CONDITIONAL USE RESOLUTION NO. CU-469

WHEREAS, KDA, Inc., and Bob and Bill Moorhouse, 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 sales on 0.5 acre zoned "LC" Limited Commercial described as:

> Lots 5, 7, 9 & 11, Lawrence, now Broadway, Goodwin's Addition, Sedgwick County, Kansas; AND The north 15.2 feet of Lot 3 and all of reserve, except the south 58 feet, Lawrence, now Broadway, Brook's Addition, Sedgwick County, Kansas. Generally located west of Broadway and north of Harry (1535, 1543 and 1545 S. Broadway).

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 **March 12, 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 sales on 0.5 acre zoned "LC" Limited Commercial described as:

> Lots 5, 7, 9 & 11, Lawrence, now Broadway, Goodwin's Addition, Sedgwick County, Kansas. AND The north 15.2 feet of Lot 3 and all of reserve, except the south 58 feet, Lawrence, now Broadway, Brook's Addition, Sedgwick County, Kansas. Generally located west of Broadway and north of Harry (1535, 1543 and 1545 S. Broadway).

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. 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 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.

D. The applicant shall plant 6 trees within the parkway along the Broadway frontage from Harry to the north property line.

E. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable or off-site signs shall be permitted and no string-type banners shall be permitted.

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

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

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

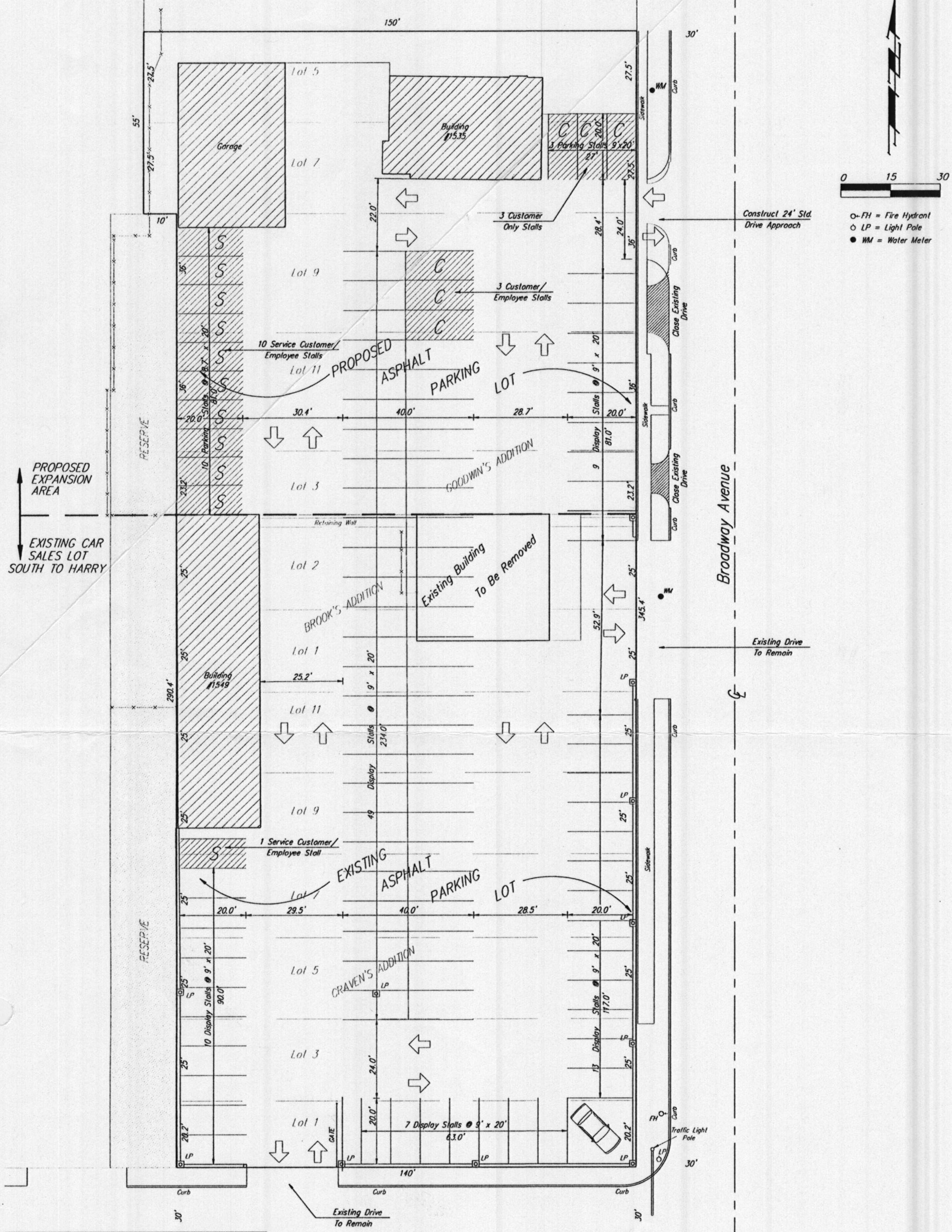
Adopted this 12th day of March, 1998. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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



SITE CALCULATIONS

- TOTAL SQ. FT. OF BUILDING = 5,440
- SQ. FT. SERVICE AREA = 3,980
- SQ. FT. OFFICE AREA = 1,460
- SQ. FT. OUTDOOR DISPLAY = 16,315

- OFFICE PARKING REQUIREMENT
- CUSTOMER ONLY PARKING
  = 3 STALLS REQUIRED
- CUSTOMER/EMPLOYEE PARKING
  = 3 STALLS REQUIRED

- SERVICE PARKING REQUIREMENT
  CUSTOMER/EMPLOYEE PARKING
  = 11 STALLS REQUIRED

- 89 OUTDOOR DISPLAY STALLS
  (9' X 20' TYP.)

ECONOMY MOTORS

SITE DEVELOPMENT PLAN

March 2, 1998

BAUGHMAN COMPANY P. A.
ENGINEERING, SURVEYING, & PLANNING
(316)-262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT

CPO (6) March 11, 1998
MAPC March 12, 1998

CASE NUMBER: CU-469

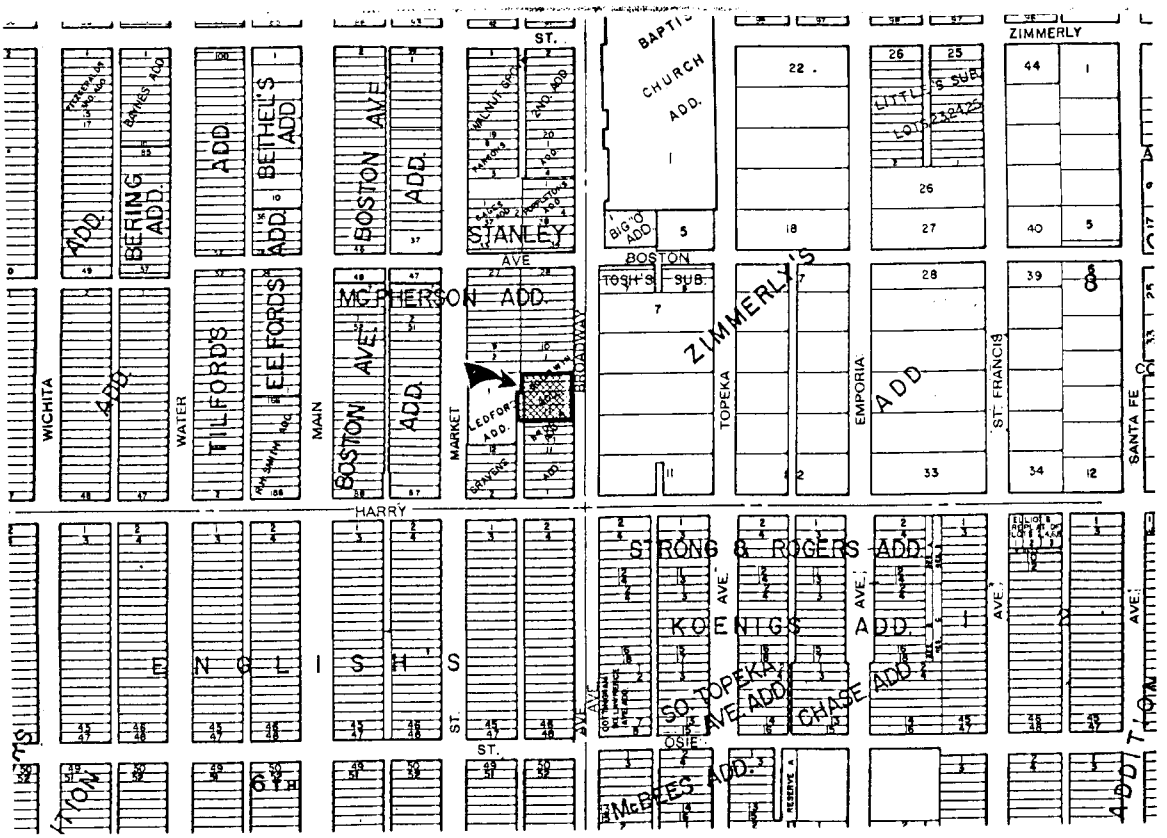
APPLICANT/AGENT: KDA, Inc. (Applicant); Bob & Bill Moorhouse (Applicants); Everett Fettis (Agent)

REQUEST: Conditional Use to allow vehicle and equipment sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: ½ acre

LOCATION: West of Broadway and north of Harry



BACKGROUND: The applicant is requesting a Conditional Use to allow vehicle and equipment sales on a ½ acre tract on property zoned "LC" Limited Commercial located west of Broadway and north of Harry.

The applicant is requesting this Conditional Use to expand an existing vehicle sales lot located just south of this site. The application area has two access points to Broadway and two structures located on-site. The two points of access will be closed and a new access point will be placed farther to the north. (See attached site plan) The existing home on-site will become the office for the expanded vehicle sales lot. This will allow for the office located on the present vehicle sales lot to be removed and replaced with spaces for vehicle displays. The garage located west of the present home will be used as a limited vehicle repair shop, therefore no body work or painting of vehicles will be conducted within this structure or on-site. The site plan has been approved by traffic engineering.

The Unified Zoning Code requires used 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. The site plan shows 16,315 square feet for vehicle sales, display and storage which will require a total of 3 spaces for customer and employee parking. The Office of Central Inspection has stated due to the repair shop being part of a used car sales lot, the parking requirement for vehicle and equipment sales will be used for the entire building square footage on-site (5,440 square feet). The parking requirement for a limited repair shop would not be used. Therefore, an additional 11 parking spaces will be required for the office square footage on-site. The site plan submitted by the applicant exceeds the required number of parking spaces.

The adopted 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. The application area is located adjacent to an existing sales lot. The MAPC also has an unwritten policy of supporting the expansion of an existing business.

The area surrounding this site is characterized by commercial uses and are zoned "LC" Limited Commercial and "GC" General Commercial.

CASE HISTORY: The site was platted as part of Brook's and Goodwin's Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC"	Pawn Shop
SOUTH:	"LC"	Vehicle Sales Lot
EAST:	"LC"	Commercial Businesses
WEST:	"LC"	Ledford Garage Lab

PUBLIC SERVICES: The application area is located along Broadway, a four-lane arterial with existing traffic volumes of 10,031 (ADT). The 2020 Transportation Plan projects traffic along this stretch of Broadway to increase to 13,643 vehicles per day north of Harry. Sewer and water service are available to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area 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 areas such as the 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 such uses. This site is located adjacent to a used car sales lot and therefore conforms to the Comprehensive Plan.

RECOMMENDATION: Based upon information available prior to the public hearings planning staff recommends that the request be APPROVED, 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. 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 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.

D. The applicant shall plant 6 trees within the parkway along the Broadway

frontage from Harry to the north property line.

E. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable or off-site signs shall be permitted and no string-type banners shall be permitted.

F. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

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

H. 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 area surrounding the application area is characterized as commercial uses. The expansion of the used car sales lot is compatible with the uses found in this area.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: This site should not have significant impact on neighboring properties. The area is typically characterized by commercial uses and this used car sales lot is only expansion of an existing vehicles sales lot.

3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Comprehensive Plan recommends this area as appropriate for commercial uses. The Plan also recommends for auto-related uses to be placed in areas where these uses may already exist or to locations where traffic patterns and surrounding uses can support such uses. This site meets the criteria suggested in the Comprehensive Plan.

4. Impact of the proposed development on community facilities: This site should not have a significant impact on community facilities.