



Wichita-Sedgwick County Metropolitan Area Planning Department

January 9, 2019

Scott and Randi Bunn
113 N. Ashley Park Court
Wichita, KS 67212

Rex Bello
301 W. Harry Street
Wichita, KS 67213

RE: CON2018-00039 - City Conditional Use request to allow vehicle and equipment sales on LC Limited Commercial zoned property; generally located on the south side of West Harry Street, one-quarter mile west of South Broadway Avenue (301 W. Harry Street

Dear Applicant:

At its regular meeting on December 6, 2018, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with 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

Copies to: MABCD
James Clendenin, Council Member District III
Maddy Campbell, CSR District III
South Central, Attn: Janet Rice, 2010 S. Water, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2018-00039

WHEREAS, Scott and Randi Bunn, (Owners) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to allow vehicle and equipment sales on LC Limited Commercial zoned property; generally located on the south side of West Harry Street, one-quarter mile west of South Broadway Avenue (301 W. Harry Street) described as:

Lots 2 and 4, except two feet off the south side of Lot 4, Wichita Street, in Smith & Stover's Addition to the City of Wichita, Kansas, Sedgwick County, Kansas

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 December 6, 2018, 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:

Lots 2 and 4, except two feet off the south side of Lot 4, Wichita Street, in Smith & Stover's Addition to the City of Wichita, Kansas, Sedgwick County, Kansas

Adopted this 40th Day of December 2018

METROPOLITAN AREA PLANNING COMMISSION


Cindy Miles, Chair MAPC

ATTEST:


Dale Miller, Secretary



STAFF REPORT

MAPC: December 6, 2018
DAB III: December 5, 2018

CASE NUMBER: CON2018-00039

OWNER/APPLICANT: Scott and Randi Bunn (Owners)

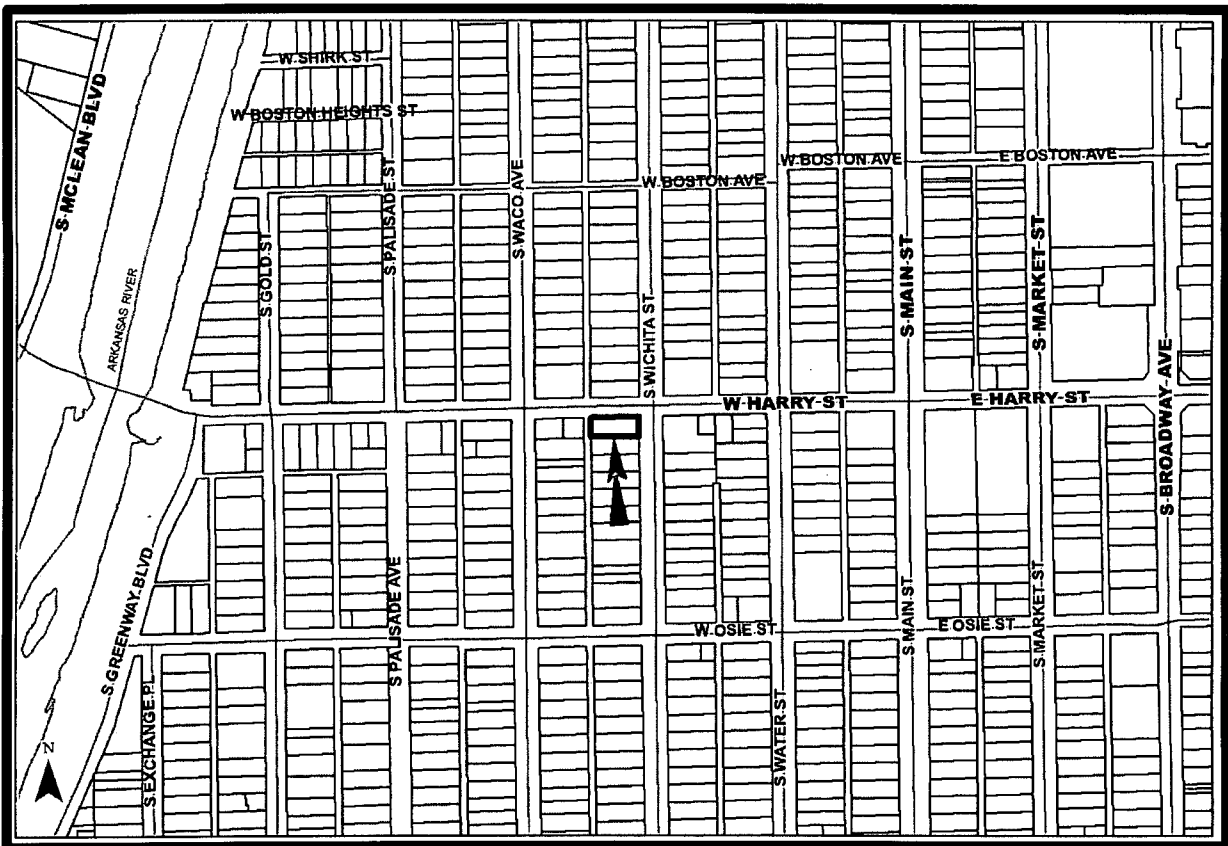
REQUEST: Conditional Use for Outdoor Vehicle Sales

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.18 acre

LOCATION: Southwest Corner of West Harry Street and South Wichita Street, approximately 800 feet west of South Main Street (301 W. Harry)

PROPOSED USE: Outdoor Vehicle Sales



BACKGROUND: The applicant is requesting a “conditional use” to allow outdoor vehicle sales on property zoned Limited Commercial (LC). The site is located four blocks west of the major arterial intersection of Broadway and West Harry Street. The subject site is developed with a one-story masonry service station building constructed in 1956. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a conditional use in the LC zoning district. 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 West Harry and one onto South Wichita Street.

Property north of the site is LC Limited Commercial and developed single-family residences. Property east of the site is zoned LC and is developed with a flooring retail store. West of the site is zoned LC and is developed with a single-family residence and an auto body shop. Property south of the site is zoned LC and is developed with single-family residences.

There are several vehicle repair businesses located along Harry Street from South Broadway west to McLean Boulevard. This would be the first used car dealership located along this section of West Harry Street.

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

Staff has received complaints regarding current business at the site blocking the sidewalk with vehicles and parking vehicles in the alley on the west side of the property.

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 West Harry 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 “Residential.” The property is also located within the South Central Neighborhood Plan adopted in 2005 which identifies the land use as “Mixed-Use Commercial.”

The “Locational Guidelines” of the *South Central Neighborhood Land Use Plan* supplement the “Locational Guidelines” contained in *The Wichita-Sedgwick County Comprehensive Plan*. Where the “Locational Guidelines” of the *South Central Neighborhood Land Use Plan* and *The Wichita-Sedgwick County Comprehensive Plan* are inconsistent, the “Locational Guidelines” of the *South Central Neighborhood Land Use Plan* apply.

“Locational Guidelines” of the South Central Plan identify “Least Desirable Land Uses” and “Most Desirable Land Uses”. Used car sales lots are specifically identified as a least desirable use and are strongly discouraged.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be DENIED.

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 a flooring retail store. West of the site is zoned LC and is developed with a single-family residence and an auto body shop. Property south of the site is zoned LC and is developed with single-family residences. There are several vehicle repair businesses located along Harry Street from South Broadway west to McLean Boulevard. This would be the first used car dealership located along this section of West Harry Street.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC and was originally a service station.
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 negative effect on the area, with potential increased traffic.
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 and the South Central Neighborhood Plan adopted in 2005.

The “Locational Guidelines” of the *South Central Neighborhood Land Use Plan* supplement the “Locational Guidelines” contained in *The Wichita-Sedgwick County Comprehensive Plan*. Where the “Locational Guidelines” of the *South Central Neighborhood Land Use Plan* and *The Wichita-Sedgwick County Comprehensive Plan* are inconsistent, the “Locational Guidelines” of the *South Central Neighborhood Land Use Plan* apply.

“Locational Guidelines” of the South Central Plan identify “Least Desirable Land Uses” and “Most Desirable Land Uses”. Used car sales lots are specifically identified as a least desirable use and are strongly discouraged.

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

If, in the opinion of the Planning Commission, the request is determined to be appropriate, the Planning Commission should adopt alternative findings supporting approval and approval should be subject to the following conditions:

- 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 UZC's definition of "vehicle repair limited" does not allow the outside repair or maintenance services of vehicles none shall be conducted on the site, unless a building is provided for this activity; UZC. Art.II, Sec.II-B.14.i. 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 shall include, but not limited to, clearly marked customer and employee parking and the display area, proposed lighting and a solid fenced trash receptacle area.
- 4) 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, prior to car sales is permitted. The site plan will include, but not be limited to, internal circulation that will remain open at all time to allow access, the existing solid wooden fence along the east property line, parking barriers along the west property line, any existing or proposed signs, existing or proposed lighting, and fenced trash receptacle. The site will be developed according to the revised site plan.
- 5) The selling of vehicles is subject to the supplemental use regulations of UZC Section III D. 6. X. pertaining to vehicle and equipment sales in the LC zoning district.
- 6) 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. No parking is allowed in the alley on the west side of the property.
- 7) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 8) 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.

Staff Report Attachments:

- a. Site Plan Submitted by Applicant
- b. Zoning Code Excerpt
- c. Land Use Maps
- d. Excerpts from South Central Neighborhood Land Use Plan

ADDRESS: 501 W HARRY
67213

HARRY STREET

