

**STAFF REPORT**  
MAPC – March 8, 2001

**CASE NUMBER:** CON2001-00004

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

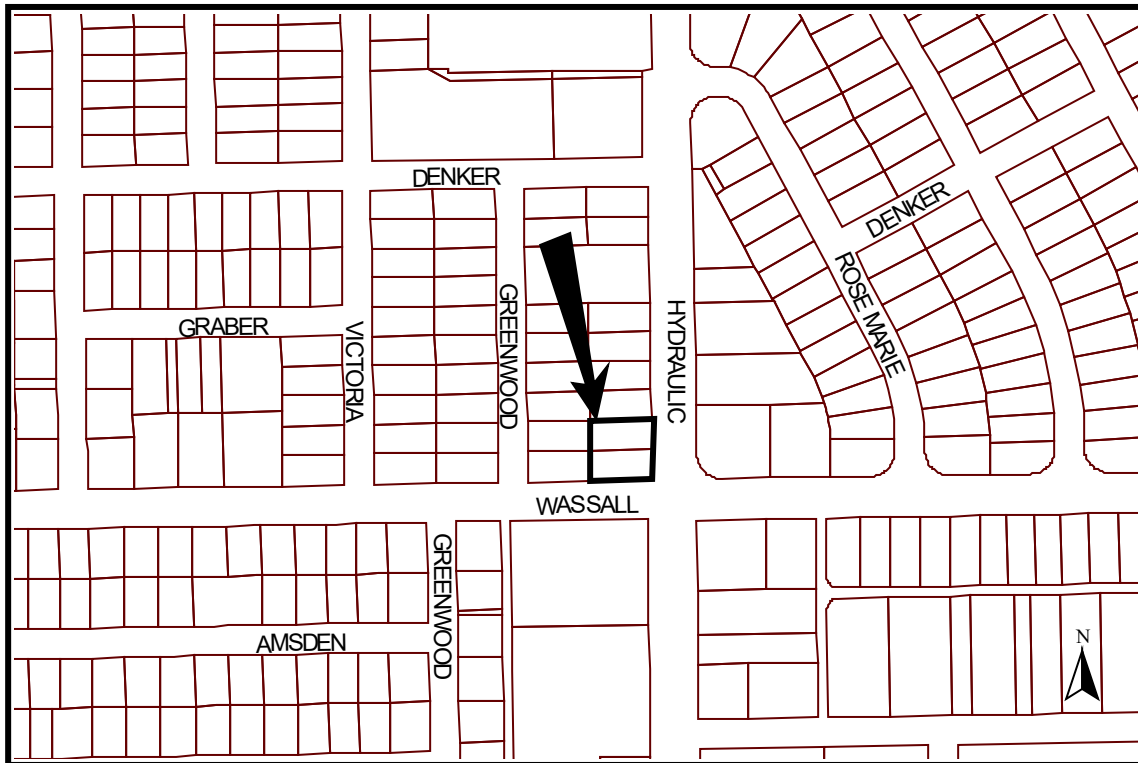
**REQUEST:** Conditional Use to allow used car sales

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

**SITE SIZE:** 14,782.88 square feet

**LOCATION:** Northwest corner of Hydraulic and Wassall  
Lots 10 & 11, Block E, Graber Addition.

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



**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 is adjacent to 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 adjacent to 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 adjacent 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 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 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.