CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 8, 2012

Trent McKenzie
115 S Hydraulic
Wichita, KS. 67211

Brandon Nuss
8124 Nuss
Wichita, KS. 67202

RE: CON2012-00042 - City Conditional Use request for Outdoor Vehicle and Equipment Sales; generally located on the southwest corner of Woodlawn Boulevard and Lincoln Street (901 S Woodlawn).

Dear Applicants:

At its regular meeting on **October 4, 2012**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request, 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, motorcycles or scooters, vehicles or trucks larger than pick ups are permitted.

2) 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 selling of any cars or light trucks, within six months of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.

4) A parking barrier, such as a heavy rail type, shall be installed along all perimeter boundaries adjacent to streets and abutting parking lots, except at driveway entrances or where fences are erected to ensure that parked vehicles do not encroach onto public

right-of-way or other properties.

5) 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 will be per the "LC" zoning district.

6) 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.

7) No outdoor amplification system shall be permitted.

8) 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 tall approved solid screened area. The gate shall be of similar materials as the screening.

9) 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 14-feet and directed onto the site and away from the residential development north and east of the site.

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

11) 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.

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

13) 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.

NOTICE: The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement with the City Clerk by 5:00 p.m. on the Wednesday preceding this meeting, providing new facts on the issue or alleging an unfair hearing. The Council will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

Property owners may also file written protest petitions on zoning related items heard by the MAPC. In order to be considered a "valid" petition, the signatures must reflect the correct and

entire ownership of the property, the property must be at least partially within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing, by **October 18, 2012, at 5 p.m.** Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 200 feet of the perimeter of the application area, unless the Council overrides such a protest and approves the application by a vote of 6 of its members.

If there are protest your application will be forwarded to the **November 6, 2012** City Council meeting for review and final action. If there are no protest the action of the MAPC is final. This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Bill Longnecker
Senior Planner
Current Plans Division

Copies to: Fabrique NA, c/o Charlotte Foster, 702 Courtleigh, Wichita, KS, 67218
Eastridge NA, c/o Pat Winters, 756 S Governeour, Wichita, KS, 67207
James Clendenin, WCC III, Mail Stop 1-13
Janet Johnson, NA III, Mail Stop 1-135
Jeff Van Zandt, City Law, Mail Stop 1-72
Paul Hays, Mail Stop 1-72
Rick Stubbs, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON2012-00042

WHEREAS, New Rapid of Kansas, LLC (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 Outdoor Vehicle Sales in the City on approximately 10,000-square feet zoned LC Limited Commercial ("LC"), described as:

Lot 1, the Rapid Muffler Addition, Wichita, Sedgwick County, Kansas; generally located on the southwest corner of Woodlawn Boulevard and Lincoln Street.

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 October 4, 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 Outdoor Vehicle Sales in the City on approximately 10,000-square feet zoned LC Limited Commercial ("LC"), described as:

Lot 1, the Rapid Muffler Addition, Wichita, Sedgwick County, Kansas; generally located on the southwest corner of Woodlawn Boulevard and Lincoln Street.

Approved 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, motorcycles or scooters, vehicles or trucks larger than pickups are permitted.

2. 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 selling of any cars or light trucks, within six months of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.

4. A parking barrier, such as a heavy rail type, shall be installed along all perimeter boundaries adjacent to streets and abutting parking lots, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way or other properties.

5. 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 will be per the "LC" zoning district.

6. 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.

7. No outdoor amplification system shall be permitted.

8. 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 tall approved solid screened area. The gate shall be of similar materials as the screening.

9. 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 14-feet and directed onto the site and away from the residential development north and east of the site.

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

11. 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.

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

13. 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 18th day of October 2012.

METROPOLITAN AREA PLANNING COMMISSION

David Dennis, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

Consent Miller Shearer → 10-C ~~PASS~~ PASS

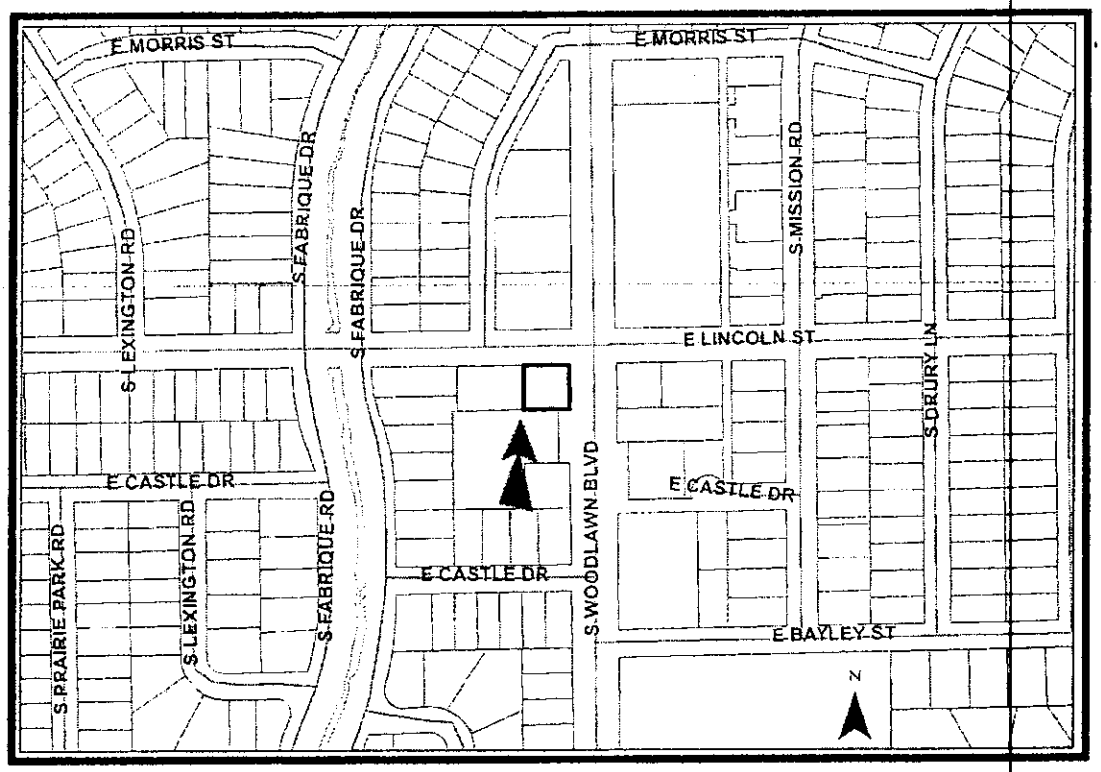
AGENDA ITEM NO. 6

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC October 4, 2012
DAB III October 3, 2012

CASE NUMBER:	CON2012-00042
OWNER/APPLICANT:	New Rapid of Kansas, LLC
REQUEST:	Conditional Use for Outdoor Vehicle and Equipment Sales
CURRENT ZONING:	"LC" Limited Commercial
SITE SIZE:	Approximately 10,000-square feet (100' x 100')
LOCATION:	Southwest corner of Woodlawn Boulevard and Lincoln Street (901 S. Woodlawn)
PROPOSED USE:	Sale of pre-owned vehicles



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on the LC Limited Commercial ("LC") zoned Lot 1, Rapid Muffler Addition. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a Conditional Use in the LC zoning district. The site is located on the southwest corner of Woodlawn and Lincoln Street has a vacant three-bay door auto repair garage/office (built 1960). The site is completely paved over around the building, with the paving in poor shape.

The site has a small LC zoned commercial strip abutting its west side and another slightly larger LC zoned commercial strip abutting its south side. These two strips house a couple of nail salons, an alteration shop, an insurance office, a Japanese – Korean Market and maybe a Bingo parlor. The larger strip has several vacant store fronts. A LC zoned smoke shop ends commercial development on the south side, with a line of TF-3 Two Family Residential ("TF-3") zoned duplexes between the smoke shop and a SF-5 zoned single-family residential neighborhood. Beyond the LC zoned strip on the site's west side there is a line of TF-3 zoned duplexes, then a SF-5 zoned single-family residential neighborhood. LC zoned development located north of the site, across Lincoln and Woodlawn, include a convenience store, a local computer store, a small retail strip housing a nail salon and drinking establishment and a quick cash joint. There is also the area's largest retail strip housing a bedroom/mattress store, a barber shop, a beauty salon, a Dollar General retail, a cleaners and a Spanish market. A line of TF-3 zoned duplexes and a street of MF-29 Multi-Family Residential ("MF-29") zoned tri-plexus and quad-plexus abut these LC zoned businesses. SF-5 zoned single-family residences are located beyond the TF-3 and MF-29 zoned properties. LC zoned development located east of the site, across Woodlawn, include a liquor store, a diner, and an abandoned three or four bay car wash. A MF-29 and TF-3 zoned church and a large B Multi-Family ("B") zoned apartment (two-story) complex are located further southeast of the site. A street of MF-29 zoned tri-plexus abuts these properties with SF-5 zoned single-family residences are located beyond the MF-29 zoned properties.

The site is located a half block west and outside of the McConnell AOI. The nearest car sales lot appears to be approximately a ½-mile west of the subject site, on the southeast corner of Lincoln and Edgemoor streets.

The applicant's site plan shows the existing garage/office, the two existing drives onto Lincoln and Woodlawn, a sign area, and 'car' spaces with proposed fencing around the east and north sides of the site. The site plan does not distinguish customer/employee parking from the display spaces. The site plan also shows 'landscaping', which is located in the street right-of-way and not on the site. If approved, the applicant needs to provide a revised site plan giving: more detail including separating the square footage for the garage area and the office area; show that the site can meet the parking requirements for the garage and car sales business; show onsite vehicular circulation; show any proposed lighting; show the fencing going around the entire site to ensure that the car sales area and customer parking does not spill over into the parking lot abutting the south side of the site, and; show solid screening around any trash receptacles.

CASE HISTORY: The site is platted as the Lot 1, the Rapid Muffler Addition, which was recorded with the Register of Deeds February 8, 1982.

ADJACENT ZONING AND LAND USE:

NORTH: LC	Convenience store, commercial strips quick cash
SOUTH: LC, TF-3, SF-5	Commercial strip, smoke shop, duplexes, single-family residences
EAST: LC, MF-29, TF-3	Liquor store, free-standing restaurant, abandoned car wash, church
WEST: LC, TF-3, SF-5	Commercial strip, duplexes, single-family residences

Note: see background for details of businesses located in commercial strips.

PUBLIC SERVICES: The subject property has access to Lincoln Street and Woodlawn Boulevard. Both are paved four-lane streets, with Woodlawn being a principle arterial street and Lincoln Street a minor arterial street. Current traffic volumes at this intersection are approximately 9,800-11,700 vehicles per day. All 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. Medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants, personal service facilities and on a limited basis mini-storage warehouse and light manufacturing are examples of "local commercial" uses. The UZC identifies LC zoning as being generally compatible with the local commercial category. The UZC requires a Conditional Use for a car sales lot in the LC zoning district.

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 site has direct access onto the principle arterial Woodlawn Boulevard and minor arterial Lincoln Street. The conditions attached to the 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. As mentioned the closest car sale lot is approximately a half mile west of the subject site.

In the past the MAPC has identified smaller car sales lots as being more of a local commercial 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 cliental draw. The MAPC has also recommended that buildings that had in the past been used for automobile activities, such as vehicle repair garages, be considered as possible sites for car sales. The applicant's proposal to continue to use

the site/building for limited auto repair, while adding the car sales on the site conforms to what the MAPC has recommended for this type of site/use in the past. The car sale lot located approximately a half mile west of the subject site is similar to the subject site, i.e., buildings that had in the past been used for automobile activities and now are used for car sales.

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 conform to the MAPC's past recommendations of locating smaller car sales lots within sites that had previously been used or continue to be used for auto related businesses. In this case the applicant proposes to retain the permitted by right limited vehicle repair garage, while operating a car sales lot on the same site. 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.

Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED. This recommendation is based on the principle that staff would be only supportive of sites that shared the site characteristics of this site including that they are not abutting or directly adjacent to residential zoning. Recommended conditions of approval include:

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, motorcycles or scooters, vehicles or trucks larger than pick ups are permitted.

2. 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 selling of any cars or light trucks, within six months of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.

4. A parking barrier, such as a heavy rail type, shall be installed along all perimeter boundaries adjacent to streets and abutting parking lots, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way or other properties.

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11. 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.

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

13. 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:** The site has a small LC zoned commercial strip abutting its west side and another slightly larger LC zoned commercial strip abutting its south side. These two strips house a couple of nail salons, an alteration shop, an insurance office, a Japanese – Korean Market and maybe a Bingo parlor. The larger strip has several vacant store fronts. A LC zoned smoke shop ends commercial development on the south side, with a line of TF-3 Two Family Residential ("TF-3") zoned duplexes between the smoke shop and a SF-5 zoned single-family residential neighborhood. Beyond the LC zoned strip on the site's west side there is a line of TF-3 zoned duplexes, then a SF-5 zoned single-family residential neighborhood. LC zoned development located north of the site, across Lincoln and Woodlawn, include a convenience store, a local computer store, a small retail strip housing a nail salon and drinking establishment and a quick cash joint. There is also the area's largest retail strip housing a bedroom/mattress store, a barber shop, a beauty salon, a Dollar General retail, a cleaners and a Spanish

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The site is located a half block west and outside of the McConnell AOI. The nearest car sales lot appears to be approximately a ½-mile west of the subject site, on the southeast corner of Lincoln and Edgemoor streets.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned "LC" Limited Commercial. The property is suitable for the commercial uses to which it has been restricted, including its past 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 and its vacant building.

4. **Conformance of the requested change to adopted or recognized Plans/Policies:** 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 site has direct access onto the principle arterial Woodlawn Boulevard and minor arterial Lincoln Street. 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. As mentioned the closest car sale lot is approximately a half mile west of the subject site.

In the past the MAPC has identified smaller car sales lots as being more of a local commercial 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 cliental draw. The MAPC has also recommended that buildings that had in the past been used for automobile activities, such as vehicle repair garages, be considered as possible sites for car sales. The applicant's proposal to continue to use the site/building for limited auto repair, while adding the car sales on the site conforms to what the MAPC

has recommended for this type of site/use in the past. The car sale lot located approximately a half mile west of the subject site is similar to the subject site, i.e., buildings that had in the past been used for automobile activities and now are used for car sales. The Conditional Use conditions do represent an opportunity for encouraging investment and upgrading the property while allowing the applicant the opportunity to expand his business opportunities.

5. **Impact on Community Facilities:** Impact on community facilities will be minimal.