CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 7, 2010

Alan Beam
801 N. Burmac
Burrton, KS 67020

Justin P. Clark Living Trust
3006 S. Seneca St
Wichita, KS 67217

RE: **CON2010-00014** - City Conditional Use request to permit vehicle and equipment sales, outdoor, on property zoned LC Limited Commercial, generally located on the southeast corner of S. Seneca Street and W. 29th Street South (3006 S. Seneca Street).

Dear Ladies and Gentlemen:

At its regular meeting on **May 6, 2010**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS:mc
Enclosure

Copies to: Riverside Township, Dale V. Kuhn, 6051 Southeast Blvd, Derby, KS 67037

locational guidelines, the application conforms with the **Commercial/Office Objective** to "Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses," as well as **Strategy III.B.6** recommends that traffic generated by commercial activities be channeled to the closest major thorough-fare with minimum impact upon local residential streets.

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

Site Plan for Vehicle Lot

APPROVED

CON2010-00014

Date: 5/24/10



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CONDITIONAL USE RESOLUTION NO. CON2010-00014

WHEREAS, Justin P. Clark Living Trust, (Owner) and Alan Beam, (Applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit Vehicle and Equipment Sales, Outdoor on 0.95 acres zoned LC Limited Commercial ("LC") described as:

> Lot 1, Gibbs Addition, Wichita, Sedgwick County, Kansas; generally located at the southeast corner of the intersection of South Seneca Avenue and 29th Street South.

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 May 6, 2010, 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 allow a Conditional Use to permit Vehicle and Equipment Sales, Outdoor on 0.95 acres zoned LC Limited Commercial ("LC") described as:

> Lot 1, Gibbs Addition, Wichita, Sedgwick County, Kansas; generally located at the southeast corner of the intersection of South Seneca Avenue and 29th Street South.

Approved subject to the following conditions:

1. Obtain all permits and inspection as required by OCI. All development will be per City Code including landscaping, code compliance and any other applicable standards.

2. 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 pickups are permitted.

3. No automotive service or repair work shall be done on the site unless it is entirely within a building. No body or fender work shall be permitted without first obtaining "GC" General Commercial zoning.

4. 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, within one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.

5. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within one year of approval by the MAPC or the City Council. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits. The applicant will remove all asphalt needed to come into compliance with the Landscape Ordinance and to ensure that development does not encroach into right-of-

way.

6. A parking barrier, such as a heavy rail type, 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.

7. 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.

8. There shall be no use of elevated platforms for the display of vehicles. All vehicles for sale or for repair must be on a concrete, asphalt or an approved all weather surface.

9. No outdoor amplification system shall be permitted.

10. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. Outside storage of parts, including tires, associated with the car repair, limited, operation shall be within a 6-foot solid screened area.

11. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be no taller than 12 feet, including the base, and directed onto the site and away from the residential development abutting the west side of the site.

12. All trash receptacles, oil containers or any similar type of receptacles for new or used petroleum products or trash shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.

13. The entrances shall be reviewed and approved by the Traffic Engineer. This must be provided to the City, prior to the Conditional Use being finalized. The applicant shall guarantee the closure of all but the approved entrances according to City standards.

14. All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.

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

16. 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 6TH Day of May, 2010

METROPOLITAN AREA PLANNING COMMISSION

for Debra Miller Stevens
G. Nelson Van Fleet, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

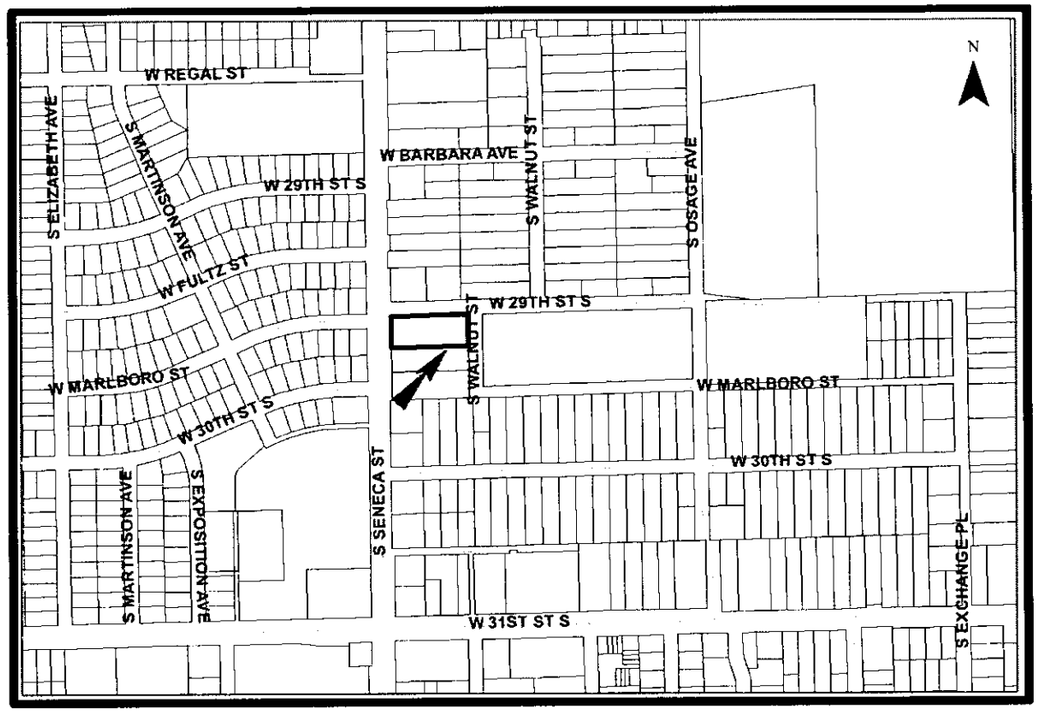
AGENDA ITEM NO. 6

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

District Advisory Board IV: May 5, 2010
MAPC: May 6, 2010
Tentative City Council Date: June 8, 2010

CASE NUMBER:	CON2010-00014
APPLICANT/AGENT:	Justin P. Clark Living Trust (Owner) Alan Beam (Applicant)
REQUEST:	Conditional Use to permit vehicle and equipment sales, outdoor
CURRENT ZONING:	LC Limited Commercial ("LC")
SITE SIZE:	0.95 acre
LOCATION:	Generally located northeast of the intersection of South Seneca Avenue and 31st. Street South. (3006 S. Seneca)
PROPOSED USE:	Automobile retail sales



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on Lot 1 of the Gibbs 3rd Addition, which is currently, zoned LC Limited Commercial ("LC"). The site is located at the southeast corner of West 29th Street South and South Seneca Street. The subject site is developed with a three-bay door garage/retail/office, used for limited car and light truck repair. The applicant proposes to retain the site's limited vehicle repair shop, which is permitted by right, and sell pre-owned vehicles. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a Conditional Use in the LC zoning district.

The applicant's site plan shows the existing garage/retail/office structure; one proposed drive onto South Seneca Street and one drive onto 29th Street South; proposed vehicle circulation and the parking/display area. The site plan also shows the location of a proposed building to be placed on the east side of the existing building, and an area near the proposed building to be paved. If approved, the applicant needs to provide a revised site plan giving more detail including any proposed light poles, solid screening around trash receptacle(s), required screening around the outside and landscaping.

The existing office-sales building has bay doors on the north side of the building and is currently listed by the appraiser's office as a service garage. Per the UZC Art IV, Sec IV-A, "Off-Street Parking Standards," the 6,050-square foot office-sales-vehicle repair building would trigger the need for at least thirteen parking spaces. The UZC also requires two parking spaces for the first 10,000-square feet of lot area used for sales, display or storage purposes, plus one parking space for each 10,000-square feet of lot area used for sales, display or storage purposes thereafter; the applicant has not given that square footage. Dimensions on the vehicle display parking spaces are not given, however the site plan shows most of the display area to be between 60 to 70 feet deep and if the straight-in (versus angled) display spaces are 18 feet deep, the applicant would have at least 24 feet for vehicle circulation (accounting for parking on both sides of drive aisle); the Fire Department prefers a 15 foot minimum distance for their emergency service vehicles. Parking in the LC zoning district can be in setbacks, except for that portion of the setback required for landscaping.

Property east of the subject site is zoned B Multi-family Residential ("B") and is developed with an apartment complex. Property to the west of the subject site, across Seneca Street, is zoned SF-5 Single-family Residential ("SF-5") and GO General Office ("GO) and is developed with a single-family residence and an office. Property south of the subject site is zoned LC Limited Commercial ("LC") and is developed with a restaurant and retail strip center. Property north of the subject site is zoned LC and NR Neighborhood Retail ("NR") and is developed with a restaurant and retail strip center.

CASE HISTORY: The subject property is platted as Lot 1 of the Gibbs 3rd Addition, which was recorded with the Register of Deeds February 28, 1969. The existing structure on the site was originally built in 1969, while an expansion to the structure appears to have been completed in 1986.

ADJACENT ZONING AND LAND USE:

NORTH:	LC & NR	Restaurant & retail store
SOUTH:	LC	Restaurant
EAST:	B	Apartment Complex
WEST:	SF-5	Residence

PUBLIC SERVICES: This subject property has access to South Seneca, a 5-lane principal arterial

street along the west property line and West 29th Street, a two-lane, local street along the north property line. The current traffic volumes along South Seneca at this location are approximately 35,690 vehicles per day. Municipal water and sewer services are currently provided to the subject property. The sewer line is located along the east property line of subject site, while the water main is located along the north property line of the subject site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "Local Commercial." "This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. An example of the range of recommended uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing." In terms of conformance with commercial goals/objectives/strategies and locational guidelines, the application conforms with the **Commercial/Office Objective** to "Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses," as well as **Strategy III.B.6** recommends that traffic generated by commercial activities be channeled to the closest major thorough-fare with minimum impact upon local residential streets.

Commercial Locational Guideline #1 of the *Comprehensive Plan* recommends that commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. The proposed development complies with this guideline. **Commercial Locational Guidelines #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use; **#5** commercially-generated traffic should not feed directly onto local residential streets.

In the past, the MAPC has identified smaller car sales lots as being more of a local retail establishment in their nature, as opposed to the cluster of larger car sales lots located primarily along Kellogg Avenue and Broadway Avenue, which are more regional in their nature. The MAPC has also recommended that buildings that had in the past been used for automobile activities, such as gas stations, be considered as possible sites for car sales. The existing structure on the site was originally built in 1969, while an expansion to the structure appears to have been completed in 1986. Most recently, the structure has been used for an automotive repair use.

RECOMMENDATION: While the site does not entirely meet the Comprehensive Plan's criteria of locating car lots in areas where they are already clustered, it does match up with the MAPC's criteria of locating smaller car sales lots within sites that had previously been used for auto related businesses. Introduction of a car sales lot into an area can lead to other car sales lots and this is an issue that must be addressed on a site-by-site basis with a Conditional Use application. Usually, but not always, on an application for a Conditional Use for a small site for car sales, the car sales are the only business to operate on the site. In this case the applicant proposes to retain the permitted by right limited vehicle repair business, while operating a car sales lot. Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED. Recommended conditions of approval include:

1) Obtain all permits and inspection as required by OCI. All development will be per City Code including landscaping, code compliance and any other applicable standards.

2) In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of cars and light trucks, [redacted]. No sale or rental of trailers, [redacted], vehicles or trucks larger than pickups are permitted.

3) No automotive service or repair work shall be done on the site unless it is entirely within a building. No body or fender work shall be permitted without first obtaining "GC" General Commercial zoning.

4) 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, within one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.

5) The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within one year of approval by the MAPC or the City Council. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits. The applicant will remove all asphalt needed to come into compliance with the Landscape Ordinance and to ensure that development does not encroach into right-of-way.

6) A parking barrier, such as a heavy rail type, 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.

7) 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.

8) There shall be no use of elevated platforms for the display of vehicles. All vehicles for sale or for repair must be on a concrete, asphalt or an approved all weather surface.

9) No outdoor amplification system shall be permitted.

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11) The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be no taller than 12 feet, including the base, and directed onto the site and away from the residential development abutting the west side of the site.

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products or trash shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.

13) The entrances shall be reviewed and approved by the Traffic Engineer. This must be provided to the City, prior to the Conditional Use being finalized. The applicant shall guarantee the closure of all but the approved entrances according to City standards.

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

16) 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:** Property east of the subject site is zoned B Multi-family Residential ("B") and is developed with an apartment complex. Property to the west of the subject site, across Seneca Street, is zoned SF-5 Single-family Residential ("SF-5") and GO General Office ("GO) and is developed with a single-family residence and an office. Property south of the subject site is zoned LC Limited Commercial ("LC") and is developed with a restaurant and retail strip center. Property north of the subject site is zoned LC and NR Neighborhood Retail ("NR") and is developed with a restaurant and retail strip center.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC. The property is suitable for the commercial uses to which it has been restricted, including its current use as vehicle repair, limited.

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 access control, landscaping, screening and the other conditions on the site.

4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The Land Use Guide of the Comprehensive Plan identifies this area as "Local Commercial." "This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of recommended uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing." In terms of conformance with commercial goals/objectives/strategies and