



Wichita-Sedgwick County Metropolitan Area Planning Department

Miguel Roman Cortez
1021 S Topeka
Wichita, KS 67211

December 31, 2019

RE: CON2019-00044 - City Conditional Use to allow Outdoor Vehicle and Equipment Sales on property zoned LC Limited Commercial and generally located on the northeast corner of South Meridian Avenue and West Harry Street.

Dear Applicant;

At its regular meeting on **December 5, 2019**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the attached conditions.

This letter is to inform you that there were no protests to this case. The action of the MAPC is final Please find the enclosed copy of the Conditional Use Resolution for your records.

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

Sincerely,

Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
Jeff Blubaugh, Council Member District IV
Rebecca Fields, CSR District IV
Southwest – Joshua Blick, 2039 S Everett, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2019-00044

WHEREAS, Miguel Roman Cortez (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 Outdoor Vehicle and Equipment Sales, on property zoned Limited Commercial, legally described as:

Lot 91, Meridian Block, Meridian Subdivision of the Stiles & Smith Addition, Wichita, 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 5, 2019, 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 Outdoor Vehicle and Equipment Sales, on property zoned Limited Commercial, legally described as:

Lot 91, Meridian Block, Meridian Subdivision of the Stiles & Smith Addition, Wichita, Sedgwick County, Kansas.

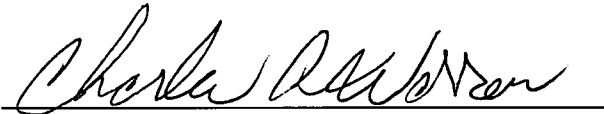
Subject to the following conditions:

1. The Conditional Use shall be limited to the sale 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. The Conditional Use shall limit the total number of vehicles displayed for sale to 6 vehicles.
3. All improvements to the property must be finished before car sales is permitted. Those improvements shall include, but not limited to, paving the remainder of the site, clearly marked customer and employee parking and the display area, proposed lighting, parking barriers along the north property line, and closing of the eastern driveway.
4. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the construction of the required improvements and before the selling of any cars or light trucks, prior to car sales is permitted. The site plan will include, but not be limited to, a five-foot building setback along the north property line, internal circulation that will remain open at all time to allow access, parking barriers along the north property line, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.
5. 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.
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.


Adopted this 20th Day of December 2019

METROPOLITAN AREA PLANNING COMMISSION



Charles A. Warren, Chair

ATTEST:


Dale Miller, Secretary



STAFF REPORT

MAPC: December 5, 2019
DAB IV: December 2, 2019

CASE NUMBER: CON2019-00044

APPLICANT/AGENT: Manuel Roman Cortez (Applicant)

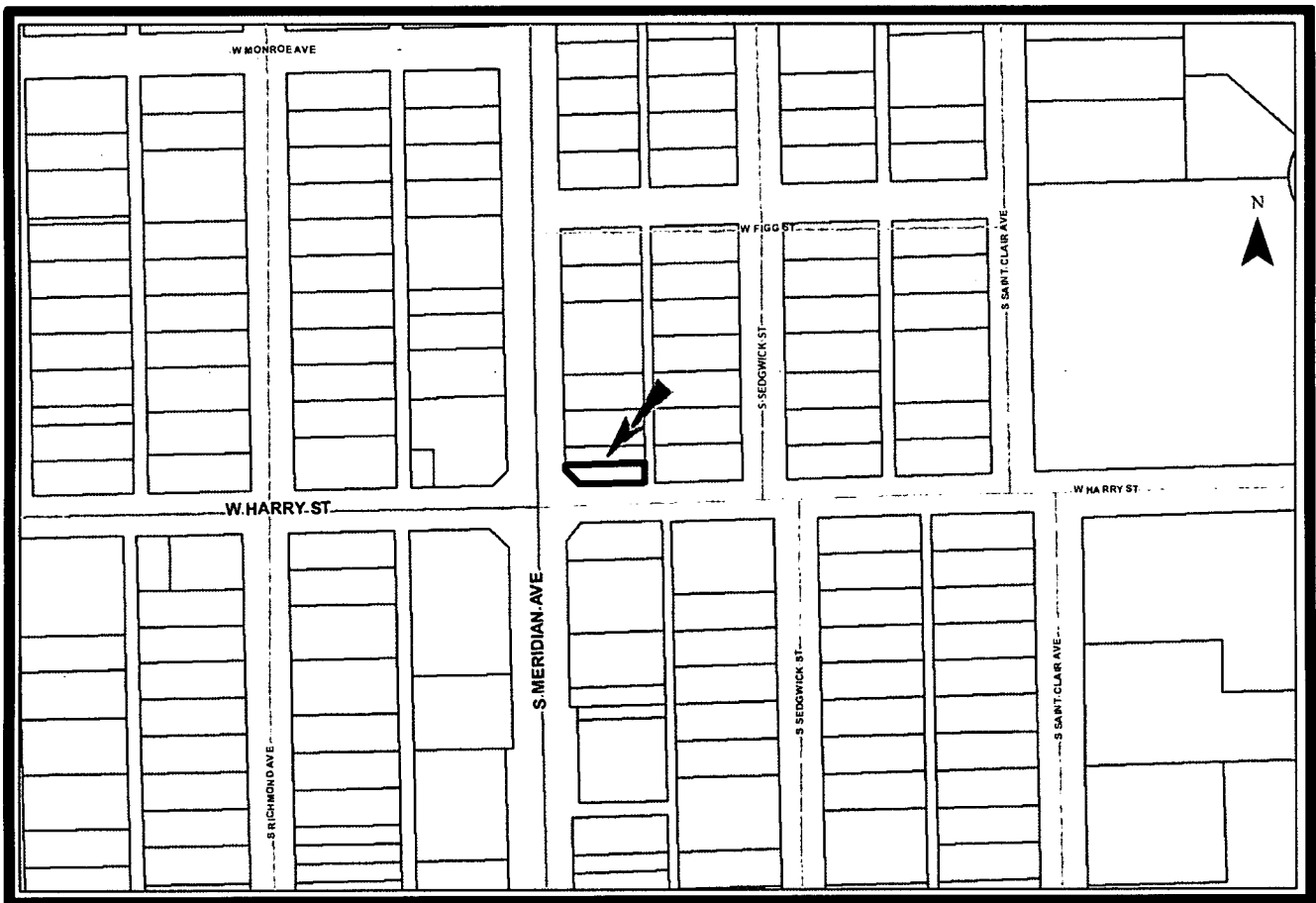
REQUEST: Conditional Use for Outdoor Vehicle Sales

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.66 acres

LOCATION: On the northeast corner of South Meridian Avenue and West Harry Street.

PROPOSED USE: Outdoor Vehicle Sales



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle sales on property zoned LC Limited Commercial generally located on the northeast corner of South Meridian Avenue and West Harry Street. The property is currently undeveloped and has no address. The property has two drive entrances to the paved areas on the east and west sides in addition to alley access on the east. As seen on the site plan, the applicant intends to pave the middle portion of the site, construct a 10-foot by 6-foot office, and display up to 6 cars on the west side of the property. The site will provide one employee parking space and 2 customer parking spaces, one of which will be accessible. Access to the employee parking spaces will be from the western driveway. Access to the customer parking will be through the alley, which means the eastern driveway shall be closed. 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 not be provided as part of the car sales business on this site. Outdoor vehicle and equipment sales uses are subject to supplementary use regulations control in UZC Section III-D.6.x. which are attached to this staff report.

The property to the north has an abandoned motel, which was constructed approximately 2-3 feet north of the contiguous property line with exterior doors fronting the sidewalk that abuts the property line. Parking barriers will need to be put in place to ensure display vehicles do not encroach over the property line. The site plan shows the location of the proposed office being built on this north property line. Given the close proximity of the neighboring structure, a setback of 5 feet shall be imposed on the north property line of the subject property. UZC Section III-B.14.d.(5) permits structures in the LC zoning district to have a zero-foot interior side setback, but if a setback is required, it shall be at least 5 feet. The site plan also indicates that a sign will be installed along South Meridian. The sign shall comply with the Wichita Sign Code.

Property north of the site is zoned LC Limited Commercial and is the abandoned motel. Property east across the alley from the site is zoned TF-3 Two Family Residential and is single family home. West of the site is zoned LC and is a vehicle repair shop with a Conditional Use for vehicle sales (CON2004-00043). Property south of the site is zoned LC and is a drinking establishment with a Conditional Use for a Night Club in the City within 300 feet of residential zoning (CON2016-00012). Southeast across the intersection is zoned LC and is a flooring discount store. This property also has Conditional Use approval for used vehicle sales (CON2000-00025) even though the site it currently is not being used in that manner.

CASE HISTORY: The site is platted as Lot 91, Meridian Block, Stiles & Smith Addition in 1887.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Abandoned Motel
SOUTH:	LC	Drinking Establishment with Conditional Use for Night Club
EAST:	TF-3	Single Family Residence
WEST:	LC	Vehicle Repair Shop with Conditional Use for Vehicle Sales

PUBLIC SERVICES: The subject property is at the intersection of South Meridian Avenue and West Harry Street. South Meridian is a paved, 5-lane arterial. West Harry Street is a 2-lane collector. The intersection has recently been improved and includes left turn lanes in all directions. Municipal water and sewer services are available on the site.

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 as a mixture of Residential, Commercial, and Industrial with the non-residential uses primarily along the arterial frontage of South Meridian and the residential further away from the arterial. The Plan indicates this site can be suitable for Commercial development which reflects the full diversity of commercial development found in a large urban municipality.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED** subject to the following conditions.

- 1) The Conditional Use shall be limited to the sale 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) The Conditional Use shall limit the total number of vehicles displayed for sale to 6 vehicles.
- 3) All improvements to the property must be finished before car sales is permitted. Those improvements shall include, but not limited to, paving the remainder of the site, clearly marked customer and employee parking and the display area, proposed lighting, parking barriers along the north property line, and closing of the eastern driveway.
- 4) The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the construction of the required improvements and before the selling of any cars or light trucks, prior to car sales is permitted. The site plan will include, but not be limited to, a five-foot building setback along the north property line, internal circulation that will remain open at all time to allow access, parking barriers along the north property line, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.
- 5) 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.
- 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 zoned LC Limited Commercial and is the abandoned motel. Property east across the alley from the site is zoned TF-3 Two Family Residential and is single family home. West of the site is zoned LC and is a vehicle repair shop with a Conditional Use for vehicle sales (CON2004-00043). Property south of the site is zoned LC and is a drinking establishment with a Conditional Use for a Night Club in the City within 300 feet of residential zoning (CON2016-00012). Southeast across the intersection is zoned LC and is a flooring discount store. This property also has Conditional Use approval for used vehicle sales (CON2000-00025) even though the site it currently is not being used in that manner.
2. *The suitability of the subject property for the uses to which it has been restricted:* The property is zoned LC and is currently vacant. Outdoor vehicles sales is permitted in the LC district by Conditional Use subject to Supplemental Use Regulations found in the UZC Section III-D.6.x.
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 minimal negative effect on the area. Two other properties in the immediate vicinity have been previously approved for Conditional Uses to permit Outdoor

Vehicles Sales (CON2004-00043 and CON2000-00025).

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 as a mixture of Residential, Commercial, and Industrial with the non-residential uses primarily along the arterial frontage of South Meridian and the residential further away from the arterial. The Plan indicates this site can be suitable for Commercial development which reflects the full diversity of commercial development found in a large urban municipality.

Staff Report Attachments:

1. Area Map
2. Zoning Map
3. Land Use Map
4. Site Plan Submitted by Applicant
5. Zoning Code Excerpt (Sec. III-D.6.x)

SITE PLAN

APPROVED 12/20/19 BY *Phil Jones*

