

EXCERPT FROM THE PLANNING COMMISSION MINUTES OF MARCH 8, 2001

Case No. CON2001-00004 – Paul W. Weigand (Owner/Applicant) request a Conditional Use to allow used car sales on property described as:

Lot 10, and Lot 11, Block E, Graber Addition, generally located on the northwest corner of Hydraulic and Wassall.

BILL LONGNECKER, Planning staff, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

BACKGROUND: The applicant, Paul Weigand, is requesting consideration and recommendation for a Conditional Use to allow used car sales on property zoned "LC" Limited Commercial. The property (14,782.88 square feet) is described as Lots 10 & 11, Block E, Graber Addition, located on the northwest corner of the Wassall - Hydraulic intersection. Wassall fronts the south side of the property and Hydraulic fronts its east side. Single- family residential development abuts it on its north and west sides. The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning.

The applicant is requesting consideration of used car sales on this property, which contains a vacant 1,500 sq.-ft building to be used as office space and a concrete parking area where he proposes to display the used cars and provide parking for prospective buyers. The site has 4 existing entrances/exits (entrances); 2 on Wassall and 2 on Hydraulic. The applicant has stated that he will close off the 2 entrances that are closest to the Wassall – Hydraulic intersection, leaving the two farthest from the intersection open. This would leave the site with an entrance on Hydraulic and another on Wassall. The remaining entrances would line up with existing entrances of the businesses that are across from it on Wassall and Hydraulic; Louie’s Liquor on the Hydraulic side and Quick Trip on the Wassall side. The site has two old light poles (without light fixtures attached) on it, one located on the southwest side of the site and the other on the northeast side of the site. The one on the northeast side of the site is damaged and will need repair or possibly removal. There is grass along the west and north sides of the site.

The neighborhood to the north is zoned SF-6 and has developed residential. There is a 6-ft stockade fence between the proposed used car lot and the residence abutting it on the north side. The neighborhood to the west is zoned TF-3 and is developed single family residential. There is a 6-ft. stockade fence that runs the width of the southwest lot abutting to the proposed site, the next lot north of this lot has no screening between it and the proposed site. On the east side (across Hydraulic) there is Louie’s Liquor at the intersection, then north of it Shooter’s, a billiards hall. North of these two businesses on the west side there are single family and multifamily residence. Development on the south includes a restaurant on the southeast side of the intersection and a Quick Trip on the southwest side of the intersection. Adjacent to these businesses are two small strip centers containing barber - beauty shops, sandwich shops, insurance businesses, a bingo hall, bars, and restaurants. Beyond these businesses to the Hydraulic – I 135 Loop, there are residence (both single family and 4-plex) and a warehouse – distribution developments

CASE HISTORY: The Graber Addition was entered on transfer record November 13, 1950. The BZA denied an application for a car sales lot on this site at their 07-24-84 meeting, recommending that this was not an appropriate site for the "LC" Limited Commercial zoning and the surrounding neighborhood.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6" Single Family Residential	Residential
EAST:	"LC" Limited Commercial	Liquor store, billiards hall
SOUTH:	"LC" Limited Commercial	Strip shopping centers
WEST:	"SF-6" Single Family Residential	Residential

PUBLIC SERVICES: Hydraulic is a four-lane arterial street. The estimated traffic volume of (ADT) trips per day at the Hydraulic - Wassall intersection is 4413 ADTs on the west side, 9458 ADTs on the north side, 356 ADTs on the east side and 10042 ADTs on the south side. Water/sewer and other municipal services are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide of the 1999 update to the Wichita – Sedgwick County Comprehensive Plan identifies this property as Low Density Residential. The current zoning of the site is "LC" Limited Commercial. The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The Wichita – Sedgwick County Comprehensive Plan, Section 3, directs the location of auto related uses to appropriate areas: such as the CBD fringe, segments of Kellogg, established areas of similar development and areas where traffic patterns, surrounding land uses and utilities can support such development.

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 Hydraulic 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 existing businesses in the neighborhood are local retail in character. A used car sales business would be out of character with these businesses. There are established residential developments adjacent to the site on the north and west sides. The proposed car lot would not compliment this residence. A location further south that would be in the warehouse – distribution center area would be more appropriate.
2. The suitability of the subject property for the uses to which it has been restricted: A permitted use for "LC" Limited Commercial development would be more appropriate for this site. Because of the location of the site on an intersection, it is doubtful if it will ever develop low density residential, as recommended by the Wichita Land Use Guide of the 1999 update to the Wichita – Sedgwick County Comprehensive Plan
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. This site was an active gas station until the Quick Trip was developed.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The Wichita Land Use Guide of the 1999 update to the Wichita – Sedgwick County Comprehensive Plan identifies this property as Low Density Residential. The current zoning of the site is "LC" Limited Commercial. The Wichita Sedgwick County Comprehensive Plan, Section 3, directs the location of auto related uses to appropriate areas: such as the CBD fringe, segments of Kellogg, established areas of similar development and areas where traffic patterns, surrounding land uses and utilities can support such development. The proposed car sales lot does meet these criteria. The nearest car sales lot is located on the Douglas Hydraulic Intersection.
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 used cars. 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 applicant shall submit a revised site plan giving dimension control of display areas, vehicle circulation, solid screening, ingress and egress, parking areas, queuing areas, dumpsters, landscaping, signs, lighting and showing all easements and set backs for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards
3. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with this application. This will require the removal of paving along the sidewalks next to Hydraulic and Wassall.
4. 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.
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. No string-type lighting shall be permitted.
10. The applicant shall erect and maintain a solid six-foot screening along the northern and western property lines that are adjacent to residential zoning and the existing residential development.
11. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

LONGNECKER "This is a request for a Conditional Use to allow a vehicle and equipment sales outdoors in Limited Commercial zoning. This type of use requires a Conditional Use consideration.

The property that has been proposed for this use is located on the northwest corner of Wassall and Hydraulic. The zoning across Hydraulic is also Limited Commercial. Both sides of Hydraulic, south of Wassall is Limited Commercial, and the property to the west and north is all Single-Family Residential zoning. The site has two existing curb cuts; one close to the Hydraulic/Wassall intersection and a further one. It also has two more curb cuts over on Wassall. One, again, close to the Hydraulic/Wassall intersection, and the other one lines up with the Quik Trip right across the road from it. That curb cut lines up with the business across the street, which is a liquor store.

Staff is recommending denial of this Conditional Use. We are looking at what is going on in this neighborhood and most of it is local retail in nature. We don't feel that the auto sales falls into character with what is going on in the neighborhood. We also found that there was a previous application for a car lot sales on these two lots back in July of 1984 that the BZA denied, recommending that it was not an appropriate site for that type of use, and also for the surrounding neighborhood.

The future Land Use Plan shows this property to become some type of residential zoning. Staff doesn't really feel like it will ever develop residential because of its location on the Wassall/Hydraulic intersection. We feel a more appropriate use would be something more in line with the character of the neighborhood, which, again, is primarily local retail. We have beauty shops, barber shops, restaurants, sandwich shops and a bingo parlor. Further down the road on Hydraulic, as you are heading towards I-235, there is a distribution warehouse on the east side that we feel like that zoning and that usage in that area would be more appropriate for the location of a car lot. Based on these considerations, staff is recommending that this application be denied because of the inappropriateness of the use and in consideration of what is going on in the neighborhood. Also, the fact is that staff drove from I-235 up to Douglas and the only other car lot we could find in the area is on the intersection of Douglas and Hydraulic. Going east and west on Wassall, we didn't find any other car lots either. In looking at the Wichita/Sedgwick County Comprehensive Plan, it directs the location of auto related uses to appropriate areas, such as the CBD fringe, segments of Kellogg, established areas of similar development. Again, we didn't see any similar development in this area. Areas where traffic patterns and surround land uses and utilities can support such development. Staff did not feel like the Conditional Use request for outside sales for this particular site met those criteria. Are there any questions?"

BARFIELD "Is that site presently vacant?"

LONGNECKER "Yes, sir."

BARFIELD "Do you know how long it has been vacant?"

LONGNECKER "No, sir."

WARREN "A long time."

GAROFALO "There is a sentence in the Findings No. 4 on Page 4 that I think need modified. The next to last sentence 'the proposed car sales lot does meet these criteria'. I think you meant does not meet these criteria."

LONGNECKER "That is a typo. I'm sorry."

BARFIELD "Are there any other questions of staff?"

BARFIELD "I have one other question. You mention here that the nearest car lot is located at Douglas and Hydraulic. Did you go to the south of this location?"

LONGNECKER "I drove down Hydraulic to I-235. There were no car lots located between the Hydraulic/Wassall intersection and I-235."

BARFIELD "I am thinking about MacArthur."

LONGNECKER "I did not go that far south, no, sir."

HENTZEN "You mentioned that a car lot was turned down in 1984. Do you know if that lot has been used for anything since then?"

LONGNECKER "At one point it was a gas station. I did not find out when the gas station went out of business, but just by talking to folks familiar with that area, when the Quik Trip came in across the street, it was vacant by that time. That is what I gathered."

HENTZEN "What I am getting at is if they haven't found something to do with it by now, what do they do with it now if we turn it down again?"

LONGNECKER "I think the applicant has another use that he was thinking about combining with the car lot. He was talking to me today, which was the first I had heard about that. I don't think he was considering separating the two uses. I will let the applicant present that to you."

MARNELL "Just north of this location is Pawnee?"

LONGNECKER "Yes, sir."

MARNELL "Are there not car sales right along Pawnee?"

LONGNECKER "Just north of this? No, sir, there is not. There are car repair and car parts businesses there, but on that intersection there were not car sales."

MARNELL "Not at the intersection, but along Pawnee."

LONGNECKER "I did not drive Pawnee east or west."

GAROFALO "That particular site has been used over the years since the service station went away with different little businesses that obviously didn't make it. I know one fellow had a telephone repair business for a while and there was some ceramic-type business in there once. I am pretty familiar with the neighborhood since I live to the south of it.

This gentleman said there was a car lot at Pawnee and Washington. A sales lot. I am not familiar with a sales lot at Pawnee and Washington, but we can discuss that later. That is what I wanted to mention."

BARFIELD "Did I understand you to say that if this were located across the street to the southeast it would be appropriate?"

LONGNECKER "To the southeast, there is a distribution warehouse complex—one of them being the 7-up distribution warehouse area. The zoning and use going on there, I consider to be more appropriate for a car lot. Now, it still does not meet the other criteria as far as being located in areas of similar use. Again, I don't quite know what kind of definition we are looking at as area.

Pawnee and Washington seems to be quite a ways off to me. I am not quite sure how you are defining the area there, but the only one I found—and again, I was going north and south, was Douglas and Hydraulic."

BARFIELD "Did you say that staff feels that this would be appropriate for residential, but you don't see the possibility of any residential development taking place there?"

LONGNECKER "The Comprehensive Plan calls for this property to be residentially zoned; however, I don't find it appropriate for residential. The intersection of Hydraulic and Wassall and the way it is developed, I think it is

more appropriate for some type of commercial use, a local retail or something similar to what is going on right now on the other three sides of the intersection.”

KROUT “If I could just supplement that. The Comprehensive Plan is a generalized map—a map of very small scale, so when you get down to one lot intersections of a mile on a major street, we are not going to show all of the commercial areas that area along there. If we had done a larger map, I am sure that we would have shown this as a commercial, so I think that Bill is giving you the literal interpretation that there is not a spot of red (commercial zoning) on the map, but I am sure that this meets other criteria for a commercial intersection. I don’t think the plan is meant to be interpreted that they really think this is suitable for residential use.”

MICHAELIS “Are there any other questions of staff?”

LONGNECKER “I would like to add one more item. In the event that the member of the Commission find that this is an appropriate site for a car sales lot, staff has prepared the items that we would be looking to address so see that that would be developed in a way that it would be of a benefit to the neighborhood, and also the type of development that has been used in the past for car lots.”

MICHAELIS “Thank you, Mr. Longnecker. Can we hear from the applicant, please?”

PAUL WEIGAND “I am the one who wants to put the car lot in there. If I may, what I have is copies of the letters that I sent to all of the people that this affected. Would it be permissible to pass these out?”

MICHAELIS “Yes. Just start them down at the end and we will pass them around.”

WEIGAND “I have been in that south city area doing business right across the street for 12 years. I can still answer most of the questions that you asked before, and if anybody wants to ask any other questions.

I have the Shooters’ Club across the street and I own the property where the liquor store is. I have always thought that this corner was ideal for a car lot. I have had a dealer’s license for about 20 years. It has always appealed to me and I tried to buy that corner for 7 to 8 years. About a year ago, the lady decided that she wanted to sell it. I live about 6 blocks from there so I am pretty conscientious about my neighborhood. I want it to look good. I think a car lot is absolutely the ideal thing for this corner. There has been like 10 or 12 businesses in there. McGill Accosta was the person you were trying to think of. In fact, he was very instrumental in my being able to open Shooters. I needed the parking at that time. He allowed me to use that.

I want to make this look good. If you are familiar with the Shooters area, I take care of that. We are right on the border of a heavy industrial area, so I just don’t feel like the disturbance that this car lot would make would be much at all. Right down the street at the corner of Pawnee and Hydraulic, we have a large parts store, and there is an automotive repair place and across the street from that, there is an oil change, or that is what it used to be. I think that is still what it is going to be.

At Washington and Pawnee, right in between Hydraulic and Washington is a car lot and several automotive repair places. I believe that at the car lot at the corner of Washington and Pawnee that there is a service shop there called Basics and Beyond. I believe that they have a dealer’s license. I am not positive, but I think they do. There is a lot of activity in that area. There are a lot of people in the south city area that think of it as a little city. That is why they call it the south city. I think a little city ought to have a car lot.

Oh, the only response I got from the letter I sent out was from the people that were directly to the west. (Indicating) the people that live right here next to the fence that separates the property were the only ones that responded to my letter. I talked to this lady for 20 to 30 minutes and she was just all gung ho. She thought that would be good because she thought that would do the area good. She has seen me out picking up trash in the morning.”

BARFIELD “On the application, it says ‘vehicle and equipment sales, outdoors’. Staff mentioned that you had something else in mind.”

WEIGAND “Oh, yes, yes, yes. I have had Shooters for years and I have been a pool player for years. I spend a lot of time at Shooters and I am all of the time getting people having people ask me about giving lessons. I am what is considered a recognized billiard instructor. Not quite to the certified level because that takes a lot of paper work. But I have been playing pool all of my life and I want to put the Billiard Academy of Wichita in the same building. The building is large enough for a couple of offices to sell cars and an area to have a pool table set up and the video cameras. I want to do that right. There isn’t anything like that in Wichita and I think Wichita has a market for an ‘official pool school’, you might say. The college of pool knowledge.”

BARFIELD "Well, you know that staff has recommended that if this is approved, it would only be for the sale of used cars."

WEIGAND "Yes, and I don't understand why something that would have been okay before wouldn't still be okay. That is what I am getting at. I don't know why they put that in there because first of all, I never talked to Bill about my idea. I had always had that plan. When I am talking about the pool school, there is not going to be any alcohol. So many people request that, but I just don't have the time, but I have people that I know....I have a professional pool player that works for me a Shooters a couple of nights a week, and I think it could work well. If you are sitting on a car lot and there is not much going on, it would be nice to have a pool table right there."

BARFIELD "When you say equipment sales, what do you mean?"

WEIGAND "I have no idea. I didn't request that. That was just put in there."

MICHAELIS "Mr. Miller, would you like to clarify this?"

MILLER "Yes. I just want to clarify that where it says 'in addition to uses permitted in the LC district, so a pool school would be permitted."

BARFIELD "Can you clarify why equipment sales is in there?"

MILLER "It is vehicle and equipment sales. That is a technical term."

WEIGAND "I can see the possibility of having a trailer or something, maybe, to sell."

LONGNECKER "That is simply the way it is listed in the usage. And you look at how that usage is broken down, and auto sales is one of those uses in equipment sales outdoors. So I just used the generic language right out of the zoning ordinance.

Now, as far as this extra use, the first that we talked about this was 15 minutes before the meeting. That is why the pool academy wasn't included in the staff report. That is where we are on that. This was something that Paul brought for me as a little different tweak to what he was doing."

WEIGAND "I never thought of it as being a problem."

LONGNECKER "With the parking considerations with that, and we have mixed uses with the car lot, so that is a whole different animal."

BARFIELD "Now, we show, at the present time, four openings. Are we talking about approving this with four openings?"

LONGNECKER "Right now, no. If this is approved, one of the things that Paul has spoken about and agreed to do is to shut off—put barriers up on the two curb cuts that are the closest to the intersection. So instead of the four that you have now, you would have the two that are the farthest away from the intersection, which would leave access to Hydraulic over on the west side and then Wassall down on the south."

MICHAELIS "Are there any further questions of the speaker?"

GAROFALO "On this letter, where did you distribute this letter?"

WEIGAND "To whom?"

GAROFALO "Yeah."

WEIGAND "I had to get a list from a certified real estate office of all of the property holders within 200 feet. I got a copy of that list and I mailed this letter to everybody that was on the list."

MICHAELIS "That would have been the notification area?"

KROUT "Yeah."

WEIGAND "Then I found out recently that that list needed to be revised because they did the research on just one lot and it should have been two and that extends it a little bit, so there were about 4 people that didn't get that letter."

GAROFALO "And what kind of response did you get?"

WEIGAND "Zero response except for the lady that lived right directly to the west of the property that I was most concerned about, actually. She called and we talked for a while and she said she was all for me. She hoped I would do well. I can't remember her name right now."

BARFIELD "Do you intend to do any repair work at this location?"

WEIGAND "Very minor."

BARFIELD "Do you understand that any repair work has to be done inside if this is approved?"

WEIGAND "I won't be changing starters or anything like that. Maybe putting bulbs in...very minimal stuff that I wouldn't need a mechanic to do."

MICHAELIS "Is there anyone in the audience wishing to speak in favor of this application? Is there anyone wishing to speak in opposition to this application? Seeing none, we will bring it back to the Commission."

MOTION: I move that we recommend to the governing body that the application be approved, subject to the following:

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of used cars. 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 applicant shall submit a revised site plan giving dimension control of display areas, vehicle circulation, solid screening, ingress and egress, parking areas, queuing areas, dumpsters, landscaping, signs, lighting and showing all easements and set backs for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards
3. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with this application. This will require the removal of paving along the sidewalks next to Hydraulic and Wassall.
4. 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.
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. No string-type lighting shall be permitted.
10. The applicant shall erect and maintain a solid six-foot screening along the northern and western property lines that are adjacent to residential zoning and the existing residential development.
11. The applicant shall continue the existing curb along Wassall and Hydraulic onto the two existing ingress – egress that are nearest to the Wassall – Hydraulic intersection. These curbs shall be per City Standards.
12. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

WARREN moved, **MARNELL** seconded the motion.

PLATT "It seems like recently we have been getting in, on a regular basis, requests for used car lots that are wrapped up in some kind of a new package. That reminds me of the statement 'a rose is a rose is a rose'; and a

used car lot is a used car lot. It seems to me that used car lots have to be treated for exactly what they are, and that is something that does not belong in a residential area. It is the easiest way I know of to start running a place down.

Just because the person proposing it is well liked in the neighborhood is no guarantee, of course, that that person will be here next week. Or that somebody else won't be running it. The impact of used car lots on neighborhoods is well established and what they look like is well established. I certainly can't support this."

BARFIELD "We are talking about approving this, and one of the things that has not been brought up is screening. In particular, screening on the north side of where we have a residential area. That is something that should be discussed."

GAROFALO "I have a question of staff. Did the DAB III meet last night or the night before and take this up?"

LONGNECKER "No, sir, they did not."

GAROFALO "They didn't?"

LONGNECKER "No. On Mr. Barfield's screening, one of the requirements that staff did put in the conditions if this was approved was that there be erected and maintained a 6-foot solid screen along the northern and western property lines, which is where the residential areas are. So we do address screening along the residential sides."

WARREN "A couple of things. One is on the screening. If you went over there and looked at the first house north, I don't know which you would be screening against—against the house or the car lot. It looks pretty bad.

Another thing, in response to Commissioner Platt's concerns, I think this board has taken a view that the small, well-run car lot is a very viable commercial interest, and instead of thinking of the old car lots like we used to have, we have put some restrictions on these car lots that makes them very desirable for neighborhood type businesses. They are neighborhood type businesses. So I don't go along at all with his perception, his vision, his mind's eye view of what a car lot is because obviously it is not what I have of the small neighborhood type car lots."

GAROFALO "I have lived in the neighborhood for almost 40 years now, south of that intersection and I know the neighborhood very well. I think a car lot at that location is completely out of character with the neighborhood. The intersection is retail as the staff pointed out. It is retail, small businesses, a couple of restaurants. There is an insurance office there, there is a barbershop—all little local retail things, and Mr. Shooter over there that runs Shooters, apparently runs a pretty good little business there. Quite frankly, I haven't been in it. But it is just out of character. It is all of the things that the staff pointed out for the neighborhood.

It is all completely single-family residential, to the north, to the south except for on the corner where the South City shopping center is, to the west. Everything to the west of Hydraulic is totally single-family residential. There is multi-family east on Wassall. To the northeast is all single-family residential. I think it would tend to add to a deterioration of the neighborhood. It is an old neighborhood, which has its problems anyway. I think some sort of other small local type of retail that is similar to the other retail at the intersection there would be much more appropriate for that location than a used car lot."

MICHAELIS "This may be a little inappropriate, I don't know, but I am going to ask the maker of the motion something, because I have been informed that we probably didn't notify the DAB of this issue. That is the reason why they didn't have any recommendation on it. So in consideration of that, would you want to consider withdrawing your motion and deferring this to 2 or 3 weeks to have them have a chance to look at it?"

WARREN "I was out and inspected this site. The sign has been on it as a zoning change. We have notified the people within 200 feet, as I understand it and he has notified the people in that general area there. We have nobody here protesting this, so no; I think the opportunity has been there for protesting if we were going to have it. I think we would have had it now. So I am going to leave my motion stand as it is."

MARNELL "I guess I continue to be baffled by this attitude toward small car lots. How they are not retail businesses is just amazing to me. Kitty-cornered across from this proposed site is a little strip center in which the owners of the strip center have no control over what that parking lot looks like and the kind of vehicles that are on there and what order they are even parked in. That must make Frank just feel terrible when he drives by there to see that with all of those vehicles outdoors, compared to what a neat business would be on the opposite corner. I don't understand that. So I am certainly going to vote in favor of this motion. But this bias against small car lots is a real strange one and I would suspect that everybody at this table drives a car, maybe not."

PLATT "I just want to respond to the comment that with the restrictions that we put on used car lots now days that they are different than they used to be. I look out my living room window at one and it was approved to have three cars on it as part of an operation. I went by there this morning and there were 14 cars there for sale—on the sidewalk—parked every which way. There was a transmission pulled out sitting there in the driveway. You can't police all of them, and a used car lot is a used car lot. They don't look good."

MICHAELIS "Mr. Warren, for clarification, is your motion intended to include all of the staff's recommendations for approval if we approve this?"

WARREN "Obviously not the denial."

MICHAELIS "I know, but the conditions that were set for it."

WARREN "Yes, items 1 through 11, and then also to include permanent closure of those two exterior driveways, closest to the intersection."

VOTE ON THE MOTION:The motion carried with 10 votes in favor and 2 in opposition (Platt and Garofalo).
