CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 6, 2015

KE Miller Engineering
c/o Kirk Miller
117 E. Lewis
Wichita, KS 67202

Davis and Palmer Properties
1802 N. St. Clair
Wichita, KS 67203

RE: **CON2014-00034** - City Conditional use request to allow outdoor vehicle and equipment sales in the LC Limited Commercial zone district; generally located one block west Central and Zoo Boulevard (3402 W. Central).

Dear Applicants:

At its regular meeting on **January 22, 2015**, 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,

Kathy L. Morgan
Senior Planner
Current Plans Division

Attachments

Cc: Janet Miller, WCC VI, Mail Stop 1-13
Martha Sanchez, CL VI, Mail Stop 1-135
J.R. Cox, MABCD
Paul Hays, MABCD

CONDITIONAL USE RESOLUTION NO. CON2014-00034

WHEREAS, David and Palmer Properties, (Owner/Applicant), KE Miller Engineering c/o Kirk Miller, (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 0.67 acre zoned LC Limited Commercial ("LC") described as:

> Lots 6-7, except the south 15 feet for street, of Davis Gardens Addition to Wichita, Sedgwick County, Kansas, generally located one block west Central and Zoo Boulevard (3402 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 January 22, 2015, 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 0.67 acre zoned LC Limited Commercial ("LC") described as:

> Lots 6-7, except the south 15 feet for street, of Davis Gardens Addition to Wichita, Sedgwick County, Kansas, generally located one block west Central and Zoo Boulevard (3402 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.

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 FEBRUARY 2015

METROPOLITAN AREA PLANNING COMMISSION

Matthew Goolsby, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

AGENDA ITEM NO. 5

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

DAB VI: January 21, 2015
MAPC: January 22, 2015

CASE NUMBER: CON2014-00034

OWNER/APPLICANT: David and Palmer Properties

AGENT: KE Miller Engineering, c/o Kirk Miller

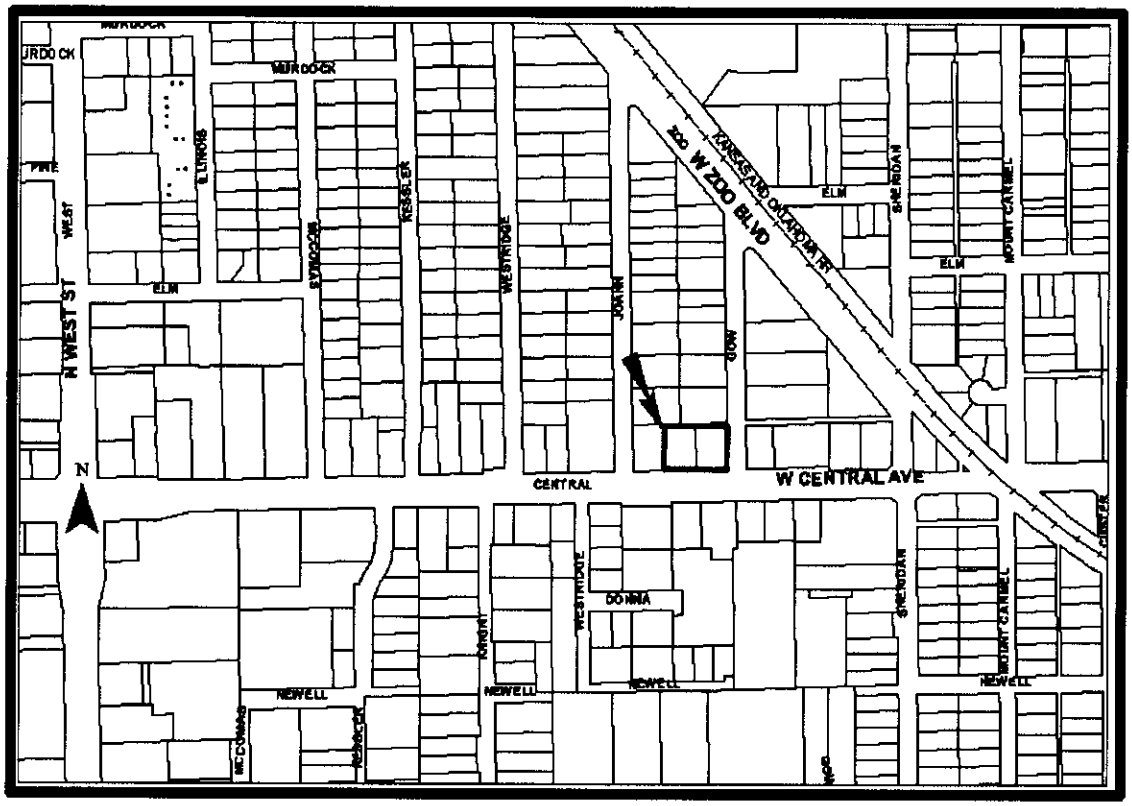
REQUEST: Conditional Use for Outdoor Vehicle Sales

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.67 acre

LOCATION: One block west of Zoo Boulevard, at the northwest corner of Central Avenue and Gow Street (3402-3410 W. Central Ave.)

PROPOSED USE: Outdoor Vehicle Sales



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on Lots 6-7, except the south 15 feet for street, of Davis Gardens Addition, which is currently zoned LC Limited Commercial ("LC"). The site is located at the northwest corner of North Gow and West Central. The subject site is developed with a two-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; two existing drives onto West Central Avenue and one existing drive onto North Gow, 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 and identification of customer and employee parking.

The existing office-sales building has two bay doors on the south side of the building, one bay door on the east side of the building and two bay doors on the north side of the building. It is currently listed by the appraiser's office as a Service Repair Garage. 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 1,848-square foot office for the vehicle sales use would trigger the need for at least three additional 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 13,180-square feet, thus the applicant will be required to provide four parking spaces for the display area. A total of seven spaces will be required for the vehicle sales use.

Property north of the site is zoned OW Office Warehouse ("OW") and developed with warehouse/office uses. Property south of the site is zoned LC Limited Commercial ("LC") and developed with a warehouse/retail use. Property east of the site is zoned LI Limited Industrial ("LI") and is developed with a miscellaneous manufacturing use. West of the site, the property is zoned LC and is developed with a full service restaurant.

CASE HISTORY: The site was platted as Lots 6 and 7, Except the South 15 feet for Street, of Davis Gardens Addition; Wichita, Sedgwick County, Kansas on May 28, 1930.

ADJACENT ZONING AND LAND USE:

NORTH:	OW	Warehouse/Office
SOUTH:	LC	Warehouse/Retail
EAST:	LI	Manufacturing
WEST:	LC	Full Service Restaurant

PUBLIC SERVICES: The subject property has access to Central Avenue, a five-lane arterial at this location. 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 the Metropolitan Area Building and Construction Department. 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.

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 OW Office Warehouse ("OW") and developed with warehouse/office uses. Property south of the site is zoned LC Limited Commercial ("LC") and developed with a warehouse/retail use. Property east of the site is zoned LI Limited Industrial ("LI") and is developed with a miscellaneous manufacturing use. West of the site, the property is zoned LC and is developed with a full service restaurant.

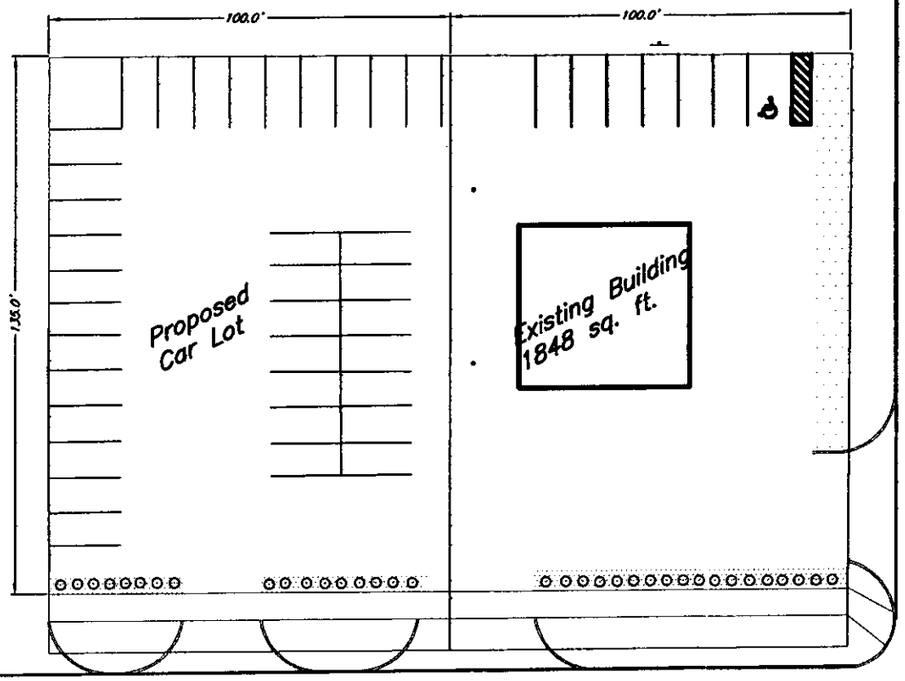
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC. The property is suitable for the commercial uses to which it has been restricted, including its current use as vehicle repair, limited.

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.



NOTE :

Existing Building – Transmission Repair shop
Proposed 7 parking spaces
(6 regular, 1 handicap accessible)
Stall Width = 9'
Stall Depth = 18.0'

Proposed Car Lot
Proposed 35 parking spaces
Stall Width = 9'
Stall Depth = 18.0'

Landscape shrubbery added to the South side of parking lot for arterial street screening, 750 sq.ft. Landscaping.

SITE PLAN

2/6/2015 klmorga

HORIZONTAL SCALE
(IN FEET)
1 inch = 20 ft.

Site Plan
3402-3410 W. Central
Wichita, Kansas

KEMILLER ENGINEERING PA
117 E. Lewis, Wichita, KS 67202 (316)264-0843

PROJECT NUMBER			
KEM NO. 14200	FILE	DATE 12/2014	SHEET 1.0
DESIGN KM	DRAWN DM	REVISED	

PLANTING NOTES

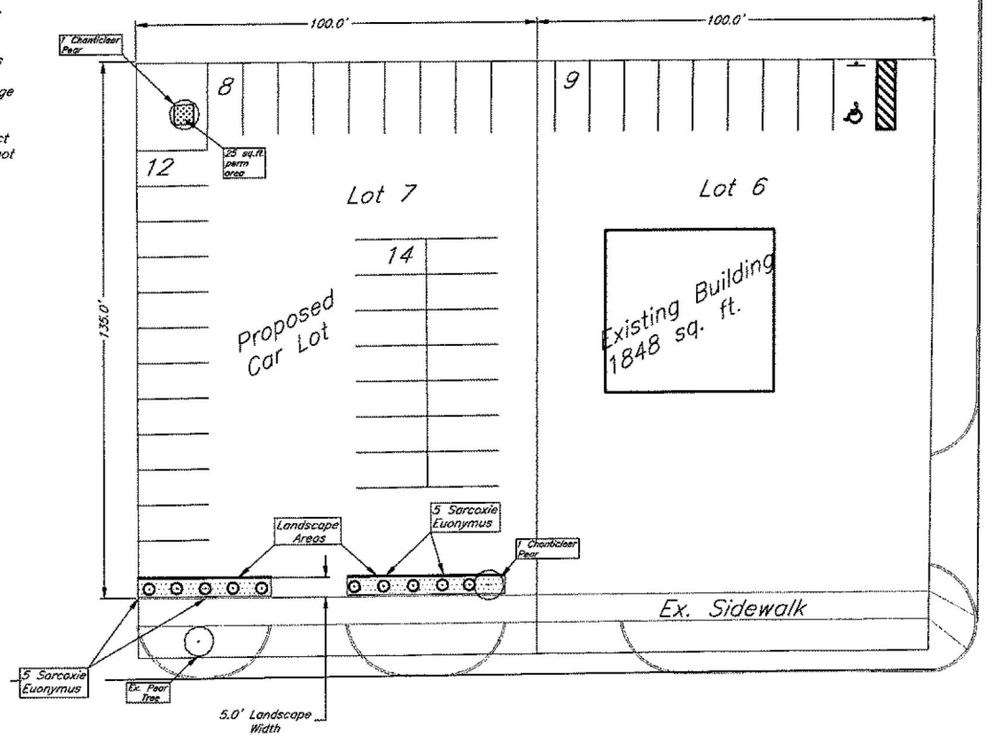
1. All work shall be done in accordance with these Landscape Specifications and Industry Standards.
2. Trees with broken leaders will not be accepted.
3. Topsoil hauled onto site shall be fertile, friable, natural loam topsoil of uniform quality characteristic of representative local soils which produce heavy growths of crops, grass, or other vegetation. It shall be free of subsoil, clay lumps, brush, weeds, roots, stones, trash, or other matter toxic to plant growth.
4. Topsoil shall be delivered in an unfrozen, non-muddy condition, and shall be subject to the approval of the Landscape Architect.
5. Mulch 4" deep around trees, and 2" deep in all shrub planting beds with shredded cypress mulch.
6. Prior to any excavation for landscaping purposes, the location of underground utilities shall be determined by calling KS One Call. Contractor shall be responsible for any damage done to existing utilities.
7. Irrigation - Water for the establishment and maintenance of plant materials on this project will be provided by a hose from outdoor spigot on existing building.
8. 25 sq.ft. permeable area (min.) required for each tree

LANDSCAPE REQUIREMENTS

LANDSCAPE STREET YARD:
LOT DEPTH = 135',
LOT WIDTH = 100', REQUIRES 8 sf. PER lf.
LANDSCAPE STREET YARD REQUIRED= 100 x 8 = 800sf.
LANDSCAPE STRFET YARD PROVIDED= 13,500sf.
TREES REQUIRED = 800/500 = 1.6 SHADE TREES

BUFFERS:

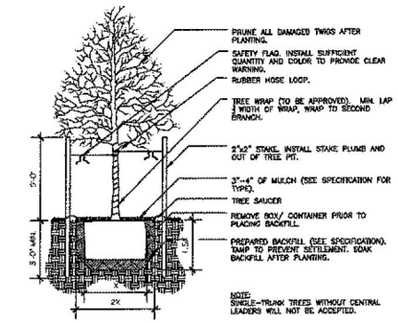
SIDE YARD BUFFER:	NONE REQUIRED
REAR YARD BUFFER:	NONE REQUIRED
PARKING LOT SCREENING:	10 SHRUBS
TREES REQUIRED:	34/20 = 1.7 TREES
	1 EXISTING TREE TO REMAIN
TOTAL TREES REQUIRED:	3 TREES REQUIRED
	3 TREES & 10 SHRUBS PROVIDED



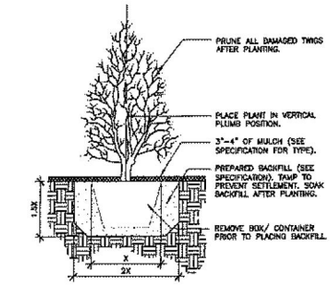
PLANT SCHEDULE

Landscape shrubbery added to the noted areas for parking lot screening.

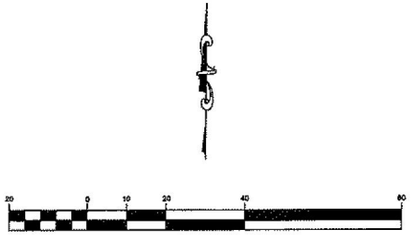
QTY:	10 ornamental shrubs
Bot. Name:	Euonymus rodicans 'Sarcoxie'
Common Name:	Sarcoxie Euonymus
Min. Height	18"
Condition	contoiner
Spacing	7-8 ft.
Trees:	
QTY:	2 medium ornamental trees
Bot. Name:	Pyrus calleryana
Common Name:	Chanticleer Pear
Mat. Height	30-40'



1 TREE PLANTING
NTS



2 SHRUB PLANTING DETAIL
NOT TO SCALE



HORIZONTAL SCALE
(IN FEET)
1 inch = 20 ft.

LANDSCAPE PLAN

APPROVED 4/6/15 BY NES

CON 2014-34

Legal Description:

Lots 6-7, except the south 15 feet for street, of Davis Gardens Addition to Wichita, Sedgwick County, Kansas, generally located one block west Central and Zoo Boulevard (3402 W. Central).

3402 - 3410 W. Central
Landscape Plan
Wichita, Kansas

KEMILLER ENGINEERING PA
117 E. Lewis, Wichita, KS 67202 (316)264-0242

PROJECT NUMBER				
KEM NO. 14200	FILE	DATE 3/2015	SHEET 2.0
DESIGN KM	DRAWN DM	REVISED	

Work 27, 2015