



Wichita-Sedgwick County Metropolitan Area Planning Department

April 13, 2004

Jamed G. Razook
Lindy Andell
358 N. Rock Road
Wichita, KS 67206

RE: CON2000-00025 – Conditional Use to allow the sale of used cars on property zoned “LC” Limited Commercial. Generally located at the southwest corner of Harry & Meridian (1611 South Meridian).

Dear Ladies and Gentlemen:

At its regular meeting on July 27, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Dale Miller
Chief Planner

DLM/rms

Cc: Judges 331 Company, c/o Avtax Inc., P. O. Box 35527, Tulsa, OK 74153
Austin Miller, P.A., c/o Kim Edgington, 355 N. Waco, Suite 200, Wichita, KS 67202
Paul Gray, City Council Member District IV
Randy Sparkman, Office of Central Inspection
Kurt Schroeder, Office of Central Inspection
J. R. Cox, Office of Central Inspection
Paul Hays, Office of Central Inspection

CONDITIONAL USE RESOLUTION NO. CON2000-00025

WHEREAS, Judges 331 Company, Tulsa, OK (owner), Jamed G. Razook & Lindy Andeel (applicants) and Kim Edgington, Austin Miller (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 to allow the sale of used cars on One (1) acre zoned "LC" Limited Commercial described as:

Odd Lots 1 through 23, inclusive, on Meridian, Garfield Park Addition to Wichita, Kansas, Sedgwick County, Kansas, except the east 10 feet for street. Generally located at the southwest corner of Harry and Meridian. (1611 South Meridian)

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 July 27, 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 to allow the sale of used cars on One (1) acre zoned "LC" Limited Commercial described as

Odd Lots 1 through 23, inclusive, on Meridian, Garfield Park Addition to Wichita, Kansas, Sedgwick County, Kansas, except the east 10 feet for street. Generally located at the southwest corner of Harry and Meridian. (1611 South Meridian)

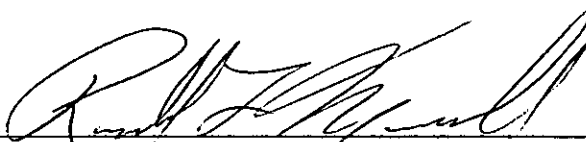
subject to the following conditions:

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of "passenger vehicles" as defined in the UZC. 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 without first obtaining "GC" General Commercial zoning.
2. The vehicle sales lot shall be developed in accordance with a revised site plan submitted within 60 days and approved by the Planning Director. The revised plan will stipulate the closing of the drive on Meridian closest to the intersection and show the location for all spaces that will be used for customer parking and the storage or display of vehicles. The required customer and employee parking shall not be used for the display of vehicles.
3. The applicant shall comply with the street yard landscaping requirements of Landscape Ordinance.
4. All parking, storage and display areas paved with concrete, asphalt or similar surface. 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.
5. 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.
6. There shall be no use of elevated platforms for the display of vehicles.
7. No amplification system shall be permitted.
8. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
9. The lighting standards of Section IV-B.4 of the *Unified Zoning Code* shall be complied with.

Any violation of the conditions approved, as a part of this request, shall render the *Conditional Use* null and void.

Adopted this 27th day of JULY, 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



Ronald L. Marnell, Chair MAPC

ATTEST:



John L. Schlegel, Secretary

STAFF REPORT

DAB/4 – July 19, 2000

MAPC – July 27, 2000

CASE NUMBER: CON-2000-00025

APPLICANT/AGENT: Judges 331 Company, Tulsa, OK (owner),
 James G. Razook & Lindy Andeel (applicants)
 and Kim Edginton, Austin Miller (agent)

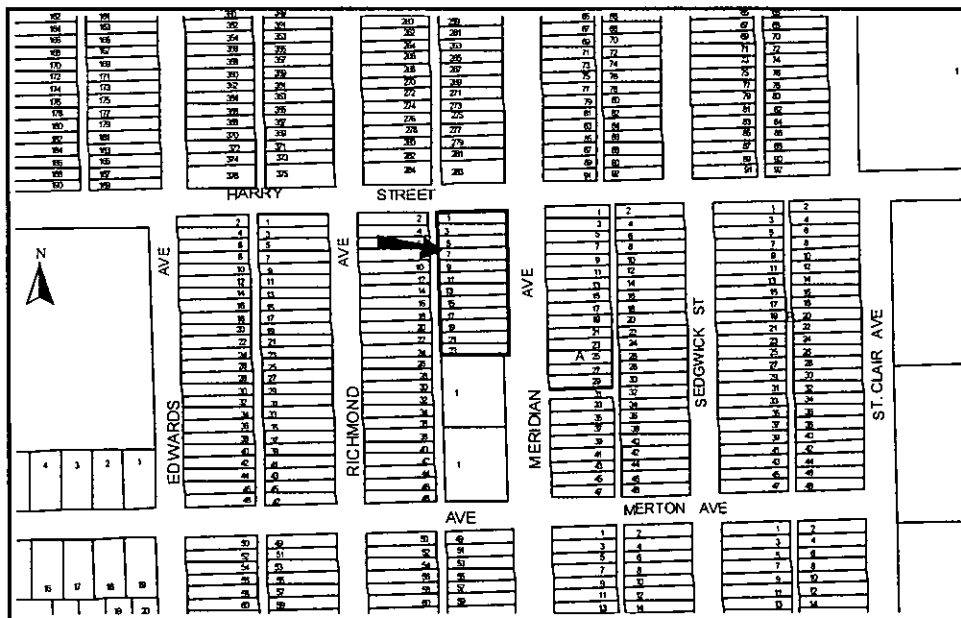
REQUEST: *Conditional Use* to allow the sale of used cars

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: One (1) acre

LOCATION: Southwest corner of Harry & Meridian
 (1611 South Meridian)

PROPOSED USES: Used car sales



BACKGROUND: The applicants are requesting a *Conditional Use* to permit used car sales on a platted one-acre tract of land. They indicate a desire to offer up to a maximum of 50 vehicles for sale. This property is zoned "*LC*" *Limited Commercial* and is located at the southwest corner of *Meridian* and *Harry Streets* (see map). Access to the site is from *Meridian* and from *Harry*. There was a convenient store at this location but has been vacant for over two years.

The property north of the application is a transmission shop and zoned "*LC*" *Limited Commercial*, the property to the south is a vacant lot and is zoned "*LC*" *Limited Commercial*; to the east is a bar that is zoned "*LC*" *Limited Commercial*; to the west is a gravel alley and there are houses zoned "*TF-3*" *Two-Family District*.

Outdoor vehicle and equipment sales in the "*LC*," *Limited Commercial*, district is permitted if: the location is contiguous to a major street; visual screening of areas contiguous to residential zoning is provided; storage and display areas are paved with concrete, asphalt or other comparable material; outdoor lighting shall employ cut-off luminaries mounted at a height not exceeding one-half the distance from the neighboring lot unless evidence is shown that the light source is not visible from the neighboring lot; no noise amplification system projecting human voices or music is permitted if the music or voices can be heard within any residential zoning district located within 500 feet of the site; no repair work maybe conducted except in an enclosed building; and no body or fender work is permitted.

Code required parking is at the rate of one space per 500 square feet of building area, plus two spaces for the first 10,000 square feet of area used for sales, display and storage, plus one space per 10,000 square feet thereafter. This site contains approximately 40,650 square feet of sales, display and storage area and approximately 2,554 square feet of building area. Six parking spaces would be required for the office and two for sales customers. A total of eight parking spaces would be required (see site plan). There are no used car sales lots in the general vicinity.

CASE HISTORY: The current site was platted as the *Garfield Park Addition* in 1912.

ADJACENT ZONING AND LAND USE:

NORTH:	<i>"LC" Limited Commercial</i>	Commercial Business
EAST:	<i>"LC" Limited Commercial</i>	Commercial Business
SOUTH:	<i>"LC" Limited Commercial</i>	Vacant Lot & Business
WEST:	<i>"TF-3" Two-Family District</i>	Residential Houses

PUBLIC SERVICES: *Meridian* is a four-lane arterial street with estimated traffic volumes of 14,984 (ADT) trips per day. Water/sewer and other municipal services are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The *Area Treatment Classification Maps* of the *Comprehensive Plan* identifies this location as a "conservation" area. These areas, which are basically, sound physically and viable economically, would be protected from decline by policies which would ensure population stability, and maintain levels of investments, market strength, and environmental quality and neighborhood character. These areas cover a large portion of Wichita, including not only areas with no apparent threats to stability, but also areas where future viability may be questionable because of encroaching land uses or other impacts. Treatment policies and actions would include continuing strict code enforcement, ongoing maintenance of community facilities and prevention of land use conflicts.

The *Land Use Guide* of the *Comprehensive Plan* identifies this property as "commercial." The plan contains an objective which states: "**Confine highway-oriented, auto-related and non-retail commercial uses to a limited number of urban areas, such as portions of Kellogg, Broadway, the CBD fringe, and other similar areas.**"

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **DENIED**. The *Comprehensive Plan* does not indicate that a used car lot would be appropriate for this area, there are not any other vehicle sales lots existing or allowed by zoning in the general vicinity. The commercial uses along this portion of *Meridian* are neighborhood serving and do not involve the outdoor display storage associated with vehicle sales.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is zoned "LC," *Limited Commercial*. The "LC" district does not permit auto sales without a *Conditional Use* permit. The site has commercial uses on three sides and a residential use on one side. These two districts do not permit extensive outside display. The area is developed predominantly with lower intensity, small-scale neighborhood serving retail and service commercial uses. A car sales lot would not be consistent with the character and type of uses located at this site.
2. The suitability of the subject property for the uses to which it has been restricted: The "LC" district permits a wide range of retail sales and less intense uses. It seems plausible that a use could be found for this site that is permitted by the current zoning. *Meridian* carries a high enough volume of traffic and is of a sufficient size to be able to accommodate most smaller scale retail sales uses, office or neighborhood oriented service tenants.

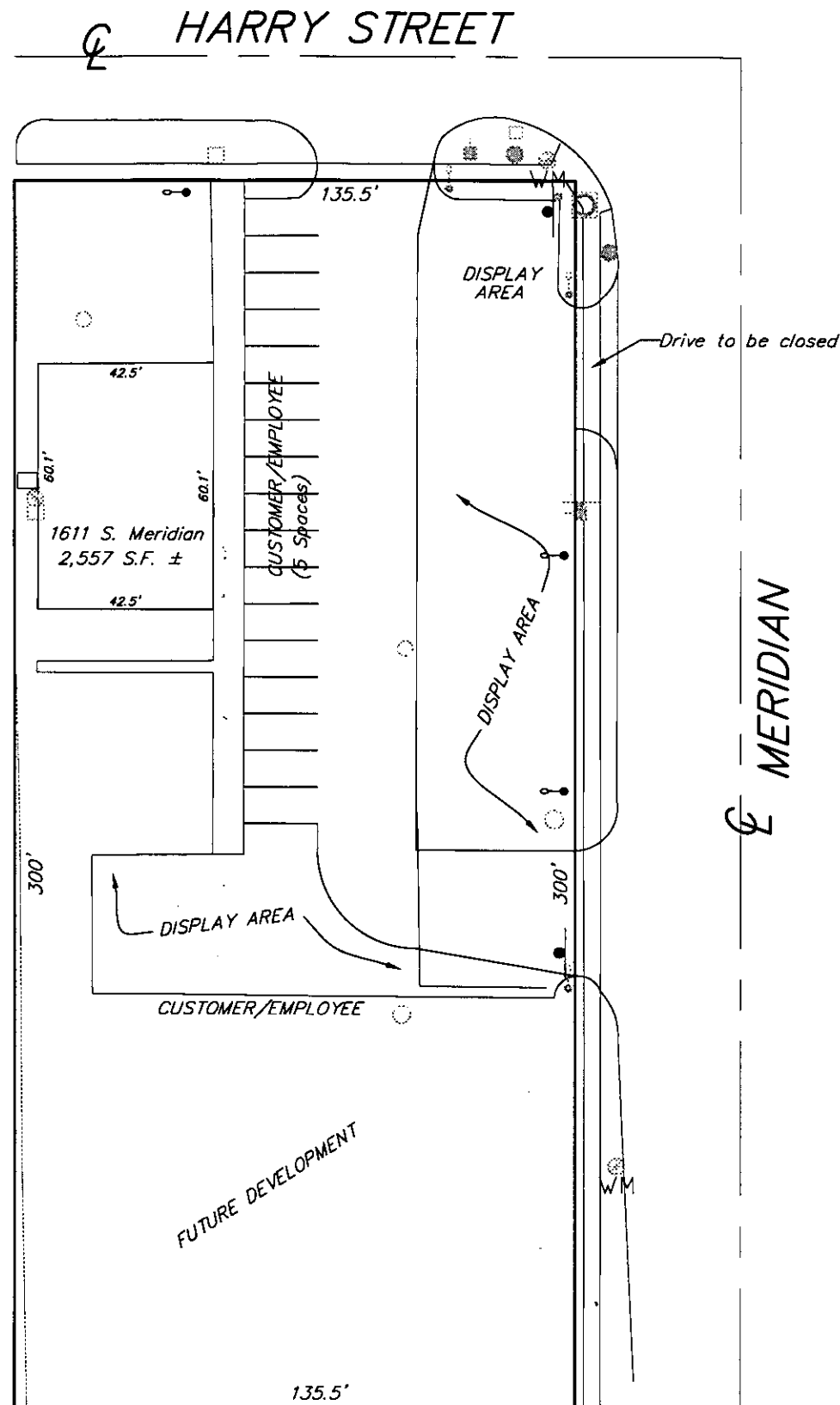
3. Extent to which removal of the restrictions will detrimentally affect nearby property. Outdoor storage and display of vehicles is not consistent with the type of development existing at this intersection. Approval of this request will most likely open other sites nearby for additional vehicle sales lots and other "heavier" commercial uses. *Meridian* is deserving of some level of protection against outside display and storage uses, otherwise it will begin to take on a *South Broadway* appearance.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The *Land Use Guide* of the *Comprehensive Plan* identifies this property as "commercial." The plan contains an objective which states: "Confine highway-oriented, auto-related and non-retail commercial uses to a limited number of urban areas, such as portions of Kellogg, Broadway, the CBD fringe, and other similar areas." The Plan also recommends special attention to the visual quality of key major arterials and *Meridian* is identified as one of these roadways. The proposed use does not match these criteria. This area has no used car lots and if approved could be precedent setting for the neighborhood.
5. Impact of the proposed development on community facilities: Municipal services are available to serve this site, and the proposed use should not generate any more traffic than other permitted uses.

If, however, the Planning Commission believes this is an appropriate use, staff recommends approval be subject to the following conditions:

1. In addition to uses permitted in the "LC" *Limited Commercial* district, the site shall be limited to the sales of "passenger vehicles" as defined in the UZC. 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 without first obtaining "GC" *General Commercial* zoning.
2. The vehicle sales lot shall be developed in accordance with a revised site plan submitted within 60 days and approved by the Planning Director. The revised plan will stipulate the closing of the drive on *Harry Street* and drive on *Meridian* closest to the intersection and show the location for all spaces that will be used for customer parking and the storage or display of vehicles. The required customer and employee parking shall not be used for the display of vehicles.
3. The applicant shall comply with the street yard landscaping requirements of Landscape Ordinance.

4. All parking, storage and display areas paved with concrete, asphalt or similar surface. 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 so not encroach onto public right-of-way.
5. 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.
6. There shall be no use of elevated platforms for the display of vehicles.
7. No amplification system shall be permitted.
8. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
9. The lighting standards of Section IV-B.4 of the *Unified Zoning Code* shall be complied with.
10. The applicant shall erect a solid six-foot screening fence or a solid row of evergreens along the western property line that is across the alley from residential zoning.
11. Any violation of the conditions approved, as a part of this request, shall render the *Conditional Use* null and void.

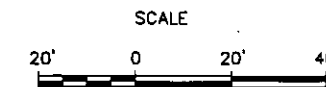
PROPOSED SITE PLAN FOR
1611 S. MERIDIAN
WICHITA, SEDGWICK COUNTY, KANSAS
 Conditional Use to Allow Outdoor Vehicle Sales



SITE PLAN

APPROVED 7-27-2000 BY MAPC

Proposed Parking Spaces 66±
 61 Display
 5 Customer



LEGEND

- Light Pole
- Monitoring Well
- Water Meter
- Power Pole
- Manhole
- Dead Man
- Fence
- Electric Meter
- Telephone Pedestal
- Traffic Box
- Traffic Signal
- Traffic Signal Manhole
- 8" Steel Post
- Proposed Pylon Sign
- Proposed Light Pole

LEGAL DESCRIPTION

Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21 and 23 on Meridian Avenue in Garfield Park Addition to Wichita, Sedgwick County, Kansas.

FILENAME: 00104proposed



AUSTIN MILLER P.A.
ENGINEERING SERVICES
 355 N. Wood, Suite 200 Wichita, KS 67202
 316/262-1291 fax 316/262-6773

Applicant: Jameed G. Razook/Lindy Andeel