CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

January 19, 2012

So. Wichita Holdings LLC Attn: Brandon Stevens
1633 N. Rock Rd.
Wichita, KS 67206

Baughman Co., PA
Attn: Russ Ewy
315 Ellis
Wichita, KS 67211

RE: CON2011-00038 - City Conditional Use for Outdoor Vehicle Sales in LC Limited Commercial zoning; generally located north of Douglas Avenue and east of West Street (3940 W. Douglas Ave.).

Dear Applicants:

At its regular meeting on **December 22, 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 attached resolution.

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

Sincerely,

Jess McNeely, AICP
Senior Planner
Current Plans Division

Attachment

Copies to: Janet Miller, WCC VI, Mail Stop 1-13
Terri Dozal, NA VI, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71
J. R. Cox, OCI, Mail Stop
Sunflower, Judy Morris, 526 Leonine, Wichita, KS 67213
Orchard Breeze, Brad Hinkle, 5214 W. First, Wichita, KS 67212
Stan Swope, 3600 E. 47th St., S., Wichita, KS 67210

CONDITIONAL USE RESOLUTION NO. CON2011-00038

WHEREAS, SO Wichita, LLC, Michael Khoury (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 for Vehicle Sales, Outdoor, on 2.38 acres zoned LC Limited Commercial ("LC"), described as:

> The West 12 feet of Lot 2, together with Lots 3 through 5, Black and Towns Addition to Wichita, Sedgwick County, Kansas (3940 W. Douglas).

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 December 22, 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 for Vehicle Sales, Outdoor, on 2.38 acres zoned LC Limited Commercial ("LC"), described as:

> The West 12 feet of Lot 2, together with Lots 3 through 5, Black and Towns Addition to Wichita, Sedgwick County, Kansas (3940 W. Douglas).

Approved subject to the following conditions:

1. A revised site plan shall be submitted, for Planning Staff approval, within 60 days of the Conditional Use approval. The site plan shall conform to all UZC requirements, to include parking. The site plan shall incorporate BZA2-96 requirements to include landscaping and required railing or bumpers for vehicle display areas along public streets. The site plan shall demonstrate the westernmost access point to Douglas as closed, and curbed and guttered.
2. This site shall be developed and maintained in accordance with the approved site plan and in conformance with all City ordinances, including but not limited to: zoning, sign code, building, fire, health codes, and licensing requirements. All required site improvements shall be complete within one year of the Conditional Use approval, unless such time is extended by the MAPC. All conditions and site improvements shall be met prior to vehicle sales on the site.
3. The applicant shall dedicate access control for the westernmost access point on Douglas.
4. Parking spaces shall be striped as indicated on the approved site plan. All vehicle parking, storage and display areas shall be paved with concrete or asphalt.
5. Barriers shall be installed at all vehicle display or storage areas adjacent to public streets to ensure that vehicles do not encroach onto public sidewalks or right-of-way.
6. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lights shall be permitted.
7. No sound projecting devices or loudspeakers shall be used so as to be heard outside of a building.

8. Only those signs normally permitted in LC zoning shall be permitted. No string-type banners, pennants, or tinsel shall be permitted.
9. No bodywork or painting is permitted. All vehicle service or repair must be done entirely within an enclosed structure.
10. The total number of vehicles displayed for sale on this lot at any one time shall not exceed 118, unless a Conditional Use Amendment is approved by the MAPC.
11. No vehicles shall be elevated above the parking surface for display.
12. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this _____ Day of December 2011 2012.

METROPOLITAN AREA PLANNING COMMISSION

Shawn Farney, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

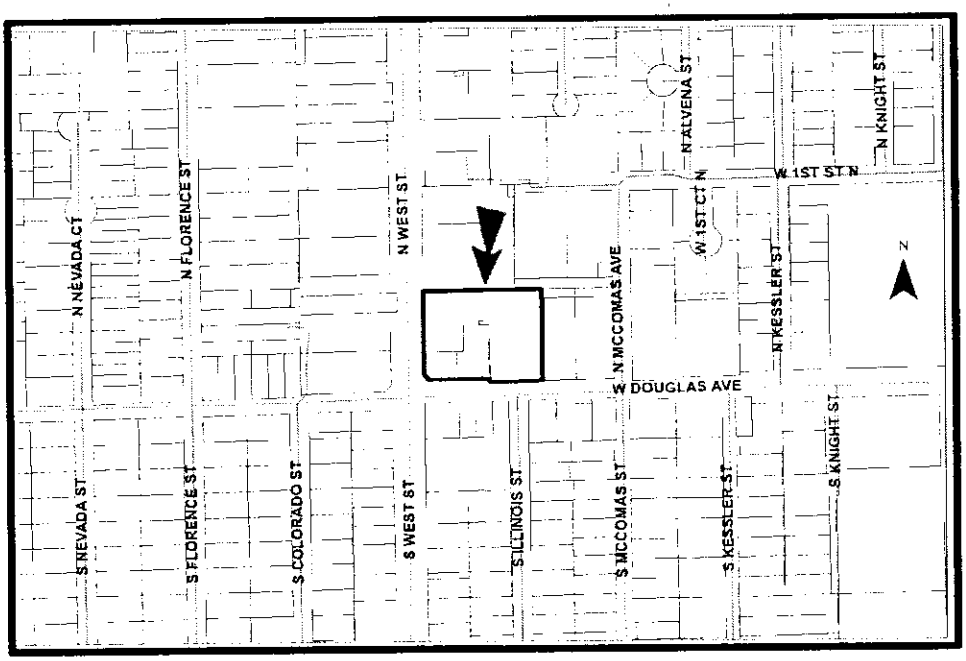
WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT

MAPC December 22, 2011
DAB VI January 18, 2012

CASE NUMBER:	CON2011-00038
APPLICANT/AGENT:	SO Wichita, LLC, Michael Khoury (applicants), Baughman Company, PA, Russ Ewy (agent)
REQUEST:	Conditional Use for Outdoor Vehicle Sales
CURRENT ZONING:	LC Limited Commercial ("LC")
SITE SIZE:	2.38 acres
LOCATION:	North of Douglas and east of West Street (3940 W. Douglas)
PROPOSED USE:	Outdoor Vehicle Sales



BACKGROUND: The applicant seeks a Conditional Use to permit Outdoor Vehicle Sales on property zoned LC Limited Commercial ("LC"), generally located on the north side of Douglas and east of West Street (3940 W. Douglas). This request is the expansion of an existing car lot at the hard corner of Douglas and West. The original car lot was approved as a Use Exception by the Board of Zoning Appeals in 1996 (BZA2-96), see the attached resolution and approved site plan. The approved Site Plan for BZA2-96 included landscaping which does not appear to have been installed. The proposed expansion site, to the east of the original car lot, is developed with a one-story strip commercial building that also houses a catering and reception facility. The proposed expansion includes display area for an additional 50 vehicles, office and service space in the existing strip commercial building, and screening around a proposed service area (see the attached proposed site plan).

Most properties located nearby on both sides of Douglas and West are zoned LC. Immediately north of the site is an LC zoned commercial strip center; northeast of the site is an LC and B Multi-family Residential ("B") zoned apartment complex. South of the site, across Douglas, are LC zoned retail and vehicle sales land uses, and a GC General Commercial ("GC") zoned vehicle repair use. East of the site is an LC zoned strip commercial property housing a cosmetology school. West of the site, at the southwest corner of West and Douglas, are LC zoned retail and car wash facilities. At the northwest corner of West and Douglas is an LC zoned vacant lot, further north are B zoned single-family residences.

CASE HISTORY: The property is the west 12 feet of Lot 2, together with Lots 3 through 5 of the Black and Towns Addition, recorded in 1951. The western 120 feet of this site was approved for used car sales in 1996 by Use Exception BZA2-96.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, B	Commercial strip center, multi-family residential
SOUTH:	LC, GC	Retail, vehicle sales and repair
EAST:	LC	Commercial strip center
WEST:	LC, B	Vacant, retail, car wash, single-family residential

PUBLIC SERVICES: The site has three direct access points onto Douglas, a four-lane minor arterial street with a turn lane at the intersection, and a 60-foot half-width right-of-way (ROW). The site also has two direct access points onto West, a five-lane arterial with a 50-foot half-width ROW. The 2030 Transportation Plan designates this portion of Douglas to remain a four-lane arterial, and West to remain a five-lane arterial. The 2006 annual average daily traffic count for this portion of Douglas was 6,568, and 20,791 for this portion of West. All normal public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide, as amended in May 2005, of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this site as "Local Commercial." The "Local Commercial" category includes commercial, office and personal service uses that do not have a regional draw. The existing zoning is in conformance with this designation.

The UZC requires Vehicle and Equipment Sales, Outdoor, to have one parking space per 500 square feet of building area, plus two spaces for the first 10,000 square feet of lot area, and one additional space for each additional 10,000 square feet of lot area. BZA2-96 required 10 parking spaces. Proposed building renovation on this site will require the applicant to obtain a building permit through OCI, who in turn will require that UZC minimum parking standards are met.

The City of Wichita Access Management policy would require that access points be a minimum of 200 feet from the intersection (for right-in right-out openings) and that access points have a minimum of 200 feet separation. As an older developed site, the access points do not meet this policy. The Douglas access point nearest the intersection is approximately 80 feet from the intersection, and the next access point to the east has only 50 feet of separation.

RECOMMENDATION: This request is to expand a car lot in existence since 1996; the existing car lot does not appear to have any negative effects on surrounding property owners. The BZA2-96 Use Exception for a used car lot is legally still in effect, and the staff recommendation incorporates the conditions and approved site plan from that case. Staff recommends that the required landscaping from BZA2-96 be incorporated into a site plan for the proposed, expanded car lot. Staff finds that the westernmost access point on Douglas will be unnecessary with the proposed car lot expansion, the proposed site plan shows this access point blocked with a vehicle display area. Staff recommends that this access point be closed and curbs and gutters reconstructed. As the entire site is now under one use and ownership, staff does not see a need to require a cross-lot access agreement. Staff does not see this request posing negative effects on nearby properties, provided the applicant can accommodate Code required parking on the site. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. A revised site plan shall be submitted, for Planning Staff approval, within 60 days of the Conditional Use approval. The site plan shall conform to all UZC requirements, to include parking. The site plan shall incorporate BZA2-96 requirements to include landscaping and required railing or bumpers for vehicle display areas along public streets. The site plan shall demonstrate the westernmost access point to Douglas as closed, and curbed and guttered.
2. This site shall be developed and maintained in accordance with the approved site plan and in conformance with all City ordinances, including but not limited to: zoning, sign code, building, fire, health codes, and licensing requirements. All required site improvements shall be complete within one year of the Conditional Use approval, unless such time is extended by the MAPC. All conditions and site improvements shall be met prior to vehicle sales on the site.
3. The applicant shall dedicate access control for the westernmost access point on Douglas.
4. Parking spaces shall be striped as indicated on the approved site plan. All vehicle parking, storage and display areas shall be paved with concrete or asphalt.
5. Barriers shall be installed at all vehicle display or storage areas adjacent to public streets to ensure that vehicles do not encroach onto public sidewalks or right-of-way.
6. All lights shall be shielded to reflect or direct light away from adjacent properties. No

string-type lights shall be permitted.

7. No sound projecting devices or loudspeakers shall be used so as to be heard outside of a building.
8. Only those signs normally permitted in LC zoning shall be permitted. No string-type banners, pennants, or tinsel shall be permitted.
9. No bodywork or painting is permitted. All vehicle service or repair must be done entirely within an enclosed structure.
10. The total number of vehicles displayed for sale on this lot at any one time shall not exceed 118, unless a Conditional Use Amendment is approved by the MAPC.
11. No vehicles shall be elevated above the parking surface for display.
12. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: This site was developed with a car lot in 1996, the current request is an expansion of that use. Most properties located nearby on both sides of Douglas and West are zoned LC. Immediately north of the site is an LC zoned commercial strip center; northeast of the site is an LC and B Multi-family Residential ("B") zoned apartment complex. South of the site, across Douglas, are LC zoned retail and vehicle sales land uses, and a GC General Commercial ("GC") zoned vehicle repair use. East of the site is an LC zoned strip commercial property housing a cosmetology school. West of the site, at the southwest corner of West and Douglas, are LC zoned retail and car wash facilities. At the northwest corner of West and Douglas is an LC zoned vacant lot, further north are B zoned single-family residences.

2. The suitability of the subject property for the uses to which it has been restricted: The existing commercial strip building and parking area could be used for a wide variety of LC uses allowed by the current zoning.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: This request is to expand a car lot in existence since 1996; the existing car lot does not appear to have any negative effects on surrounding property owners. The proposed conditions should keep parking limited to the applicant's site, and should mitigate noise and other issues associated with vehicle sales.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide, as amended in May 2005, of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this site as "Local Commercial." The "Local Commercial" category includes commercial, office and personal service uses that do not have a regional draw. The existing zoning is in conformance with this designation. The UZC requires Vehicle and Equipment Sales, Outdoor, to have one parking space per 500 square feet of building area, plus two spaces

for the first 10,000 square feet of lot area, and one additional space for each additional 10,000 square feet of lot area. The City of Wichita Access Management policy would require that access points be a minimum of 200 feet from the intersection (for right-in right-out openings) and that access points have a minimum of 200 feet separation.

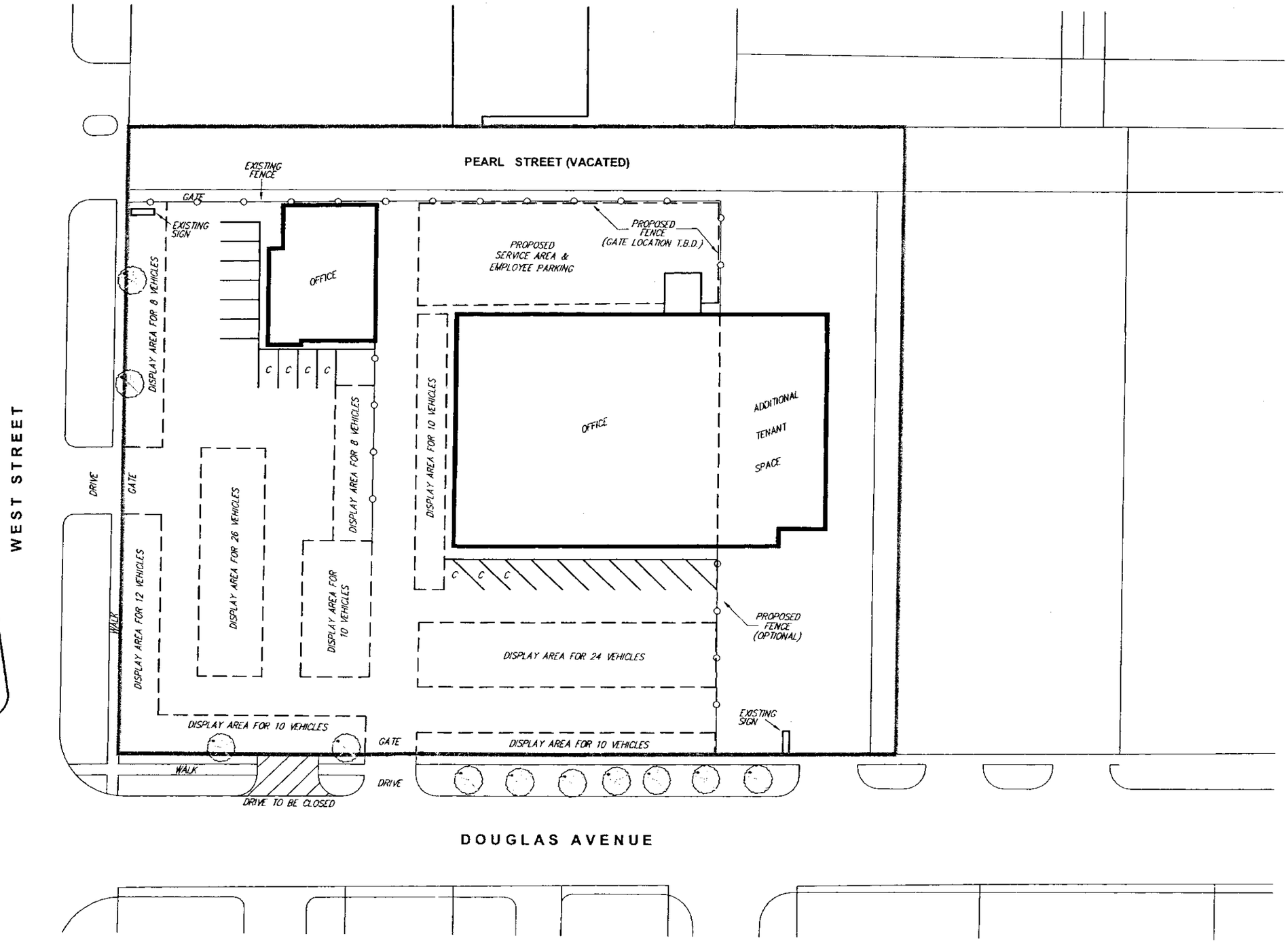
5. Impact of the proposed development on community facilities: The vehicle sales expansion should have no significant impact on streets and utility services. Douglas and West Street are both adequate for their current traffic volumes, the proposed expansion of the vehicles sales use will not have a noticeable impact on these streets. Dedication of access control of the westernmost Douglas access point will reduce traffic conflicts at this intersection, and will bring the site more in conformance with the Access Management Policy.

TOTAL BUILDING AREA:	15,930 s.f.
TOTAL VEHICLES ON DISPLAY:	118
REQUIRED CUSTOMER PARKING:	4 SPACES
SHOWN CUSTOMER PARKING:	7 SPACES
TOTAL ADJUSTED PARKING:	23 SPACES

LANDSCAPING: PER CODE AND PER BZA-2-96 REQUIREMENTS.

NOTE: PARKING STALLS AND DISPLAY AREAS ARE FOR GRAPHIC REPRESENTATION ONLY. VEHICLES MAY BE PARKED IN THESE AREAS IN ANY DIRECTION AS LONG AS THE NUMBER OF VEHICLES DOES NOT EXCEED THE NUMBER SHOWN.

APPROVED
SITE PLAN CON 2011-38
Date: 1-19-12



SCALE: 1" = 50'

SITE PLAN - CON2011-38

BRANDON STEVEN MOTORS - DOUGLAS AVE. & WEST ST.

Baughman
ENGINEERING · SURVEYING · PLANNING
LANDSCAPE ARCHITECTURE