located North of 29th Street North, on the east side of 119th Street West.

*Committee Action:* Approved 6-0  
*Surveyor:* Professional Engineering Consultants  
*Acreage:* 47.3  
*Total Lots:* 87

3. **PUBLIC HEARING – VACATION ITEMS**

**ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM**

**Items may be taken in one motion unless there are questions or comments.**

*Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department – 10<sup>th</sup> Floor, City Hall, 455 N. Main Street, Wichita, Kansas*

- 3-1. **VAC2015-00063: City request to vacate a platted utility easement**, generally located west of 159th Street East, south of Central Avenue, on the east side of Timber Ridge Circle.

*Committee Action:* Approved 6-0

**PUBLIC HEARINGS**

**ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM**

- 4. Case No.: ZON2015-00052 (Deferred from 1-21-16)  
Request: City request for a zone change from SF-5 Single-family Residential and GC General Commercial to LI Limited Industrial.  
General Location: West of Greenwich Road, on the north side of I-35 and the west side of Trig Street.  
Presenting Planner: Bill Longnecker
  
- 5. Case No.: ZON2015-00053  
Request: City zone change from SF-5 Single-family Residential to TF-3 Two-family Residential.  
General Location: North of West 9th Street and east of Hoover Road (5402 W. 9th St.).  
Presenting Planner: Jess McNeely
  
- 6. Case No.: CON2015-00040  
Request: City Conditional Use request for Vehicle Sales in LC Limited Commercial zoning.  
General Location: North of 21st Street North and west of Arkansas Avenue at the southwest corner of 22nd Street and Arkansas Street Avenue (2247 N. Arkansas Ave.).  
Presenting Planner: Bill Longnecker

**NON-PUBLIC HEARING ITEMS**

- 7. Other Matters/Adjournment

**Dale Miller, Secretary  
Wichita-Sedgwick County Metropolitan Area Planning Commission**

**STAFF REPORT**

**CASE NUMBER:** SUB2015-00045 – HIEGER EAST 2<sup>nd</sup> ADDITION

**OWNER/APPLICANT:** B & E Investments, Inc., 5512 West Central Avenue, Suite A,  
Wichita, KS 67212; Tom Hieger (contact purchaser), 1107 West  
Douglas, Wichita, KS 67213

**SURVEYOR/AGENT:** Ruggles and Bohm, P.A., Attn: Will Clevenger, 924 North Main,  
Wichita, KS 67203

**LOCATION:** North side of 61<sup>st</sup> Street North, East of 247th Street West (County  
District III)

**SITE SIZE:** 25.53 acres

**NUMBER OF LOTS**

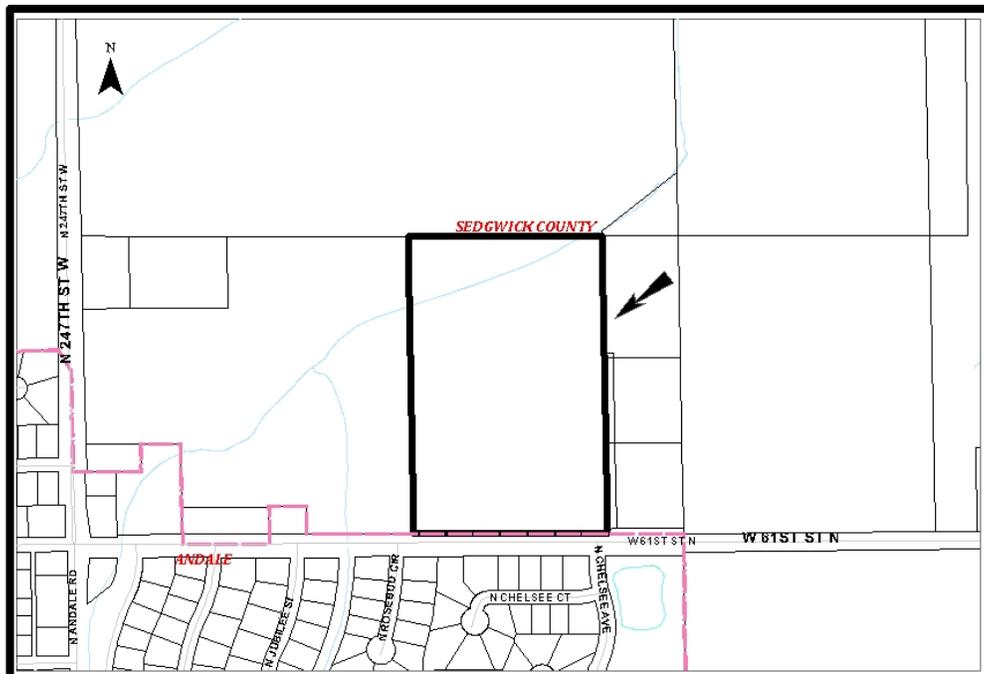
Residential:	9
Office:	
Commercial:	
Industrial:	—
Total:	9

**MINIMUM LOT AREA:** 2 acres

**CURRENT ZONING:** Rural Residential (RR)

**PROPOSED ZONING:** Same

**VICINITY MAP**



**SUB2015-00045 -- Plat of HIEGER EAST 2<sup>ND</sup> ADDITION**  
**February 4, 2016 - Page 2**

**NOTE:** This site is located in the County in an area designated as “Andale urban growth area” by the Community Investments Plan 2015-2035.

**STAFF COMMENTS:**

- A. The applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site water wells. A memorandum shall be obtained specifying approval.
- B. The plat proposes connection to City of Andale’s sanitary sewer in accordance with that city’s standards. A letter of confirmation has been provided from Andale.
- C. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- D. The plat proposes three openings along 61<sup>st</sup> Street North. County Engineering has approved the access controls subject to a letter from Andale approving the access controls.
- E. County Stormwater advises the drainage plan is approved contingent on revisions.
- F. County Stormwater requires limitations on impervious area and has requested language on the plat’s text. A restrictive covenant regarding water quality requirements should also be filed and referenced in the plat’s text. County Stormwater will work with the applicant’s engineer on the covenant. A stormwater permit and a Notice of Intent are needed.
- G. A restrictive covenant shall be submitted regarding the reserves, which sets forth ownership and maintenance responsibilities of the private drives.
- H. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners’ association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- I. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

**SUB2015-00045 -- Plat of HIEGER EAST 2<sup>ND</sup> ADDITION**  
**February 4, 2016 - Page 3**

- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Westar Energy requests additional easements which will be provided by separate instrument on the adjoining Hieger East Addition. Heide Bryan, Subdivision Representative, will be the contact for this plat. She can be reached at 316-261-6554. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- S. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).



**SUB 2016-00001 -- Plat of LIGHTHOUSE ADDITION  
February 4, 2016 - Page 2**

**NOTE:** This is an unplatted site located within the City of Wichita. The applicant requests a zone change (ZON2016-00001) from Single-Family Residential (SF-5) and Limited Commercial (LC) to Limited Industrial (LI).

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department advises the applicant needs to extend sewer to serve both lots (laterals). Water is available to both lots. In-lieu-of-assessment fees are due (transmission and distribution).
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes two access openings along Hoover.
- E. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and nstrahl@wichita.gov.
- F. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.
- G. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- H. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- I. The total dimensions of the access controls should coincide with the lot frontage.
- J. Stormwater should be spelled as one word.
- K. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

**SUB 2016-00001 -- Plat of LIGHTHOUSE ADDITION**  
**February 4, 2016 - Page 3**

- M. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- R. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).



**SUB2016-00002 -- Plat of FONTANA 5<sup>TH</sup> ADDITION**  
**February 4, 2016 - Page 2**

**NOTE:** This is a replat of a portion of the Fontana 4<sup>th</sup> Addition. The street right-of-way width of Judith has been reduced and the depths of lots adjoining reserves have been reduced.

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department advises the applicant needs to extend water to serve all lots (transmission and distribution). The applicant needs to extend sewer to serve all lots (laterals). Special assessments will be recalculated on a square foot basis unless a Respread Agreement is filed with the Finance Department and approved by the Law Department.
- B. The platlor's text shall include language that "No signs, light poles, private drainage systems, masonry trash enclosures or other structures shall be located within public utility easements."
- C. The platlor's text shall include language that the drainage and utility easements are hereby granted as indicated for drainage purposes and for the construction and maintenance of all public utilities.
- D. On the final plat, the platlor's text shall note the dedication of the streets to and for the use of the public.
- E. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- F. City Stormwater Management has approved the applicant's drainage plan.
- G. Traffic Engineering has approved the street right-of-way. The 58-foot street right-of-way for Judith Street contains 15 single-family lots in Block 3 exceeding the 12-lot limit. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- H. The Applicant shall guarantee the paving of the proposed streets. In accordance with the Subdivision Regulations, the cul-de-sacs must meet the minimum 35-foot paved radius requirement. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- I. Since this is a replat of a previous Addition involved with the ownership and maintenance of reserves for that Addition, but not being replatted by this Addition, a restrictive covenant shall be provided which provides for this Addition to continue to share in the ownership and maintenance responsibilities of any such previously platted reserves.
- J. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.

**SUB2016-00002 -- Plat of FONTANA 5<sup>TH</sup> ADDITION**  
**February 4, 2016 - Page 3**

- K. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- L. GIS needs to verify the street name of "Westlakes Cir".
- M. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.
- N. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and nstrahl@wichita.gov.
- O. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- P. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- R. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Sedgwick County Electric Cooperative Association has requested additional easements. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

**SUB2016-00002 -- Plat of FONTANA 5<sup>TH</sup> ADDITION**  
**February 4, 2016 - Page 4**

W. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).

**STAFF REPORT**

**CASE NUMBER:** VAC2015-00063 - Request to vacate a plated drainage-utility easement

**OWNER/APPLICANT/** Charles R Green Revocable Trust, c/o Charles R and Shelly R Green  
(owner/applicant)

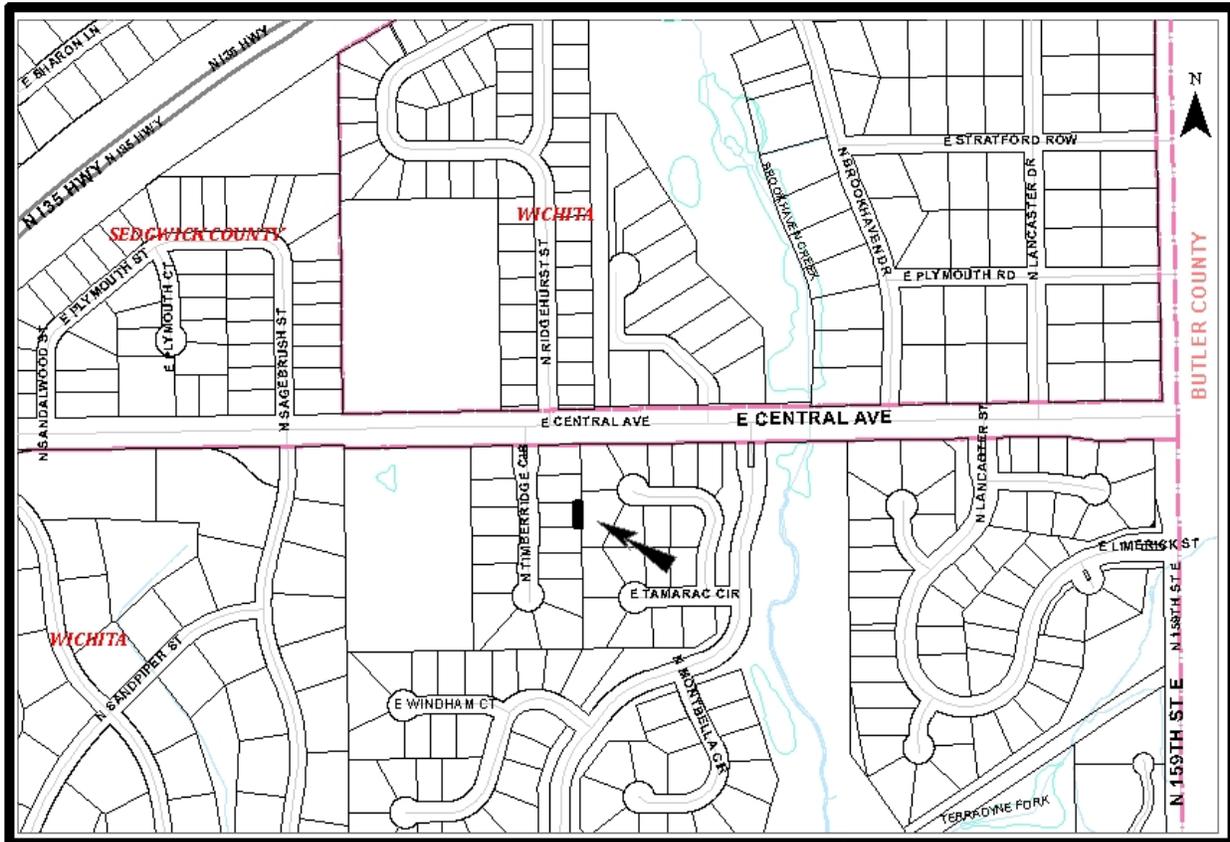
**LEGAL DESCRIPTION:** Generally described as vacating the west 9 feet of the plated 20-foot (x) 75.5-foot long drainage-utility easement running parallel to the east property line of Lot 12, excluding the north 5 feet, Woodlawn Place Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located west of 159th Street East, south of Central Avenue, on the east side of Timberridge Circle (WCC II)

**REASON FOR REQUEST:** Wanting to build a pool

**CURRENT ZONING:** The site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential.

**VICINITY MAP:**



The applicant is requesting the vacation of the west 9 feet of the platted 20-foot (x) 75.5-foot long drainage-utility easement running parallel to the east, rear property line of Lot 12, excluding the north 5 feet, Woodlawn Place Addition. Water is located in the Timberridge Circle right-of-way. Sewer is located in a platted 20-foot wide sewer easement running parallel to the west, front property line of the subject site. There appears to be no public utilities located in the subject utility easement. There is a platted 20-foot utility easement abutting the east, rear side of the site located on Lot 6, Block 1, Belle Terre Addition; there appears to be no public utilities located in this easement. The applicant has been given direction by Westar for construction of the pool; Westar has equipment in the east 10-feet of the subject easement. AT&T has equipment in the east 11 feet of the subject easement. The applicant has made an application for an administrative adjustment to reduce the SF-5 Single-Family Residential (SF-5) zoned site's 20-foot rear setback to 11 feet. The Woodlawn Place Addition was recorded July 23, 1996.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted drainage-utility easement.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the drainage-utility easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time January 14, 2016, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portion of the drainage-utility easement and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) As needed provide letters/comments from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (2) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.

- (3) Provide a drainage plan for review to Stormwater. The approved drainage plan must be confirmed by Stormwater to Planning prior to the request going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) As needed provide letters/comments from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for final action.
- (2) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council for final action.
- (3) Provide a drainage plan for review to Stormwater. The approved drainage plan must be confirmed by Stormwater to Planning prior to the request going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



**BACKGROUND:** The applicant is requesting LI Limited Industrial (LI) zoning on the 11.21-acre, unplatted SF-5 Single-Family Residential (SF-5) and GC General Commercial (GC) site. The site is located a block west of Greenwich Road, abuts the north side of I-35 on the northwest side of the Gilbert and Trig Streets intersection. Kellogg Avenue/US-54 is located approximately 380 feet north of the site. The site is currently an overgrown field.

A large GC zoned drainage easement abuts the north side of the site. A GC zoned western clothing store is located north of the drainage. GC zoned undeveloped land and what appears to be unimproved parking abut the west side of the site. GC zoned Nissan and Mazda car sales lots are located further west. Six SF-5 zoned single-family residences (built 1954 and early 1970s) are located east, across Trig Street, of the site, as is a GC zoned single-family residence (built 1954) and undeveloped GC zoned land. A GC zoned Green Lantern car wash, undeveloped GC zoned land, a LC Limited Commercial (LC) zoned small commercial strip building, and SF-5 zoned cleared lots and two single-family residences are located a short block east of the site, along the east side of Greenwich Road. The noted SF-5 zoned single-family residences in area are the remnants of 18 single-family lots that were platted in the East Kellogg Addition, which was recorded December 23, 1953.

Based on design for the improvements to this portion of Kellogg/US-54 and its intersection with Greenwich Road, Trig Street is the preferred access to the site. If the zoning is approved, Trig Street will have to be paved per industrial standards. The City has no plans to pave Trig Street and has not been presented with a petition to pave Trig Street. Currently the six SF-5 zoned single-family residences located on the east side of Trig Street generate almost all of the traffic onto Trig Street. Because the completion of this phase of Kellogg/US-54 improvements are set at 2019-2020 the applicant is requesting four years to complete the platting of the subject property.

The closest LI zoned properties to the site are located east of the site, across Greenwich Road., approximately 740 feet east of the site. The LI zoned properties have covenant COV-6 and community plan CUP DP-196 overlays, which have provisions for uses, screening, outdoor storage, signs, lighting, building height, landscaping, etc.

**CASE HISTORY:** The site is undeveloped and based on historical aerials appears to have been undeveloped since the 1970s.

**ADJACENT ZONING AND LAND USE:**

NORTH:	GC, Kellogg/US-54	Western clothes store, drainage easement, land cleared for improvements to Kellogg/US-54
SOUTH:	I-35, SF-5	Interstate Highway I-35, single-family residences
EAST:	SF-5, GC, LC S	Single-family residences, undeveloped land, retail strip building, car wash
WEST:	GC	Undeveloped land, car sales

**PUBLIC SERVICES:** Public water and sewer are located in the Trig Street right-of-way. Access to the site is currently provide by the local, sand and gravel residential Trig Street.

Access to the arterial Greenwich Road is via Trig Street to the sand and gravel Gilbert Street. Direct full movement access to the arterial Kellogg/US-54 is via Trig Street. Improvements to the Kellogg/US-54 will provide access to the Kellogg/US-54 frontage road, which in turn will provide access to the east Kellogg/US-54-Greenwich Road intersection and west along the frontage road. Completion of this phase of Kellogg/US-54 improvements are set at 2019-2020.

**CONFORMANCE TO PLANS/POLICIES:** The “2035 Wichita Growth Concept Map” of the Comprehensive Plan identifies the general location as appropriate for “new employment” development. This category encompasses areas likely to be developed or re-developed 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 are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. In areas of existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials like will be developed. There are no existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials in this area. The area is developed with large car sales lots, big box retail (Lowe's and Wal-Mart), commercial strips and stand-alone retail/commercial.

The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The requested LI zoning district can be compatible with the new employment classification

**RECOMMENDATION:** Applying provisions of a protective overlay to the request for LI zoning will allow the applicants the opportunity for commercial development on the site as well as eliminating some of the industrial uses permitted by right that are out of character with the existing development in the area, most which has occurred since 2000 and has been anchored by the big box stores Wal-Mart and Lowe's. Based upon information available prior to the public hearings, planning staff recommends that the proposed conditional use be APPROVED, subject to platting within four years and the following provisions of a protective overlay:

- 1) The following uses are prohibited: pawn shop, private and public recycling collection stations, recycling processing center, reverse vending machine, rodeo in the city, sexually oriented business, tattooing and body piercing facility, asphalt or concrete plant, vehicle storage yard, landfill, mining or quarrying, oil and gas drilling, rock crushing, solid waste incinerator, transfer station, wrecking/salvage yard.
- 2) In addition to the prohibited uses listed in provision #1, the following uses are prohibited as long as SF-5 Single-Family Residential zoning remains on the properties located on the east side of Trig Street: correctional facility, correctional placement residence, nightclub in the city, and tavern or drinking establishment.
- 3) Development of the subject property will trigger improvements to Trig Street and perhaps Gilbert Street. The applicant will be responsible for the improvements to those roads to industrial standards.
- 4) An 8-foot wall will be built along the site's east side, its Trig Street frontage and along its south side where the site abuts I-35. A landscaped berm or landscaping that equals the wall can be used. If landscaping is used a double row of 8-foot tall evergreens will be

planted at 20 foot centers. Existing landscaping can be used along the south side if it equals solid screening. A landscape plan, per the City of Wichita's Landscape Ordinance except as noted, including an irrigation plan shall be reviewed for approval by the Planning Director. All landscaping material that dies will be replaced within 30 days.

- 5) All roof top mechanical equipment shall be screened from ground level view per the UZC. All loading, docking areas, and trash receptacles shall be screened from ground level view and along I-35 as approved by the Planning Director.
- 6) Signage shall be as permitted in the LI zoning district with the following standards. One building sign along I-35. No free standing signs along I-35. Portable signs, flashing or animated signs, pennants, banners, and balloons are not permitted. Back lit canopies and neon or fluorescent tube lighting on buildings are not permitted.
- 7) A 35-foot setback along the site's east side. No pole lights allowed in the 35-foot setback.
- 8) All exterior lighting shall be shielding to direct light downward. Pole lights, including the base shall be no taller 15 feet.
- 9) Compatibility height standards shall be apply.
- 10) All utilities shall be underground.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the surrounding area:** The area is located along the Kellogg/US-54 corridor and abuts I-35, with access onto Greenwich Road, perhaps the only paved, north-south, county line to county line arterial road in Wichita and Sedgwick County. The area is a mix of GC, LI, and LC zoning, most with development overlays, which have developed into big box stores Wal-Mart and Lowes anchoring stand-alone fast food restaurants, stand-alone retail and small commercial strip buildings. The area also has at least five major automobile dealerships. The area's nine single-family residences are the remnants of the 18 single-family lots that were platted in the East Kellogg Addition, which was recorded December 23, 1953.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The unplatted 11.21-acres SF-5 zoned site could be developed as single-family residential subdivision. However, the area's development trend is large scale commercial and major auto dealerships, which reflects the areas access to Kellogg/US-54 corridor, the arterial Greenwich Road and the area's visibility from the abutting I-35.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The provisions of the protective overlay are intended to conform the site to the area's commercial development, most of which was established or redeveloped beginning in the early 2000s, as well as the remaining existing single-family residential development.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2035 Wichita Growth Concept Map" of the Comprehensive Plan identifies the general location as appropriate for "new employment" development. This

category encompasses areas likely to be developed or re-developed 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 are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. In areas of existing industrial uses associated with extraction, processing or refinement of natural resources or recycling of waste materials like will be developed.

The purpose of the LI zoning district is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The requested LI zoning district can be compatible with the new employment classification.

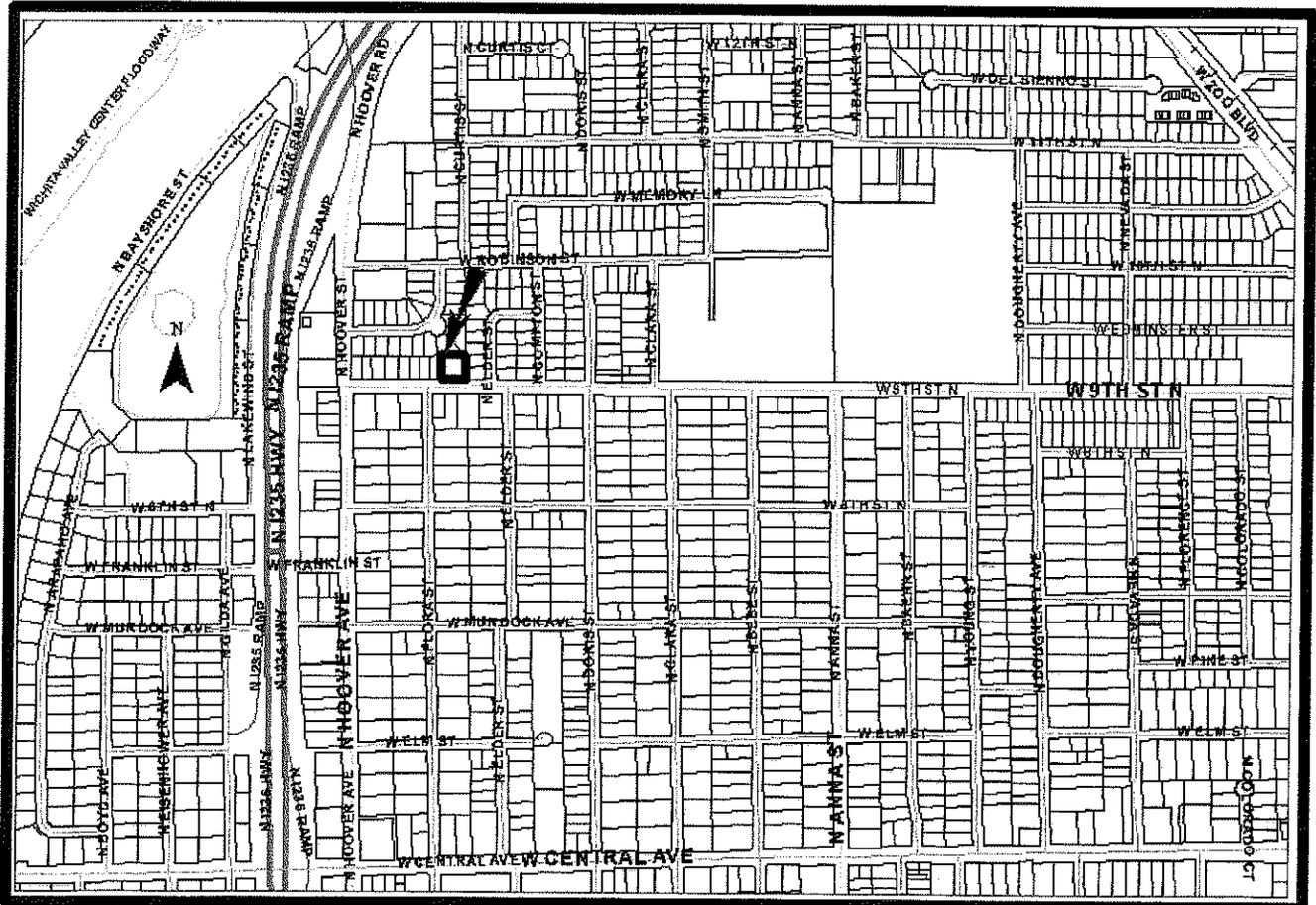
- (5) **Impact of the proposed development on community facilities:** The site may generate industrial truck traffic onto Trig Street, Kellogg/US-54, Greenwich Road and perhaps Gilbert Street.



# STAFF REPORT

MAPC February 4, 2016  
DAB VI February 1, 2016

- CASE NUMBER:** ZON2015-53
- APPLICANT/AGENT:** Leonard Rau (owner)
- REQUEST:** TF-3 Two-Family Residential (TF-3) zoning
- CURRENT ZONING:** SF-5 Single-Family Residential (SF-5) zoning
- SITE SIZE:** 0.41 acres
- LOCATION:** Generally located north of West 9<sup>th</sup> Street North and east of North Hoover Street (5402 W. 9<sup>th</sup> Street N.).
- PROPOSED USE:** Duplex



**BACKGROUND:** The applicant requests TF-3 Two-Family Residential (TF-3) zoning on a 0.41-acre platted lot. The site has 132 feet of frontage along West 9<sup>th</sup> Street North with a single-family house built on the west half of the lot. The applicant intends to split the oversize lot to accommodate a duplex on the eastern half of the site. Both lots will meet Unified Zoning Code (UZC) minimum lot dimensions and sizes, see the attached site plan and lot split document submitted by the applicant.

The surrounding neighborhood is primarily zoned SF-5 Single-family Residential (SF-5) and developed with single-family residences. However, over a dozen pockets of TF-3 zoning exist within this neighborhood bordered by 13<sup>th</sup> Street North, Central Avenue, I-235 and Zoo Boulevard. North of the site on West Edminster Street are SF-5 zoned single-family residences. South of the site are SF-5 zoned single-family residences. East of the site are SF-5 zoned single-family residences; three blocks further east are TF-3 zoned duplexes on North Clara Street. West of the site are SF-5 zoned single-family residences, MF-29 Multi-family Residential (MF-29) zoned duplexes within the same block as the application area, and six TF-3 zoned duplexes one block to the west along North Hoover Street.

**CASE HISTORY:** The site was platted as a portion of Lot 14 of the R.A. Morris Tracts Addition in 1928.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5	Single-family residences
EAST:	SF-5, TF-3	Single-family residences, duplexes
WEST:	SF-5, TF-3, MF-29	Single-family residences, duplexes

**PUBLIC SERVICES:** West 9<sup>th</sup> Street North is a paved, two-lane local street at this location with a 75-foot right-of-way and sidewalks on both sides of the street. All public services are available to the site.

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

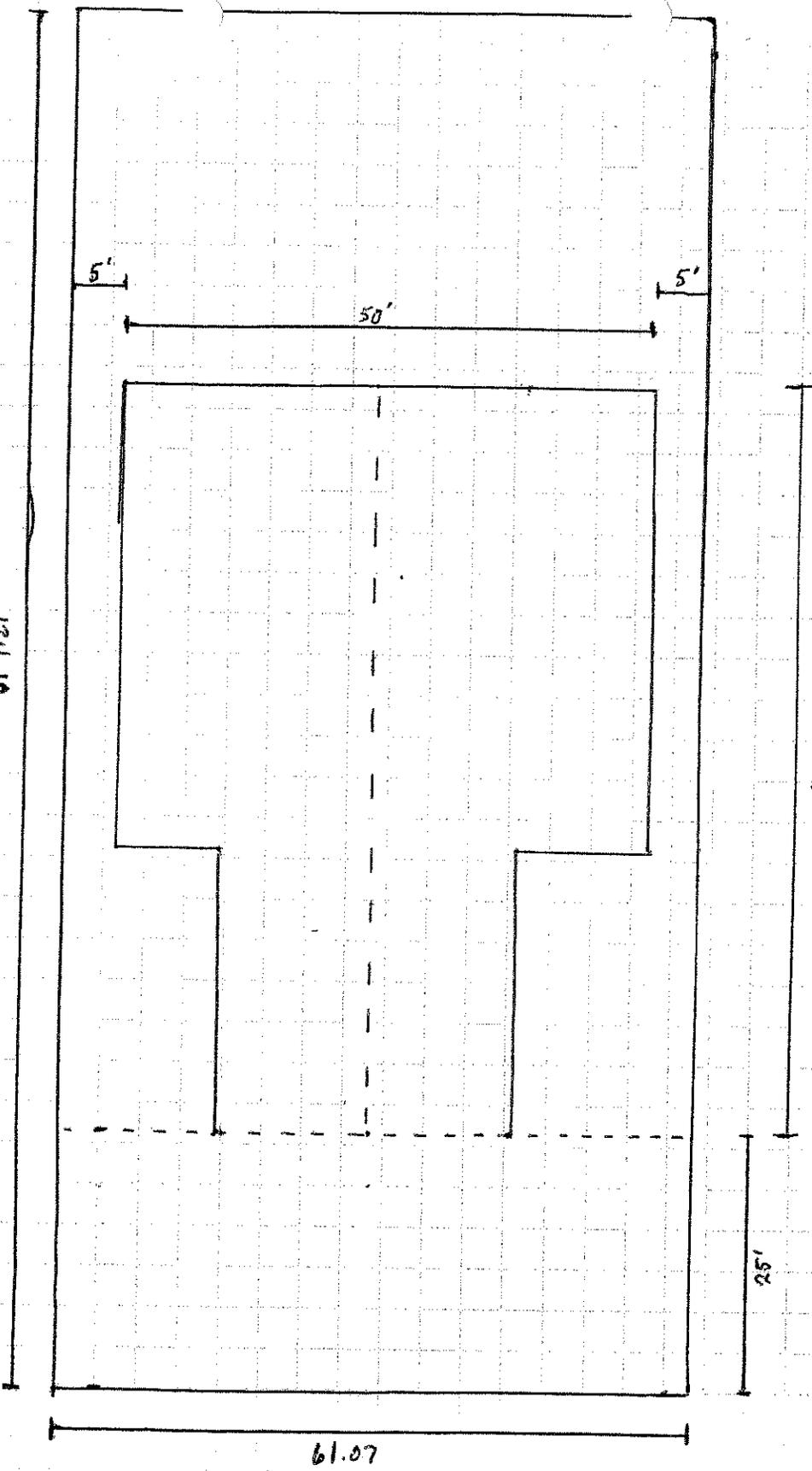
**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The surrounding neighborhood is primarily zoned SF-5 and developed with single-family residences. A mixture of TF-3 and multi-family zoning exists within surrounding blocks. North of the site on West Edminster Street are SF-5 zoned single-family residences. South of the site are SF-5 zoned single-family residences. East of the site are SF-5 zoned single-family residences; three blocks further east are TF-3 zoned duplexes on North Clara Street. West of the site are SF-5 zoned single-family residences, MF-29 zoned duplexes within the same block as the application area, and six TF-3 zoned duplexes one block to the west along North Hoover Street.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and with a lot split could be developed with an additional single-family residence.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal; duplexes and TF-3 zoning are common within the surrounding blocks. A duplex on the site could be better for the neighborhood than an underutilized lot.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan also encourages development of a variety of lot sizes and housing types within the Established Central Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality.
- (5) **Impact of the proposed development on community facilities:** All services are in place, any increased demand on community facilities can be handled by existing infrastructure.





134.10

5'

50'

5'

72'

25'

61.07



**BACKGROUND:** The applicant is requesting a Conditional Use to allow car and light truck sales on the LC Limited Commercial (LC) zoned site. Per the Unified Zoning Code (UZC, Sec.III-D.6.x), outdoor vehicle and equipment sales may be permitted after consideration and approval of a Conditional Use on a site by site basis in the LC zoning district. The site is located at the southwest corner of North Arkansas Avenue and West 22<sup>nd</sup> Street North. The 0.45-acre site has an approximately 2,900-square foot commercial building (built 1959, 1960) occupied by a liquor store. At the time this report was written two semi-trucks with trailers advertising a towing and recovery services were parked on the west side of the site, as was an inoperable small SUV. A van was parked in the grass strip located along the west side of the site.

The area is characterized by LC zoned small local commercial business and older single-family residences located along both sides of Arkansas Avenue. Single-family residential neighborhoods zoned TF-3 Two-Family Residential (TF-3) and SF-5 Single-Family Residential (SF-5) abut or are adjacent to the LC zoning along Arkansas. A LC zoned full service restaurant, El Paisa (built 1958, 2003), is located south of the site, separated by what appears to be unimproved parking. A LC zoned hair salon (built 1950) and an O'Reilly's auto parts store (built 1996) are located south of the restaurant, ending on the north side of West 21<sup>st</sup> Street North and North Arkansas Avenue. A LC zoned commercial building (built 1930) and LC zoned single-family residences (built 1920, 1930) are located east and southeast of the site, across Arkansas Avenue. A QuikTrip (built 1996) convenience store is located southeast of the site on the north side of West 21<sup>st</sup> Street North and North Arkansas Avenue. A LC zoned vacant Kentucky Fried Chicken (built 1956) restaurant and a car wash (built 2006) finish out development at the 21<sup>st</sup> Street – Arkansas Avenue intersection. A LC zoned single-family residence (built 1920) is located north of the site, across 22<sup>nd</sup> Street. A GC (one of a kind) and LC zoned commercial strip building (built 1958, 1970) and a LC zoned Post Office (built 1970) are located further north. A vacant LC zoned commercial building (built 1925), single-family residences (built 1920) and a church (built 1962) are located northeast, across Arkansas Avenue, from the site. TF-3 zoned single-family residences (built 1930) are located west of the site, across a dirt alley.

The nearest outdoor car sales lot appears to be located on the southeast corner of West 25<sup>th</sup> Street North and North Arkansas Avenue. This car sales lot used to be a gas station with a two-bay garage for service. There are several dealerships located over three-quarters of mile southeast of the site on at the 16<sup>th</sup> Street North – Broadway Avenue intersection. One of these sales lots is associated with a Pawn Shop. The MAPC has recommended that buildings that had been used in the past for automobile activities, such as vehicle repair garages, be considered as possible sites for car sales. The site is currently occupied by a 2,786-square foot liquor store. The applicant's site plan shows 226-square feet of it converted to an office for the car sales.

The applicant's site plan that also shows eight parking spaces for the liquor store, three parking spaces for customers and employees, 10 spaces for the display of the cars for sales, two existing drives onto Arkansas Avenue, an existing drive onto 22<sup>nd</sup> Street, an existing (pole) sign, an existing parking barrier, a trash receptacle, a grass area, an existing chain link fence and sewer and gas utilities.

**CASE HISTORY:** The site is platted as Lots 2, 4, 6, 8, 10 and 12, Block 1, Mc Intyre's Addition, which was recorded with the Register of Deeds March 8, 1887. A conditional use for a car sales lot, CU-450, was approved by the MAPC, August 28, 1997. A condition of CU-450 was that the car sales lot would operate for 5-years, after which the property owner could re-apply for an extension of the conditional use. There is no record of a request to extend the operational time of CU-450. The site plan for CU-450 shows the building occupied by an existing liquor store and the proposed car sales office. The CU-450 site plan shows the existing liquor store being smaller than the proposed car sales office. The CU-450 site plan shows 20 display slots for cars as opposed to CON2015-00040's 10 display slots.

**ADJACENT ZONING AND LAND USE:**

NORTH: LC, GC      Single-family residence, small commercial strip building, post office  
SOUTH: LC            Full service restaurant, hair salon, auto parts store, vacant fast food building  
EAST: LC             Single-family residences, commercial building, vacant commercial building,  
                                 convenience store, church  
WEST: TF-3           Single-family residences

**PUBLIC SERVICES:** The subject property has access to Arkansas Avenue, a two-lane arterial street and 22<sup>nd</sup> Street, a paved two-lane local street. Municipal water and sewer services and all other utilities are currently provided to the subject property.

**CONFORMANCE TO PLANS/POLICIES:** The “2035 Wichita Growth Concept Map” of the Comprehensive Plan identifies the general location as appropriate for “residential” types of use. The site’s LC zoning allows a diversity of residential development, but it also allows commercial uses. The site has been used for commercial uses since at least 1997, when CU-450 was applied for, and probably before then considering that (per the Appraisers Office information) the commercial building was built in 1959 and 1960. The UZC allows consideration of outdoor car sales on LC zoned lots as a conditional use on a site by site basis, which this site was approved for with a five-year sunset date beginning in 1997. There is no record of a request to extend the five-year sunset date.

The Locational Guidelines of the Comprehensive Plan recommend that outdoor sales uses should be located along highway corridors or in areas where the uses have been established. The Locational Guidelines also recommend that high intensity uses should be discouraged from locating in areas of existing lower intensity development. The area does not have an established pattern of outdoor sales uses and the development pattern of the area is pre-dominantly low intensity.

In the past the MAPC has identified smaller car sales lots as being more of a local commercial use in their nature, as opposed to the cluster of larger car sales lots located primarily along Kellogg Avenue, Broadway Avenue or more recently along arterial intersections located in the northeast and northwest parts of the City, all which are more regional in their draw. The nearest car sales lot located at 25<sup>th</sup> Street and Arkansas Avenue and the other nearest car lots, located around 16<sup>th</sup> Street North and Broadway Avenue, are more of a local commercial nature. Consideration of a conditional use to allow car sales on a site that is an active retail operation, such as the subject site, is not common. The applicant is not proposing to convert the liquor store (retail) site to a stand-alone car sales lot. The applicant’s proposal is out of character for this area, even though the site was approved for a car sales lot for a five-year period, beginning in 1997 and ending in 2002.

The site is located on the north-most edge of the “21<sup>st</sup> Street North Corridor Plan (Plan)” in effect as of January 2005. The site is located within the Plan’s “West Sub-Area.” The Plan’s 20-year preferred land use map shows the site being single-family residential, which fits with the 2035 Wichita Growth Concept Map’s showing the site as residential. The Plan also shows the site as being just outside the “Half-Mile Neighborhood Commercial Core.” The proposed conditional use for a car sales lot on the site is an expansion of commercial activity on the site, which does not match the 21<sup>st</sup> Street North Corridor Plan.

**RECOMMENDATION:** Development in the area appears to have remained close to what was in place since the 1997 approval of CU-450, with the newest development being the car wash (built 2006) at the 21<sup>st</sup> Street – Arkansas Avenue arterial intersection. The proposed conditional use for a car sales lot on the site is an expansion of commercial activity on the site, which does not match the 21<sup>st</sup> Street North Corridor Plan nor the 2035 Wichita Growth Concept Map, therefore based on the information available prior to the public hearing, MAPD staff recommends the application be **DENIED**, based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is characterized by LC zoned small local commercial business and older single-family residences located along both sides of Arkansas Avenue. Single-family residential neighborhoods zoned TF-3 and SF-5 abut or adjacent to the LC zoning along Arkansas. The area is predominantly single-family residential in character.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC, which allows many local oriented commercial businesses, office uses, and a diversity of residential uses by right. The site's existing liquor store, which the UZC considers a retail use, is permitted by right in the LC zoning district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of CON2015-00040 could encourage the application for more conditional use request for car sales on other properties on this section of Arkansas Avenue that are currently used for commercial/retail uses. The request is out of character with the current local commercial/retail activity, including the site's liquor store, a full service restaurant, small commercial strips, small office, and a hair salon. The most intense commercial activities are located on the 21<sup>st</sup> Street North and Arkansas Avenue arterial intersection, those being a convenience store and a car wash.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The site is located on the north-most edge of the "21<sup>st</sup> Street North Corridor Plan (Plan)" in effect as of January 2005. The site is located within the Plan's "West Sub-Area." The Plan's 20-year preferred land use map shows the site being single-family residential, which fits with the 2035 Wichita Growth Concept Map's showing the site as residential. The Plan also shows the site as being just outside the "Half-Mile Neighborhood Commercial Core." The proposed conditional use for a car sales lot on the site is an expansion of commercial activity on the site, which does not match the 21<sup>st</sup> Street North Corridor Plan.

The Locational Guidelines of the Comprehensive Plan recommend that outdoor sales uses should be located along highway corridors or in areas where the uses have been established. The Locational Guidelines also recommend that high intensity uses should be discouraged from locating in areas of existing lower intensity development. The area does not have an established pattern of outdoor sales uses and the development pattern of the area is pre-dominantly low intensity.

Consideration of a conditional use to allow car sales as on a site that is an active retail operation, such as the subject site, is not common. The applicant is not proposing to convert the liquor store (retail) site to a stand-alone car sales lot. The applicant's proposal is out of character for this area, even though the site was approved for a car sales lot for a five-year period, beginning in 1997 and ending in 2002.

5. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate.

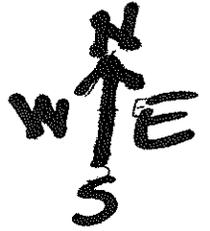
However, if the MAPC considers the conditional use request for a car sales lot on this site appropriate, the following conditions are recommended, with the MAPC's findings:

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 site has no building for any automotive service or repair work, none shall be conducted on the site. 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 include a six-eight foot wooden fence erected on the west property line of the site, landscaping, per the Landscape Ordinance, planted in the grass area on the west side of the site.
4. No display or parking allowed on the west grass area of the site.
5. 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, within 45 days of approval by the MAPC or the City Council. The site plan will include, but not be limited to, internal circulation that will remain open at all time to allow access and connection to the 22<sup>nd</sup> Street North and Arkansas Avenue driveways, a six-eight foot tall solid wooden fence along the east property line and landscaping. The site will be developed according to the revised site plan. No car sales will be allowed until the revised site plan is approved.
6. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons. All other signage will be per the "LC" zoning district.
7. There shall be no use of elevated platforms for the display of vehicles. All parking areas, areas where vehicles are displayed for sale must be on a concrete, asphalt or an approved all weather surface.
8. No outdoor amplification system shall be permitted.
9. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be no taller than 14-feet, including the base, and directed onto the site and away from the residential development north and east of the site.
10. All trash receptacles, shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
11. No selling of cars and pick-up (light) trucks shall be allowed until all permits have been acquired and all improvements to the site have been made.
12. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
13. 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.

CON 2013-40

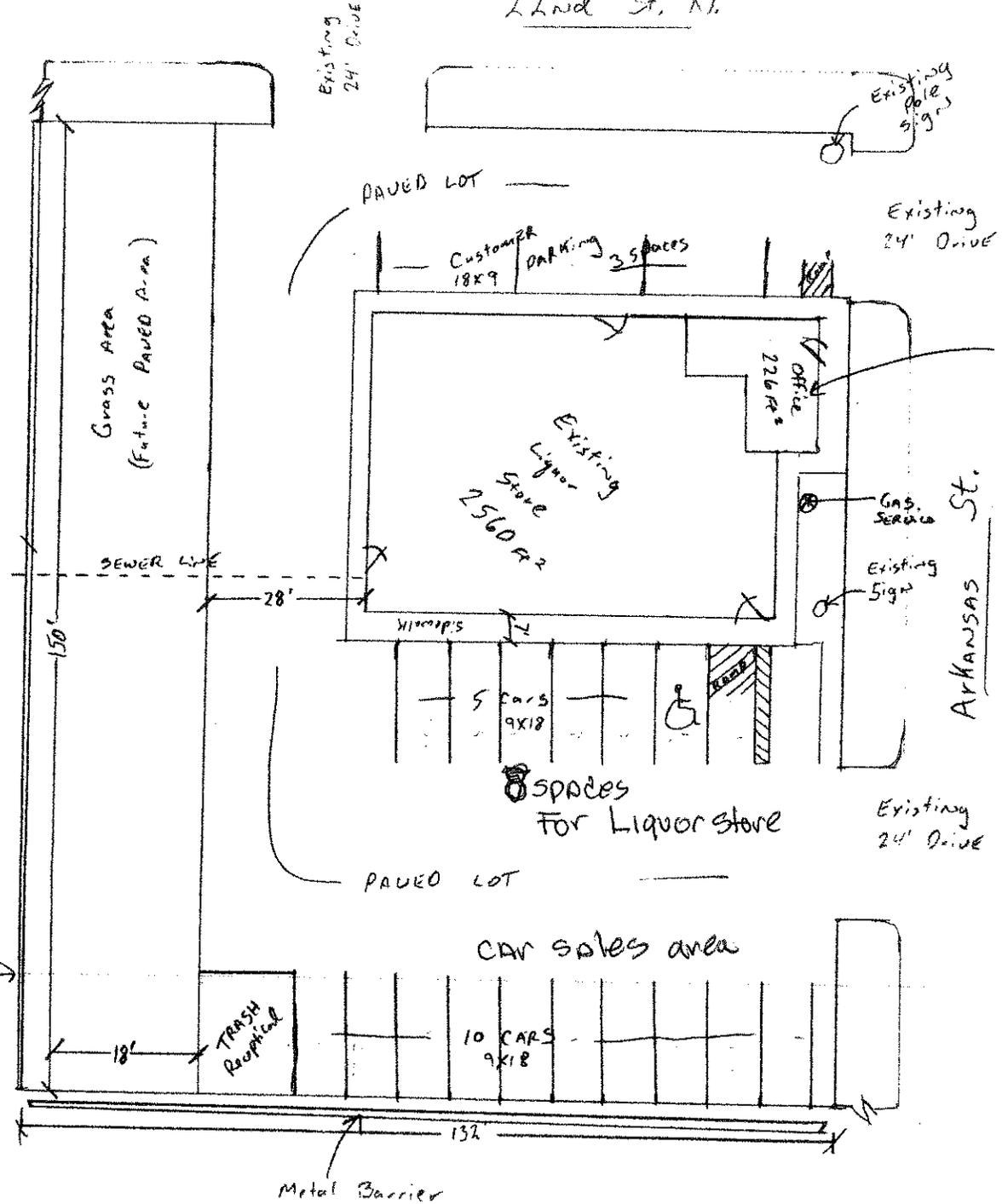
22nd St. N.



Lot:  
17041± ft<sup>2</sup>  
  
Building:  
2786± ft<sup>2</sup>  
  
Total Area:  
19827± ft<sup>2</sup>

10' Alley

6' Chainlink Fence



NOTE:  
Entire Lot  
Is owned and  
Approved for  
Co-use Between  
Both Businesses