



Wichita-Sedgwick County Metropolitan Area Planning Department

March 1, 2012

Poe & Associates
c/o Tim Austin
5940 E. Central, Suite 200
Wichita, KS 67208

Norris Real Estate
8535 W. 21st St.
Wichita, KS 67205

RE: CON2012-00003 - City Conditional use request to allow outdoor vehicle and equipment sales in the LC Limited Commercial zone district; generally located south and east of Central Avenue and Maize Road (10303 W. Central Ave).

Dear Ladies and Gentlemen:

At its regular meeting on **February 16, 2012**, 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. There have been no protests on the case during the two-week protest period, thus the decision of the MAPC is considered final.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Derrick K. Slocum'.

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS:mc
Attachment

Copies to: Matlock Heights. c/o Ronna Henry, 2807 E. 22nd St. North, Wichita, KS 67219

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CONDITIONAL USE RESOLUTION NO. CON2012-00003

WHEREAS, Norris Real Estate, (Owner/Applicant), Poe and Associates c/o Tim Austin, (Agent); 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 a Vehicle and Equipment Sales, Outdoor on 1.04 acres zoned LC Limited Commercial ("LC") described as:

Lot 1, except the East 24 feet, Rush Fourth Addition to Wichita, Sedgwick County, Kansas, generally located south and east of Central and Maize (10303 W. Central).

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 February 16, 2012, 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 a Vehicle and Equipment Sales, Outdoor on 1.04 acres zoned LC Limited Commercial ("LC") described as:

Lot 1, except the East 24 feet, Rush Fourth Addition to Wichita, Sedgwick County, Kansas, generally located south and east of Central and Maize (10303 W. Central).

Approved subject to the following conditions:

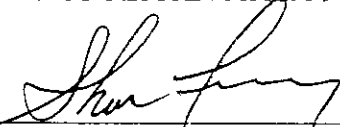
1. Obtain all permits and inspection as required by OCI. All development will be per City Code including landscaping, code compliance and any other applicable standards.
2. In addition to uses permitted by right in the "LC" Limited Commercial district, the site is permitted "vehicle and equipment sales, outdoor" as long as the sale of vehicles is associated with a legal vehicle repair use. The sale or rental of trailers and vehicles or trucks larger than pickups is not permitted.
3. 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 submitted for review by the Planning Director, and approval of the landscape plan shall be obtained prior to the issuance of any permits. The applicant will remove any asphalt needed to come into compliance with the Landscape

Ordinance and to ensure that development does not encroach into right-of-way.

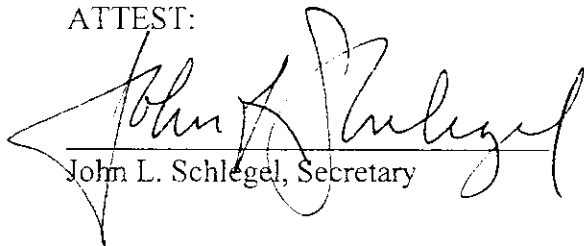
6. A parking barrier, such as bumper blocks or a pipe railing, shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
7. No temporary display signs are permitted, 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 16th Day of February 2012

METROPOLITAN AREA PLANNING COMMISSION


Shawn Farney, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

STAFF REPORT

DAB V: February 6, 2012

MAPC: February 16, 2012

CASE NUMBER: CON2012-00003

OWNER/APPLICANT: Norris Real Estate

AGENT: Poe and Associates, c/o Tim Austin

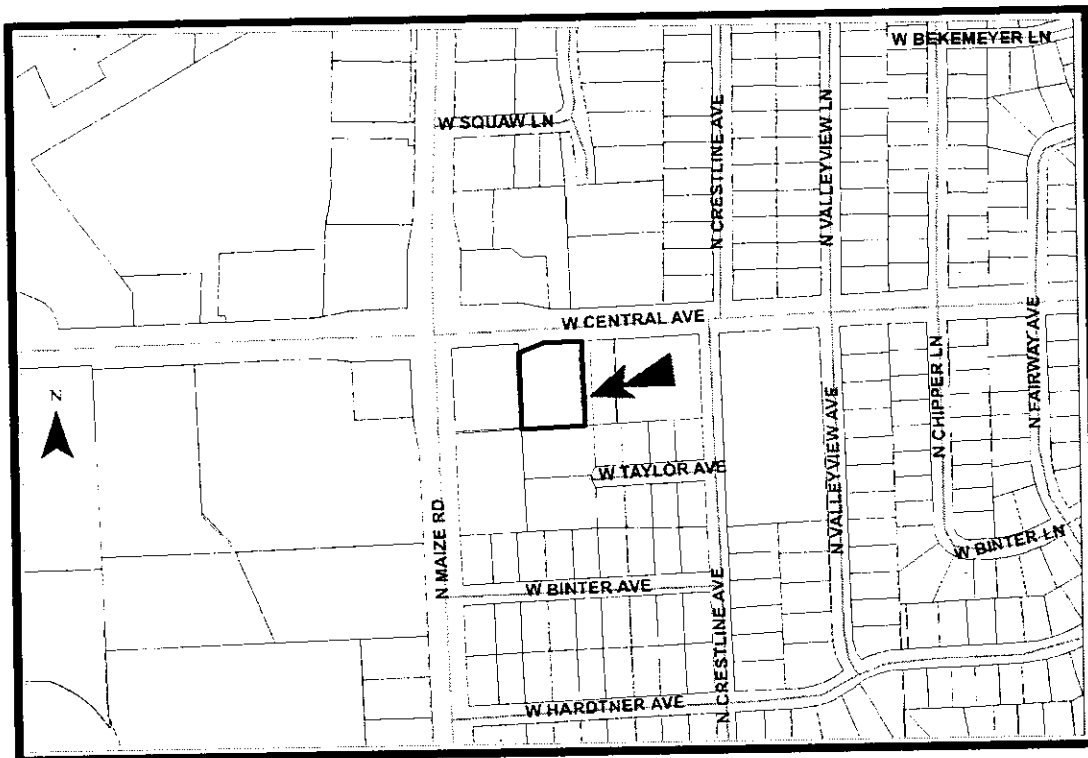
REQUEST: Conditional Use for Outdoor Vehicle Sales

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 1.04 acre

LOCATION: East of Maize, along the south side of Central Avenue (10303 W. Central Ave.)

PROPOSED USE: Vehicle Sales



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on Lot 1, Except the East 24 feet, 2 of Rush 2nd Addition, which is currently, zoned LC Limited Commercial (“LC”). The site is located southeast of the intersection of West Central Avenue and North Maize Road. The subject site is developed with a three-bay door garage/retail/office, used for limited car and light truck service. 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 West Central Avenue, proposed vehicle circulation, the parking/display area and the area to be paved for the parking/display area. 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 an Automobile Service Center. The existing use currently is compliant for the number of parking spaces required for the “vehicle repair, limited” use. Per the UZC Art IV, Sec IV-A, “Off-Street Parking Standards,” the 986-square foot office for the vehicle sales use would trigger the need for at two 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 calculated the display area size being 36,160-square feet, thus the applicant will be required to provide five parking spaces for the display area. A total of eight spaces will be required for the vehicle sales use.

Property north of the site is zoned LC Limited Commercial (“LC”) and developed with office uses. Property south of the site is zoned SF-5 Single-family Residential (“SF-5”) and developed with a residence. Property west of the site is zoned LC and is developed with a telephone company office building. East of the site, the property is zoned LC and is developed with an apartment complex.

CASE HISTORY: The site was platted as Lot 1, Except the East 24 feet, 2 of Rush 2nd Addition; Wichita, Sedgwick County, Kansas on September 22, 1966.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Offices
SOUTH:	SF-5	Residence
EAST:	LC	Apartments
WEST:	LC	Utility

PUBLIC SERVICES: The subject property has access to Central Avenue, a five-lane arterial at this location with an average daily trip count (ADT) of 33,000 at its intersection with Maize road. Maize is a four-lane arterial at this location with an ADT of 36,000 at its intersection with Central Avenue. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for local commercial types of use. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The conditions attached to a Conditional Use can address site design issues. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or 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.

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 by right in the "LC" Limited Commercial district, the site is permitted "vehicle and equipment sales, outdoor" as long as the sale of vehicles is associated with a legal vehicle repair use. The sale or rental of trailers and vehicles or trucks larger than pickups is not permitted.
- 3) 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 submitted for review by the Planning Director, and approval of the landscape plan shall be obtained prior to the issuance of any permits. The applicant will remove any 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 bumper blocks or a pipe railing, 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.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north of the site is zoned LC Limited Commercial ("LC") and developed with office uses. Property south of the site is zoned SF-5 Single-family Residential ("SF-5") and developed with a residence. Property west of the site is zoned LC and is developed with a telephone company office building. East of the site, the property is zoned LC and is developed with an apartment complex.
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 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 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. 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. However, this conditional use requests only vehicle sales on an existing site currently operating with a vehicle service. There is no adopted neighborhood plan that would specifically discourage car rental at this site. The conditional use conditions should mitigate any potential negative effects on surrounding properties.
5. **Impact on Community Facilities:** All public facilities are available and existing road facilities are adequate.

