



Wichita-Sedgwick County Metropolitan Area Planning Department

August 8, 2001

Edward Ring
Applicant
2412 Bellwood St.
Wichita, KS 67205

FILE COPY

RE: CON2001-34 – Conditional Use Request for Vehicle Sales Lot. Generally located at the southwest Corner of West Street and 9th Street North.

Dear Mr. Ring:

At its regular meeting on August 7, 2001, the Wichita City Council considered the above-captioned request. The action of the City Council was to DENY the request.

If you have any questions concerning this case, please contact our office.

Sincerely,

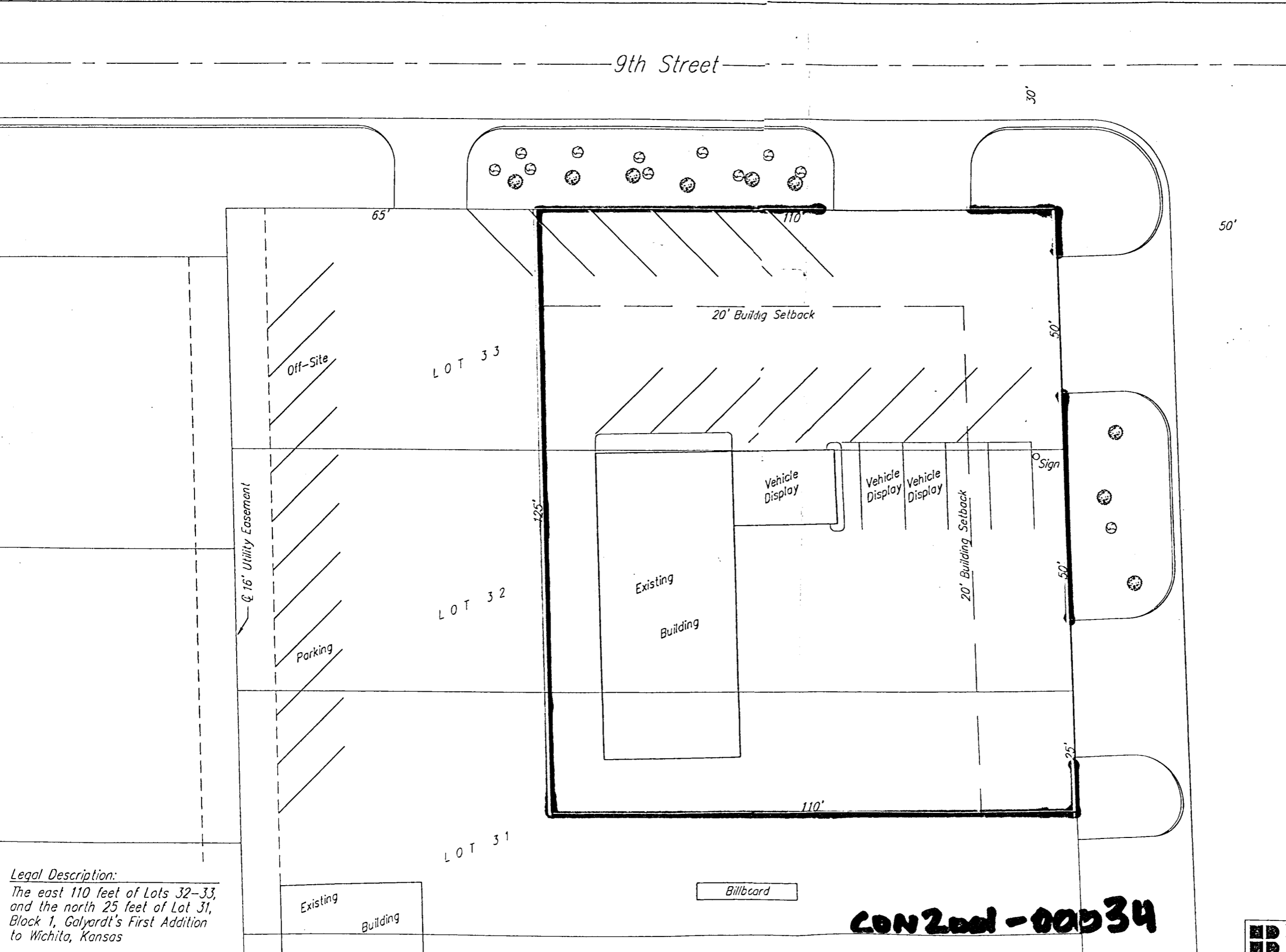
A handwritten signature in black ink that reads 'Bill Longnecker'.

Bill Longnecker
Senior Planner

WL/rs

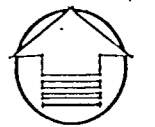
Cc: Sharon Fearey, City Council Member, District VI, Mail Stop 1-13
Terri Dozal, District VI, Mail Stop 1-135
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

9th Street



Legal Description:
 The east 110 feet of Lots 32-33,
 and the north 25 feet of Lot 31,
 Block 1, Galyard's First Addition
 to Wichita, Kansas

FILE COPY



Scale: 1" = 20'

CON 2nd - 00034



AGENDA ITEM NO. _____

STAFF REPORT

MAPC – July 5, 2001
DAB – July 2, 2001

CASE NUMBER: CON2001-00034

APPLICANT/OWNER: Edward Ring

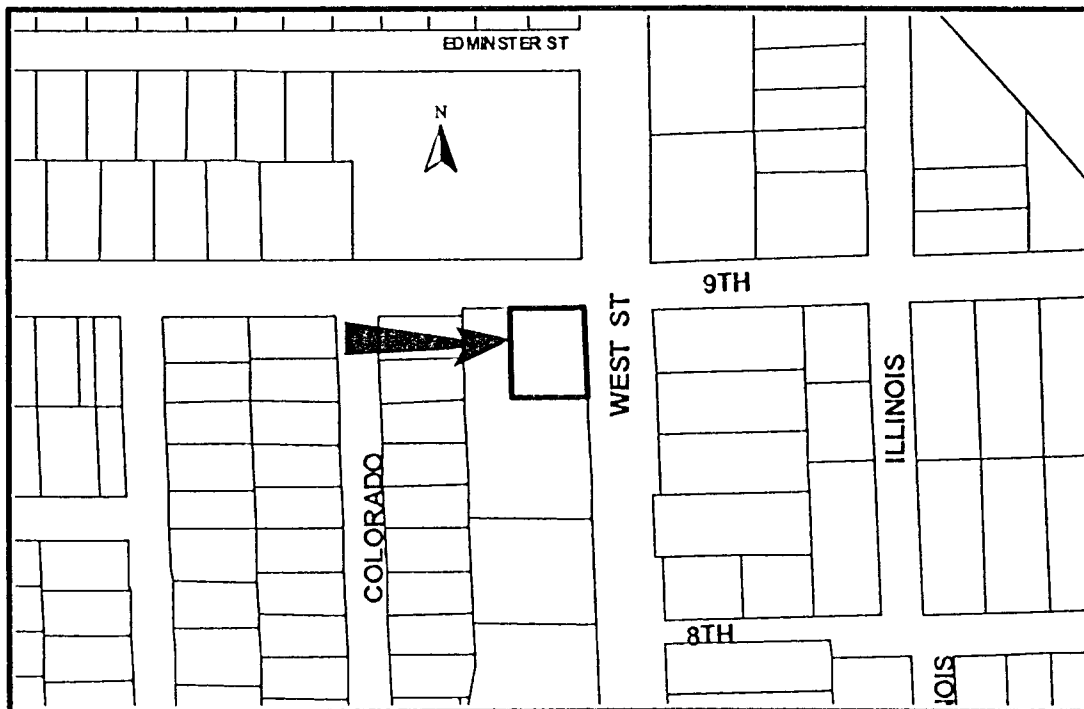
REQUEST: Conditional Use to allow used car sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: Approximately 13,750 Sq.-ft.

LOCATION: Southwest corner of 9th St - West St intersection

PROPOSED USES: Vehicle and equipment sales, outdoors



FILE COPY

BACKGROUND: The applicant, Edward Ring, is requesting consideration and recommendation for a Conditional Use to allow used car sales on property zoned "LC" Limited Commercial. The property (approximately 13,750 square feet) is located on the southwest corner of the 9th St - West St intersection. 9th St fronts the north side of the property and West Street fronts its east side. The Unified Zoning Code requires a Conditional Use for 'vehicle and equipment sales, outside' in "LC" Limited Commercial zoning.

Currently the site is developed as Central Auto Electric, which services all electrical components on automobiles. The current business is classified as 'vehicle repair limited' and is permitted by right in "LC" Limited Commercial zoning. The applicant proposes to continue the current business and add car and truck sales to it. The site has 3 existing entrances/exits; 1 on 9th and 2 on West Street. There is another off site entrance/exit on the west 65-ft of Lot 33 onto 9th St, which provides access to the abutting shopping strip to the south and is also used by customers to the applicant's site. All work on automobiles is done in the existing building (approximately 1,536 sq-ft), which has 3 bays leading into the garage and an office in the north end. There is 1 canopy on the site, which the applicant proposes to use for vehicle display as well as 2 parking spaces abutting the canopy space on its east side; a total of 3 – 4 marked spaces for car sales. The required parking for this particular combination of 'vehicle and equipment sales' and 'vehicle repair, limited' is 13 spaces. The applicant has just that amount on site, with one additional space that is partially on his site.

The property to the north (across 9th St) is zoned "SF-5" Single Family Residential and is a church. The property to the south is zoned "LC" Limited Commercial and is a strip shopping center containing retail and services; TV and VCR repair, watch repair, a restaurant, pool service, and other like businesses. "LC" Limited Commercial zoning and development is east of site (across West St) and contains free standing businesses (some residential structures that have been converted to non-residential uses); a restaurant, tax services, beauty shop and sewing service. The MAPC recommended a zoning change from "SF-5" Single Family Residential to "LC" Limited Commercial for a window tinting business in this eastern section at the 06-21-01 meeting. Property abutting the site on the west is "LC" Limited Commercial and contains parking for the strip center to the south of the site. There is "SF-5" Single Family Residential zoning and development abutting this 65-ft strip of parking and drive. There is stockade type fencing between this parking and the residences abutting it on the west.

Staff drove approximately one mile from the West Street – 9th St intersection and found two car sales lots:

- (a) Advantage Edge, at 400 N West Street. This business has been open approximately 60 days. Prior to this current car sales business at 400 N West Street, the Wichita Board of Zoning Adjustments approved an

exception to permit used car sales (BZA 22-90) at 400 N West Street, on 12-18-90, with specific conditions for development, to Carco Unlimited.

- (b) Another car sales lot is located at located 8th & Murdock on West Street, CON-521. This case was approved by the MAPC on 5-13-99 and returned to the MAPC by the WCC for reconsideration on 6-8-99. The MAPC reconsidered and, again, approved the request on 7-29-99. The WCC denied the request on 8-24-99. On 2-9-00 the District Court of the 8th Judicial District approved the conditional use for a car sales lot at this location.

Besides these existing car sales lots on N West Street (BZA 22-90 & CU 521), there have been three other requests for car sales within approximately a mile of the applicant's site;

- (a) CU 524, located on the northwest corner of Murdock and N West Streets, was approved by the MAPC on 6-24-99 and denied by the WCC on 7-20-99.
- (b) CON2000-00022, located north of 13th Street N and west of Meridian, was denied by the MAPC on 7-13-00. The WCC returned the request to the MAPC for reconsideration on 8-8-00. The MAPC made again denied the request on 8-8-00 and the applicant decided not to protest the decision.
- (c) CON2001-00020, located southeast of the Zoo Boulevard – West St intersection, was denied by the MAPC 04-05-01 and the WCC concurred with the MAPC's recommendation for denial, 05-01-01.

CASE HISTORY: Galyardt's 1st Addition was entered into record 07-08-1955.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5" Single Family Residential	Church
EAST:	"LC" Limited Commercial	Free standing businesses
SOUTH:	"LC" Limited Commercial	Strip shopping centers
WEST:	"LC" Limited Commercial	Parking
	"SF-5" Single Family Residential	Residential

PUBLIC SERVICES: West Street is a five-lane arterial street. 9th St is a residential collector road. The nearest intersection with traffic counts is (one block north) the Zoo Boulevard - West Street intersection. The estimated traffic volume of (ADT) trips per day at the Zoo Boulevard - West Street intersection is 8,255 ADTs on the west side, 15,820 ADTs on the north side, 17,060 ADTs on the east side and 16,735 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 Commercial. 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. The commercial uses along this portion of 9th and West Street (with the exception of the two previously noted car lots; CON521 & BZA 22-90) do not involve the outdoor display and/or storage associated with vehicle sales. If there is any other outside storage or display occurring, it is not legal.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding property is zoned "SF-5" and "LC". The character of the neighborhood is a mix of residential, office and retail. The existing businesses in the neighborhood are local retail and citywide retail in character. None of the existing businesses are permitted to have outside display and storage on the level required by a car lot. A used car sales business would be out of character with these businesses
2. The suitability of the subject property for the uses to which it has been restricted: The current business of electric component repair on automobiles is a permitted use in this zoning and consistent with the existing businesses in the area. Many other types of businesses are permitted in the "LC" Limited Commercial district. This site has been a gas station.
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 and the appearance of a corridor with these uses will have the effect of making nearby residential areas less desirable neighborhoods.
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 Commercial. 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 and established areas of similar development. The proposed car sales lot does meet these criteria.

5. Impact of the proposed development on community facilities: Municipal services are available to serve this site. A car lot is typically a heavy generator of traffic. The current business, on a Saturday, would generate 6 autos per 1,000 sq.-ft. An auto sales generates 37.5 autos per 1,000 sq-ft; a substantial increase on this site on a Saturday. There does appear to be additional traffic capacity along this segment of West St. However, the additional traffic movements close to an arterial – collector intersection could increase accidents.

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, vans and pick up trucks. 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, ingress and egress, parking areas, queuing areas, dumpsters, landscaping, signs, lighting and showing all easements and set backs. The location of display vehicles shall be limited to those areas specified on the revised site plan. The north entrance/exit onto West Street shall be closed. The revised site plan shall be reviewed and approved by the Planning Director, prior to the issuance of a building permit, per City Standards
3. The applicant shall submit landscaping plan for review and approval by the Planning Director. The landscape plan shall include grass and trees in the parkway areas along West and 9th Streets. Additional landscape area is shown on the attached sketch plan.
4. Parking barriers shall be installed along all perimeter boundaries adjacent to streets and abutting properties, 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. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.