CONDITIONAL USE RESOLUTION NO. CON2003-00005

WHEREAS, H.I. White Corporation, c/o Howard I. White, Jr. (owner/lessor); Roozail Haidari, and Erkan Kececi (lessee); Sandy Roberts (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 for Outdoor Vehicle and Equipment Sales on 0.29 acres zoned "LC" Limited Commercial described as:

> The South 100 feet of Lot 1 and vacated alley on the West except the south 100 feet of the East 20 feet thereof and except the East 11 feet of the North 69 feet thereof, Block G and the South 100 feet of the West 9 feet of the East 20 feet of Lot 1, Block G, Maplewood Addition to Wichita, Sedgwick County, Kansas. Generally located north of Pawnee and west of Hillside.

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 March 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 for Outdoor Vehicle and Equipment Sales on 0.29 acres zoned "LC" Limited Commercial described as:

> The South 100 feet of Lot 1 and vacated alley on the West except the south 100 feet of the East 20 feet thereof and except the East 11 feet of the North 69 feet thereof, Block G and the South 100 feet of the West 9 feet of the East 20 feet of Lot 1, Block G, Maplewood Addition to Wichita, Sedgwick County, Kansas. Generally located north of Pawnee and west of Hillside.

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 a 10-foot contingent sidewalk and utility easement along Pawnee and an agreement to allow cross-lot access for the property to the west 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, declare that the Conditional Use is null and void.

9. The applicant shall submit a revised site plan for review and approval by the Planning Director.

Adopted this 20th DAY of MARCH, 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:

John L. Schlegel

John L. Schlegel, Secretary

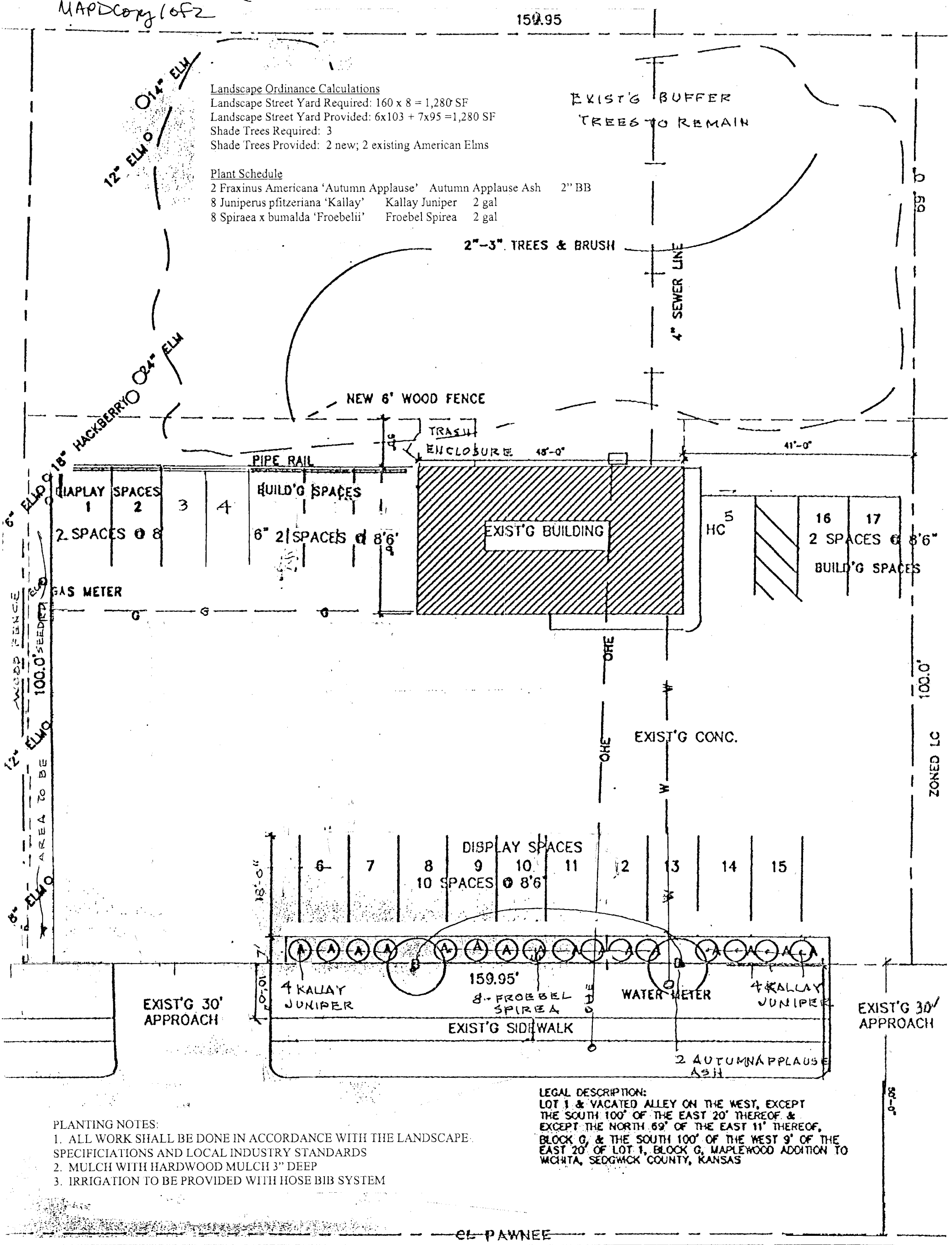
CON2003-00005

SITE PLAN

APPROVED 07/03/03 BY DG

MAPD Copy 1 of 2

QUALITY CAR SALES



Landscape Ordinance Calculations
Landscape Street Yard Required: 160 x 8 = 1,280 SF
Landscape Street Yard Provided: 6x103 + 7x95 =1,280 SF
Shade Trees Required: 3
Shade Trees Provided: 2 new; 2 existing American Elms

Plant Schedule

2	Fraxinus Americana 'Autumn Applause'	Autumn Applause Ash	2" BB
8	Juniperus pfitzeriana 'Kallay'	Kallay Juniper	2 gal
8	Spiraea x bumalda 'Froebelii'	Froebel Spirea	2 gal

PLANTING NOTES:
1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LANDSCAPE SPECIFICIATIONS AND LOCAL INDUSTRY STANDARDS
2. MULCH WITH HARDWOOD MULCH 3" DEEP
3. IRRIGATION TO BE PROVIDED WITH HOSE BIB SYSTEM

LEGAL DESCRIPTION:
LOT 1 & VACATED ALLEY ON THE WEST, EXCEPT THE SOUTH 100' OF THE EAST 20' THEREOF & EXCEPT THE NORTH 69' OF THE EAST 11' THEREOF, BLOCK G, & THE SOUTH 100' OF THE WEST 9' OF THE EAST 20' OF LOT 1, BLOCK G, MAPLEWOOD ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

SHEET 1 of 1
REVISED:
DATE: 2/12/03
PROJ.NO: 03-08

MODIFICATIONS to 3118 E. PAWNEE

SANDY ROBERTS ARCHITECT
667 OAK FOREST LANE, DERBY, KS. (316)788-8699

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CONTRACTOR IS TO VERIFY ALL DIMENSIONS PRIOR TO STARTING WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT FOR CORRECTION.

CON2003-00005

AGENDA ITEM NO. 6

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC – March 20, 2003
DAB III - March 19, 2003

CASE NUMBER: CON2003-00005

APPLICANT/AGENT: H.I. White Corporation, c/o Howard I. White, Jr. (owner/lessor); Roozail Haidari, and Erkan Kececi (lessee); Sandy Roberts (Agent)

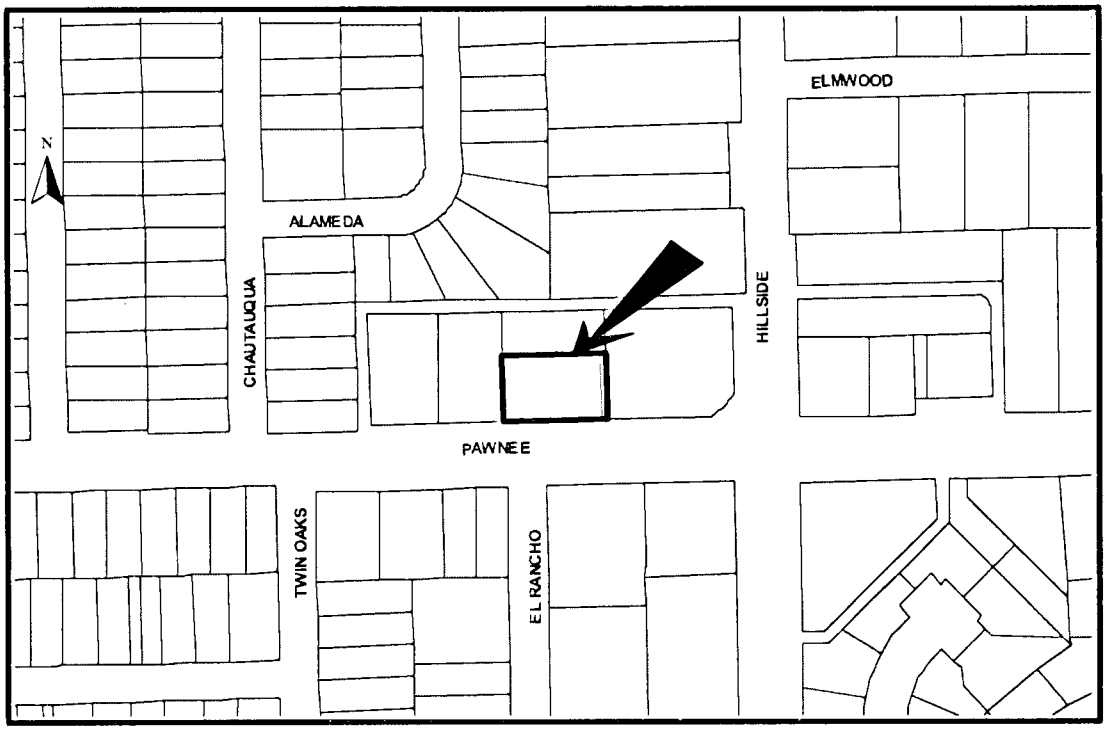
REQUEST: Conditional Use for Outdoor Vehicle and Equipment Sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 0.29 acres

LOCATION: North of Pawnee and west of Hillside

PROPOSED USE: Vehicle Sales Lot



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on a 0.29-acre platted tract located north of Pawnee and west of Hillside. The subject property is zoned "LC" Limited Commercial and is developed with a 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 character of the neighborhood is that of local serving commercial uses clustered near the intersection of Pawnee and Hillside. The zoning of the properties to the south, east, and west is "LC" Limited Commercial. A convenience store is located to the east. Other nearby commercial uses consist of a restaurant, retail shops, a pet shop, and automotive repair. Beyond the commercial uses clustered at the intersection, the area is developed with single-family housing although the zoning includes "B" Multi-family, "MF-29" Multi-family, and "TF-3" Two-family as well as "SF-5" Single-family.

The applicant submitted the attached site plan showing the proposed use of the southern 100 feet of the property as a vehicle sales lot. The site plan limits the vehicle sales lot to the southern 100 feet of the property. The northern 69 feet would remain as undeveloped open space. The site plan shows a 1,300 square foot sales office and approximately 9,000 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. A landscaped street yard is provided along Pawnee and the western property line. A six-foot high screening fence is shown on the northern edge of the Conditional Use. The site plan does not designate new trees along this fence for a landscape buffer, but relies on the existing trees in the open space to the north. The site plan does not specifically identify the location and height of lights, the location and method of screening of the trash receptacle, or proposed signage. The site plan shows a shared drive opening with the convenience store to the east and a drive on the west end of the site.

CASE HISTORY: The subject property includes the southern 100 feet of Lot 1 and a strip of Lot 2, Block G, Maplewood Addition, recorded June 28, 1951, together with the vacated alley to the west.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"; "B"	Single-family residential
SOUTH:	"LC"	Retail, automotive repair, restaurant
EAST:	"LC"	Convenience store, pawn shop
WEST:	"LC"; "MF-29"	Single-family residential

PUBLIC SERVICES: This subject property has access to Pawnee, a four-lane arterial street with current traffic volumes of approximately 23,300 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on Pawnee will remain essentially the same. This segment of Pawnee is shown as a five-lane arterial on the 2030 Transportation Plan and is scheduled on the Wichita Capital Improvements Program to be widened to a five-lane arterial street in 2008. 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. Vehicle sales is not an established use in the area. An application for a "GC" General Commercial zoning for vehicle sales was rejected on the northeast corner of Hillside and Pawnee (ZON2001-00003 denied by Wichita City Council on July 10, 2001). 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 cluster with low-density residential uses located behind the commercial businesses. Most of the property at the intersection of Pawnee and Hillside is zoned "LC" Limited Commercial. A variety of residential zoning exists in the vicinity ("SF-5", "TF-3", "MF-29", and "B") but most of the residential area is occupied with single-family development. Also, the adjoining property to the west is zoned "LC" but developed with single-family residences. 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 in the 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 not along Kellogg, near the central business district, or is an established use in the area. A recent (2001) case requesting an intensification of zoning ("GC") to allow a vehicle sales lot was denied by the Wichita City Council. 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. of the Unified Zoning Code shall be met.

2. The applicant shall dedicate by separate instrument a 10-foot contingent sidewalk and utility easement along Pawnee and an agreement to allow cross-lot access for the property to the west 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, declare that the Conditional Use is null and void.