CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

January 7, 2004

Rolf Patterson
2014 E. Central
Wichita, K S67214-4307

RE: CON2003-00038 – Conditional Use for Outdoor Vehicle and Equipment Sales on property zoned "LC" Limited Commercial. Generally located at the northeast corner of Central and Piatt. (2014 E. Central) (District I)

Dear Ladies and Gentlemen:

At its regular meeting on **January 6, 2004**, the Wichita City Council considered the above-captioned request. The action of the City Council was to APPROVE the request 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 cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups.

2. 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.

3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards. The site will be developed according to the revised site plan.

4. The applicant shall install and maintain landscaping in accordance with the revised landscape plan submitted with the revised site plan. The current landscape plan does not take full advantage of landscaping opportunities on the site. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits.

5. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.

6. 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.

7. There shall be no use of elevated platforms for the display of vehicles. All vehicles for dale or for repair or detail must be on an approved all weather surface.

8. No amplification system shall be permitted.

9. No outside storage of salvaged vehicles, vehicles waiting for repair, or parts shall be permitted in association with this use.

10. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.

11. The applicant shall erect and maintain solid six-foot screening along the northern property lines that is adjacent to residential zoning and the existing residential development. The applicant shall be allowed to use the solid north wall of the garage as screening as long as no doors or windows open up onto the residential property across the alley, north of the site.

12. The applicant shall guarantee the closure of the Central and Piatt entrances that are closest to the intersection and continue the curb and gutter according to City standards. Dedication of access control closing the Central and Piatt entrances that are closest to the intersection by separate instrument shall be submitted to Staff for recording.

13. The applicant shall obtain all permits necessary to make the required site and landscaping improvements; all improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable. No selling of cars shall be allowed until all permits and improvements to the site have been made.

14. 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.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

Bill Longnecker
Senior Planner

WL/rs

Cc: Kimberly L. Le, Applicant, 10924 E. Longlake, Wichita, KS 67207
Ron Smith, Design Concepts, P O Box 758, Andover, KS 67002

RESOLUTION No. 04-019

A RESOLUTION AUTHORIZING A CONDITIONAL USE FOR OUTDOOR VEHICLE AND EQUIPMENT SALES ON 0.50 ACRES ZONED "LC" LIMITED COMMERCIAL, LOCATED AT THE NORTHEAST CORNER OF CENTRAL AND PIATT 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 permit outdoor vehicle and equipment sales on 0.50 acres zoned "LC" Limited Commercial legally described below:

Case No. CON2003-00038

A Conditional Use Permit Outdoor Vehicle and Equipment Sales, on 0.50 acre zoned "LC" Limited Commercial described as:

Lots 76, 78, 80, 82, 84, 86 and 88, on Central Avenue, in Stite's Bros 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Central and Piatt.

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 cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups.

2. 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.

3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards. The site will be developed according to the revised site plan.

4. The applicant shall install and maintain landscaping in accordance with the revised landscape plan submitted with the revised site plan. The current landscape plan does not take full advantage of landscaping opportunities on the site. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits.

5. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.

6. 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.

7. There shall be no use of elevated platforms for the display of vehicles. All vehicles for dale or for repair or detail must be on an approved all weather surface.

8. No amplification system shall be permitted.

9. No outside storage of salvaged vehicles, vehicles waiting for repair, or parts shall be permitted in association with this use.

10. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.

11. The applicant shall erect and maintain solid six-foot screening along the northern property lines that is adjacent to residential zoning and the existing residential development. The applicant shall be allowed to use the solid north wall of the garage as screening as long as no doors or windows open up onto the residential property across the alley, north of the site.

12. The applicant shall guarantee the closure of the Central and Piatt entrances that are closest to the intersection and continue the curb and gutter according to City standards. Dedication of access control closing the Central and Piatt entrances that are closest to the intersection by separate instrument shall be submitted to Staff for recording.

13. The applicant shall obtain all permits necessary to make the required site and landscaping improvements; all improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable. No selling of cars shall be allowed until all permits and improvements to the site have been made.

14. 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.

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 January 6, 2004.

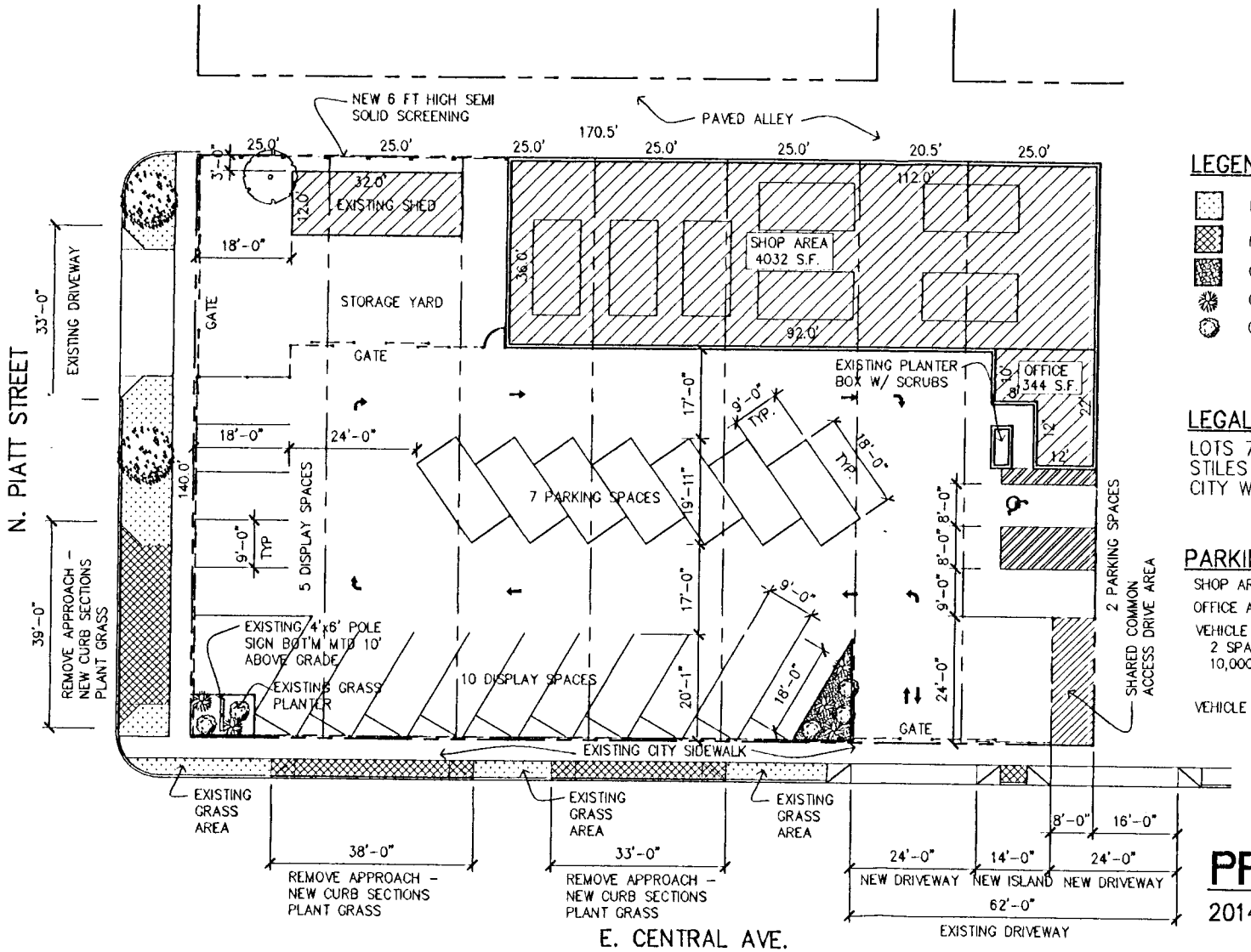
Carlos Mayans, Mayor

ATTEST:

Karen Schofield, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney



LEGEND

- EXISTING GRASS AREA
- NEW GRASS AREA
- CYPRESS MULCH
- COMPACT BURNING BUSH
- GOLDFLAME SPIREA
- SHADEMASTER HONEYLOCUST
- AMUR MAPLE
- NEW 6 FT HIGH SEMI SOLID SCREENING
- 6 FT HIGH CHAIN LINK FENCE

LEGAL DESCRIPTION

LOTS 76,78,80,82,84,86, & 88 OF STILES BROS. 2ND ADDITION TO THE CITY WICHITA, SEDGWICK CO., KS.

PARKING REQ'MTS

SHOP AREA: 1 PER 500 SF. PLUS 3	= 11 REQ'D
OFFICE AREA: 1 PER 250 SF.	= 2 REQ'D
VEHICLE SALES: 11,857 SF LOT AREA 2 SPACES PER 10,000 SF. PLUS 1 PER 10,000 SF THEREAFTER	= 3 REQ'D
TOTAL SPACES REQUIRED	= 16 REQ'D
VEHICLE SALES DISPLAY:	= 15 TOTAL

PROPOSED AUTO SALES

2014 E. CENTRAL AVE. – WICHITA – KANSAS

SITE PLAN

9-11-2003 1"=20'-0"

0 5 10 20 40

DESIGN CONCEPTS
Pat-Lin Market Bldg
1302 East Lincoln
Wichita, Ks. 67211
(316) 681-8898

AGENDA ITEM NO. 8

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC October 23, 2003
DAB I - November 3, 2003

NOTE: the Wichita City Council at their November 18, 2003 meeting considered CON2003-0038. The action of the Council was to send the Conditional Use request for outdoor vehicle and equipment sales back to the MAPC for reconsideration.

CASE NUMBER: CON2003-00038

OWNER/APPLICANT: Rolf Patterson (Owner); Kimberly L. Le (applicant)

AGENT: Design Concepts c/0 Ron Smith

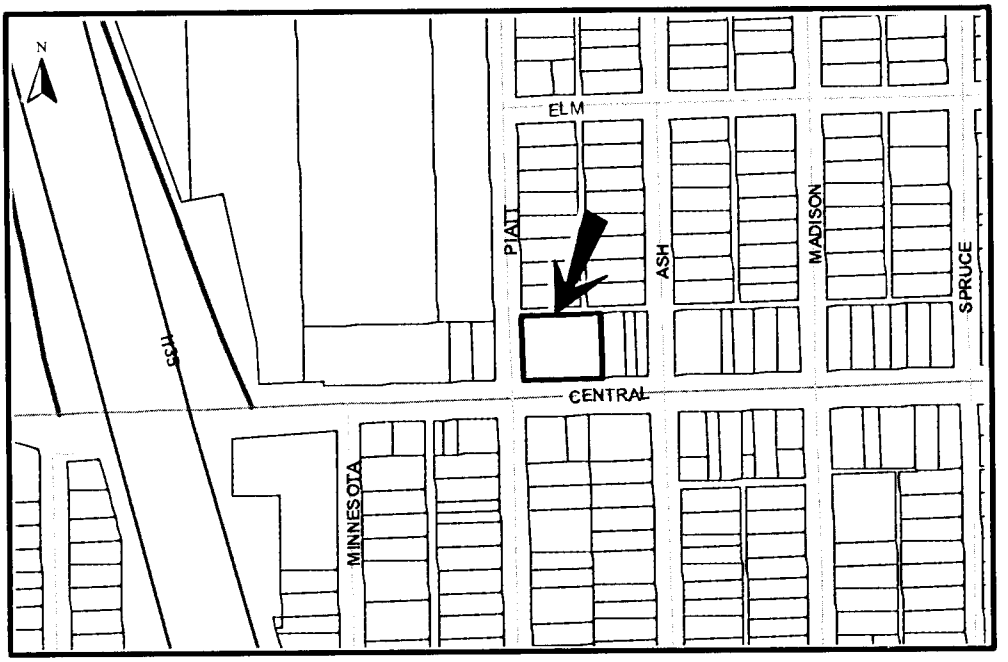
REQUEST: Conditional Use for Outdoor Vehicle and Equipment Sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 0.50-acres

LOCATION: Northeast corner of Central and Piatt (2014 E. Central)

PROPOSED USE: Vehicle Sales Lot



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on a 0.50-acre platted tract located at the northeast corner of Central and Piatt; 2014 E. Central, Lots 76-88, even, Stilies Brothers 2nd Addition. The subject property is zoned "LC" Limited Commercial and is developed with 5 bay door garage/office, used for vehicle repair, and a paved parking area with a chain link fence around the perimeter of the site. The vehicle repair shop, permitted by right, is leaving the site. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the "LC" Limited Commercial zoning district. The applicant has submitted a site plan.

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 and east is "LC" Limited Commercial. The properties to the south across Central are developed with retail businesses, office, a vehicle repair shop and a vehicle body repair shop. The property abutting to the east is developed as office, with retail and office further east across Ash Street. There is a Conditional Use for a car lot, CON03-01, 1 ½ blocks east of the site. This site has never developed as a car lot. Zoning of the properties to the north is "TF-3" Two-Family and "B" Multi-family. These properties to the north across the paved alley are developed with single-family residences. The properties to the west across Piatt are zoned "GC" General Commercial and "B" Multi-family. The Westar Electrical Utility office/contractor yard complex, dominates this area, extending north from Central, past the next block to the railroad tracks and west from Piatt, over a vacated block of Minnesota Avenue to IH-135. The complex wraps around an isolated single-family residence on Central.

The site plan shows a 344 square foot sales office, a 4,032 square foot garage/storage area and 11,857 square feet of vehicle display area. Included in this display area is a proposed outdoor storage yard. The site plan shows 11 employee/customer parking spaces, which appears to meets the Unified Zoning Code parking requirement. The site plan proposes landscaped street yard primarily in the Central and Piatt ROW, as well as an undetermined amount within the site along Central, within the interior and on the north side. The site plan proposes a six-foot high semi-solid fencing along the north property line merging with the wall of the garage wall. The semi-solid screening does not meet the Unified Zoning Code screening requirement. The site plan shows no lights, no trash receptacle and no proposed or existing signage.

The site currently has 5 existing entrances/exits (entrances); 2 on Piatt and 3 on Central. The site plan shows the 3 entrances that are closest to the Piatt – Central intersection as being closed, leaving the two farthest entrances from the intersection open. The site plan shows the closed entrances to be seeded with grass within the ROWs. The applicant shares the eastern entrance with the abutting office and proposes improvements to it including an island/median splitting the current uninterrupted 62-foot wide entrance.

CASE HISTORY: The subject property is platted as Lots 76-88, Stiles Brothers 2nd

Addition, was recorded January 10, 1887.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3" "B"	Single-family residence
SOUTH:	"LC"	Retail, office, vehicle repair & vehicle body repair
EAST:	"LC"	Office, retail and undeveloped car lot
WEST:	"GC"	Single-family residence & franchised utility office/contractor yard

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. The sewer is located in the alley abutting the north side of the site.

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 is over a mile from the central business district and is not considered part of the CBD fringe. Another car sale lot, CON03-01, is located 1 block east of the site and was first and is currently the only site for car sales approved on Central east of IH-135. This site was vacant when approved and remains undeveloped. The nearest active car sale lot is 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 this area as a Revitalization Area. A Revitalization Area is an area that is experiencing structural and market decline where private investment and development opportunities need to be encouraged through neighborhood stabilization and rehabilitation. The short term benefit for the area by allowing the Conditional Use for a car sales lot on the site; it will keep the property in use, with conditions attached to it that would improve the property. The long-term revitalization benefit to the area by allowing the Conditional Use for a car sales lot; it could encourage further investment into the property for improvements for the Conditional Use or another use. Approval of car sales lots has a tendency to attract more of these request/applications to the area where they are approved and establishing conditions that improve the property and encourage future investment is critical for the site and neighborhood.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, with conditions. The

Comprehensive Plan does not indicate that a used car lot would be appropriate for this area, but there is another vehicle sales lot existing in the immediate vicinity. The MAPC has generally approved car sales lots on sites similar to this one, with conditions for development that would minimize impact on the area and improve the property of the Conditional Use.

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups.

2. 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.

3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards. The site will be developed according to the revised site plan.

4. The applicant shall install and maintain landscaping in accordance with the revised landscape plan submitted with the revised site plan. The current landscape plan does not take full advantage of landscaping opportunities on the site. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits.

5. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.

6. 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.

7. There shall be no use of elevated platforms for the display of vehicles. All vehicles for dale or for repair or detail must be on an approved all weather surface.

8. No amplification system shall be permitted.

9. No outside storage of salvaged vehicles, vehicles waiting for repair, or parts shall be permitted in association with this use.

10. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.

11. The applicant shall erect and maintain solid six-foot screening along the northern property lines that is adjacent to residential zoning and the existing residential development. The applicant shall be allowed to use the solid north wall of the

garage as screening as long as no doors or windows open up onto the residential property across the alley, north of the site.

12. The applicant shall guarantee the closure of the Central and Piatt entrances that are closest to the intersection and continue the curb and gutter according to City standards. Dedication of access control closing the Central and Piatt entrances that are closest to the intersection by separate instrument shall be submitted to Staff for recording.

13. The applicant shall obtain all permits necessary to make the required site and landscaping improvements; all improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable. No selling of cars shall be allowed until all permits and improvements to the site have been made.

14. 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.

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, with the exception being the Weststar office/contractors yard west of the site. Most of the property along Central is zoned "LC" Limited Commercial, with residential zoning in areas north and south of Central. There are several car repair shops in the immediate area that have vehicles parked outside waiting for repair or pick up. This use is less frequent east of Grove on Central.

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, including its current use as a site for vehicle repair.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Vehicle sales on a site this size when developed with the Conditional Use, will have a minimum of negative effect on the area and at best improve the property, with the application of additional access control, landscaping, screening and the other conditions on the site.

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. A Revitalization Area is an area that is experiencing structural and market decline where private investment and development opportunities need to be encouraged through neighborhood stabilization and rehabilitation. A Conditional Use for a car sales lot on this site does not meet the Commercial Locational criteria, but it may possibly met the criteria for revitalization by encouraging investment and upgrading to property which could encourage further investment and the continued use of property, rather than vacancy and decline.

5. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate. Additional access control onto Central is an improvement as is the dedication of ROW to the alley, to cover the sewer line located in it, and any additional dedication required by the Public Works Engineer.

Bill: Wants to see plan as approval but get addressed landscape and pull out paving in the corner.

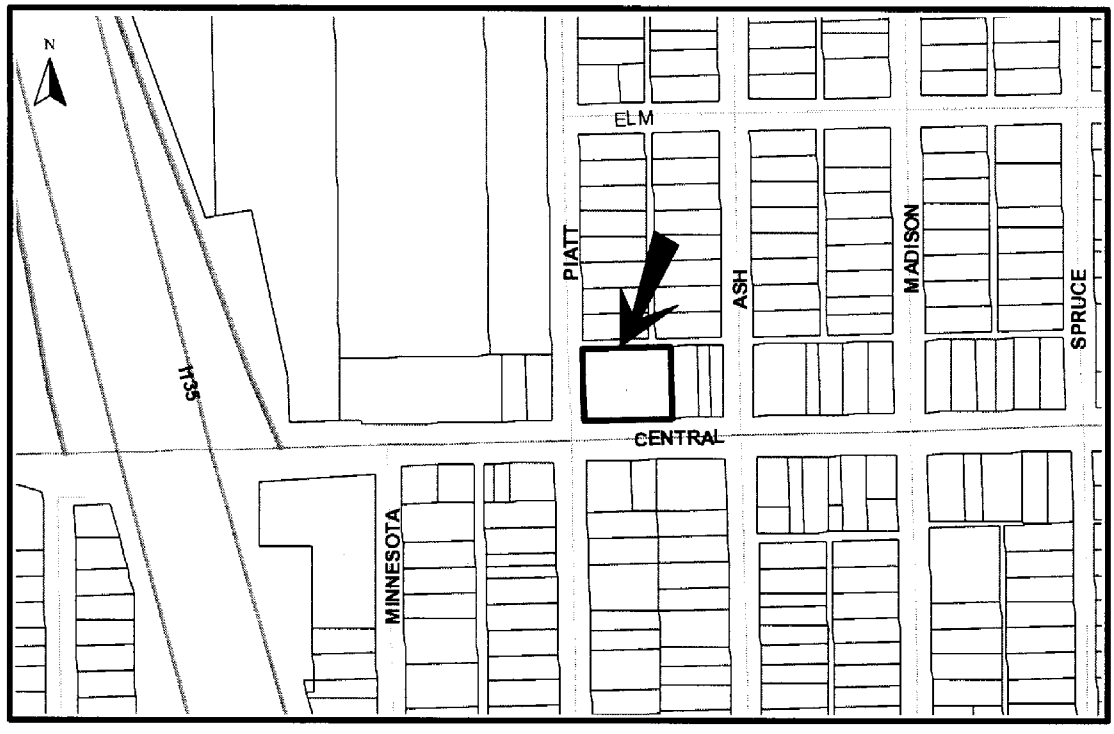
WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. ____

STAFF REPORT

MAPC October 23, 2003
DAB I - November 3, 2003

CASE NUMBER:	CON2003-00038
OWNER/APPLICANT:	Rolf Patterson (Owner); Kimberly L. Le (applicant)
AGENT:	Design Concepts c/O Ron Smith
REQUEST:	Conditional Use for Outdoor Vehicle and Equipment Sales
CURRENT ZONING:	"LC" Limited Commercial
SITE SIZE:	0.50-acres
LOCATION:	Northeast corner of Central and Piatt (2014 E. Central)
PROPOSED USE:	Vehicle Sales Lot



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on a 0.50-acre platted tract located at the northeast corner of Central and Piatt; 2014 E. Central, Lots 76-88, even, Stilies Brothers 2nd Addition. The subject property is zoned "LC" Limited Commercial and is developed with 5 bay door garage/office and a paved parking area with a chain link fence around the perimeter of the site. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the "LC" Limited Commercial zoning district. The applicant has submitted a site plan

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 and east is "LC" Limited Commercial. The properties to the south across Central are developed with retail businesses, office, a vehicle repair shop and a vehicle body repair shop. The property abutting to the east is developed as office, with retail and office further east across Ash Street. There is a Conditional Use for a car lot, CON03-01, 1 ½ blocks east of the site. This site has never developed as a car lot. Zoning of the properties to the north is "TF-3" Two-Family and "B" Multi-family. These properties to the north across the paved alley are developed with single-family residences. The properties to the west across Piatt are zoned "GC" General Commercial and "B" Multi-family. These properties are dominated by the Westar Electrical Utility office/contractor yard complex, around an isolated single-family residence on Central.

The site plan shows a 344 square foot sales office, a 4,032 square foot garage/storage area and 11,857 square feet of vehicle display area. Included in this display area is a proposed outdoor storage yard. The site plan shows 11 employee/customer parking spaces, which **meets the Unified Zoning Code parking requirement**. The site plan proposes landscaped street yard primarily in the Central and Piatt ROW, as well as an undetermined amount within the site along Central, within the interior and on the north side. The site plan proposes a six-foot high semi-solid fencing along the north property line merging with the wall of the garage wall. The semi-solid screening does not meet the Unified Zoning Code screening requirement. The site plan shows no lights, no trash receptacle and no proposed or existing signage.

The site currently has 5 existing entrances/exits (entrances); 2 on Piatt and 3 on Central. The site plan shows the 3 entrances that are closest to the Piatt – Central intersection as being closed, leaving the two farthest entrances from the intersection open. The site plan shows the closed entrances to be seeded with grass within the ROWs. The applicant shares the eastern entrance with the abutting office and proposes improvements to it including an island/median splitting the current uninterrupted 62-foot wide entrance.

CASE HISTORY: The subject property is platted as Lots 76-88, Stiles Brothers 2nd Addition, which was recorded on **June 19, 1888**.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3" "B"	Single-family residence
SOUTH:	"LC"	Retail, office, vehicle repair & vehicle body repair
EAST:	"LC"	Office, retail and undeveloped car lot
WEST:	"GC"	Single-family residence & franchised utility office/contractor yard

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. The sewer is located in the alley abutting the north side of the site.

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. Regardless of the recently approved and undeveloped CON03-01, vehicle sales is not an established use in the area, with the nearest active vehicles sale lot located eight blocks to the west on the other side of I-135 and within the CBD fringe. With the exception of the undeveloped CON03-01 there are no other car sales lots on Central, east of IH-135.

The Wichita Residential Area Enhancement Strategy of the Comprehensive Plan identifies this area as a Revitalization Area. A Revitalization Area is an area that is experiencing structural and market decline where private investment and development opportunities need to be encouraged through neighborhood stabilization and rehabilitation. The long-term revitalization benefit to the neighborhood of a car lot is at best uncertain. Car lots are more regional serving than neighborhood serving and are seen as intensifying commercial uses in the area; it is contrary to the neighborhood

revitalization strategies in the Comprehensive Plan. Approval of car sales lots has a tendency to attract more of these request/applications to the area where they are approved, further eroding the neighborhood retail character of the area.

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, with the exception being the Weststar office/contractors yard west of the site. Most of the property along Central is zoned "LC" Limited Commercial, with residential zoning in areas north and south of Central. Vehicle sales are still not an established use in the area. Vehicle sales 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 exception is the undeveloped CON03-01. 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 complete access control except for one opening along the eastern portion of the property's Central frontage, one opening along the northern portion of the property's Piatt frontage and 2 ½ -feet of ROW to the alley on the north side of the site 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.

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SITE PLAN

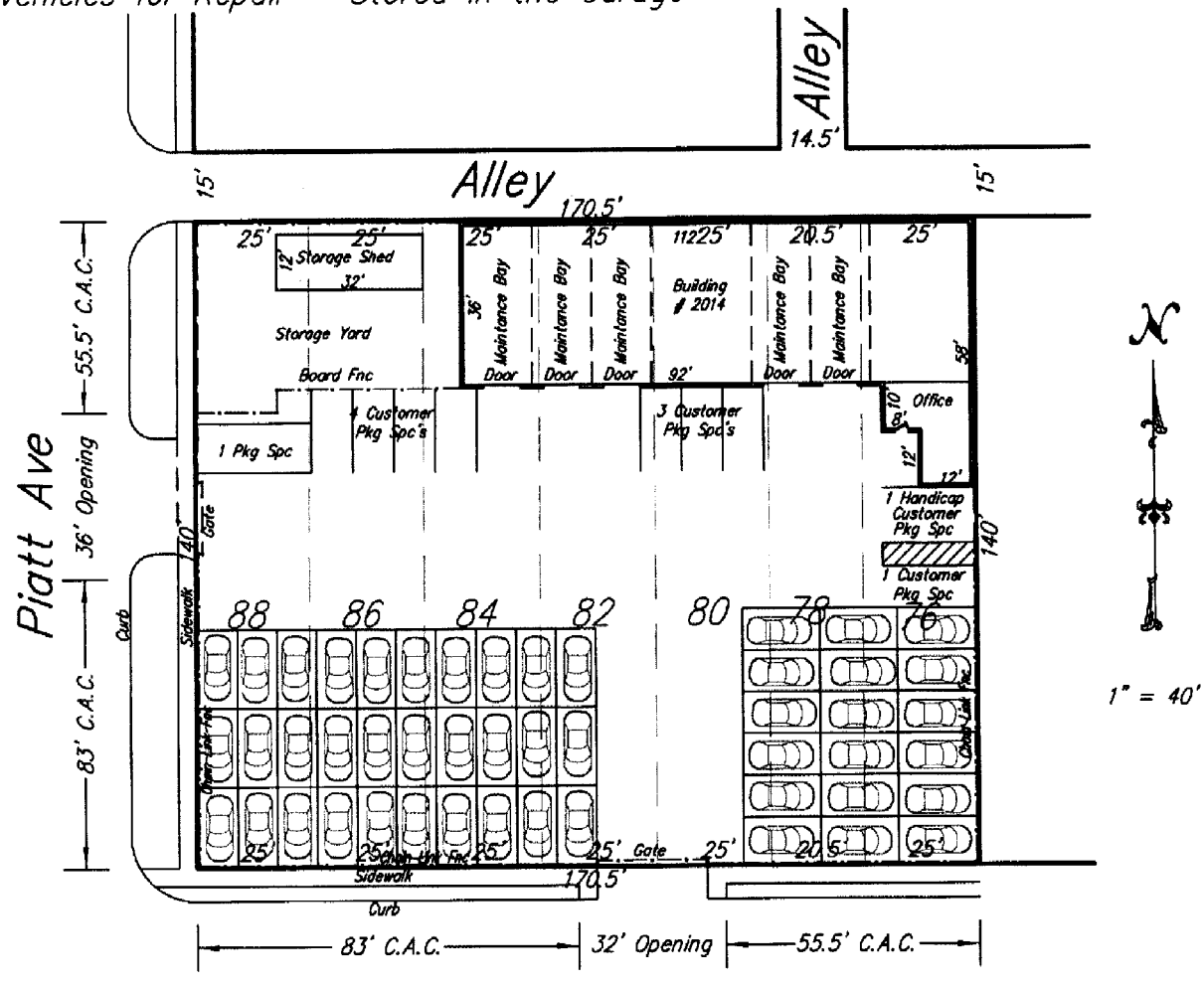
APPROVED Bill Longnecker MAY 17, 2016 BY

AUTO SALES & MAINTENANCE
2014 E Central, Wichita, KS

Lots 76 thru 88 (even) on Central Ave, Stites Bros. Second Addition, Wichita, Sedgwick County, Kansas.

Display & Storage Area = 48 Spaces
Customer Handicap Parking = 1 Space
Customer Parking = 7 Spaces
Additional Parking = 2 Spaces
Vehicles for Repair = Stored in the Garage

Storage & Sales Display 9,400 sq ft
Building 4,000 sq ft



11 MAY 2016
PROJECT NO. 16DD16071 DE