



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

November 15, 2004

Roger Scholfield
Scholfield Honda
P O Box 780769
Wichita, KS 67218

RE: CON2004-28 – Conditional Use for vehicle sales on property zoned “LC” Limited Commercial. Generally located south of Kellogg and west of Governour. (District II)

Dear Ladies and Gentlemen:

At its regular meeting on November 2, 2004, the Wichita City Council considered the above-captioned request. The action of the City Council 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,

A handwritten signature in black ink, appearing to read 'Scott Knebel'.

Scott Knebel
Senior Planner

SK/rms

Cc: Pat Dorsett, RJ Realty, LLC, 11212 E. Kellogg, Wichita, KS 67207
Susan Schlapp, WCC II, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

RESOLUTION No. 04-603

A RESOLUTION AUTHORIZING A CONDITIONAL USE FOR VEHICLE SALES ON 1.18 ACRES ZONED "LC" LIMITED COMMERCIAL, LOCATED SOUTH OF KELLOGG AND WEST OF GOVERNOUR IN THE CITY OF WICHITA, 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, 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, a Conditional Use to permit vehicle sales on 1.18 acres zoned "LC" Limited Commercial legally described below:

Case No. CON2004-00028

A Conditional Use to permit vehicles sales, on 1.18 acres zoned "LC" Limited Commercial described as:

Lot 1, Ripstra Addition to Wichita, Kansas, Sedgwick County, Kansas together with that part of the vacated alley, running north and south, abutting Lot 1, Ripstra Addition (west side) and Lot 1, Scholfield Hatchett 3rd Addition (east side) and that part of the vacated alley, running east and west, abutting Lot 1, Scholfield Hatchett 3rd Addition (east and south sides) and Lot 5, Block 10, Eastridge Addition of Wichita, Sedgwick County, Kansas. Generally located south of Kellogg and west of Governour.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The subject property shall comply with the requirements of Section III-D.6.x. of the Unified Zoning Code, except that outdoor speakers and sound amplification systems and the use of elevated platforms to display vehicles shall be permitted.
2. The subject property shall be developed in general conformance with the approved site plan.
3. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

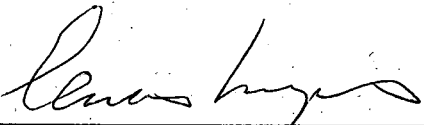
SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

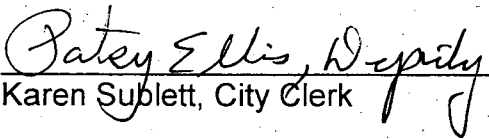
SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date NOV - 2 2004

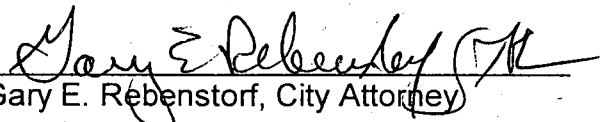


ATTEST:


Carlos Mayans, Mayor


for Karen Sublett, City Clerk

Approved as to form:


Gary E. Rebenstorf, City Attorney

STAFF REPORT

MAPC September 23, 2004

CASE NUMBER: CON2004-00028

APPLICANT/AGENT: RJ Realty LLC c/o Roger Scholfield (Owner/Applicant);
Scholfield Honda c/o Pat Dorsett (Agent)

REQUEST: Conditional Use for vehicle sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 1.18 acres

LOCATION: South of Kellogg and west of Gouverneur

PROPOSED USE: Expansion of Scholfield Honda



BACKGROUND: The applicant is requesting a Conditional Use to permit vehicle sales on a 1.18 acre platted tract located south of Kellogg and west of Governour. The applicant owns the Scholfield Honda dealership on the abutting property to the east and proposes to expand the dealership onto the subject property, which formerly was developed with a bowling alley. The subject property is zoned "LC" Limited Commercial, and vehicle sales requires approval of a Conditional Use when conducted outdoors on property zoned "LC" Limited Commercial.

The applicant submitted the attached site plan illustrating the proposed use of the subject property as a vehicle sales lot. As proposed, the vehicle sales lot does not conform with two requirements of the Unified Zoning Code (UZC) for vehicle sales in the "LC" district (see attached list). First, Section III-D.6.x.(5) of the UZC does not permit outdoor speakers and sound amplification systems; however, the applicant currently uses an outdoor sound amplification system in operating the vehicle dealership. Second, Section III-D.6.x.(8) does not permit the use of elevated platforms for the display of vehicles; however, the applicant proposes to use an elevated vehicle display platform. Both UZC requirements are Supplementary Use Regulations that can be waived by the City Council upon receiving a favorable recommendation from the MAPC. Planning staff recommends waiving both requirements.

The surrounding area is characterized primarily by regional commercial uses along the Kellogg corridor. Most of the properties along Kellogg in this vicinity are zoned "LC" Limited Commercial and are developed with vehicle sales lots. Residential zoning and uses are located to the north across Kellogg in the City of Eastborough and to the south of the subject property.

CASE HISTORY: The subject property is platted as the Ripstra Addition, which was recorded on June 14, 1956. The subject property also contains an alley that was vacated (VAC2003-00055) on April 6, 2004.

ADJACENT ZONING AND LAND USE:

NORTH:	Eastborough	Single-family
SOUTH:	"TF-3"	Single-family
EAST:	"LC"	Vehicle sales
WEST:	"LC"	Restaurant

PUBLIC SERVICES: The subject property has access to Kellogg Drive, a two lane access road. Municipal water and sewer is available to serve the subject property. Public services are sufficient to support the proposed use.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the subject property 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 request conforms with the Land Use Guide and Locational Guidelines.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The subject property shall comply with the requirements of Section III-D.6.x. of the Unified Zoning Code, except that outdoor speakers and sound amplification systems and the use of elevated platforms to display vehicles shall be permitted.
2. The subject property shall be developed in general conformance with the approved site plan.
3. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

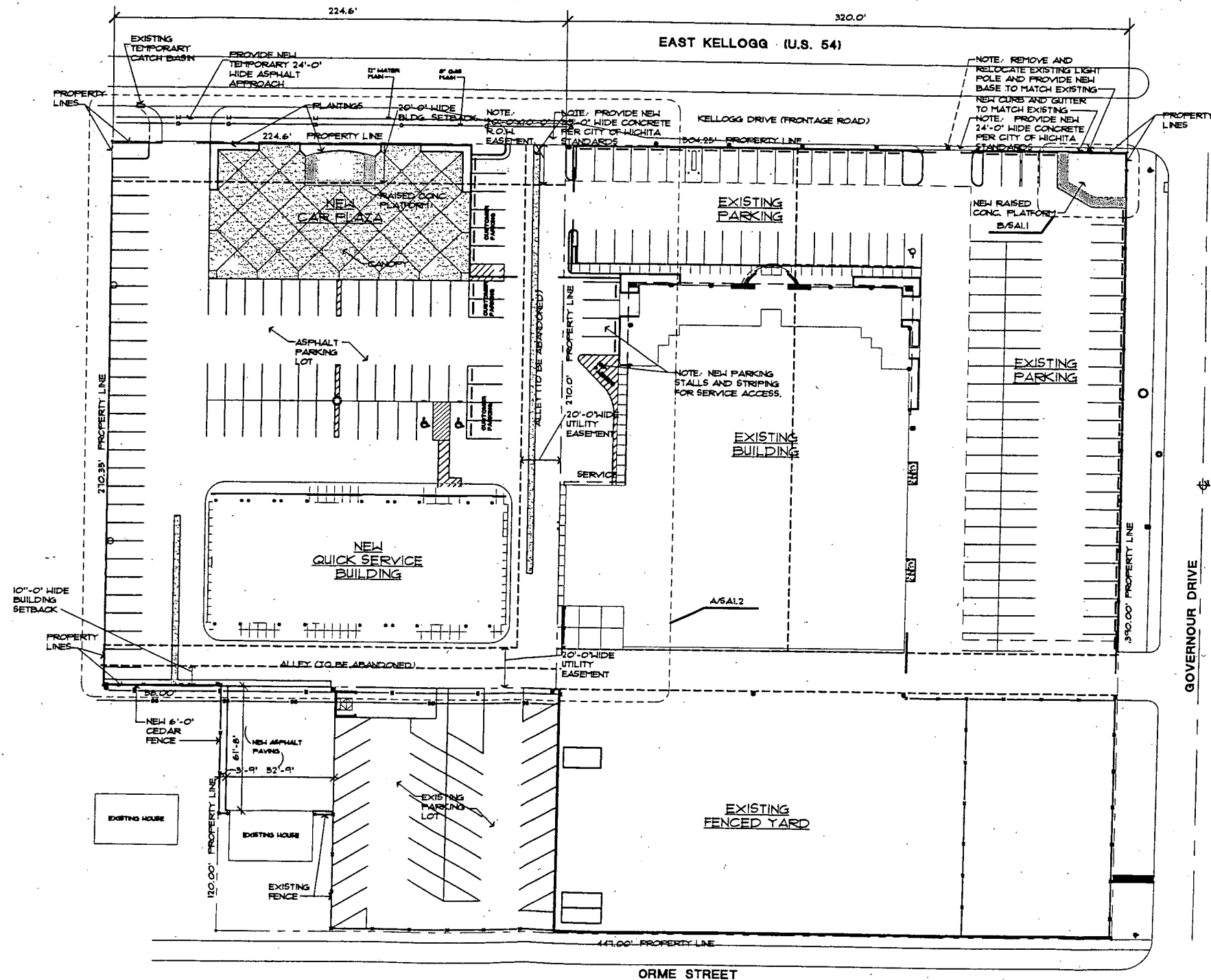
The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by regional commercial uses along the Kellogg corridor. Most of the properties along Kellogg in this vicinity are zoned "LC" Limited Commercial and are developed with vehicle sales lots. The proposed vehicle sales lot is consistent with the zoning, uses, and character of the area.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial. The proposed vehicle sales lot may be permitted by a Conditional Use. The MAPC has an informal policy of supporting expansion of existing businesses onto abutting property rather than requiring relocation.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code, the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance should limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

4. Conformance of the requested change to adopted or recognized Plans/Policies:
The Land Use Guide of the Comprehensive Plan identifies the subject property 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 request conforms with the Land Use Guide and Locational Guidelines.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

C6N2004-00028
SITE PLAN

APPROVED 11-2-04 BY City Council



A SITE REFERENCE PLAN
 1"=30'-0"
 NORTH

DATE DRAWN
 REVISIONS

PRINTS ISSUED
 BIDDING
 01-09-04

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DATE
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 Jeff Krehbiel Associates

QUICK SERVICE BUILDING
Scholfield
SCHOLFIELD HONDA
 7001 E. KELLOGG
 WICHITA, KANSAS

PROJECT NUMBER
 03054
 SHEET TITLE
 SITE REFERENCE PLAN

SHEET NUMBER
SA1.1
 OF - SHEETS