CONDITIONAL USE RESOLUTION NO. CON2003-00001

WHEREAS, Bogdon Bonev (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 0.32 acres zoned "LC" Limited Commercial described as:

> Lots 46, 48, 50 and 52, on Central Avenue, Stites Bros. Second Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located on the northwest corner of Central and Madison (2118 E. Central).

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 February 20, 2003, 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 0.32 acres zoned "LC" Limited Commercial described as:

> Lots 46, 48, 50 and 52, on Central Avenue, Stites Bros. Second Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located on the northwest corner of Central and Madison (2118 E. Central).

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 complete access control except for one opening along the property's Central frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

3. Parking spaces for employees and customers shall be marked and designated for employees and customers and shall not be used for display of vehicles for sale, unless the vehicle is driven by an employee. The vehicle sales lot shall not be used in conjunction with any use not directly related to such a business unless sufficient parking spaces for such a business are provided per a site plan approved by the Planning Director.

4. The applicant shall submit a landscape plan for approval by the Planning Director that meets all landscaped street yard and landscape buffer requirements of the Landscape Ordinance.

5. 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 before the vehicle sales lot becomes operational.

6. The applicant shall obtain all permits necessary to make the required site and landscaping improvements, and all improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.

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

8. 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, d

Adopted this 20th DAY of FEBRUARY, 2003. 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:

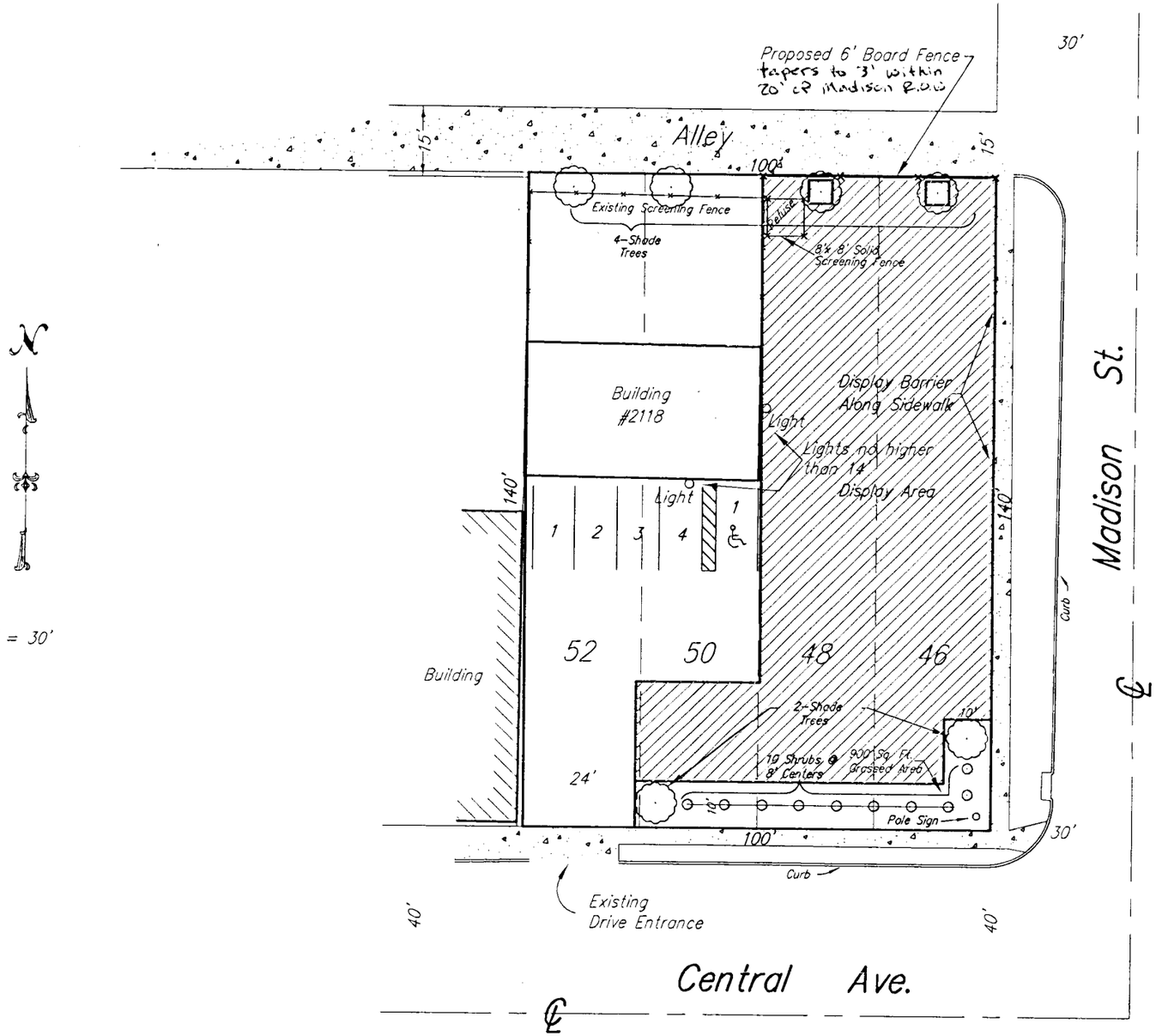
Dale Miller

Dale Miller, Secretary

SITE PLAN
2118 E. CENTRAL
WICHITA, KANSAS

Legal Description:

Lots 46, 48, 50 AND 52 on Central Avenue, Stites Bro's. Second Addition to Wichita, Sedgwick County, Kansas.



LEGEND

- Shade Tree
- Shrubs
- Display Area

CON2003-00001

SITE PLAN

APPROVED 2-20-03 BY MAPC

PROJECT NO. 03AA01295 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

10 JAN 03

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT

MAPC - February 20, 2003
DAB I - March 3, 2003

CASE NUMBER: CON2003-00001

APPLICANT/AGENT: Bogdon Bonev (Owner/Applicant); Ferris Consulting c/o Greg Ferris (Agent)

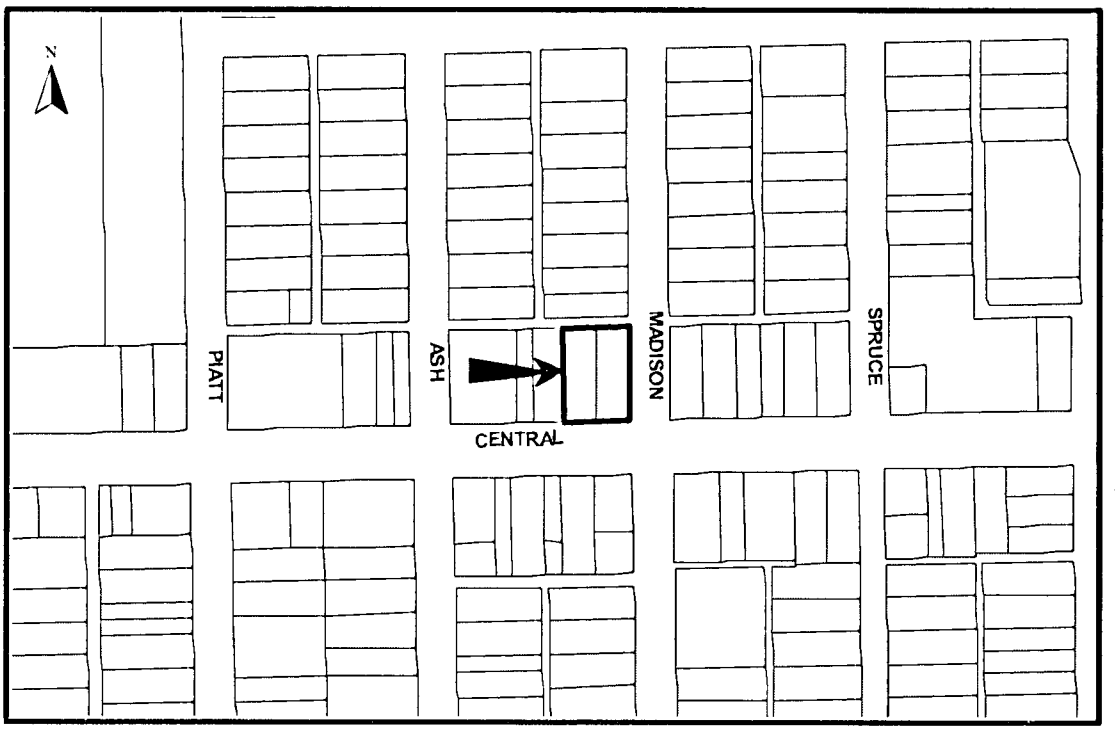
REQUEST: Conditional Use for Outdoor Vehicle and Equipment Sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 0.32 acres

LOCATION: Northwest corner of Central and Madison (2118 E. Central)

PROPOSED USE: Vehicle Sales Lot



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on a 0.32 acre platted tract located at the northwest corner of Central and Madison (2118 E. Central). The subject property is zoned "LC" Limited Commercial and is developed with a vacant commercial building and a paved parking area. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the "LC" Limited Commercial zoning district. The applicant's agent submitted the attached letter as justification for the Conditional Use request.

The character of the neighborhood is that of local serving commercial uses along the Central corridor with residential uses located both north and south of the Central commercial corridor. The zoning of the properties to the south, east, and west is "LC" Limited Commercial, and the zoning of the properties to the north is "TF-3" Two-Family. The properties to the north across the alley are developed with a single-family residences. The properties to the south across Central are developed with retail businesses and a vehicle repair shop. The properties to the east across Madison are developed with medical offices. The properties to the west are developed with offices and retail businesses.

The applicant submitted the attached site plan showing the proposed use of the subject property as a vehicle sales lot. The site plan shows a 1,200 square foot sales office and 8,500 square feet of vehicle display and storage area. The site plan shows five employee/customer parking spaces, which meets the Unified Zoning Code parking requirement. The site plan shows a 900 square foot landscaped street yard along Central that meets the requirements of the Landscape Ordinance. The site plan shows landscape buffering along the north property line that meets the requirements of the Landscape Ordinance. The site plan shows a six-foot high screening fence along the north property line that meets the Unified Zoning Code screening requirement. The site plan shows two lights located no higher than 14 feet, which meets the Unified Zoning Code lighting standards. The site plan shows a trash receptacle located along the north property line, 20 feet from the residential property across the alley, and enclosed by a screening fence, which meets the Unified Zoning Code screening requirement and compatibility standard.

CASE HISTORY: The subject property is platted as Lots 46, 48, 50, and 52 of Stites Bro's. Second Addition, which was recorded on June 19, 1888.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Single-family
SOUTH:	"LC"	Retail, vehicle repair
EAST:	"LC"	Medical offices
WEST:	"LC"	Office, retail

PUBLIC SERVICES: This subject property has access to Central, a five-lane arterial street with current traffic volumes of approximately 17,300 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on Central will increase slightly to approximately 17,800 vehicles per day and recommends that Central remain a five-lane arterial street. The proposed development would generate less than 100 trips in the peak hour; therefore, the City's Access Management Policy indicates that the applicant does not need to prepare a traffic impact analysis. Municipal water and sewer services are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Commercial Locational Guidelines 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. The subject property does not meet the Commercial Locational Guidelines because the subject property is over a mile from the central business district and is not considered part of the CBD fringe. Also, vehicle sales is not an established use in the area, with the nearest vehicles sale lot located eight blocks to the west on the other side of I-135 and within the CBD fringe. The Wichita Residential Area Enhancement Strategy of the Comprehensive Plan identifies the subject property as being located within a Revitalization Area. The Comprehensive Plan indicates that Revitalization Areas are experiencing decline and need stabilization to increase the neighborhood's attractiveness for private investment in residential properties. Intensifying commercial uses in the area, as proposed by the applicant, is contrary to the neighborhood revitalization strategies in the Comprehensive Plan.

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

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 a local serving commercial corridor with low-density residential uses located behind the commercial businesses. Most of the property along Central is zoned "LC" Limited Commercial, with residential zoning in areas north and south of Central. Vehicle sales is not an established use in the area, and vehicle sales uses most commonly locate in areas where commercial properties are more regional serving. The proposed vehicle sales lot is not consistent with the zoning, uses, or 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 suitable for the commercial uses to which it has been restricted. Vehicle sales may be permitted in the "LC" district if the property is located along Kellogg, in

the CBD fringe, or in a area where vehicle sales is an established use; however, the subject property does not meet these criteria and should remain zoned for local serving commercial businesses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Vehicle sales represents an intensification of the commercial uses along the Central corridor in this area. Allowing one commercial use to intensify in an area typically leads to nearby properties also requesting approval for more intense commercial uses. Over time, the intensification of commercial uses in a local serving commercial area tends to have detrimental impacts on surrounding residential uses since the nearby businesses no longer serve primarily neighborhood residents. Commercial intensification leads to an increase in commercial traffic from outside the neighborhood, a decrease in neighborhood identity, and a general decline in the desirability of the nearby residential neighborhood.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Commercial Locational Guidelines 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. The subject property does not meet the Commercial Locational Guidelines because the subject property is over a mile from the central business district and is not considered part of the CBD fringe. Also, vehicle sales is not an established use in the area, with the nearest vehicles sale lot located eight blocks to the west on the other side of I-135 and within the CBD fringe. The Wichita Residential Area Enhancement Strategy of the Comprehensive Plan identifies the subject property as being located within a Revitalization Area. The Comprehensive Plan indicates that Revitalization Areas are experiencing decline and need stabilization to increase the neighborhood's attractiveness for private investment in residential properties. Intensifying commercial uses in the area, as proposed by the applicant, is contrary to the neighborhood revitalization strategies in the Comprehensive Plan.

If after closing the public hearing the MAPC finds the request appropriate, the MAPC motion to approve will need to include findings of fact regarding the Unified Zone Code Review Criteria that support approval and planning staff recommends that approval be 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 complete access control except for one opening along the property's Central frontage within 60 days of

approval of the Conditional Use by the MAPC or governing body, as applicable.

3. Parking spaces for employees and customers shall be marked and designated for employees and customers and shall not be used for display of vehicles for sale, unless the vehicle is driven by an employee. The vehicle sales lot shall not be used in conjunction with any use not directly related to such a business unless sufficient parking spaces for such a business are provided per a site plan approved by the Planning Director.

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

8. 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.