

RESOLUTION No. 16-037

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT OUTDOOR VEHICLE AND EQUIPMENT SALES, SPECIFICALLY THE SALE OF NEW MANUFACTURED HOMES, ON APPROXIMATELY 1.72-ACRES ZONED LC LIMITED COMMERCIAL ("LC"), GENERALLY LOCATED MIDWAY BETWEEN 47<sup>TH</sup> & 55<sup>TH</sup> STREETS SOUTH, ON THE WEST SIDE OF MERIDIAN AVENUE, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

**SECTION 1.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow outdoor vehicle and equipment sales, specifically the sale of new manufactured homes, on approximately 1.72-acres zoned LC Limited Commercial ("LC") legally described below:

**Case No. CON2015-00034**

A Conditional Use, associated with zone case ZON2015-00046, to allow outdoor vehicle and equipment sales, specifically the sale of new manufactured homes, on approximately 1.72-acres zoned LC Limited Commercial ("LC") described as:

A tract of land in Lot 1, Block 1, Southborough Estates, An Addition to Sedgwick County, Kansas, being more particularly described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th Principal Meridian in Sedgwick County, Kansas, Thence, West along the South line of said Northeast Quarter for 50.00 feet to a point on the East line of said Lot 1, Block 1, Thence on a platted bearing of N 0°08'10" W along the East line of said Lot 1, Block 1, for 120.00 feet to the North line of a platted Drainage Easement and the Point of Beginning, Thence, S 89° 58' 42" W along the North line of said platted Drainage Easement for a distance of 124.71 feet to a point, Thence, N 00° 00' 00" E for a distance of 186.13 feet to the beginning of a tangent curve to the left having an angle of 45° 18' 45", a radius of 190.00 feet, for an arc length of 150.26 feet, Thence, N 45° 18' 45" W for a distance of 135.82 feet to the beginning of a tangent curve to the right having an angle of 45° 10' 35", a radius of 150.00 feet, for an arc length of 118.27 feet, Thence, N 00° 08' 10" W for a distance of 63.19 feet to a point, Thence, N 89° 51' 50" E for a distance of 47.94 feet to a point, Thence, S 37° 45' 05" E for a distance of 141.46 feet to a point, thence S 46° 31' 42" E a distance of 257.78 feet to a point on the East line of said Lot 1, Block 1, Thence, S 00° 08' 10" E along the East line of said Lot 1, Block 1, for a distance of 297.07 feet to the Point of Beginning. Said tract contains 1.72 acres, more or less; generally located midway between 47<sup>th</sup> and 55<sup>th</sup> Streets on the west side of Meridian Avenue.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The site shall be replatted or be approved for a lot split within a year of approval by the governing body. Access will be determined at the time of platting.

2. The Conditional Use shall be limited to the sale of new residential designed manufactured homes, as defined by the Unified Zoning Code. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.
3. No repair work shall be conducted on the site. No outside storage. All equipment and materials including, but not limited to, blocks that the manufactured homes will be displayed on, display porches not being use in the display of the manufactured homes, pallets, fork lifts, etc., will be stored inside.
4. All improvements to the property must be finished before manufactured home sales is permitted, including the paving of the display area. Those improvements include a parking barrier around the display area, such as a heavy rail type, being installed along the north and east property lines of the display area where it abuts Meridian Avenue and is adjacent to the private street Southborough Street, except at driveway entrances or where fences are erected, to ensure that parked manufactured homes do not encroach onto public right-of-way, including the sidewalks. A six to eight foot wooden fence shall be erected as shown on the site plan.
5. Landscaping shall be per the Landscape Ordinance.
6. The applicant shall submit a revised site plan for review and approval by the Planning Director, within 45 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
7. 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. No electronic message boards. Signage will be a monument sign per the LC Limited Commercial zoning district.
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 zoning located 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. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
12. 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.

**SECTION 2.** That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION 3.** That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date February 16, 2016.

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Jeff Longwell, Mayor

**ATTEST:**

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Karen Sublett, City Clerk

(SEAL)

Approved as to form:

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Jennifer Magana, City Attorney and Director of Law