CITY OF WICHITA

**Wichita-Sedgwick County Metropolitan Area Planning Department**

April 16, 2015

Ahdalla Faleh Alashqar
8937 E. Funston St.
Wichita KS 67207

**RE: CON2015-00007** – City Conditional Use request for vehicles sales on LC Limited Commercial zoned property, generally located on the southwest corner of Central Avenue and Hoover Road (5601 West Central Ave.)

Dear Applicant

At its regular meeting on **March 19, 2015**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to APPROVE the Conditional Use request with the conditions on the attached resolution.

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

Sincerely,

Bill Longnecker
Senior Planner - Current Plans Division

BL/mc
Attachment – approved site plan

Cc: Joe Allen Lang, 2513 Green Meadow Circle, Wichita , KS 67205
Dulohery Family Revocable Trust, 220 N Byron Rd., Wichita, KS 67212
Janet Miller, WCC VI, Mail Stop 1-13
Janet Johnson, CL VI, Mail Stop 1-135

## CONDITIONAL USE RESOLUTION NO. CON2015-00007

**WHEREAS**, Dulohery Family Revocable Trust (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 and Equipment Sales", on approximately 0.71-acres zoned LC Limited Commercial ("LC"), described as:

Lots 1 and 2, Dulohery Addition, Wichita, Sedgwick County, Kansas; located on the southwest corner of Central Avenue and Hoover Road.

**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 March 19, 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 "Vehicle and Equipment Sales", on approximately 0.71-acres zoned LC Limited Commercial ("LC"), described as:

Lots 1 and 2, Dulohery Addition, Wichita, Sedgwick County, Kansas; located on the southwest corner of Central Avenue and Hoover Road.

Approved subject to the following conditions:

1. In addition to uses permitted by right in the LC Limited Commercial district, the site shall be limited to the sales of cars, light trucks and motorcycles or scooters (car sales).
2. The car sales lot is confined to Lot 1, Dulohery Addition. A parking barrier, such as a heavy rail type, 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. A rail barrier or post connected by a thick cable no lower than bumper high shall be located along the south portion of Lot 1, Dulohery Addition where it abuts Lot 2, Dulohery Addition. The rail barrier or post connected by a cable barrier no lower than bumper high must be put in prior to the commencement of car sales.
3. No car sales or parking of vehicles on Lot 2, Dulohery Addition until it is paved and landscaping is install per an improved landscape plan and a site plan. Landscaping, per the "Landscape Ordinance," shall be installed prior to any paving of Lot 2, Dulohery Addition.
4. 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.
5. 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 45 days of approval by the MAPC or the City Council. The site plan will include, but not be limited to, internal circulation that will remain open at all time and confirms the site meets the parking standards for both the approved car sales lot and the existing vehicle repair, limited garage. The site will be developed according to the revised site plan. No car sales until the revised site plan is approved.

6. 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.
7. There shall be no use of elevated platforms for the display of vehicles. All parking areas, areas where vehicles are displayed for sale, or where vehicles are waiting for repair must be on a concrete, asphalt or an approved all weather surface.
8. No outdoor amplification system shall be permitted.
9. No outside storage of salvaged vehicles 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.
10. 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.
11. 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.
12. Dedication by separate instrument of access control closing the two entrances onto Central Avenue. The applicant shall guarantee the closure of all but the approved entrances according to City standards.
13. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.
14. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
15. 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.

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 that the Conditional Use is null and void.

Adopted this 19th day of March 2015.

METROPOLITAN AREA PLANNING COMMISSION

Carol Chapman August

~~Matthew J. Goolsby~~, Chair MAPC

Carol Chapman Nugent

ATTEST:

John L. Schlegel, Secretary

AGENDA ITEM NO. 8

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

# STAFF REPORT

MAPC March 19, 2015
DAB VI March 18, 2015

**CASE NUMBER:** CON2015-00007

**OWNER/APPLICANT:** Dulohery Family Revocable Trust (owner) Abdallah Faleh Alashqar (applicant) Joe Allen Lang (agent)

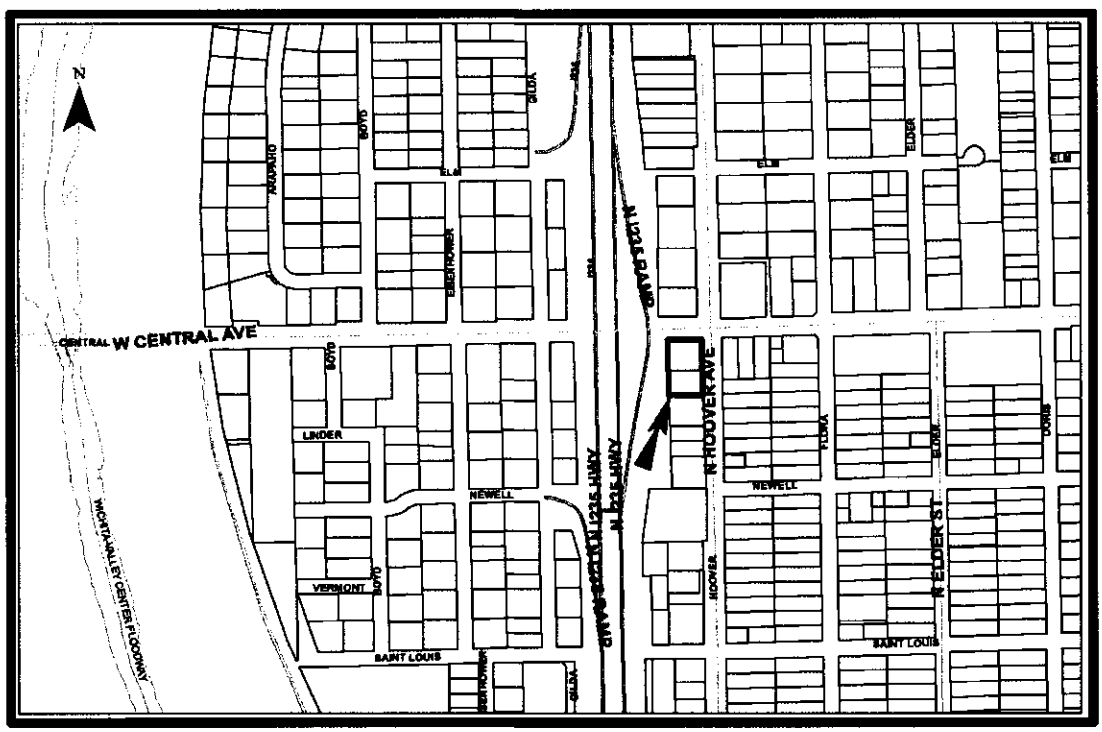
**REQUEST:** Conditional Use for Outdoor Vehicle and Equipment Sales

**CURRENT ZONING:** LC Limited Commercial

**SITE SIZE:** Approximately 0.71-acre

**LOCATION:** Southwest corner of Central Avenue and Hoover Street (5601 West Central Avenue)

**PROPOSED USE:** Sale of pre-owned vehicles



**BACKGROUND:** The applicant is requesting a Conditional Use to allow cars, light trucks and motor scooter/motorcycle sales on the LC Limited Commercial (LC) zoned Lots 1 and 2, Dulohery 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 at the southwest corner of Central Avenue and Hoover Road. The north half of the site (lot 1) is currently a vacant car repair shop (built 1957 and 1983) with a four-bay door garage/office. The south half of the site (Lot 2) is not developed. The applicant proposes to retain the site's limited vehicle repair garage (which is currently vacant), which is permitted by right.

Development located north and northeast of the site, across Hoover Road and Central Avenue, include a LC zoned small commercial strip containing a drinking and eating establishment (DER) and retail (built in 1969) and a small free-standing restaurant (built in 1969). There is also a GC General Commercial (GC) zoned car sales lot and auto repair garage (built in the early 1950s) located directly north of the site across Central Avenue; CON2006-00004, CON2006-00060, ZON2013-00030. A GC zoned vacant self-service car wash (BZA 26-81, use exception) abuts the north side of the car sales lot. East of the site, across Hoover Road, there are a LC zoned Goodwill store (built 1996), undeveloped land, and a small commercial strip (built 2000). Also located east of the site are LC and TF-3 Two-Family Residential (TF-3) zoned single-family residences (built 1940s – 1950s). A LC and TF-3 zoned Fire and Police station (built 1964 and 1991) is located two blocks east of the site. A LC zoned single-family residence (built 1945) abuts the south side of the site, with LC and TF-3 zoned duplexes (built 2009) and SF-5 Single-Family Residential (SF-5) zoned single-family residences (built 1940s) located further south. Abutting the west side of the site is the Central Avenue – I-235 interchange.

This portion of Central Avenue, from West Street to the Central Avenue - I-235 interchange, is almost striped out with LC zoning supporting a mixture of small free standing retail, small retail strips, a few offices, limited vehicle repair garages and some DERs and restaurants. All of these nonresidential developments are local commercial type of uses. There is one other car sale lots on this portion of Central Avenue and it is located across Central Avenue for the subject site. The other nearest car sales lots appears to be the Saturn dealership located at Central and Tyler Road, another two dealerships located on West Street between Douglas Avenue and 3rd Street and a recently approved car sales lot, CON2014-00034, located west of the Central Avenue – Zoo Boulevard intersection.

The applicant has provided a site plan that shows the existing garage/office, the two existing drives onto Central Avenue (proposed to be blocked off), two drives onto Hoover Road, and proposed parking (9-foot x 10-foot?) and display areas. All of the car sales use is contained on Lot 1. If approved, the applicant needs to provide a revised site plan giving more detail to show, but not limited to: that the site can meet the parking requirements for the garage and car sales business; railing for a barrier along the street right-of-ways and separating Lot 1 from the undeveloped Lot 2; show onsite vehicular circulation; show any other proposed lighting, and solid screening around any trash receptacles. Lot 1, where the car sales is initially proposed to be located is almost entirely paved and as such there appears to be little opportunity for landscaping. The applicant still needs to show existing plants/landscaping on Lot 1, which will probably be confined to City tree's located in the right-of-way. The applicant proposes to eventually expand onto the south undeveloped LC zoned Lot 2, where landscaping is possibleand as such the applicant will need to submit a Phase II site plan showing, but not limited to landscaping per the "Landscape Ordinance."

**CASE HISTORY:** The site is platted as Lots 1 and 2, Dulohery Addition, which was recorded with the Register of Deeds March 24, 1983. The site was annexed into the city sometime between1951–1960.

**ADJACENT ZONING AND LAND USE:**

| | |
|---|---|
| NORTH: GC, LC | Car sales and car repair, vacant self-service car wash, commercial strip building, small free standing restaurant |

SOUTH: LC, SF-5, TF-3 Single-family residences, duplexes
EAST: LC, TF-3 Goodwill store, commercial strip building, undeveloped land, single-family Residences, Police – Fire Station
WEST: Public right-of-way Central Avenue – I-235 interchange

**PUBLIC SERVICES:** The subject property has access to Central Avenue, a five-lane arterial street and Hoover Street, a paved two-lane residential street. The west side of the site abuts the Central Avenue – I-235 interchange. I-235 is a four-lane freeway. The "2030 Transportation Plan" estimates that traffic volumes at this location will increase to approximately 45,000-46,000 vehicles per day. The "2030 Transportation Plan" indicates improvements for the Central Avenue – I-235 interchange and a KDOT concept study reaffirms this interchange as a candidate for improvements. 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. 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. All of these uses would be on a scale that would not have a significant regional draw. The UZC allows consideration of outdoor car sales on LC zoned lots as a Conditional Use on a site by site basis.

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 Central Avenue, a five-lane arterial; however, the Traffic Engineer has advised that the two drives onto Central should be closed. 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 sales lot is located directly north of the subject site across Central Avenue.

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 with what the MAPC has recommended for this type of site/use in the past.

**RECOMMENDATION:** The site conforms with 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. The proposed Conditional Use could bring improvements to the site that will include additional landscaping of the site and conforming to the current access control standards. The subject site and the other car sales/repair garage located north of the site, across Central Avenue, have unique locations for this portion of Central Avenue, in their immediate proximity to the I-235 – Central interchange and that they have other existing LC zoned development between them and the nearest residential development.

Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**, with the following conditions:

1. In addition to uses permitted by right in the LC Limited Commercial district, the site shall be limited to the sales of cars, light trucks and motorcycles or scooters (car sales). No sale or rental of trailers, vehicles or trucks larger than pick ups are permitted.

2. The car sales lot is confined to Lot 1, Dulohery Addition. A parking barrier, such as a heavy rail type, 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. The rail barrier shall also run along the including the south portion of Lot 1 where it abuts Lot 2, Dulohery Addition. The rail barrier must be put prior to the commencement of car sales.

3. No car sales or parking of vehicles on Lot 2, Dulohery Addition until it is paved and landscaping is install per an improved landscape plan and a site plan. Landscaping, per the "Landscape Ordinance," shall be installed prior to any paving of Lot 2, Dulohery Addition.

4. 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.

5. 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 45 days of approval by the MAPC or the City Council. The site plan will include, but not be limited to, internal circulation that will remain open at all time and confirms the site meets the parking standards for both the approved car sales lot and the existing vehicle repair, limited garage. The site will be developed according to the revised site plan. No car sales until the revised site plan is approved.

6. 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.

7. There shall be no use of elevated platforms for the display of vehicles. All parking areas, areas where vehicles are displayed for sale, or where vehicles are waiting for repair must be on a concrete, asphalt or an approved all weather surface.

8. No outdoor amplification system shall be permitted.

9. 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.

10. 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.

11. 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.

12. Dedication by separate instrument of access control closing the two entrances onto Central Avenue. The applicant shall guarantee the closure of all but the approved entrances according to City standards.

13. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.

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

15. 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: Development located north and northeast of the site, across Hoover Road and Central Avenue, include a LC zoned small commercial strip containing a drinking and eating establishment (DER) and retail (built in 1969) and a small free-standing restaurant (built in 1969). There is also a GC General Commercial (GC) zoned car sales lot and auto repair garage (built in the early 1950s); CON2006-00004, CON2006-00060, ZON2013-00030. A GC zoned vacant self-servce car wash (BZA 26-81, use exception) abuts the north side of the car sales lot. East of the site, across Hoover Road, there are a LC zoned Goodwill store (built 1996), undeveloped land, and a small commercial strip (built 2000). LC and TF-3 Two-Family Residential (TF-3) zoned single-family residences (built 1940s – 1950s) are also located east of the site. A LC and TF-3 zoned Fire and Police station (built 1964 and 1991) is located two blocks east of the site. A LC zoned single-family residence (built 1945) abuts the south side of the site, with LC and TF-3 zoned duplexes (built 2009) and SF-5 Single-Family Residential (SF-5) zoned single-family residences (built 1940s) located further south. Abutting the west side of the site is the Central Avenue – I-235 interchange.

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.

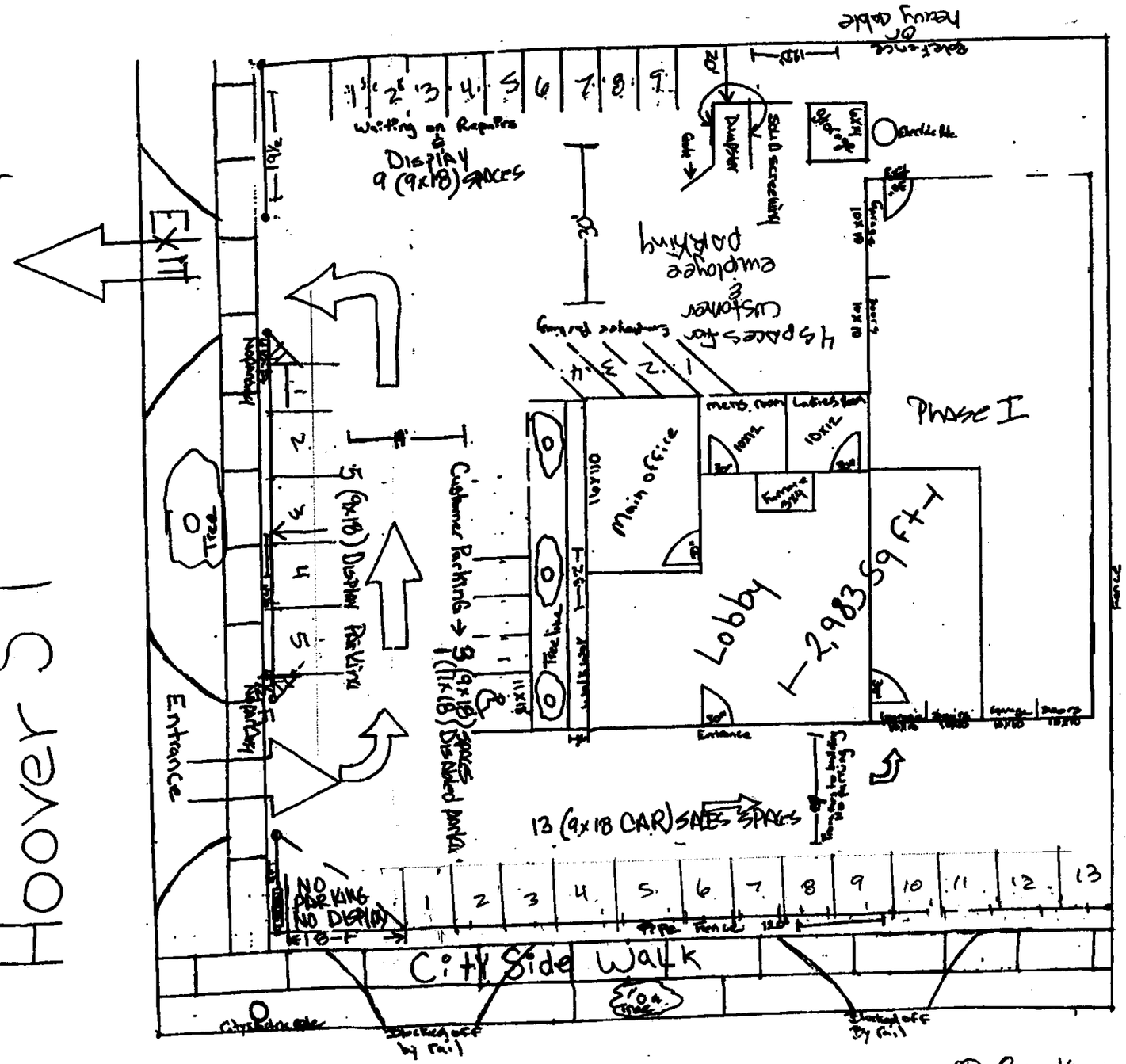
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Vehicle sales on a site this size when developed with the Conditional Use, will have a minimum of negative effect on the area and at best improve the property, with the application of additional access control, landscaping, screening and the other conditions on the site.

4. Conformance of the requested change to adopted or recognized Plans/Policies: 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. There is a car sales lot with a vehicle repair garage located directly north of the site, across Central Avenue. A Conditional Use for a car sales lot on this site conforms to the MAPC's past recommendation in regards to locating small car sales lots on sites that had previously been used or are still being used for car related businesses. There is no adopted neighborhood plan that would specifically discourage a car sales lot on this site. 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: All public facilities are available. Existing road facilities are adequate. Additional access control onto Central Avenue is an improvement to the area.

# SITE PLAN

APPROVED [redacted]
April 7, 2015 Bill Longnecker




CON 2015-00007
Vehicle Sales

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W E
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⊕ Active Phase I
SITE: Lot 1, Dulohery Addition

⊕ Phase II SITE: Lot 2 Dulohery Add
(NOT ACTIVE)

⊕ 8 parking spaces for customers & employees
⊕ All parking & Display Areas are 9x18'
⊕ A permiling along Central & Hoover
⊕ Heavy cable along the south portion of site
⊕ No partial blocking of drives onto Hoover St.

— CON2015-00007 —