

CONDITIONAL USE RESOLUTION NO. CU-488

WHEREAS, R. R. McBeath and David B. Clark, 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 sales on 1/4 acre zoned "LC" Limited Commercial described as:

Lots 7, 9, 11, 13 and 15, Lawrence Avenue, McBee's Addition, Wichita, Sedgwick County, Kansas. Generally located south of Harry, east of Broadway (1710 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 July 30, 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 sales on 1/4 acre zoned "LC" Limited Commercial described as:

Lots 7, 9, 11, 13 and 15, Lawrence Avenue, McBee's Addition, Wichita, Sedgwick County, Kansas. Generally located south of Harry, east of Broadway (1710 S. Broadway).

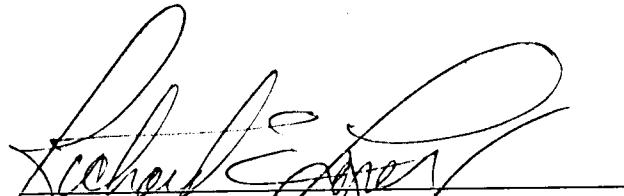
subject to the following conditions:

- A. This property shall be developed in accordance with the site plan approved as part of the Conditional Use Permit application,. As modified in accordance with the recommendations of the traffic Engineer 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. Parking spaces for customers and employees shall be provided on the site per the Unified Zoning code requirements. These spaces shall be marked and designed for customers and employees and shall not be used for the display or storage of vehicles for sale.

- C. The applicant shall screen the area to the north, south and east with a 6 foot wooden fence, and shall plant and maintain trees along Broadway and the south and east lines in accordance with a plan submitted to and approved by the Planning Director.
- D. 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.
- E. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
- F. There shall no use of elevated platforms for the display of vehicles.
- G. Any violation of the conditions of approval shall render the Conditional Use permit null and void.

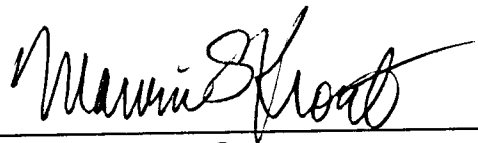
Adopted this 30th day of July, 1998. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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

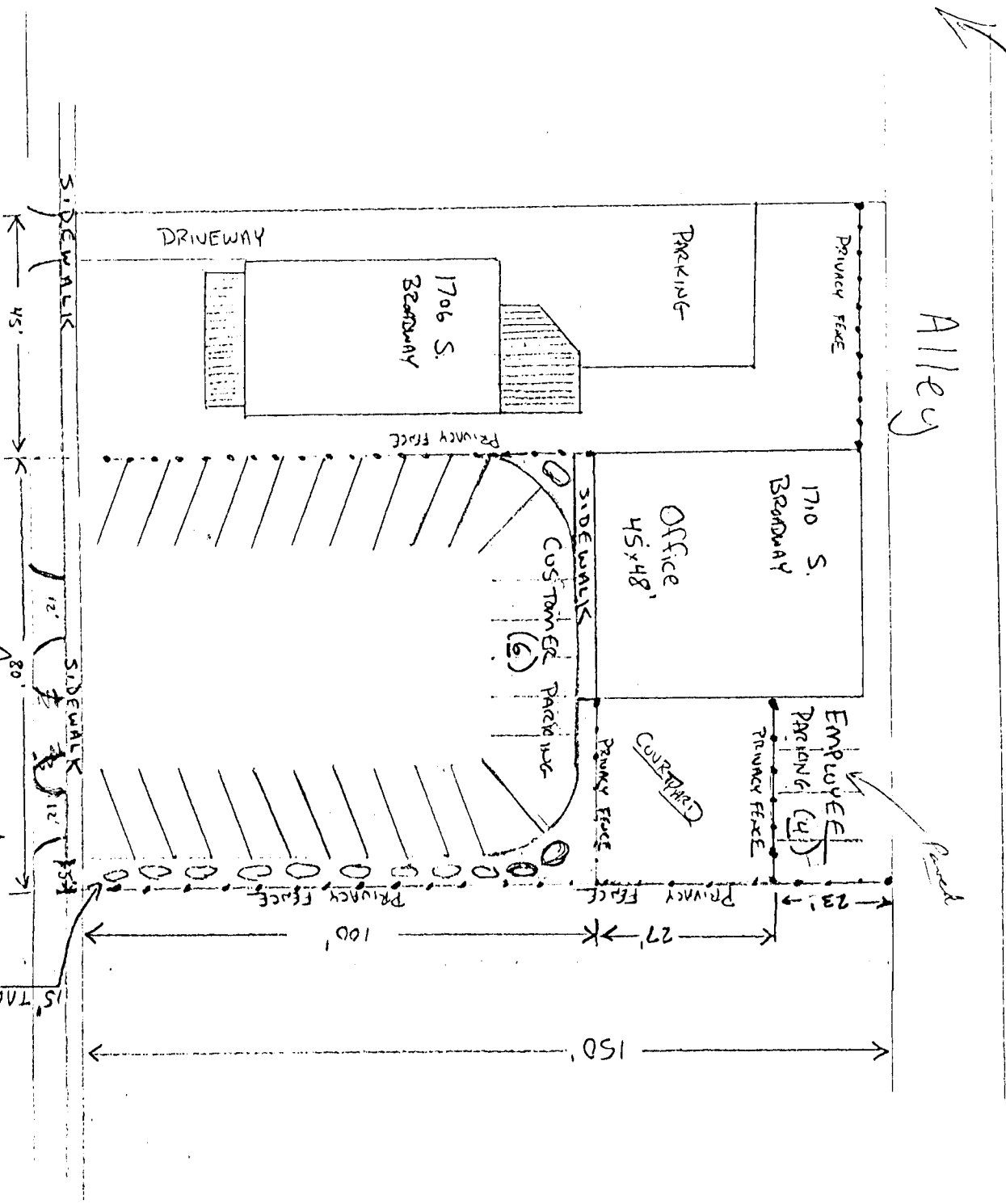
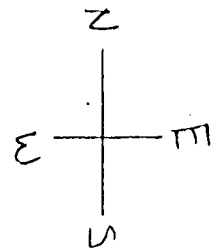
ATTEST:



Marvin S. Krout, Secretary

Site Plan 1: 710 S. BROADWAY

Recent trust ~~Alley~~ ^{outlines from hydrology of C&G} to a point 15' south.



Alley

BROADWAY

Scale
1" = 28'

Allow widening to
24' wide path
or narrow to
24' wide
center

Clear this
outlines

15' TREES & LANDSCAPE



STAFF REPORT

CPO(3) July 23, 1998

MAPC July 30, 1998

CASE NUMBER: CU-488

APPLICANT/AGENT: R. R. McBeath (Owner/applicant) and David B. Clark (Applicant)

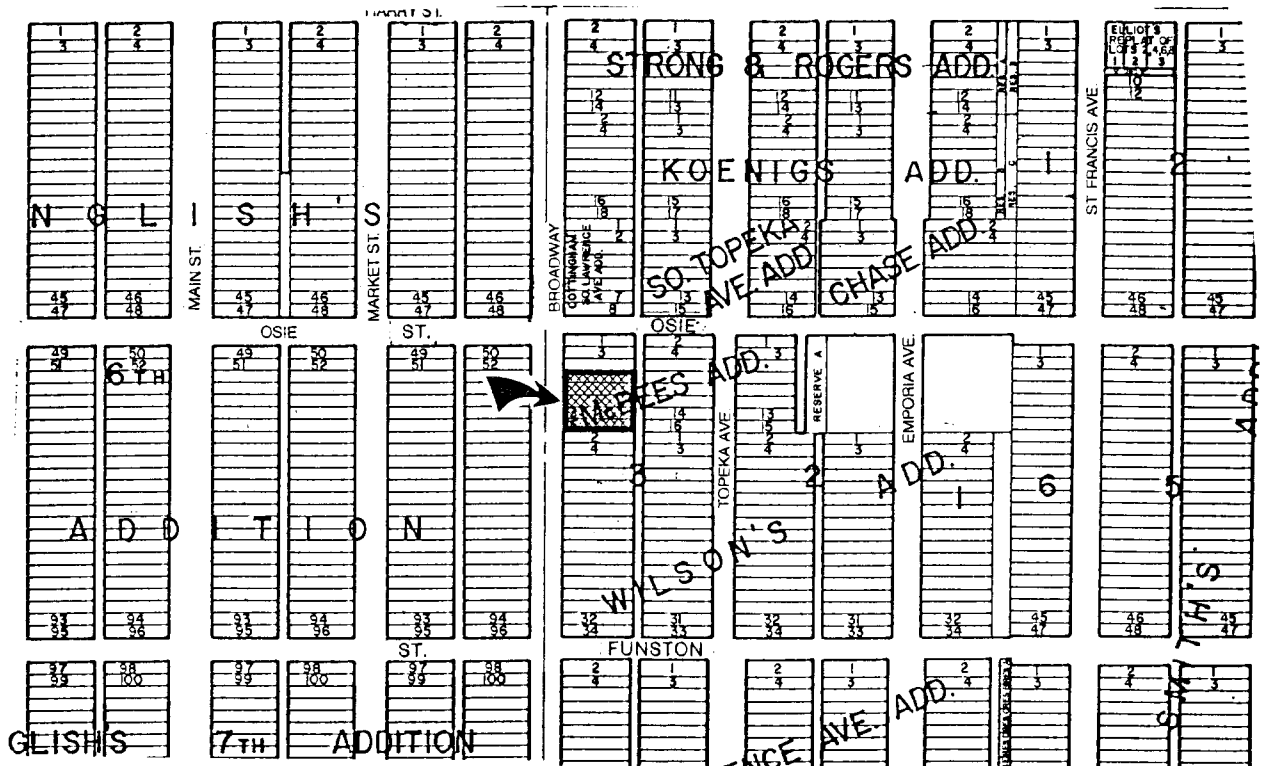
REQUEST: Conditional Use to allow vehicle sales.

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: ¼ acre

LOCATION: South of Harry, east of Broadway (1710 S. Broadway)

PROPOSED USE: The applicant requests a Conditional Use for a car lot.



BACKGROUND: The applicant is requesting a Conditional Use to allow vehicle sales on three platted lots and a portion of another platted lot that is platted approximately ¼ acre in size zoned "LC" Limited Commercial located south of Harry, east of Broadway.

Currently there is a building on the property. The existing building, 45 feet by 48 feet, would be remodeled for an office for the vehicle sales use. The applicant agrees to clean up the area, pour new asphalt, and construct a 6 foot privacy fence.

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 vehicles sales, display, or storage purposes, plus one space per 500 square feet of building area for employee parking. The site plan shows 8,000 square feet for vehicle sales, display and storage which will require a total of 7 spaces for customer and employee parking. The site plan submitted by the applicant exceeds the required number of parking spaces. The site plan shows employee parking off the unpaved alley. The employee parking would have to be paved, and typically, the alley would need to be paved to the nearest street (Osie).

The area surrounding of this site is characterized by a mix of uses. Commercial uses are located to the north and west, zoned "LC" Limited Commercial. Single-Family residents are located to the south in "LC" zoning, while the lots to the east are zoned "TF-3" with single-family and two-family homes. The nearest auto sales lot are just north of Harry and just south of Mt. Vernon on Broadway.

The Traffic Engineer recommends one ingress/egress opening; the south entrance would need to closed, and the north entrance expanded to 24 feet. They also recommend reconstructing the alley entrance from high edge of curb and gutter and paving the alley to Osie.

CASE HISTORY: The site was platted on December 29, 1886 as part of lots 9, 11, 13 and 15, Lawrence Ave, Mc Bee's Addition

ADJACENT ZONING AND LAND USE:

NORTH: "LC" "Limited Commercial;" Single-Family Resident
SOUTH: "LC" "Limited Commercial;" Single-Family Residences
EAST: "TF-3" "Two-Family;" Alley, Single-Family and Two-Family Residences
WEST: "LC" "Limited Commercial;" Commerce Bank

PUBLIC SERVICES: This application area is located along Broadway, a four-lane arterial with existing traffic volumes of 12,851 (ADT). Sewer and water service are

available to this site.

CONFORMANCE TO PLANS/POLICIES: The “Area Treatment Classification” of the Comprehensive Plan identifies this area as Conservation. These areas, which are basically sound physically and viable economically, would be protected from decline by policies which would insure population stability, and maintain levels of investments, market strength, 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” depicts the site as appropriate for commercial uses.

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 area such as CBD fringe, segments of Kellogg, and other appropriated areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses and utilities can support uses.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be DENIED. 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 a mix of commercial and residential uses. The properties to the west and south are developed with single-family and two-family residences. There are no existing auto sales lots in the half-mile from Harry to Mt. Vernon. The proposed density and the extensive paving of this small lot to meet display and parking requirements is out of character with surrounding uses.
2. Suitability of the subject property for the uses to which it has been restricted: The property could be used for any of the uses allowed by right through “LC” Limited Commercial, consistent with existing adjacent uses to the north and west.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of this request would legally place a car lot surrounded on three sides by single-family and two-family residents. Outdoor display areas tend to create a negative appearance. Car lots tend to attract shoppers at all hours of the day or night. The size of the lot does not allow for significant

buffering to minimize impacts on adjoining properties.

4. Conformance of the requested change to adopted or recognized Comprehensive Plan: The Comprehensive Plan recommends that commercial uses not located in planned center, including auto-related uses should be guided to areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses and utilities can support such uses. While there are other sales lots north of Harry and south of Mt. Vernon on Broadway, the general nature of most businesses in the vicinity are neighborhood-serving, and it is important to the "conservation" of this neighborhood to preserve opportunities for another neighborhood-serving commercial uses.
- 5 Impact of the proposed development on community facilities: None.

However if the Planning Commission feels the request should be approved, it should 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,. As modified in accordance with the recommendations of the traffic Engineer 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. Parking spaces for customers and employees shall be provided on the site per the Unified Zoning code requirements. These spaces shall be marked and designed for customers and employees and shall not be used for the display or storage of vehicles for sale.
- C. The applicant shall screen the area to the north, south and east with a 6 foot wooden fence, and shall plant and maintain trees along Broadway and the south and east lines in accordance with a plan submitted to and approved by the Planning Director.
- D. 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.
- E. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
- F. There shall no use of elevated platforms for the display of vehicles.

- G. The north-south alley east of Broadway shall be paved from Osie to the south line of this lot.
- H. Any violation of the conditions of approval shall render the Conditional Use permit null and void.