

CITY OF WICHITA
Interoffice
MEMORANDUM

To: Dale Miller, Chief Planner, Current Plans

From: Tom Schneider, Office of Citizen Participation *J.S.*

Date: August 13, 1996

Subject: Z-3206 & CU-409: **GENERALLY LOCATED AT 537 S. EDGEMOOR**

On Monday, August 12, 1996, the CPO East Council 2 considered a request for a zone change from "TF-3" Two Family Dwelling to "LC" Limited Commercial with a Conditional Use to allow outdoor vehicle sales. Council Members were provided copies of the notice of public hearing and MAPD staff comments.

The Council voted 6-0 to recommend approval of the request, subject to MAPD staff recommendations.

The agent, Evertt Fettis, 120 S. Market, was present to describe the request and respond to questions.

Kimberly Brewster, 543 S. Lexington, expressed her support of the request.

John Kimmel asked Marvin Krout, MAPD, if the Kellogg expansion will effect this property? Krout responded that the current expansion plan ends at Edgemoor, that all expansion right-of-way will be on the north side of Kellogg, and that this corner of the intersection will have a frontage road along Kellogg.

Please provide this information to the MAPC and City Council when Z-3206 & CU-409 are considered.

TS:ts
August 13, 1996

STAFF REPORT

August 15, 1996

CASE NUMBER: Z-3206 & CU-409

APPLICANT/AGENT: Albert Keith (property owner); KDA, Inc., c/o T.G. Davis (contract purchaser); and Everettte Fettis (agent)

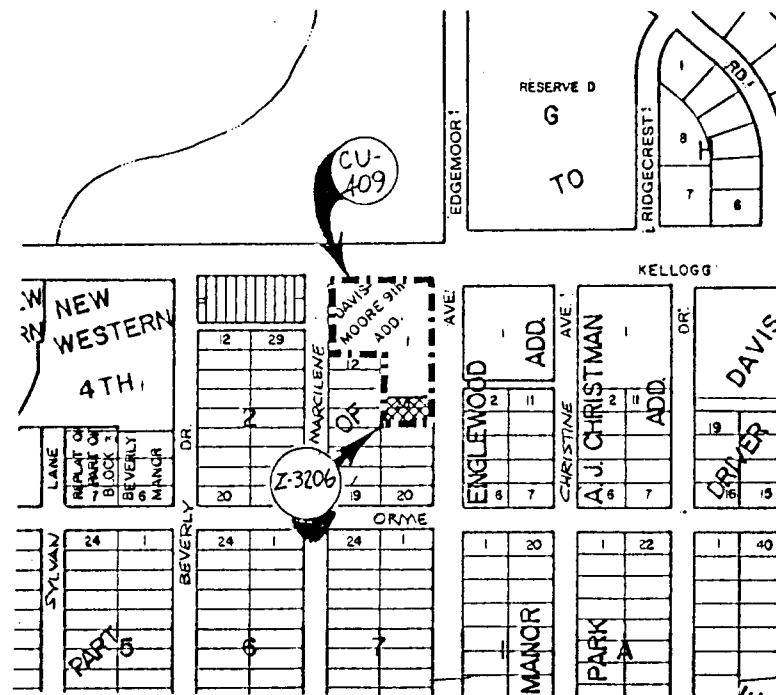
REQUEST: Zone change to "LC" Limited Commercial with a Conditional Use to allow outdoor vehicle sales

CURRENT ZONING: "TF-3" Two-Family

SITE SIZE: 0.23 acres (zoning) & 1.74 acres (conditional use)

LOCATION: South of Kellogg, west of Edgemoor (537 S. Edgemoor)

PROPOSED USE: Expansion of the existing Davis-Moore sales lot



BACKGROUND: The applicant requests a zone change from "TF-3" Two-Family Residential to "LC" Limited Commercial on Lot 24 and the south 1/2 of Lot 25, Block 1, Beverly Manor Addition (approximately 0.23). The applicant is also requesting a Conditional Use to allow outdoor vehicle sales on the expanded Davis-Moore site (approximately 1.74 acres).

The areas to the north and east are predominately commercial in nature with "LC" zoning, while the areas to the south and west, zoned "TF-3," remain basically residential in character. The proposed expansion of the sales lot is to the south along Edgemoor.

The existing sales lot was established through a series of rezonings and use exceptions. The conditions established in the use exception cases will be retained in the applicant's Conditional Use. Of particular interest is the extension of the landscaping requirements to the south along Edgemoor, as well as the extension of the screening fence and landscape buffer between the expanded lot and the residential property to the south.

CASE HISTORY: This site has had a series of use exceptions and rezonings since 1983 for the purpose of expanding the vehicle sales lot. On February 22, 1983, the Board of Zoning Appeals granted a use exception to allow additional off-street parking for commercial property fronting Kellogg. On March 3, 1991, a property at the southwest corner of Kellogg and Edgemoor was rezoned to "LC" (Z-3018), followed by additional property immediately adjacent to the south on May 5, 1991 (Z-3022), and then another property to the south on September 24, 1991 (Z-3033).

Also during 1991, the BZA granted a use exception (BZA 10-91) to permit new and used car sales in "LC" during their May 28, 1991 meeting. A second use exception (BZA 28-91) for new and used car sales in "LC" was granted on November 26, 1991.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Davis-Moore Sales Lot
SOUTH:	"TF-3"	Residential
EAST:	"TF-3"	Residential
WEST:	"LC" & "TF-3"	Retail & Residential

PUBLIC SERVICES: The application area has approximately 400 feet of frontage on Edgemoor and approximately 270 feet of frontage on Kellogg. The sales lot will not have access to Kellogg, instead access will be from Edgemoor to the east, and Marcilene to the west (no traffic volume for local streets). Edgemoor is a 4-lane arterial

with existing traffic volume of approximately 10,430 average daily trips (ADT) between Kellogg and a point 1/5 of a mile south. The 2020 Transportation Plan projects traffic along Edgemoor to decrease to approximately 9,500 ADT for this segment. Sewer and water service are available to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies a strip of commercial uses along the south side of Kellogg in this area, with the remaining area south of Kellogg identified for medium density residential uses. Orme has been informally recognized as the southern boundary for limited commercial uses in this general area. For that reason, and based on an informal policy to attempt to accommodate the needs of businesses desiring to expand at their existing locations, requests for 'LC' zoning along the south side of Kellogg have generally been supported by staff and approved by the City Council.

The commercial locational guidelines recommend that commercial uses be located in "planned centers" with site design features which limit noise, lighting, and other activities so as to not adversely impact surrounding residential areas.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions of CU-409:

- A. This property shall be developed in accordance with the site plan approved as part of the Conditional Use Permit application. All parking, storage, and display areas shall be paved with concrete, asphalt, or asphaltic concrete. 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.
- B. The automobile 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 done on the premises without first obtaining "GC" General Commercial zoning.
- C. Parking spaces for customers and employees shall be provided on the site per the Zoning Code requirements. These spaces shall be marked and designated for customers and employees and shall not be used for the display or storage of vehicles for sale.
- D. There shall be a 6 ft. screening fence constructed, in addition to the landscaping shown on the site plan, along the south boundary of the expanded sales lot.

- E. All lights shall be shielded to direct light away from adjoining properties, and shall not exceed the existing height of 28 feet. No string-type lighting shall be permitted.
- F. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable signs shall be permitted, no string-type banners shall be permitted, and no signs shall be permitted south of the south drive along Edgemoor.
- G. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
- H. There shall be no use of elevated platforms for the display of vehicles.
- I. All property included within this Conditional Use and Zoning case shall be replatted within one year after approval of this request by the City Council, or the cases shall be considered denied and closed. The ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
- J. Any violation of the conditions of approval shall render the Conditional Use Permit null and void.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: The areas to the north and east are predominately commercial in nature with "LC" zoning, while the areas to the south and west, zoned "TF-3," remain basically residential in character.
- 2. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed zone change would extend 'LC' zoning further south of Kellogg. However, the additional property being included in the sales lot expansion (Lot 24 and the south 1/2 of Lot 25), if approved as recommended, would not create additional access points onto Edgemoor. The site plan also includes a landscape planting strip along Edgemoor, and a screening fence with landscaping to buffer residential properties to the south from the sales lot.
- 3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use Guide of the Comprehensive Plan identifies a strip of commercial uses along the south side of Kellogg in this area, with the remaining area south of Kellogg identified for medium density residential uses. Orme has been informally recognized as the southern boundary for limited commercial uses in this general area.

4. Impact of the proposed development on community facilities: The approval of this request should not have an appreciable impact on public facilities. The 2020 Transportation Plan identifies this segment of Edgemoor, from Kellogg south 1/5 of a mile, as experiencing a decrease in traffic volume in the future. The expansion of the existing sales lot should not affect water or sewer service in the area.