CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 9, 2011

Mark Paoluccie Revocable Trust
2824 Timberlake Circle
Wichita, KS 67204

RE: **CON2011-00009** - City Conditional Use for indoor Vehicle and Equipment Sales and Vehicle Repair, Limited on property zoned GC General Commercial generally located on the southwest corner of West Burton Avenue and South Oak Street.

Dear Applicants:

At its regular meeting on **April 21, 2011**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the conditions on the attached resolution.

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

Sincerely,

Dale Miller
Current Plans Manager
Current Plans Division

Copies to: Roger Martin, 2509 Green Meadows Circle, Wichita, KS 67205
Michael O'Donnell, WCC IV, Mail Stop 1-13
South Central, Bill Davis, 1818 South Main, Wichita, KS 67211
McCormick NA, Clyde Jones, 1428 South Martinson Street, Wichita, KS 67213
South Central Improvement Alliance, Vickie Adamson, 817 South Oliver, Wichita, KS 67218
Kelli Geier, NA IV, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71
J. R. Cox, OCI, Mail Stop

CONDITIONAL USE RESOLUTION NO. CON2011-00009

WHEREAS, the City of Wichita (Owner); 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 indoor Vehicle and Equipment Sales and Vehicle Repair, Limited property zoned GC General Commercial, subject to the Delano Overlay District described as:

> Lots 33 and 35, Taylor & Slaven Addition, generally located on the southwest corner of West Burton Street and South Oak Street, Wichita, Sedgwick County, Kansas.

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 April 21, 2011, 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/Amend Special Use Permit DR 93-3 for a Government Service, specifically for a Sedgwick County Sheriff's Office squad room, on approximately 1.4 acres zoned B Multi-Family Residential ("B") described as:

> Lots 33 and 35, Taylor & Slaven Addition, generally located on the southwest corner of West Burton Street and South Oak Street, Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

1. The site shall be limited to indoor Vehicle and Equipment Sales and Vehicle Repair, Limited, as defined by the Unified Zoning Code (Sec. II-B.14.f and Sec. II-B.14.i). Any sale, service or repair activity conducted on the site shall be indoors.

2. The site shall be developed and used according to the approved site plan, and in compliance with all applicable federal, state, and local rules and regulations.

3. A parking barrier, such as a bumper blocks, shall be installed and/or maintained 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.

4. 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. All other signage shall be per the City of Wichita Sign Code.

5. No outdoor amplification systems shall be permitted.

6. No Wrecking/Salvage Yard activity as defined in Sec. II-B.14.r of the Unified Zoning Code is permitted.

7. 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 21st Day of April 2011

METROPOLITAN AREA PLANNING COMMISSION

Debra Miller Stevens

Debra Miller Stevens, Chair MAPC

ATTEST:

John L. Schlegel

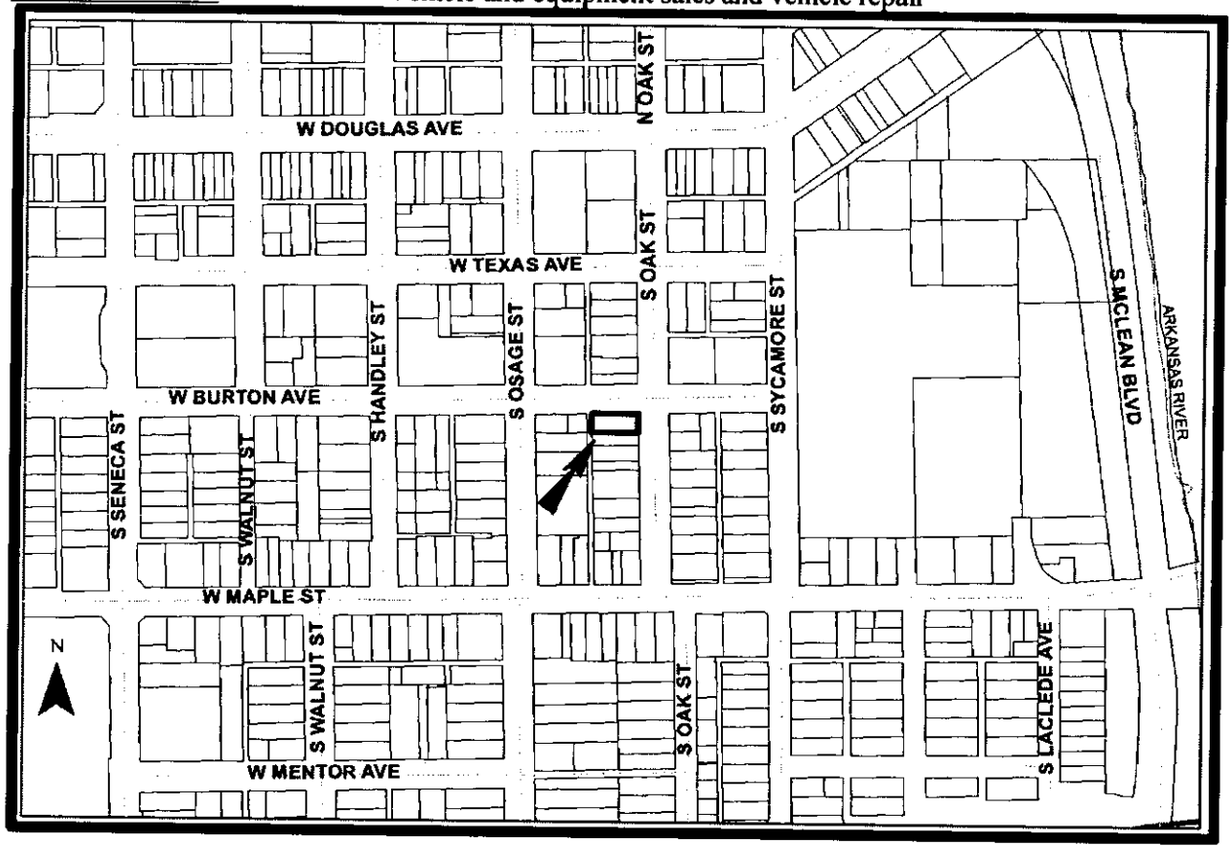
John L. Schlegel, Secretary

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT
MAPC 4-21-2011

CASE NUMBER:	CON2011-00009
APPLICANT/AGENT:	Mark Paolucci (owner/applicant/agent)
REQUEST:	Conditional Use to permit Vehicle and Equipment Sales (indoor) and Vehicle Repair, Limited
CURRENT ZONING:	GC General Commercial ("GC"), subject to the D-O Delano Neighborhood Overlay District ("D-O")
SITE SIZE:	6,250 square feet
LOCATION:	Two blocks south of West Douglas, one block west of south Sycamore Street; southwest corner of Burton Street and Oak Street
PROPOSED USE:	Vehicle and equipment sales and vehicle repair



BACKGROUND: The application area is two platted lots (Lots 33 and 35, Taylor & Slaven's Addition) located at the southwest corner of Burton Street and Oak Street (303 South Oak Street) that are zoned GC General Commercial ("GC"), subject to the D-O Delano Neighborhood Overlay District ("D-O"). The applicant is seeking Conditional Use approval for Vehicle and Equipment Sales (indoor) and Vehicle Repair, Limited. Certain uses, such as Vehicle and Equipment Sales (indoor) and Vehicle Repair, General, are required by the D-O District (Sec. III-C.8.b.(2)) to have Conditional Use approval irrespective of the property's base zoning. Absent the D-O District, GC zoning would permit the two requested uses without Conditional Use approval. A 40-foot by 80-foot building currently exists on the application area. The applicant proposes to maintain his private collection of automobiles at this location, and from which he may want to sell and/or repair automobiles inside this building. Some of his activities require a state motor vehicle license, which he can only get if his location is properly zoned.

Surrounding property has a mix of zoning districts: SF-5, Single-family Residential ("SF-5"), TF-3 Two-family Residential ("TF-3"), GC and LI Limited Industrial ("LI"). Neighboring properties are developed with a range of uses: single-family residential, office, sign company and office/warehouse.

CASE HISTORY: On March 20, 2001, the Wichita City Council approved the D-O Delano Neighborhood Overlay District. The Taylor & Slaven's Addition was recorded in 1885.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3 Two-family Residential, SF-5 Single-family Residential and GC; single-family residences and office
SOUTH:	LI Limited Industrial; sign company
EAST:	SF-5 Single-family Residential; single-family residences
WEST:	LI Limited Industrial; office/warehouse

PUBLIC SERVICES: Publicly supplied services are available to this developed site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Laud Use Guide" map depicts this site as appropriate for "urban residential" uses, which includes a full range of residential development densities and types typically found in a large urban municipality. The "Delano Neighborhood Plan" map depicts the subject site as well as a two-block deep area as appropriate for "multi-family residential" uses. It appears that the two block deep area designated as multi-family was established to provide a buffer between the commercial areas located further north and east and the single-family areas located to the west.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The site shall be limited to indoor Vehicle and Equipment Sales and Vehicle Repair, Limited, as defined by the Unified Zoning Code (Sec. II-B.14.f and Sec. II-B.14.i). Any sale, service or repair activity conducted on the site shall be indoors.

2. The site shall be developed and used according to the approved site plan, and in compliance with all applicable federal, state, and local rules and regulations.

3. A parking barrier, such as a bumper blocks, shall be installed and/or maintained 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.

4. 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. All other signage shall be per the City of Wichita Sign Code.

5. No outdoor amplification systems shall be permitted.

6. No Wrecking/Salvage Yard activity as defined in Sec. II-B.14.r of the Unified Zoning Code is permitted.

7. 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: Surrounding property has a mix of zoning districts: SF-5, Single-family Residential ("SF-5"), TF-3 Two-family Residential ("TF-3"), GC and LI Limited Industrial ("LI"). Neighboring properties are developed with a range of uses: single-family residential, office, sign company and office/warehouse.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned GC, subject to the D-O district that requires Conditional Use approval for certain uses such as vehicle and equipment sales or vehicle repair irrespective of the property's base zoning. It is likely that the property, as currently zoned, could be put to some economically valuable use.

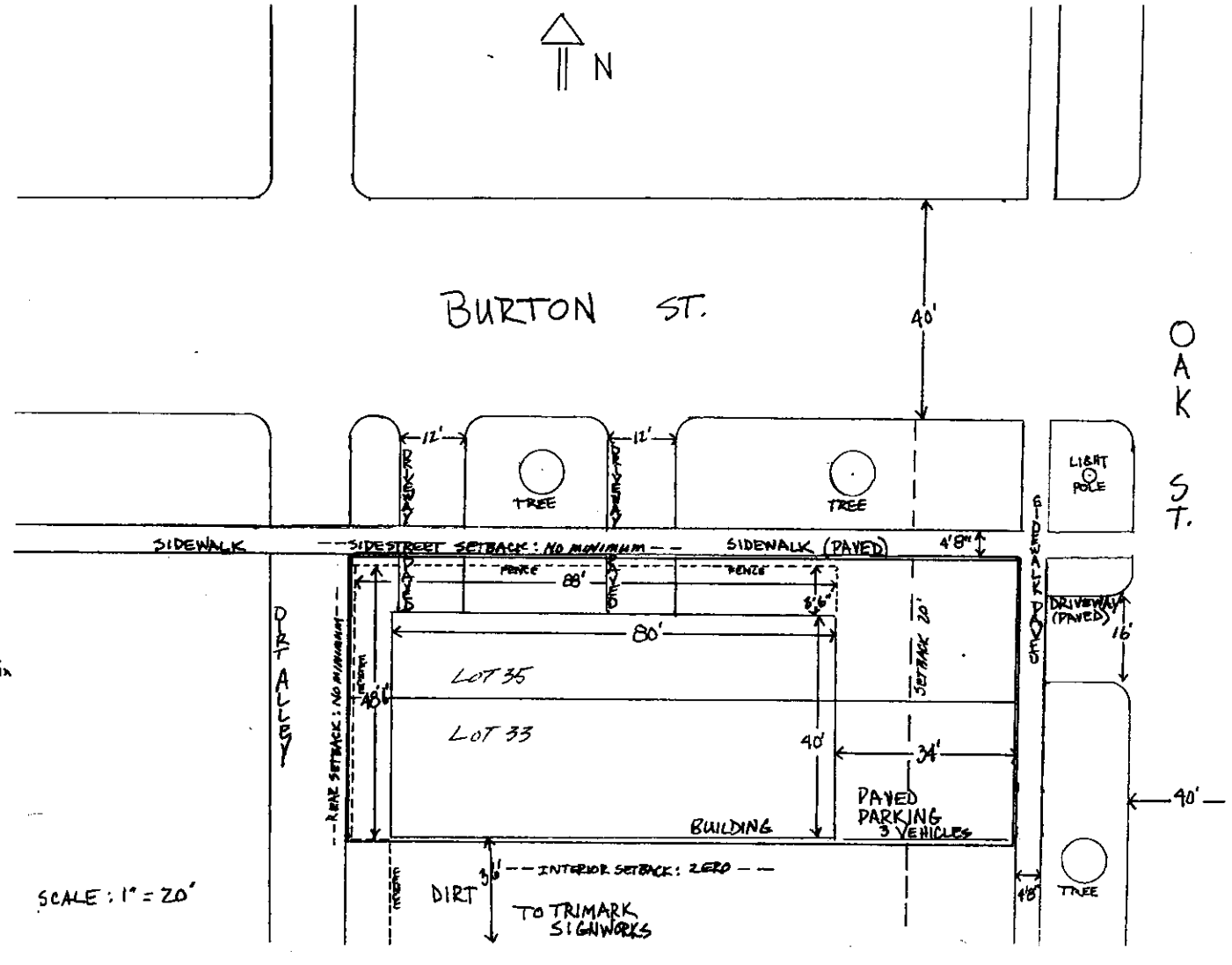
3. Extent to which removal of the restrictions will detrimentally affect nearby property: It is unlikely the approval of indoor only Vehicle and Equipment Sales and Vehicle Repair, Limited will detrimentally impact nearby property owners. The recommended conditions of approval should minimize anticipated impacts on nearby properties.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Presumably, denial would cause the applicant some form of economic loss. Approval would result in minimal gain to the public's health, safety and welfare.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Delano Neighborhood Revitalization Plan* identified the two requested uses as activities that merit additional review, and established the Conditional Use review requirement. The "Delano Neighborhood Plan" map depicts the subject site as well as a larger two-block deep area located to the west of the subject site as appropriate for "multi-family residential" uses. It appears that the two block deep area designated as multi-family was established to provide a buffer between the commercial areas located further north, fronting Douglas Avenue, and east, fronting Sycamore, and the single-family areas located two blocks to the west. The application is not in strict conformance with the Delano Neighborhood Plan map; however, the fact that the overlay districts allows for Conditional Use approval on a case-by-case basis provides grounds for deviation from adherence to the map's more generalized recommendations.

6. Impact of the proposed development on community facilities: The proposed uses should not

significantly increase demand on community services or facilities.



Mapc 9-21-11
CON 2011-09