CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 13, 2017

Gary Morris
1516 Rutgers
Wichita, KS 67212

Ruvell C. Franklin
5809 E Rockhill Street
Wichita, KS 67208

RE: **CON2016-00061** - City Conditional Use request to allow a used auto sales on LC Limited Commercial zoned property; generally located at the northeast corner of North Topeka and East 13th Street (404 E. 13th Street.)

Dear Applicant:

At its regular meeting on **February 9, 2017**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to APPROVED the request subject to conditions on the attached resolution.

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

Sincerely,

Kathy L. Morgan, Senior Planner
Current Plans Division
Attachment - Resoliton

Copies to: Kyle J. McLaren, MABCD
J.R. Cox, MABCD
Janet Miller, Council Member District VI
Brandon Findley, CSR District VI
Ronald K. and Janice K. Robertson, 1422 N. Topeka, Wichita, KS 67214
Evangelina Rodriquez and Paul Albert Jauregui, 1424 N. Topeka, Wichita, KS 67214
Peace Center of South Central Kansas, 1407 N. Topeka, Wichita, KS 67214

CONDITIONAL USE RESOLUTION NO. CON2016-00061

WHEREAS, Gary H. Morris, (Owner) and Ruvell C. Franklin (Applicant) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Personal Improvement Service 0.32 acre zoned GO General Office described as:

Lot 2-4-6-8, on Topeka Avenue, Wells Addition, one block east of North Broadway on the north side of East 13th (404 E. 13th Street)

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 January 19, 2017, consider said application; and

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

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for Limited Used Auto Sales on LC Limited Commercial zoned property described as:

Lot 2-4-6-8, on Topeka Avenue, Wells Addition, one block east of North Broadway on the north side of East 13th (404 E. 13th Street)

Adopted this 19th Day of January 2017

METROPOLITAN AREA PLANNING COMMISSION

David Foster, Chair MAPC

ATTEST:

Dale Miller, Secretary

AGENDA ITEM NO. 7

WICHITA–SEDGWICK COUNTY W-SC METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC: January 19, 2017
DAB V1: January 18, 2017

CASE NUMBER: CON2016-00061

OWNER/APPLICANT: Gary H. Morris (Owner)

AGENT: Ruvell C. Franklin

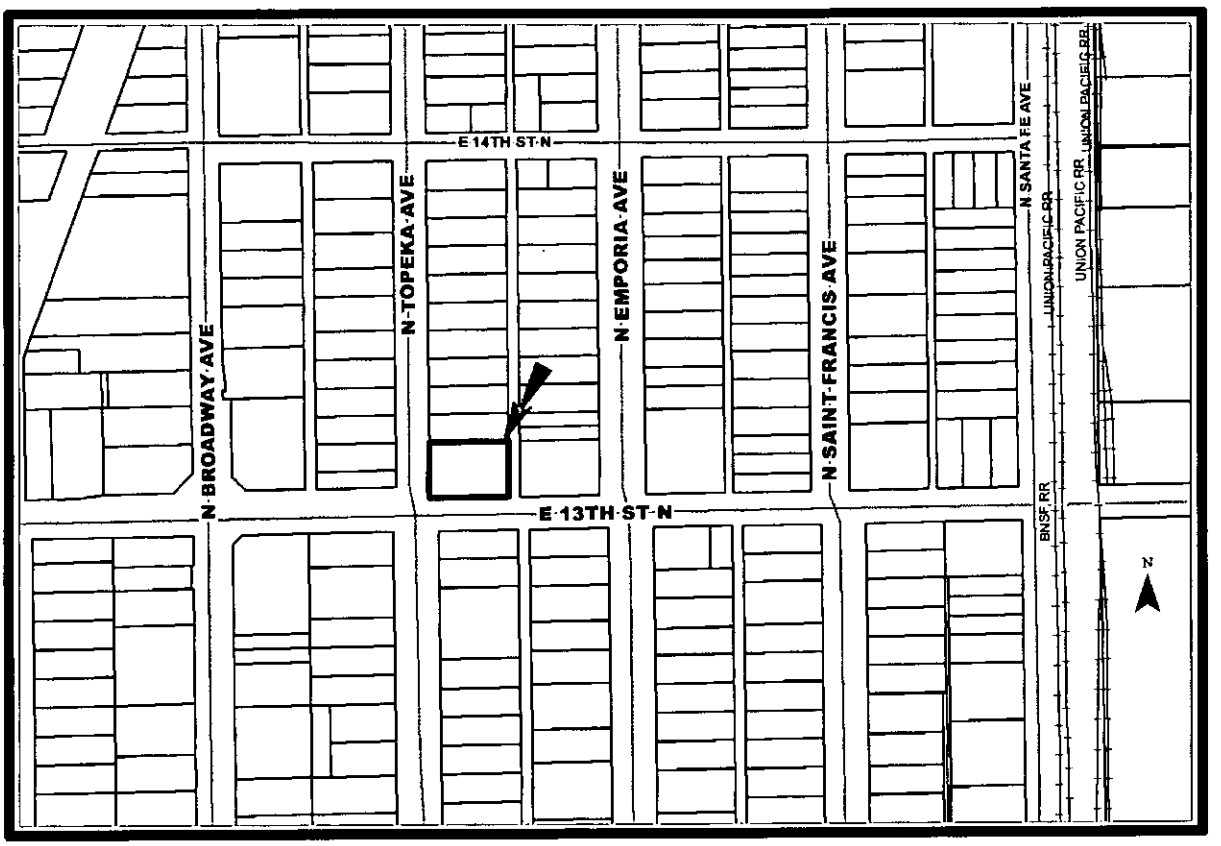
REQUEST: Conditional Use for Outdoor Vehicle Sales

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.32 acre

LOCATION: Northeast Corner of East 13th Street North and North Topeka Avenue (404 E. 13th Street N.)

PROPOSED USE: Outdoor Vehicle Sales



BACKGROUND: The applicant is requesting a "conditional use" to allow outdoor vehicle sales, on Lots 2, 4, 6 and 8, Topeka Avenue, Wells Addition, which is currently zoned Limited Commercial (LC). The site is located one block east of the major arterial intersection of Broadway and 13th Street (404 E. 13th Street). The subject site is developed with a one-story brick commercial building constructed in 1986. The applicant proposes to use approximately 2500 square feet of the existing building for second hand retail and approximately 500 square feet for office to operate a the used car sales. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a conditional use in the LC zoning district. No vehicle repair will be provided as part of the car sales business.

The applicant's site plan shows the existing commercial structure with customer and vehicle sales parking spaces marked. The site has two drive accesses, one onto East 13th Street and one onto North Topeka Avenue. The site plan also indicates a drive access to the 20-foot wide alley on the east side of the property.

Property north of the site is LC Limited Commercial and developed single-family residences. Property east of the site is LC and is developed with the state and national register listed Adeline Apartment Building. West of the site is zoned LC and is developed with a self-service retail ice dispensing unit and single-family residences. Property south of the site is zoned TF-3 Two-Family Residential and is developed with single-family residences that are located within the Topeka Emporia Historic District listed in the Wichita Register of Historic Places, the Register of Historic Kansas Places and the National Register of Historic Places.

There are two used vehicle sales businesses located one block west of the subject site at the southwest and northwest corner of 13th and Broadway. Properties along the north side of 13th Street are zoned LI Limited Industrial, GC General Commercial and LC from Wabash Street east of the site to North Market Street west of the site.

Outdoor vehicle and equipment sales uses are subject to supplementary use regulations control in UZC Article III, Section III-D.6. x.

CASE HISTORY: The site was platted as lots 2-8 Topeka Avenue, Wells Addition in 1885. This zoning pattern has been in existence since the early 1980s. The property has been vacant for several years.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Single-family residential
SOUTH:	TF-3	Single-family residential
EAST:	LC	Apartment building
WEST:	LC	Commercial and Single-family Residential

PUBLIC SERVICES: The subject property has access to East 13th Street, a four-lane arterial at this location. Municipal water and sewer services and all other utilities are currently provided to the subject property.

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 downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Future Growth Concept Map identifies the area "Commercial." The property is also located within the Midtown Neighborhood Plan adopted in 2005.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff

recommends the application be APPROVED. Recommended conditions of approval include:

1) Obtain all permits and inspection as required by the Metropolitan Area Building and Construction Department. All development will be per City Code including landscaping, building and fire code compliance and any other applicable standards. Including Article III, Section III-D-6.x of the Unified Zoning Code (UZC).

2) 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.

3) In addition to uses permitted by right in the LC zoning district, the site is permitted "vehicle and equipment sales, outdoor". The sale or rental of trailers, motorcycles or scooters and vehicles or trucks larger than pickups is not permitted. The storage of boats and recreational vehicles is not permitted.

4) The applicant shall submit a dimensional site plan for review and approval by the Planning Director, prior to the selling of any cars or light trucks, within six months 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 and confirms the site meets the parking standards for the approved car sales lot. The site will be developed according to the site plan.

5) All improvements shall be completed within one year of the approval of the conditional use by the MAPC or the City Council. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.

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.

The staff's recommendation is based on the following findings:

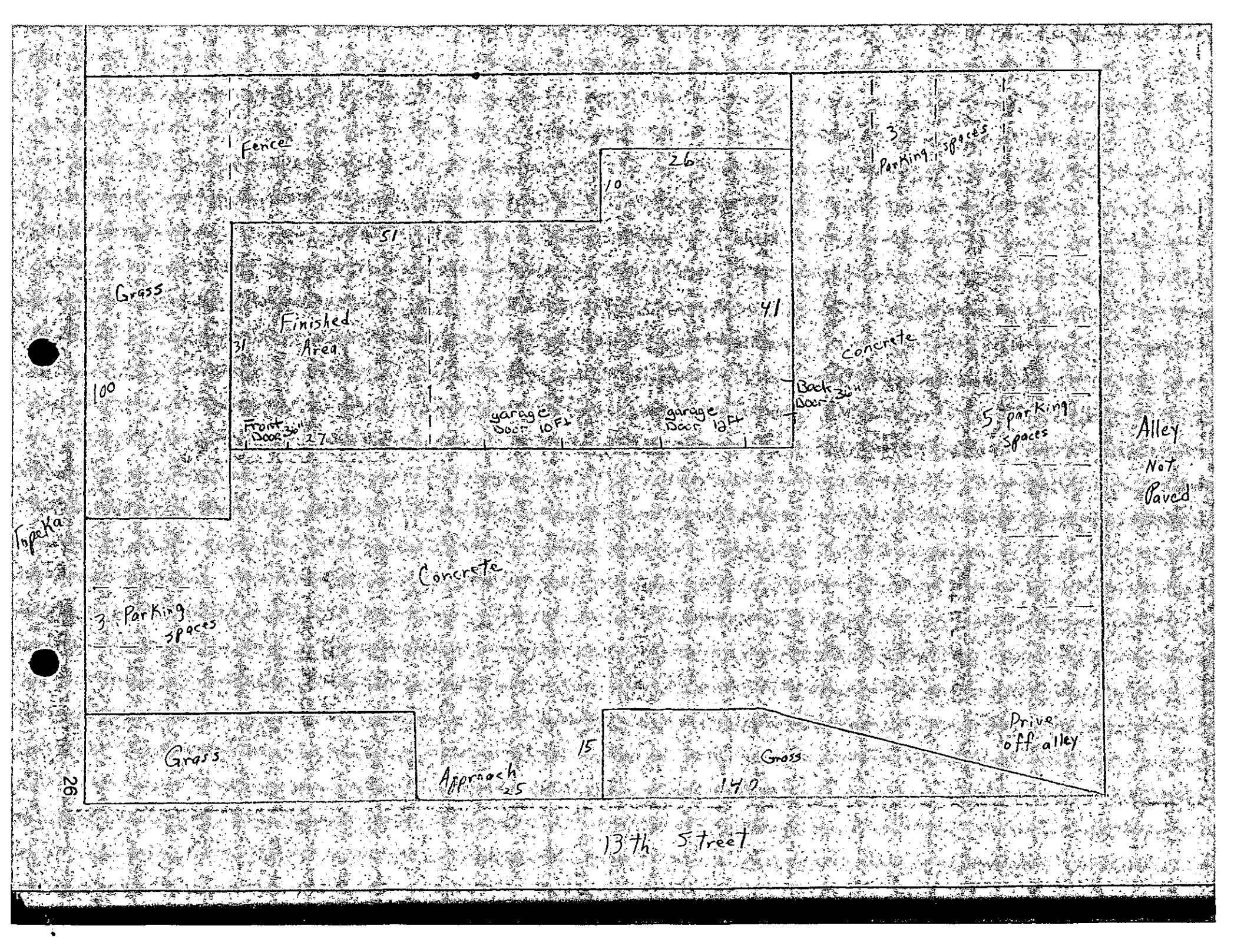
1. **The zoning, uses and character of the neighborhood:** Property north of the site is LC Limited Commercial and developed single-family residences. Property east of the site is LC and is developed with the state and national register listed Adeline Apartment Building. West of the site is zoned LC and is developed with a self-service retail ice dispensing unit and single-family residences. Property south of the site is zoned TF-3 Two-Family Residential and is developed with single-family residences that are located within the Topeka Emporia Historic District listed in the Wichita Register of Historic Places, the Register of Historic Kansas Places and the National Register of Historic Places.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC. The property is suitable for the commercial uses to which it has been restricted, including its proposed use as outdoor vehicle and equipment sales. There are two used vehicle sales businesses located one block west of the subject site at the southwest and northwest corner of 13th and Broadway. Properties along the north side of 13th Street are zoned LI Limited Industrial, GC General Commercial and LC from Wabash Street east of the site to North Market Street west of the site.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Vehicle sales on a site this size when developed with the conditional use, will have a minimum negative effect on the area, with the application of access control, landscaping, screening and the other conditions on the site.

4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Future Growth Concept Map identifies the area "Commercial." The property is also located within the Midtown Neighborhood Plan adopted in 2005.

5. **Impact on Community Facilities:** All public facilities are available and existing road facilities are adequate.


Fence
26
10
3 Parking spaces
51
Grass
Finished Area
41
31
100
Concrete
Back Door 36"
garage Door 10Ft
garage Door 12Ft
Front Door 36"
27.8
5 parking spaces
Alley Not Paved
Topeka
Concrete
3 Parking spaces
Grass
Approach 25
15
Gross
140
Drive off alley
26
13th Street