RESOLUTION No. 02-142

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO ALLOW VEHICLE AND EQUIPMENT SALES, ON 1.65 ACRES ZONED "LC" LIMITED COMMERCIAL, LOCATED WEST OF NORTH WEST STREET BETWEEN 2ND AND 3RD STREETS IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to allow vehicle and equipment sales on 1.65 acres zoned "LC" Limited Commercial legally described below:

Case No. CON2001-00068

A Conditional Use Permit to allow vehicle and equipment sales, on 1.65 acres zoned "LC" Limited Commercial described as:

The north 52 feet of the east 135 feet of Lot 5, Block 16, Parkwilde Addition to the City of Wichita, Sedgwick County, Kansas, TOGETHER WITH Lot 5, EXCEPT the north 52 feet of the east 135 feet thereof; TOGETHER WITH the east 80 feet of Lot 6, TOGETHER with the east 80 feet of the north 97 feet of Lot 8, Block 16, Parkwilde Addition to Wichita, Sedgwick County, Kansas, TOGETHER WITH Lot 7, EXCEPT the south 23 feet of the west 130 feet, and EXCEPT the south 85 feet of the east 170 feet thereof, Block 16, Parkwilde Addition to Wichita, Sedgwick County, Kansas. Generally located west of north West Street between 2nd and 3rd Streets.

SUBJECT TO REPLATTING INTO ONE PARCEL WITHIN ONE YEAR AND THE FOLLOWING CONDITIONS:

1. The Conditional Use shall be subject to the approved site plan.
2. Visual screening of areas contiguous to residential zoning districts shall be provided to protect adjacent properties from light, debris, and noise and to preserve adjacent property values.
3. All parking, storage and display areas shall be paved with concrete , asphalt, or asphaltic concrete.
4. The lighting standards of the Unified Zoning Code Section IV-B.4. shall be complied with. No string-type or search lighting shall be permitted.
5. The compatibility noise standards of the Unified Zoning Code Section IV-C.6 shall be complied with. Outdoor speakers and sound amplification systems shall not be permitted.
6. No repair work shall be conducted on the site.
7. 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 permitted.
8. There shall be no use of elevated platforms for the display of vehicles. There shall be no test-driving of vehicles on the site.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date MAR 5 2002

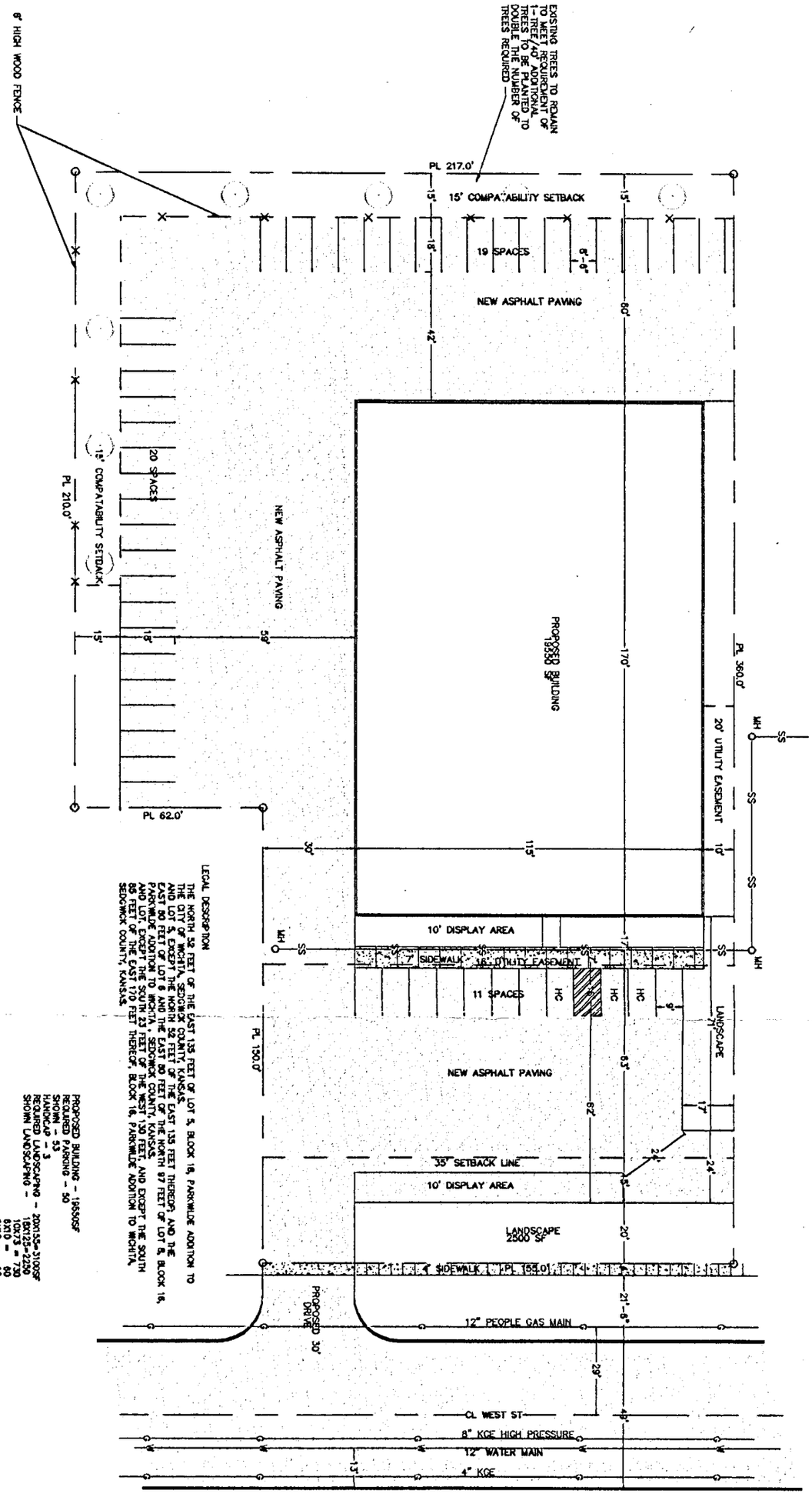
Bob Knight, Mayor

ATTEST:

Pat Burnett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney



LEGAL DESCRIPTION
THE NORTH 59 FEET OF THE EAST 135 FEET OF LOT 5, BLOCK 16, PARKWILDE ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, AND LOT 5, EXCEPT THE NORTH 59 FEET OF THE EAST 135 FEET THEREOF, AND THE EAST 80 FEET OF LOT 6 AND THE EAST 80 FEET OF THE NORTH 97 FEET OF LOT 6, BLOCK 16, PARKWILDE ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, AND LOT, EXCEPT THE SOUTH 23 FEET OF THE WEST 130 FEET, AND EXCEPT THE SOUTH 85 FEET OF THE EAST 170 FEET THEREOF, BLOCK 16, PARKWILDE ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

PROPOSED BUILDING - 19550SF
REQUIRED PARKING - 50
SHOWN - 53
HANDICAP - 3
REQUIRED LANDSCAPING - 20X135=3100SF
SHOWN LANDSCAPING - 18X125=2250
10X73 = 730
6X10 = 60
8X10 = 80
3120SF

SITE PLAN

N

K&N YAMAHA CO

339 N WEST ST WICHITA, KS

DATE:1/2/02
SCALE:1"=20'
DRAWN BY:TJS
SHEET NO. SA-1

SMITH CONSTRUCTION CO., INC.
4620 ESTHNER P.O BOX 13213
WICHITA, KANSAS 67213
(316) 942-7989

© THIS PLAN IS THE PROPERTY OF SMITH CONSTRUCTION CO. AND IS NOT TO BE REPRODUCED UNDER ANY CIRCUMSTANCES VIOLATION OF COPYRIGHT IS SUBJECT TO PROSECUTION.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3A/3B

STAFF REPORT

MAPC 02-07-02
DAB 4 02-06-02

FILE COPY

CASE NUMBER: ZON2001-00076, CON2001-00068

APPLICANT/AGENT: Kieth Harris (owner); Baughman Company, PA, Phil Meyer (agent)

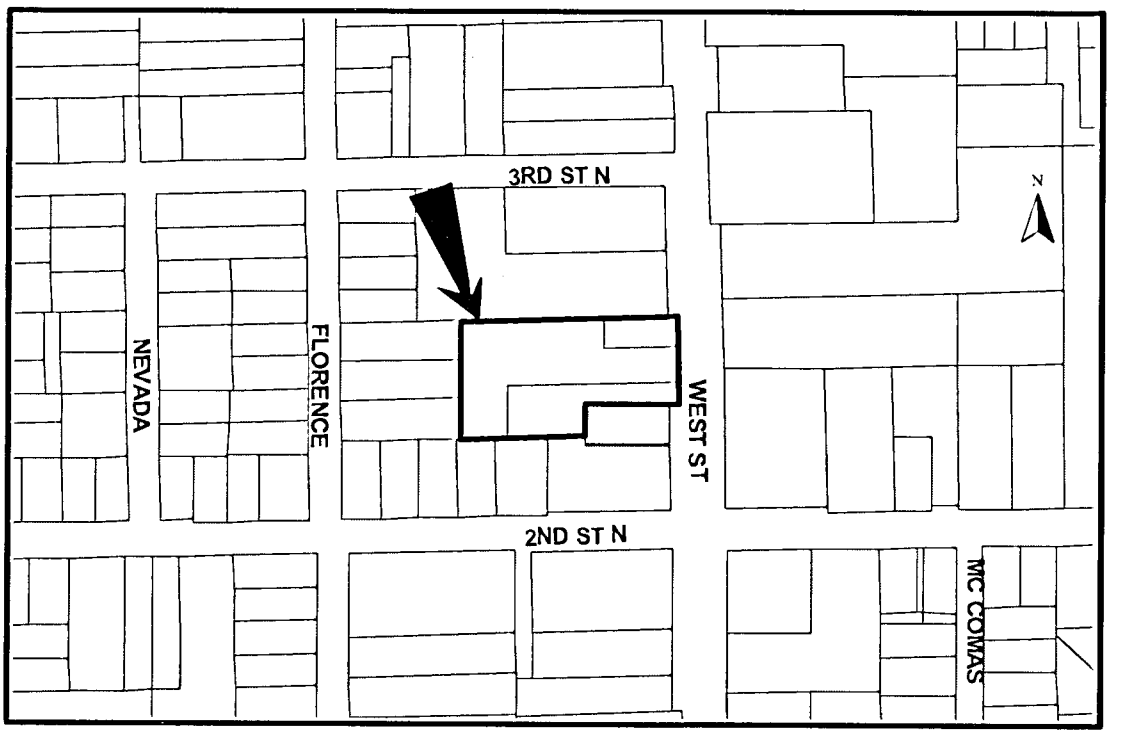
REQUEST: Zone change to "LC" Limited Commercial; associated with Conditional Use request for vehicle and equipment sales

CURRENT ZONING: "SF-5" Single Family Residential, "B" Multi-Family Residential

SITE SIZE: 1.65 acres

LOCATION: West of North West Street between 2nd and 3rd Streets (323 N. West Street).

PROPOSED USE: Motorcycle and accessory sales.



BACKGROUND: The applicant requests "LC" zoning and a Conditional Use for vehicle and equipment sales on a vacant 1.65-acre site located on the west side of North West Street, between 2nd and 3rd Streets. The front halves of these three lots are zoned "B" Multi-family, the back half of the site is zoned "SF-5." North of the application area is an existing motorcycle sales and maintenance business under the same ownership as the application area, this property was rezoned to "GC" General Commercial in 1976.

The applicants intend to replat the application area into one lot developed with a motorcycle sales facility. The motorcycle sales facility will be primarily vehicle and equipment sales, with a maximum of 1000 square feet designated for retail sales of clothing, accessories, etc. Planning staff met with the applicant and his agent, and are in agreement with the proposed site plan and proposed conditions for the associated Conditional Use request for vehicle and equipment sales in "LC." The attached site plan demonstrates the applicants efforts to mitigate negative impacts on residential neighbors through the use of a 15-foot compatibility setback, screening, conservation of existing trees, and additional planted trees to double the 1 per 40-foot requirement.

North of the existing motorcycle sales on West is an "LC" zoned property developed with a Southwestern Bell facility. South of the application area on West Street are several "LC" zoned properties; a house converted to a hair salon abutting the application area, and Cargo Properties LLC further to the south. East of the application area on West are "LC" zoned properties developed with a television station, a skating rink, and a car wash. West of the application area are "SF-5" zoned lots developed with single-family housing.

The proposed zone change, from "B" and "SF-5" to "LC," and the proposed development would require conformance to all property development standards in the *Unified Zoning Code.*

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC," "LC"	existing motorcycle sales, Southwestern Bell
SOUTH:	"LC"	hair salon, Cargo Properties LLC
EAST:	"LC"	television station, skating rink, car wash
WEST:	"SF-5"	single-family homes

PUBLIC SERVICES: The property is located along North West Street, a four-lane arterial

section line road. The traffic count in March of 2000 along this section of West was 19,703 cars per day (ADTs); the projected traffic volume for 2030 is 24,516 cars per day.

The existing half-width right-of-way for West at the application area is 30 feet. No street projects are included in the C.I.P. for the immediate area, the Wichita-Sedgwick County *2030 Transportation Plan* indicates that this portion of West Street will become a 5-lane arterial. No utility easements exist within the application area.

City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "Commercial."

RECOMMENDATION: This zone change request is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide" and "Commercial Locational Guidelines." As this property is redeveloped, the *Unified Zoning Code* property development standards for screening, landscaping, and lighting will mitigate any negative impacts on nearby residential properties. Planning staff met with the applicant and his agent, and are in agreement with the proposed site plan and proposed conditions for the associated Conditional Use request for vehicle and equipment sales in "LC." The applicant is also in agreement with staff concerning a recommended replat of the application area into one lot, through which the applicant will be expected to provide a recommended 20-foot right-of-way dedication on West street, a recommended dedication of access control on West except for one point of access, and a cross lot circulation agreement between the application area and the property to the immediate north under the same ownership.

Based upon information available prior to the public hearings, planning staff recommends that the zone change request be APPROVED, subject to replatting into one parcel within one year. Staff also recommends that the associated Conditional Use request for Vehicle and Equipment Sales in "LC" be APPROVED, subject to the following Conditions:

1. The Conditional Use shall be subject to the approved site plan.
2. Visual screening of areas contiguous to residential zoning districts shall be provided to protect adjacent properties from light, debris, and noise and to preserve adjacent property values.
3. All parking, storage and display areas shall be paved with concrete , asphalt, or asphaltic concrete.
4. The lighting standards of the Unified Zoning Code Section IV-B.4. shall be complied with. No string-type or search lighting shall be permitted.
5. The compatibility noise standards of the Unified Zoning Code Section IV-C.6 shall be complied with. Outdoor speakers and sound amplification systems shall not be permitted.
6. No repair work shall be conducted on the site.

7. 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 permitted.
8. There shall be no use of elevated platforms for the display of vehicles.
9. There shall be no test-driving of vehicles on the site.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All other properties along this section of West Street are zoned "LC" or "GC" and developed with non-residential uses, including existing motorcycle sales to the immediate north of the application area. This section of West Street is an older commercial strip, the proposed development should not detract from the character of the neighborhood. The applicant has agreed to compatibility buffers, screening, and exceeding the landscape ordinance requirements in order to mitigate any negative impacts on residential neighbors.

2. The suitability of the subject property for the uses to which it has been restricted: The vacant property could be developed for single and multi-family housing, as it is currently zoned. However, the commercial strip character of this section of West Street makes this area unattractive for a residential area.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "LC" zoning at the application area will allow for more intensive development than the current zoning permits. The *Unified Zoning Code* property development standards for screening, landscaping, noise, and lighting will mitigate any negative impacts on the nearby residential properties to the west; likewise, recommended conditions for the proposed vehicle and equipment sales Conditional Use should mitigate any negative impacts on the nearby residential properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide," and it is in conformance with the commercial locational guidelines of the plan.

5. Impact of the proposed development on community facilities: The proposed motorcycle sales at this location will generate more traffic than the current vacant lot; however, the proposed use should not generate as much traffic as currently permitted multi-family residential uses. The dedication of additional street right-of-way, limiting access control, and providing for cross-lot circulation will address potential increased demand on community facilities.