



Wichita-Sedgwick County Metropolitan Area Planning Department

April 24, 2000

FILE COPY

Phillip G. Ruffin
P. O. Box 2938
San Antonio, TX 78299

RE: CON2000-00002 – Conditional Use for Outdoor Vehicle and Equipment Sales on property zoned “LC” Limited Commercial. Generally located south of Kellogg and west of Broadway. (921 S. Broadway)

Dear Ladies and Gentlemen:

At its regular meeting on March 30, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Commission was to APPROVE, the request subject the following conditions:

1. No outside storage of salvaged vehicles or parts shall be permitted.
2. All parking, storage, and display areas shall be paved with concrete, asphalt, or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
3. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted.
4. 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, except that fixed banners, affixed to light poles and not exceeding 50 square feet of material per light pole, will be permitted. However, in addition to the above, affixed banners or special promotional items shall be limited to twelve (12) events per year not to exceed ninety (90) days per year for all events.
5. Outdoor speakers and sound amplification systems shall not be permitted.

Randy Sparkman, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection
Yolanda Anderson (Resolution Only)

CONDITIONAL USE RESOLUTION NO. CON2000-00002

WHEREAS, Phillip G. Ruffin (Owner/Applicant); Hank Henderson (Contract Purchaser/Applicant); Austin Miller c/o Kim Edgington (Agent); Tim Goodpasture (Agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use for Outdoor Vehicle and Equipment Sales described as:

Lots 87, 89 and 91, Lawrence, now Broadway, Lee's 2nd Addition To Wichita, Sedgwick County, Kansas and Lots 93, 95, 97, and 99, On Broadway Avenue, Lee's Addition, Wichita, Sedgwick County, Kansas, and an unplatted tract of land described as follows: Beginning at the Northeast corner of Lot 93, on Broadway Avenue, Thence West 140 feet to the Northwest corner of said Lot 93, thence North 24.3 feet, more or less, to the Southwest corner of Lot 91, On Broadway Avenue, thence East 140 feet to the Southeast corner Of said Lot 91, thence South 25.55 feet, more or less, to the point of beginning. Generally located south of Kellogg and west of Broadway (921 S. Broadway).

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 March 30, 2000, 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 permit a Conditional Use for Outdoor Vehicle and Equipment Sales described as:

Lots 87, 89 and 91, Lawrence, now Broadway, Lee's 2nd Addition To Wichita, Sedgwick County, Kansas and Lots 93, 95, 97, and 99, On Broadway Avenue, Lee's Addition, Wichita, Sedgwick County, Kansas, and an unplatted tract of land described as follows: Beginning at the Northeast corner of Lot 93, on Broadway Avenue, Thence West 140 feet to the Northwest corner of said Lot 93, thence North 24.3 feet, more or less, to the Southwest corner of Lot 91, On Broadway Avenue, thence East 140 feet to the Southeast corner Of said Lot 91, thence South 25.55 feet, more or less, to the point of beginning. Generally located south of Kellogg and west of Broadway (921 S. Broadway).

subject to the following conditions:

1. No outside storage of salvaged vehicles or parts shall be permitted.
2. All parking, storage, and display areas shall be paved with concrete, asphalt, or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
3. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted.
4. 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, except that fixed banners, affixed to light poles and not exceeding 50 square feet of material per light pole, will be permitted. However, in addition to the above, affixed banners or special promotional items shall be limited to twelve (12) events per year not to exceed ninety (90) days per year for all events.
5. Outdoor speakers and sound amplification systems shall not be permitted.
6. There shall be no elevated platforms for the display of vehicles.

7. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.
8. A 6-8 foot high screening wall or fence constructed of brick, stone, concrete, masonry, stucco, concrete, or wood shall be provided along the west property line at such time as screening meeting the standards Section IV.B of the Unified Zoning Code is no longer provided by the property to the west of the alley.
9. Prior to the issuance of the Conditional Use, the applicant shall dedicate by separate instrument the necessary easements in accordance with Section 7-205 of the Subdivision Regulations and street right-of-way in accordance with Section 7-201 of the Subdivision Regulations. The necessity of easements and street right-of-way shall be determined by City Engineering.
10. Prior to the issuance of the Conditional Use, the applicant shall submit a revised site plan indicating the existing chain link fence along the west property line and the right-of-way and/or utility easements to be dedicated. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
11. Prior to the issuance of a building permit, the applicant shall submit a landscape plan for approval by the Planning Director that provides for tree planting in the street right-of-way between the sidewalk and the curb.

Any violation of the conditions of approval shall declare the Conditional Use null and void.

Adopted this 30th day of March, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION



Frank Garofalo, Chair

ATTEST:



Marvin S. Krout, Secretary

STAFF REPORT
 MAPC March 30, 2000

CASE NUMBER: CON2000-00002

APPLICANT/AGENT: Phillip G. Ruffin (Owner/Applicant); Hank Henderson (Contract Purchaser/Applicant); Austin Miller c/o Kim Edgington (Agent); Tim Goodpasture (Agent)

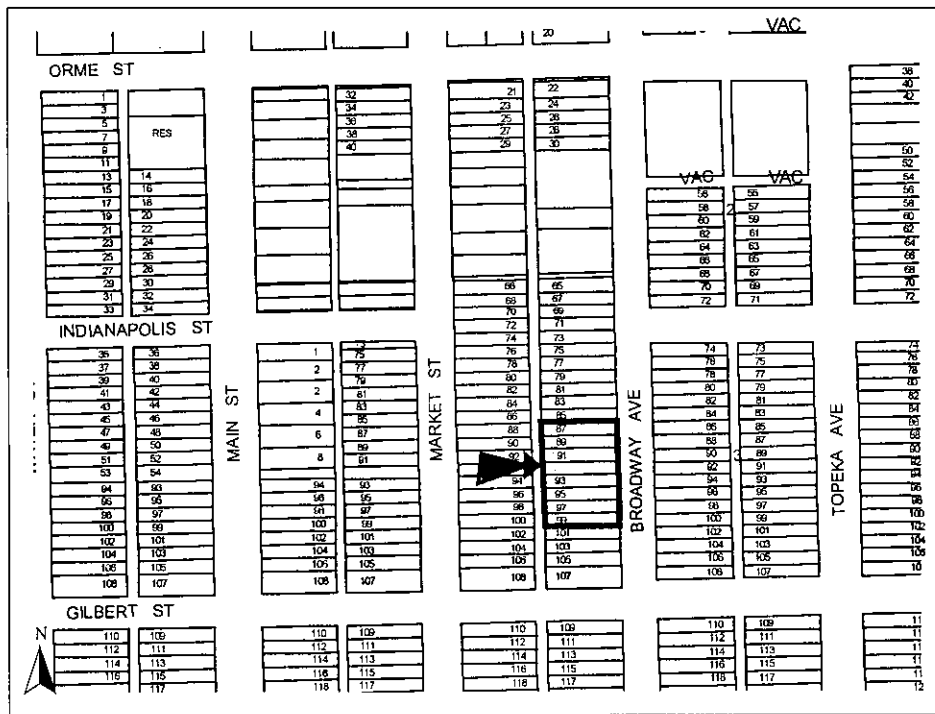
REQUEST: Conditional Use for Outdoor Vehicle and Equipment Sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 0.43 acre

LOCATION: South of Kellogg and west of Broadway (921 S. Broadway)

PROPOSED USE: Outdoor Vehicle and Equipment Sales



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on a 0.43 acre platted and unplatted tract generally located south of Kellogg and west of Broadway (921 S. Broadway). The subject property is zoned "LC" Limited Commercial, and outdoor vehicle and equipment sales is permitted with a Conditional Use in the "LC" district. The applicant is proposing to convert the site of a vacant convenience store into a used car lot.

The character of the neighborhood is that of mixed-use development consisting of single-family and multi-family residential development and various commercial uses. The zoning of adjacent properties to north, south, and east is "LC" Limited Commercial. The zoning of adjacent properties to the west is "B" Multi-Family. Property north of the site is developed with motels, offices, a tavern, restaurants, a used car lot, and single-family and multi-family residences. Property south of the site is developed with a laundry mat, offices, retail businesses, a used car lot, and single-family residences. Property east of the site is developed with an office and a vehicle repair business. Property west of the site is developed with single-family and multi-family residences.

The applicant has submitted a site plan showing the proposed use of the subject property. The site plan shows a 2,554 square foot sales/office building, a 528 square foot garage, a storage area, a display area, 10 employee/customer parking spaces, three 20 foot high light poles along the east property line, and a wood screening fence along the west and north property lines. The site plan does not provide for a landscaped street yard or landscape buffering due to the entire site (outside the street right-of-way) being covered with buildings or paving.

To limit the impact of the proposal on surrounding properties, planning staff recommends conditions of approval regarding signage, landscaping, lighting, noise, and display area practices. Also, due to the age of the plats, which do not provide utility easements or street right-of-way in conformance with the Subdivision Regulations, and the fact that a portion of the site is unplatted, planning staff also recommends that the Conditional Use be approved subject to the condition of platting within one year. During the platting process, planning staff will be looking to limit the number of access drives on Broadway, including the closure of the southern access drive for this site.

CASE HISTORY: A portion of the subject property is platted as part of Lee's Addition, which was recorded on March 22, 1883. Another portion of the subject property is platted as part of Lee's Second Addition, which was recorded December 21, 1882. The remainder of the subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: "LC" Motel, Office, Tavern, Restaurant, Vehicle Sales, Residential
SOUTH: "LC" Personal Care Service, Office, Retail, Vehicle Sales, Residential

EAST: "LC" Office, Vehicle Repair
WEST: "B" Single-Family and Multi-Family Residential

PUBLIC SERVICES: This site has access to Broadway, a four-lane arterial with 1997 traffic volumes of approximately 10,000 vehicles per day. The 2030 Transportation Plan estimates the volumes on Broadway to increase to approximately 15,000 vehicles per day. Municipal services are currently provided to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to platting within one year and the following conditions:

1. No outside storage of salvaged vehicles or parts shall be permitted.
2. All parking, storage, and display areas shall be paved with concrete, asphalt, or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
3. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted.
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5. Outdoor speakers and sound amplification systems shall not be permitted.

6. There shall be no elevated platforms for the display of vehicles.
7. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.
8. The applicant shall submit a landscape plan for approval by the Planning Director that provides for tree planting in the street right-of-way between the sidewalk and the curb.
9. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
10. Any violation of the conditions of approval shall declare the Conditional Use null and void.

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

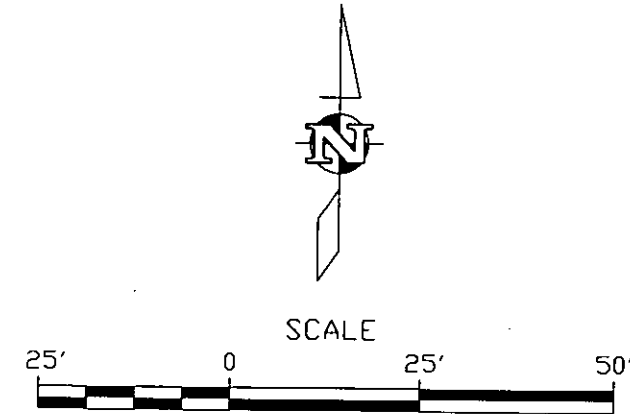
1. The zoning, uses and character of the neighborhood: The character of the neighborhood is that of mixed-use development consisting of single-family and multi-family residential development and various commercial uses. The zoning of adjacent properties to north, south, and east is "LC" Limited Commercial. The zoning of adjacent properties to the west is "B" Multi-Family. Property north of the site is developed with motels, offices, a tavern, restaurants, a used car lot, and single-family and multi-family residences. Property south of the site is developed a laundry mat, offices, retail businesses, a used car lot, and single-family residences. Property east of the site is developed with an office and a vehicle repair business. Property west of the site is developed with single-family and multi-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial. The property is developed with a vacant convenience store and is apparently suitable for commercial uses to which it has been restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the recommend conditions of approval which would limit signage, lighting, noise, and display area practices.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding

residential areas. This site is located along Broadway, and the recommended conditions of approval have provisions which limit noise, lighting, and other adverse impacts. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. This site is located along Broadway in an area where auto-related commercial uses already exist.

5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities.

**SITE PLAN FOR
USED VEHICLE SALES
921 S. BROADWAY
WICHITA, SEDGWICK COUNTY, KANSAS**

Applicant: Phil Ruffin



LEGAL DESCRIPTION

Lots 87, 89 and 91 Lee's Second Addition to Wichita, Sedgwick County, Kansas.

Lots 93, 95, 97 and 99 Lee's Addition to Wichita, Sedgwick County, Kansas.

An unplatted tract of land described as follows: Beginning at the Northeast corner of Lot 93 on Broadway Avenue, Lee's Addition; thence West 140 feet to the Northwest corner of said Lot 93; thence North 24.3 feet, more or less, to the Southwest corner of Lot 91 on Broadway Avenue, Lee's Second Addition; thence East 140 feet to the Southeast corner of said Lot 91, thence South 25.55 feet, more or less, to the Point of Beginning.

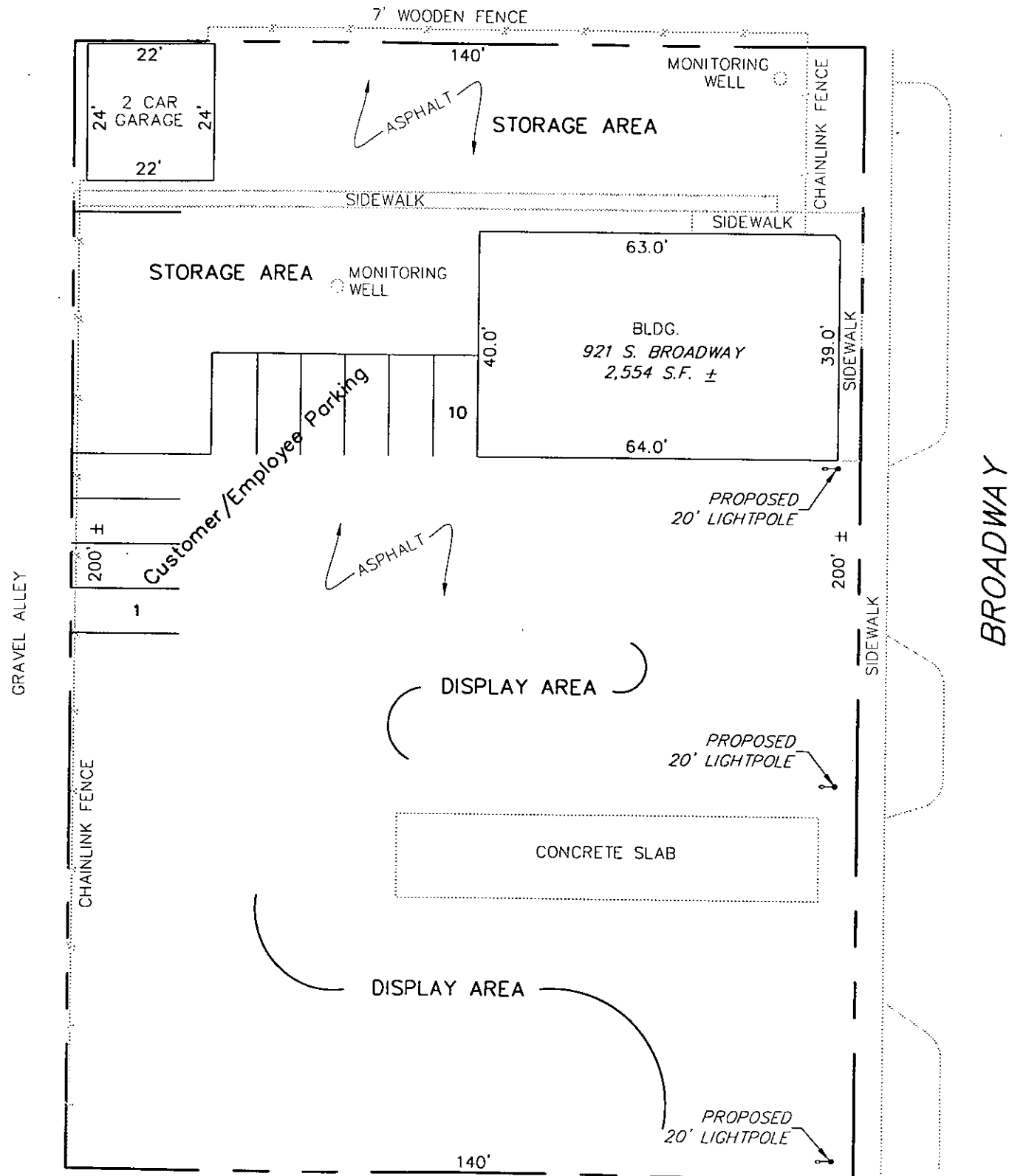
CERTIFICATION

State of Kansas) SS
Sedgwick County

I, the undersigned licensed land surveyor in aforesaid county and state, do hereby certify that the accompanying boundary survey is a true and correct exhibit of the property surveyed.

Bradley C. Ward, L.S. # 920

Date of Survey: February 10, 2000



FILE COPY

SITE PLAN

APPROVED 4-21-00 BY SK

00041\Sites

AUSTIN ENGINEERING SERVICES
254 S. Laura, Suite 210 Wichita, KS 67211
316/262-1281 fax: 316/262-4111