CONDITIONAL USE RESOLUTION NO. CON2002-00043

WHEREAS, Ernie and Juanita Doyan and L.E. Mott (Applicant/Owner), Ferris Consulting, c/o Greg Ferris (agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow Outdoor Vehicle and Equipment Sales on 1 acre zoned "LC" Limited Commercial described as:

> The South 11 feet of Lot 3, all of Lots 5 and 7, Tosh's Subdivision of Lot 6, Zimmerly's Addition to Wichita, Kansas and the West 1/2 of Lots 7 and 8, Zimmerly's Addition, Wichita, Sedgwick County, Kansas. Generally located south of Boston and east of Broadway (1506 – 1528 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 September 12, 2002, 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 Outdoor Vehicle and Equipment Sales on 1 acre zoned "LC" Limited Commercial described as:

> The South 11 feet of Lot 3, all of Lots 5 and 7, Tosh's Subdivision of Lot 6, Zimmerly's Addition to Wichita, Kansas and the West 1/2 of Lots 7 and 8, Zimmerly's Addition, Wichita, Sedgwick County, Kansas. Generally located south of Boston and east of Broadway (1506 – 1528 S. Broadway).

subject to the following conditions:

1. All requirements of Section III.D.6.x. of the Unified Zoning Code shall be met.

2. The applicant shall dedicate by separate instrument 12.5 additional feet of street right-of-way along the property's Broadway frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

3. The Broadway access drives to 1516 and 1522 S. Broadway shall be closed, and the applicant shall provide a guarantee for closure of these drives in a form suitable to the City Engineer within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable. The applicant shall dedicate by separate instrument complete access control except for two openings along the property's Broadway frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

4. Parking spaces for employees and customers shall be provided on the property as required by the Unified Zoning Code and in conformance with the standards established by the City Traffic Engineer. The parking spaces shall be marked and designated for employees and customers and shall not be used for display or storage of vehicles for sale, unless the vehicle is driven by an employee. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business unless additional parking spaces for such businesses are provided per a revised site plan approved by the Planning Director.

5. A landscaped street yard and landscape buffer shall be provided and maintained on the property that shall comply with a landscape plan approved by the Planning Director that includes a partial waiver of the landscape requirements to permit the landscaped street yard to be located behind the building wall line and to permit three buffer trees instead of eight.

6. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

7. The site shall be developed in general conformance with the approved site plan and landscape plan. All improvements shown on the approved site plan and landscape plan shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.

8. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

9. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

10. Approval of this Conditional Use shall supersede and render null and void the Conditional Use granted for the subject property by Conditional Use Resolution No. 2000-00010.

Adopted this 12th DAY of SEPTEMBER, 2002. 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

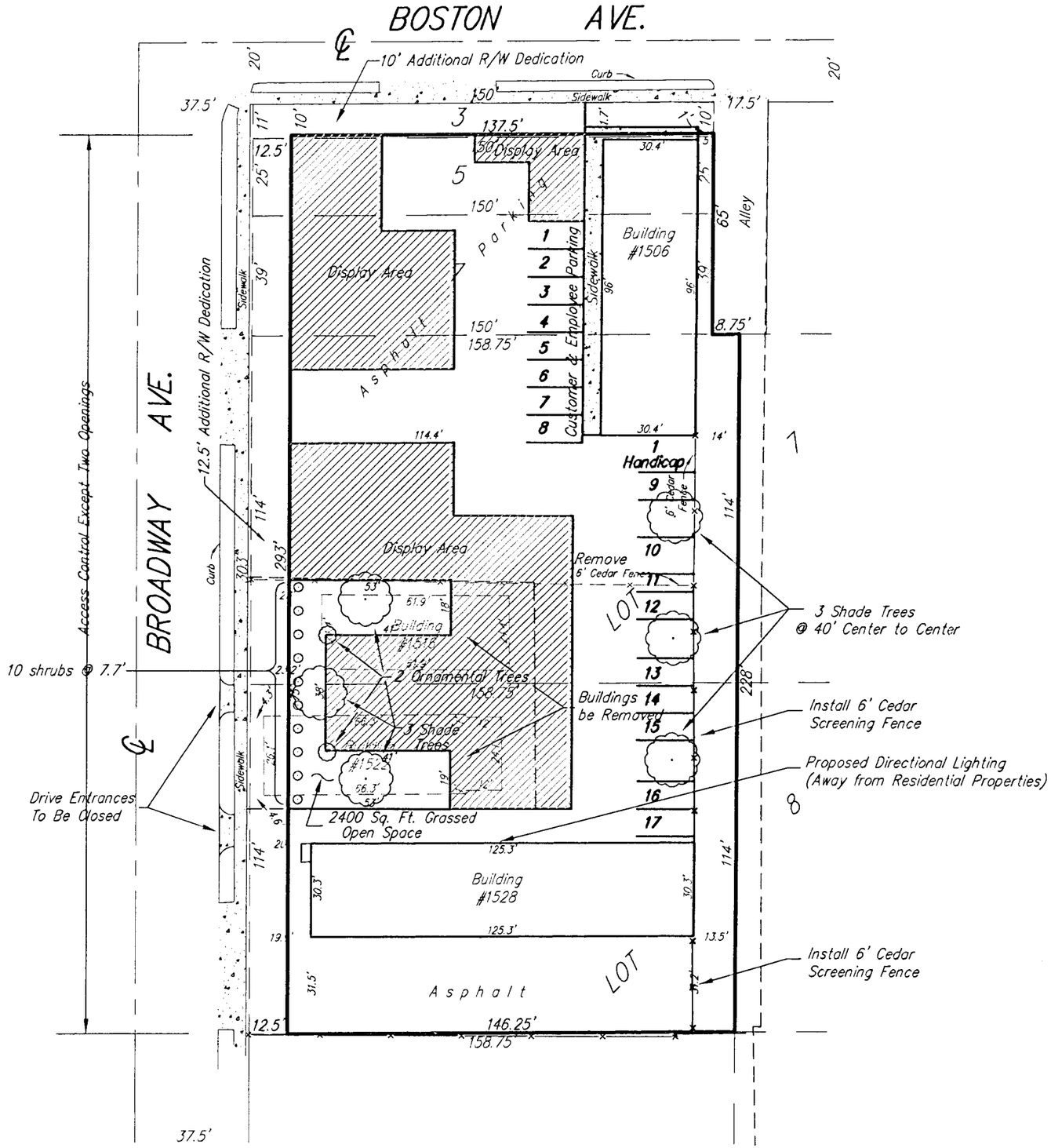
Bernard A. Hentzen

Bernard A. Hentzen, Chair MAPC

ATTEST:

Dale Miller

Dale Miller, Secretary



N

1" = 40'

SITE PLAN
1506 S. BROADWAY
WICHITA, KANSAS

Legal Description:
The south 11 feet of Lot 3, all of Lots 5 & 7, Tosh's Subdivision of Lot 6, Zimmerly's Addition to Wichita, Kansas and the W1/2 of Lots 7 & 8, Zimmerly's Addition, Wichita, Kansas, except the west 12.5 feet thereof, for street.

LEGEND

- Shade Tree
- Ornamental Tree
- Shrubs
- Display Area

CON2002-00043

SITE PLAN

APPROVED 10-3-02 BY

PROJECT NO. 02GG00609 G

Savoy Company, P.A.
Land Surveyors
535 S. Emporia, Suite 104, Wichita, KS 67202
PH (316) 265-0005
FAX (316) 265-0275
www.savoyco.com

2 OCT 02
22 JUL 02

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT

MAPC September 12, 2002

CASE NUMBER: CON2002-00043

APPLICANT/AGENT: Ernie and Juanita Doyan and L.E. Mott (Owner/Applicant); Ferris Consulting c/o Greg Ferris (Agent)

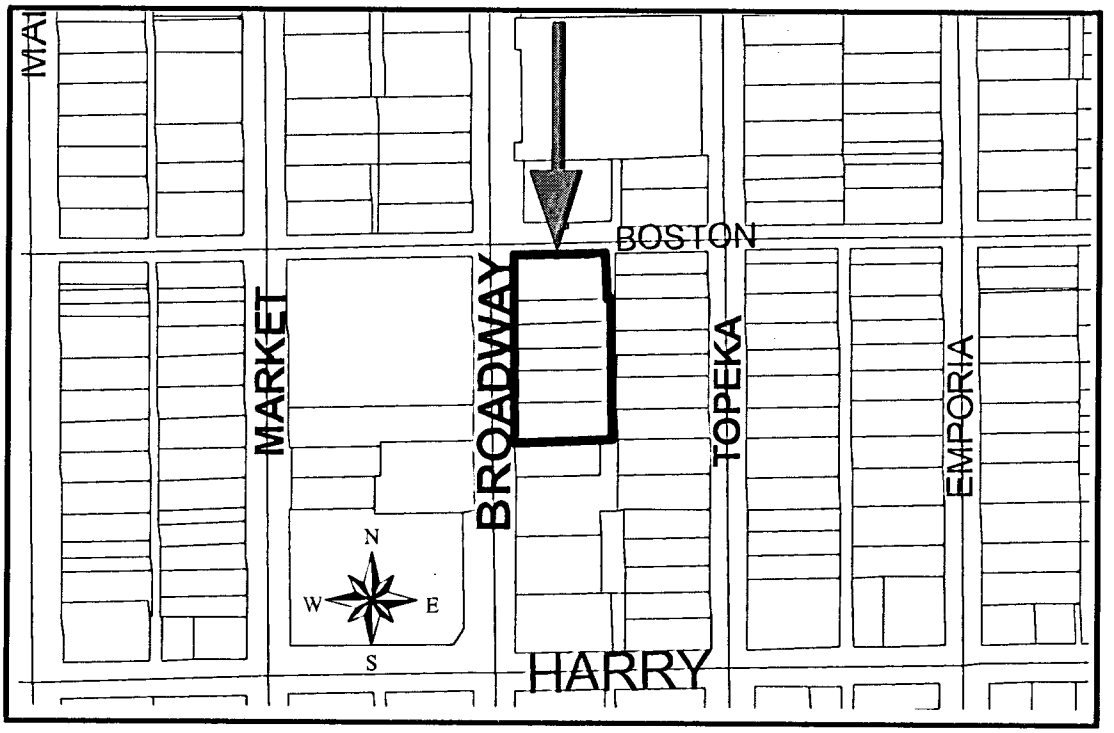
REQUEST: Conditional Use for Outdoor Vehicle and Equipment Sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 1 acre

LOCATION: South of Boston and east of Broadway (1506-1528 S. Broadway)

PROPOSED USE: Used Car Lot



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on a one acre platted tract located south of Boston and east of Broadway (1506-1528 S. Broadway). The subject property is zoned "LC" Limited Commercial. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the "LC" Limited Commercial zoning district.

The northern portion of the subject property was approved for a Conditional Use (CON2000-00010) for outdoor vehicle and equipment sales on May 25, 2000. The applicant is proposing to expand the used car lot onto the adjacent property to the south that is currently developed with two single-family residences and a vehicle repair business. The applicant proposes to raze the two single-family residences and to continue to operate the vehicle repair business in conjunction with the used car lot.

The character of the neighborhood is that of mixed-use development consisting of single-family and multi-family residential development and various commercial uses, including two used car lots within one block of the site. The zoning of the property to the north is "GC" General Commercial. The zoning of the properties to the south and west is "LC" Limited Commercial. The zoning of the properties to the east is "MF-29" Multi-Family. The property across Boston to the north is developed with a vehicle repair business. The adjacent property to the south is developed with a strip commercial center. The adjacent properties to the east are developed with single-family residences. The property across Broadway to the west is developed with a pawnshop and a sign shop.

The applicant has submitted a site plan showing the proposed use of the subject property. The site plan shows a 2,900 square foot sales/office building, a 3,800 square foot vehicle repair building, and 12,000 square feet of vehicle display area. The site plan shows eight employee/customer parking spaces; however, the Unified Zoning Code requires 17 parking spaces, including one space that is accessible to people with disabilities. The site plan shows a six foot high wood screening fence along the east property line between the sales/office building and the vehicle repair building; however, the site plan does not indicate the manner in which the screening required by the Unified Zoning Code will be provided south of the vehicle repair building. The site plan shows a landscaped street yard as required by the Landscape Ordinance; however, the location of the street yard is partially behind the wall line of the vehicle repair building, which will require a partial landscape waiver by the Planning Director. The site plan shows landscape buffering along the east property line; however, the Landscape Ordinance requires eight shade trees and only three shade trees are provided, which will require a partial landscape waiver by the Planning Director. The site plan shows the dedication of 12.5 feet of right-of-way for Broadway to bring the street up to 50-feet of half-street right-of-way per the Subdivision Regulations. The site plan shows that the two drives to the existing single-family residences will be closed.

CASE HISTORY: A portion of the subject property is platted as part of Tosh's Subdivision of Lot 6 in Zimmerly's Addition, which was recorded on February 14, 1887. Another portion of the subject property is platted as part of Zimmerly's Addition, which was recorded June 26, 1883. The northern portion of the subject property was approved for a Conditional Use (CON2000-00010) for outdoor vehicle and equipment sales on May 25, 2000.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC"	Vehicle repair
SOUTH:	"LC"	Strip commercial center
EAST:	"MF-29"	Single Family
WEST:	"LC"	Pawnshop and sign shop

PUBLIC SERVICES: This subject property has access to Broadway, a four-lane arterial with current traffic volumes of approximately 11,000 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on Broadway will remain approximately 11,000 vehicles per day. Municipal water and sewer services are currently provided to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Commercial Locational Guidelines also recommend that auto-related commercial 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 these activities.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. All requirements of Section III.D.6.x. (attached) of the Unified Zoning Code shall be met.

2. The applicant shall dedicate by separate instrument 12.5 additional feet of street right-of-way along the property's Broadway frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

3. The Broadway access drives to 1516 and 1522 S. Broadway shall be closed, and the applicant shall provide a guarantee for closure of these drives in a form suitable to the City Engineer within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable. The applicant shall dedicate by separate instrument complete access control except for two openings along the property's Broadway frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

4. Parking spaces for employees and customers shall be provided on the property as required by the Unified Zoning Code and in conformance with the standards established by the City Traffic Engineer. The parking spaces shall be marked and designated for employees and customers and shall not be used for display or storage of vehicles for sale, unless the vehicle is driven by an employee. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business unless additional parking spaces for such businesses are provided per a revised site plan approved by the Planning Director.

5. A landscaped street yard and landscape buffer shall be provided and maintained on the property that shall comply with a landscape plan approved by the Planning Director that includes a partial waiver of the landscape requirements to permit the landscaped street yard to be located behind the building wall line and to permit three buffer trees instead of eight.

6. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

7. The site shall be developed in general conformance with the approved site plan and landscape plan. All improvements shown on the approved site plan and landscape plan shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.

8. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

9. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

10. Approval of this Conditional Use shall supersede and render null and void the Conditional Use granted for the subject property by Conditional Use Resolution No. 2000-00010.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is that of mixed-use development consisting of single-family and multi-family residential development and various commercial uses including used car sales. Most of the property along Broadway is zoned "LC" Limited Commercial or "GC" General Commercial, with residential zoning limited to areas along the streets east and west of Broadway. The proposed used car lot is consistent with the zoning, uses, and character of the area.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial. The property is apparently suitable for commercial uses to which it has been restricted; however, used car sales is an established use in the area and can be suitable for the subject property if developed according to the recommended conditions of approval.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the recommended conditions of approval which would limit signage, lighting, noise, and display area practices from adversely impacting nearby property.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. This site is located along Broadway, and the recommended conditions of approval have provisions which limit noise, lighting, and other adverse impacts. The Commercial Locational Guidelines also recommend that auto-related commercial 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 these activities. This site is located along Broadway in an area where auto-related commercial uses already exist.

5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities if the recommended additional street right-of-way and access controls are provided along Broadway. Not providing the recommended additional street right-of-way and access controls will hinder the City's ability to provide a roadway that is of sufficient capacity to safely carry future traffic volumes.