



AGENDA ITEM NO. \_\_\_\_\_

**STAFF REPORT**  
MAPC – February 22, 2001

**CASE NUMBER:** CON2001-00004

**APPLICANT/AGENT:** Paul W. Weigand (Owner/Applicant)

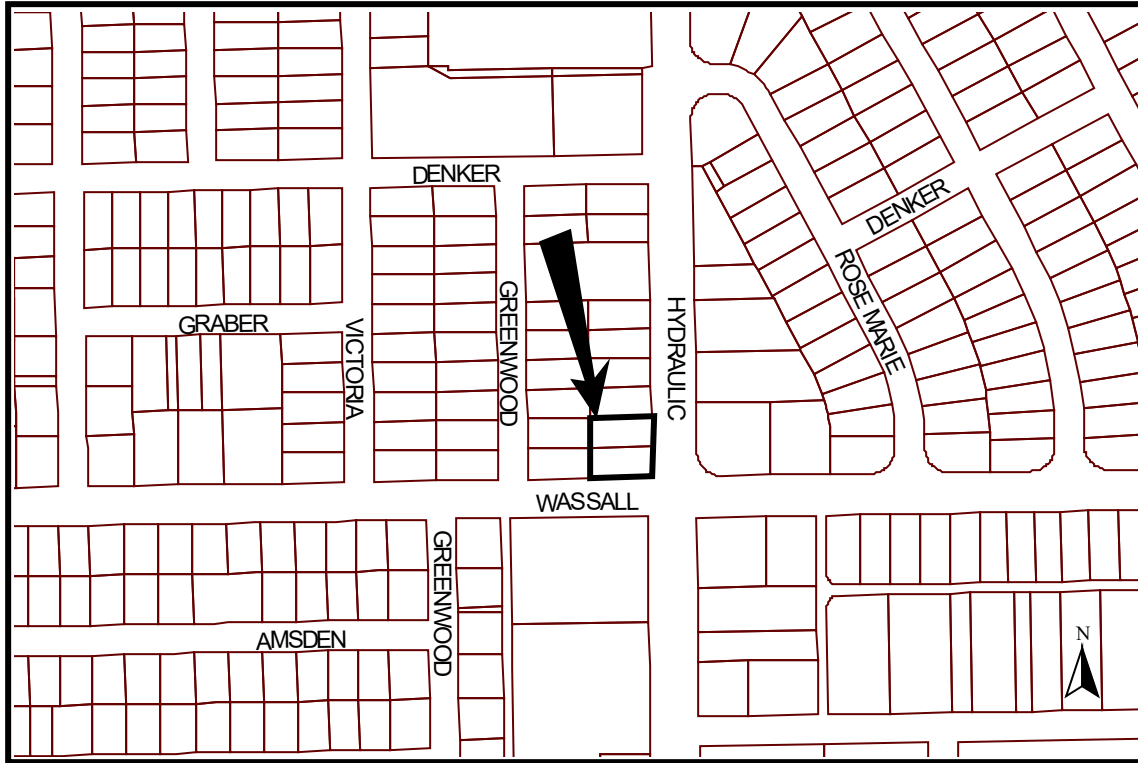
**REQUEST:** *Conditional Use* to allow vehicle and equipment sales, outdoors

**CURRENT ZONING:** *"LC" Limited Commercial*

**SITE SIZE:** 1 acre

**LOCATION:** Northwest corner of Hydraulic and Wassall  
[2447 South Hydraulic]

**PROPOSED USES:** Vehicle and equipment sales, outdoors



**BACKGROUND:** The applicant is requesting a Conditional Use to permit used car sales on a platted .66 acre tract of land. The applicant indicates a desire to offer up to 40 vehicles for sale and up to 74 vehicles in the future. The applicant has submitted a site plan showing the proposed use of the subject property. The site plan shows a sales/office building, a display area, employee/customer parking spaces and a gravel driveway along the north property line (see site plan). The applicant will be required to submit Landscape Plan in compliance with the landscape ordinance when securing a remodeling permit application.

This property is zoned "LC" Limited Commercial and is located on the north side of West 13<sup>th</sup> Street, between St. Paul and Meridian (see map). There is a chain link fence along the north property line. On the site there is a vacant building and paved parking lot that was a Total Petroleum Station for a number of years until it recently closed. The existing building, 35 feet by 8 feet, would need to be remodeled for an office for the vehicle sales use.

Currently the site has two openings along West 13<sup>th</sup> Street. The Traffic Engineer recommends one opening on West 13<sup>th</sup> Street with one opening onto Edwards Street to the west. The closure of one access opening along West 13<sup>th</sup> Street would remove a point of access and still maintain a flow of customer circulation.

The character of the neighborhood is that of mixed uses consisting of a single-family residence and commercial uses. The property north of the application is a residential home and zoned "B" Multi-Family, the property to the south (across West 13<sup>th</sup> Street) is a commercial restaurant (McDonalds) and is zoned "LC" Limited Commercial; to the east is a strip shopping center and is zoned "LC;" to the west is a bank and is zoned "LC." The nearest auto sales lots are near Douglas and West Streets.

The Unified Zoning Code requires used auto sales businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet and one space per each additional 10,000 square feet of lot area for vehicle sales, display, storage purposes, plus one space per 500 square feet of building area for employee parking. The site plan shows 20,694 square feet for vehicle sales, display and storage, which will require a total of five (5) spaces for customer and employee parking. The site plan submitted by the applicant indicates that there are six (6)-parking spaces.

**CASE HISTORY:** The current site was platted as the Rhode's Addition in 1956.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"B" Multi-Family	Residential House
EAST:	"LC" Limited Commercial	Strip Shopping Center
SOUTH:	"LC" Limited Commercial	McDonald's Restaurant
WEST:	"LC" Limited Commercial	Bank

**PUBLIC SERVICES:** West 13th is a four-lane arterial street with estimated traffic volumes of 18,054 (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.” There are no used car sales lots in the area or between Amidon and West Street along West 13<sup>th</sup> Street.

**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 West 13<sup>th</sup> Street 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. West 13<sup>th</sup> Street 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. West 13<sup>th</sup> Street 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. Length of time the property has remained vacant as zoned. This site was an active gas station less than one year ago.
5. 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 West 13<sup>th</sup> Street 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.

6. 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 vehicle sales lot shall be developed in accordance with the initial site plan, which shows 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. The revised plan closes the drive nearest to Edwards.
3. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with this application.
4. The site plan shall also be revised to show 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. No string-type lighting shall be permitted.

10. The applicant shall erect and maintain a solid six-foot screening along the northern 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.