CONDITIONAL USE RESOLUTION NO. CON2003-00019

WHEREAS, Hoang and Thep Nguyen (Owner/Applicants) 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 Vehicle and equipment sales on 19,950 square feet zoned "LC" Limited Commercial described as:

Lots 11, 12, 13, 14, 15 and 16, Block F, East University Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and Figg. (1431 S. Seneca).

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 August 7, 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 Vehicle and equipment sales on 19,950 square-feet zoned "LC" Limited Commercial described as:

Lots 11, 12, 13, 14, 15 and 16, Block F, East University Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and Figg. (1431 S. Seneca).

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.

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 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 western property lines that is adjacent to residential zoning and the existing residential development.

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

13. Dedicate 15-feet of ROW along Seneca Street. Dedicate 2 1/2-feet of ROW to Figg. Dedicate 3-feet of ROW to the alley.

14. 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.

15. 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.

Adopted this 7th DAY of AUGUST, 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

Ronald L. Marnell, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

SITE PLAN

Amended Oct 24, 2003

*NOTE: Lan Dscape Plan is included

← SENECA →

← FIGG →

(DW) 24'

(A) 10' Mature Trees

(B) 10' Mature Trees

(C) 15' × 15'

Display Lot

3 Display

15-Ft

25-Ft

GATE 20'

41'

All Weather Surfaces

89'

Display

24-Ft (AWNING)

Display

15.3'

24'

24'

30'

61'

DESIGNATED
11 Auto Repair/Detailing Parking Area

47'

(AWNING)

24-Ft

3 Display

(DW) 24'

Parking

To Remain Open
No Fencing

25'

Open Area

4 Display

LAWN Area

(A) 8'

5'

3'

25

(E)

LP

LEGEND:

(DW) = DRIVEWAY

●S = SIGN

(CL) = CITY LIGHTING

(W) = WATER METER

OPL = PRIVATE LIGHTING

= (2) HACKberry, mature

= 6' Wood Fence

= 2' Steel Pole Fence

= LAWN AREA (A,B,C,D,E)

= Mature ELM (3)

= Crepe Myrtle = (2) 1-1½" caliper

= AMUR MAPLE 1-1½" Caliper (3)

= (3) barberry 2gal cont. 18"-24" Ht.

= LIMESTONE BOULDERS 2'x2'

* = Stella De ORO Daylily 1gal cont 12" min. Ht. (9)

Cypress Mulch / Dewitt WEED BARRIER

LP = DAYLILY patch 3' x 10' apx (30)

S
E W
N

Scale:

1" = 10'

0 10'

LEGAL DESCRIPTION:

1908. S. SENECA
Lots 11, 12, 13, 14, 15 #16
Wichita, Sedgwick County, Kansas

LOT AREA = 19,950 Sq Ft

Note:

All Parking Spaces are 9'x18'
total = 19 stalls

Auto Repair Parking does not mean SALVAGE YARD =
All Autos in area must have all tags / Licence Current

LANDSCAPE AREA TOTAL 4249 sq. Ft.
NO GRAVEL or ROCK in Landscape Area

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT
MAPC – August 7, 2003
DAB IV – August 6, 2003

CASE NUMBER: CON2003-00019

APPLICANT/AGENT: Hoang & Thep Nguyen (Owner/Applicant)

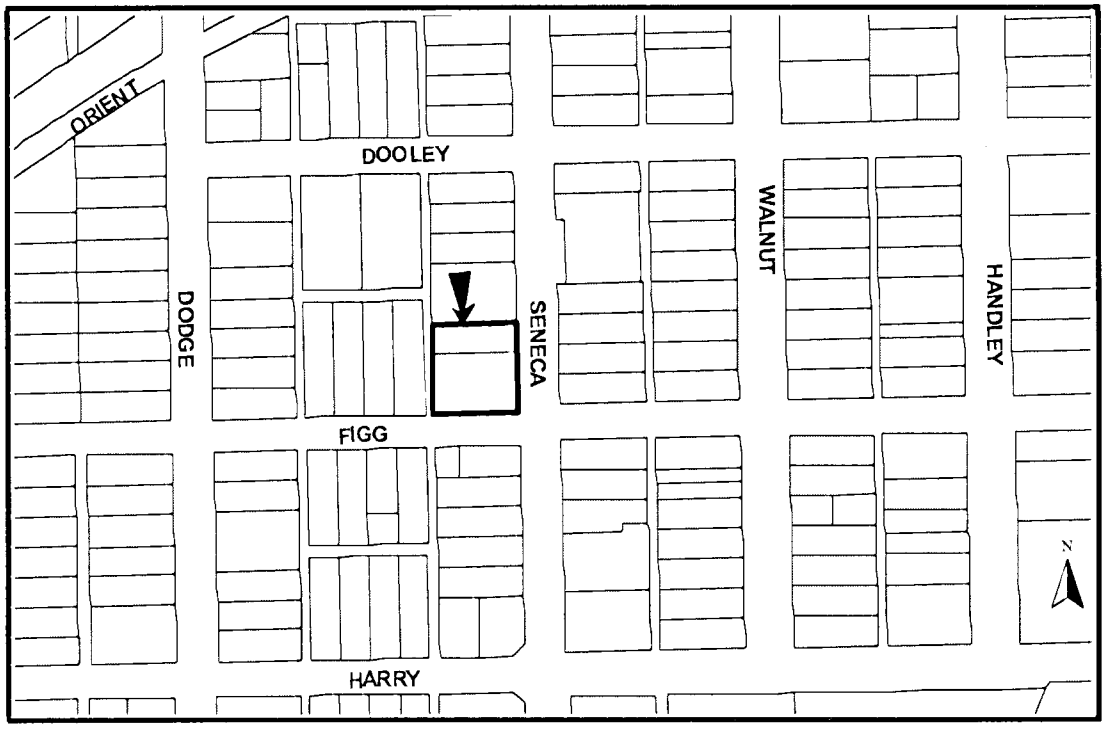
REQUEST: Conditional Use to allow used car sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 19,950 square-feet

LOCATION: Northwest corner of Seneca and Figg
Lots 11-16, Block F, East University Addition, 1431 South Seneca.

PROPOSED USES: Vehicle and equipment sales, outdoors



BACKGROUND: The applicants, Hoang & Thep Nguyen, are requesting consideration and recommendation for a Conditional Use to allow used car sales on property zoned "LC" Limited Commercial. The property (0.48 acres) is described as Lots 11-16, Block F, East University Addition, located on the northwest corner of the Seneca Street - Figg Street intersection. The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" zoning. The applicant has submitted a site plan.

The property contains a vacant 1,530 sq.-ft building. The building was used as a gas station with a two bay attached garage and the applicant proposes to use it for an office and a repair – detail shop. There is a concrete parking/service area (in fair shape) where they propose to display the cars and provide parking. There is also a large canopy over what used to be the area where gas pumps were located.

The site plan shows 6 parking spaces to be provided, which is sufficient for this site. There are 12 spaces for display. The site plan shows approximately 24-feet of circulation on the Hydraulic side and 25-feet on the Figg side. There is a potential bottleneck for circulation on the Figg side, where the space between the building and the display area leaves only 15-feet for circulation.

The site currently has 4 existing entrances/exits (entrances); 2 on Figg and 2 on Seneca. The site plan shows the 2 entrances that are closest to the Figg – Seneca intersection as being closed, leaving the two farthest entrances from the intersection open. The site plan shows the closed entrance on Figg to be landscaped. The two proposed openings do not conflict with existing openings on across the street properties. The site has an old light pole/sign (without light fixtures attached) located on the southwest side of the site. The site plan shows it removed.

The site plan shows proposed landscaping and the existing landscaping. The existing landscaping on the north and west sides is enhanced with additional trees. The new, additional landscape areas are along the site's east side. The applicant has applied for credit of landscaping in the Figg ROW, with the condition that the owner of the property maintain it and replace it when necessary. The applicant proposes a new 6-foot wooden fence enclosing an area behind the building, where vehicles waiting for detail work or repair are kept. This area will have to have an approved all weather surface on it. Bay doors open into this area.

Seneca, from McCormack to Harry, is an almost uninterrupted 4½-block strip of commercial zoning, with a few single family-residences/structures (most between McCormick & Stillwell Avenue; 2 out of 7 blocks) mixed in with small older commercial development and vacant property or vacant structures. The most recent

developments (and exceptions to the most of the area's development) on Seneca are the Quick Trip convenience store southeast of the site and the Sedgwick County Government complex, several blocks north of the site. Other development along the strip includes a car lot (BZA13-89), various auto repair and parts businesses, restaurants, liquor stores, bars, small retail strips and small offices.

There is single-family residential housing (zoned "LC") immediately north of the site. The properties west of the site are zoned "MF-29" and developed as single family residential. East of the site, across Seneca, there is a vacant business, a vacant lot, a retail business and single family residential. Development south of the site includes an auto repair and parts business, the Quick Trip, a bar and a vacant single-family residence. The auto repair and parts business was given an exception, BZA6-16, to sell cars on part of its site. There was no evidence of cars being sold on this section of this business. Beyond the Seneca strip to the west the area is developed as single-family residential, while to the east the area is zoned "LI" and developed as small industrial sites.

CASE HISTORY: The East University Addition was entered on transfer record in 1886.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial	Single-family residential
EAST:	"LC" Limited Commercial "LI" Limited Industrial	Auto parts, vacant land vacant business, single-family residence, warehouse, industrial
SOUTH:	"LC" Limited Commercial	auto repair and parts, vacant residence, convenience store, restaurant, bar, car lot
WEST:	"MF-29" Multi-Family Residential	Single-family residential

PUBLIC SERVICES: Seneca is a five-lane arterial street. Figg Street is a residential road. The estimated traffic volume of (ADT) trips per day at the Seneca - Harry intersection is 3,791 ADTs on the west side, 18,814 ADTs on the north side, 6,876 ADTs on the east side and 17,955 ADTs on the south side. Water/sewer and other municipal services are provided to the site. There is no CIP for this section of Seneca.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide, as amended in 2002, of the Wichita – Sedgwick County Comprehensive Plan identifies this property as Commercial. The current zoning of the site is "LC" Limited Commercial. The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The Wichita – Sedgwick County Comprehensive Plan, as amended by Resolution 5-02, directs the location of auto sales

lots and other types of infrequent purchase or non-neighborhood serving commercial uses to areas (existing or planned) containing similar uses and away from neighborhood commercial areas. This area contains neighborhood commercial and auto sales lots and other types of infrequent purchase or non-neighborhood serving commercial uses in the industrial properties immediately to the east.

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. Redevelopment of the site into a car sales lot will bring a vacant property back into use, with conditions attached to it that would improve the property. The long-term revitalization benefit to the area of the Conditional Use to allow a car lot is uncertain. It is not known how long the car sales lot closest to the site has been not used, nor is it known how continuous the car sales lot further south has been used. Neither of these lots meets current development standards for car sales lots and to have the properties in use rather than them being vacant seems preferable. Approval of car sales lots has a tendency to attract more of these request/applications to the area where they are approved.

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 are other vehicle sales lots existing in the general 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. Some members of the MAPC have indicated a desire for Staff to be more flexible in considering vehicle sales request.

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.

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.

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15. 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is zoned "LC," "LI" & MF-29". The existing businesses in the neighborhood are local retail in character, except for an existing car sales lot. There is established residential development adjacent to the site on the west sides. A location further east that would be in the warehouse – industrial area would be more appropriate.

2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed with one of the many "LC" permitted uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property. Outdoor storage and display of vehicles all ready exist in the area. Approval of this request will most likely open other sites nearby for additional vehicle sales lots and other "heavier" commercial uses.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The Wichita Land Use Guide of the 1999 update to the Wichita – Sedgwick County Comprehensive Plan identifies this property as Commercial. The current zoning of the site is "LC" Limited Commercial. The Wichita – Sedgwick County Comprehensive Plan, as amended by Resolution 5-02, directs the location of auto sales lots and other types of infrequent purchase or non-neighborhood serving commercial uses to areas (existing or planned) containing similar uses and away from neighborhood commercial areas. The proposed car sales lot partially meets these criteria. The nearest operating car sales lot is located 2 blocks south. Another permitted car sales lot is ½ block south, but it is not operating; a car repair and parts business is on this site.

5. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate.