CONDITIONAL USE RESOLUTION NO. CU-478

WHEREAS, Tim and Gaylon S. Wagner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow vehicle and equipment rental on ½ acre zoned "LC" Limited Commercial described as:

> The west 110 feet of Odd Lots 47 thru 55, inclusive, on Waco Avenue, in Roembach's Subdivision EXCEPT that part deeded to City TOGETHER WITH that part of Lot 1, Midtown Addition described as beginning at the southwest corner of said Lot 1 on 13th Street; thence east 80 feet; thence north 105 feet; thence west 80 feet; thence south 105 feet to the point of beginning. Generally located north of 13th Street North and east of Waco.

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 May 28, 1998, 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 permit a conditional use to allow vehicle and equipment rental on ½ acre zoned "LC" Limited Commercial described as:

> The west 110 feet of Odd Lots 47 thru 55, inclusive, on Waco Avenue, in Roembach's Subdivision EXCEPT that part deeded to City TOGETHER WITH that part of Lot 1, Midtown Addition described as beginning at the southwest corner of said Lot 1 on 13th Street; thence east 80 feet; thence north 105 feet; thence west 80 feet; thence south 105 feet to the point of beginning. Generally located north of 13th Street North and east of Waco.

subject to the following conditions:

A. This property shall be developed in accordance with the revised site plan as approved by the Planning Director, 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. In addition to uses permitted in the "LC" district, this site may also rent vehicles and equipment. 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 Unified 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 or rental.

D. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable, flashing, moving or off-site signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be used.

E. No sound projecting devices or loudspeakers shall be used on-site.

F. There shall be no use of elevated platforms for the display of vehicles.

G. The applicant shall submit a Landscape Plan that meets the requirements of the Landscape Ordinance and the Unified Zoning Code to the Planning Director for approval. The requirements include planting five shade trees and constructing a screening fence along the north property line. A revised site plan shall also be submitted which shows the number of parking spaces to be used as display of the rental vehicles.

H. No illegal outside sales shall be permitted on-site.

I. Any violation of the conditions of approval shall render the Conditional Use permit null and void.

Adopted this 28th day of May, 1998. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

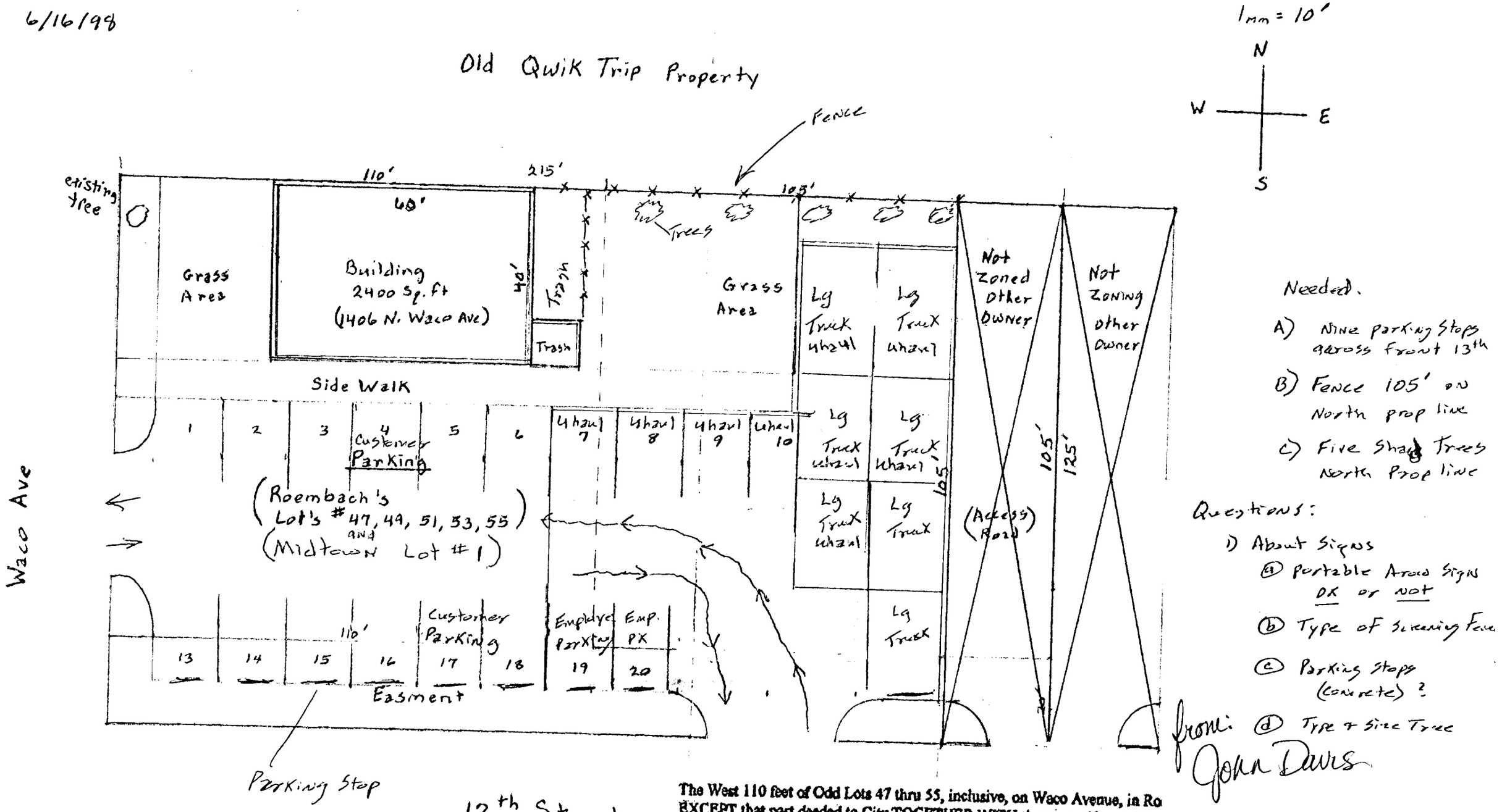
Richard E. Lopez, Chairman

ATTEST:

Marvin S. Krout, Secretary

Keith Gooch
6/16/98

Old Qwik Trip Property



Needed.

A) Nine parking stops across front 13th

B) Fence 105' on North prop line

C) Five Shade Trees North Prop line

Questions:

1) About Signs

(a) Portable Area Sign OK or not

(b) Type of Screening Fence

(c) Parking Stops (Concrete)?

(d) Type & Size Tree

from: John Davis

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EXCEPT that part deeded to City TOGETHER WITH that part of Lot 1, Midtown Addition described as beginning at the Southwest corner of said Lot 1 on 13th Street; thence East 80 feet; thence North 105 feet; thence West 80 feet; thence South 105 feet to the point of beginning

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT

CPO (6) May 27, 1998
MAPC May 28, 1998

CASE NUMBER: CU-478

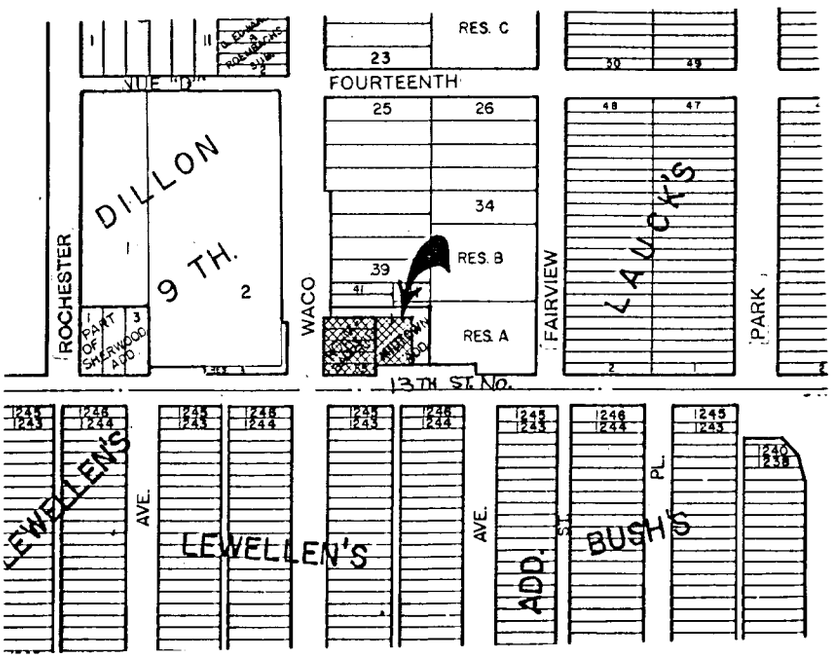
APPLICANT/AGENT: Tim and Gaylon S. Wagner (Owner/applicant); John R. Davis (Contract Purchaser)

REQUEST: A Conditional Use Permit to allow vehicle and equipment rental

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: ½ acre

LOCATION: North of 13th St. North and east of Waco



BACKGROUND: The applicant is requesting a Conditional Use Permit to allow for the rental of vehicles and equipment at the northeast corner of 13th St. North and Waco. This ½ acre tract is currently zoned "LC" Limited Commercial and was until recently a Quik Trip. The present tenant sells mattresses and recently opened a U-Haul rental agency as an accessory business. The sale or rental of vehicle and equipment with outside display/storage requires a Conditional Use within the "LC" Limited Commercial zoning district.

The Unified Zoning Code requires auto 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 used for vehicle sales, display, or storage purposes and one space per 500 square feet of building area for employee parking. However, due to the primary use of the building being retail, the parking requirement for the building will be 1 space per 250 square feet. Therefore, the site will be required to have 12 parking spaces for customers and employees. The site plan submitted by the applicant provides the required parking spaces for customers and employees, as well as an additional 20 spaces for display and storage of the vehicles and equipment for rent.

The property is surrounded by Dillon's on the west, Rent-a-Center and Payless Shoe Source on the south and an auto repair shop on the east. To the north of this site is the Abbey Residential Health Care facility and single-family residences thereafter.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"B"	Abbey Residential Health Care Facility
SOUTH:	"LC"	Commercial Properties
EAST:	"LC"	Automotive Repair
WEST:	"LC"	Dillon's

PUBLIC SERVICES: This site has access to 13th Street and Waco, both of which are four lane arterials. Traffic volumes along 13th Street are currently 16,307 vehicles per day, and the 2020 Transportation Plan estimates the volume to increase to 22,845 by 2020. Waco currently has traffic volumes of 8,734, but is expected to decrease to 8,411 in 2020. The intersection of 13th and Waco is currently under construction to add a left turn lane in each direction.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for commercial uses. The commercial locational guidelines of the Plan recommend that commercial uses not located in planned centers, including auto-related uses, should be guided to cluster in areas such as CBD fringe, segments of Kellogg and other appropriate areas and streets where these uses may already exist, or to locations where traffic patterns, surrounding land uses and utilities

can support uses.

RECOMMENDATION: Due to the close proximity of residential property to the north, the general neighborhood commercial uses around this intersection, as well as no other vehicle rental facilities in the vicinity of this area, staff recommends this request be DENIED. However, if the Metropolitan Planning Commission feels this use is appropriate at this location, staff would recommend it be subject to the following conditions:

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. In addition to uses permitted in the "LC" district, this site may also rent vehicles and equipment. 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.

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E. No sound projecting devices or loudspeakers shall be used on-site.

F. There shall be no use of elevated platforms for the display of vehicles.

G. The applicant shall submit a Landscape Plan that meets the requirements of the Landscape Ordinance and the Unified Zoning Code to the Planning Director for approval. The requirements include planting five shade trees and constructing a screening fence along the north property line.

H. Any violation of the conditions of approval shall render the Conditional Use permit null and void.

The recommendation of denial is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is surrounded by commercial uses on the west, south and east. However a nursing home is located just north of this application area as well as single-family homes north of the nursing home.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: This general area is characterized by residences and small neighborhood retail uses. The outdoor storage involved with the vehicle and equipment rental business is not compatible with the uses found in this general location.

3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Comprehensive Plan recommends auto related uses be located along CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses and utilities can support the uses. The application area is not along the CBD fringe, Kellogg, nor are any other similar uses found in the general vicinity. Therefore, this request does not correspond to the Comprehensive Plan.

4. Impact of the proposed development on community facilities: The use of this property should have limited impact on the community facilities.

5. The suitability of the subject property for the uses to which it has been restricted: The tenant is currently operating an authorized retail business at this location. Other retail uses would also be appropriate at this location. However, staff feels this area is inappropriate for a vehicle and equipment rental operation, which should be located near similar uses or as specified in the Comprehensive Plan.