



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

July 13, 2016

Steven Enterprises LLC, attn: Brandon Steven  
7333 E. Kellogg Dr.  
Wichita KS 67207

Baughman Co., P.A. attn: Russ Ewy  
315 Ellis  
Wichita, KS 67211

**RE: CON2016-13** – City Conditional Use to permit Outdoor Vehicle and Equipment Sales, generally located at the Southeast corner of South Eastern Avenue and East Kellogg Drive.

Dear Applicants:

At its regular meeting on **June 2, 2016**, 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 conditions on the attached resolution.

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

Sincerely,

  
Jess McNeely, AICP  
Senior Planner

JMC/mc  
Attachments

Copies to: Pete Meitzner, WCC CM II  
Laura Rainwater, CSR II  
Tom Stolz, MABCD  
J. R. Cox, MABCD  
Trustees of the Carpenters District Council of Greater St. Louis and Vicinity, 1401 Hampton Ave., St. Louis, MO 63139

**CONDITIONAL USE RESOLUTION NO. CON2016-00013**

**WHEREAS**, Steven Enterprises, LLC, (Owners/Applicants), 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 and Equipment Sales on 0.68 acres zoned LC Limited Commercial described as:

Lots 1 Circuit City Addition to Wichita, Kansas, at the Southeast corner of South Eastern Avenue and East Kellogg Drive.

**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 June 2, 2016, 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 Conditional Use for Outdoor Vehicle and Equipment Sales on 0.68 acres zoned LC Limited Commercial described as:

Lots 1 Circuit City Addition to Wichita, Kansas, at the Southeast corner of South Eastern Avenue and East Kellogg Drive.

Approved subject to the following conditions:

1. The Conditional Use shall be developed and maintained in conformance with the approved site plan
2. The Conditional Use shall conform to the Unified Zoning Code, Section III-D.6.x supplementary use conditions, except that one previously approved off-site sign shall be permitted on the site.
3. The site shall be developed in conformance with an approved landscape plan consistent with the Landscape Code.
4. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
5. 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 2nd Day of June 2016

METROPOLITAN AREA PLANNING COMMISSION

Carol Chapman Neugent  
Carol Chapman Neugent, Chair MAPC

ATTEST:

Dale Miller  
Dale Miller, Secretary

## STAFF REPORT

MAPC 6-2-2015

DAB II 6-13-16

**CASE NUMBER:** CON2016-13

**OWNER/APPLICANT:** Steven Enterprises, LLC c/o Brandon Steven (owner); Baughman Co., PA c/o Russ Ewy

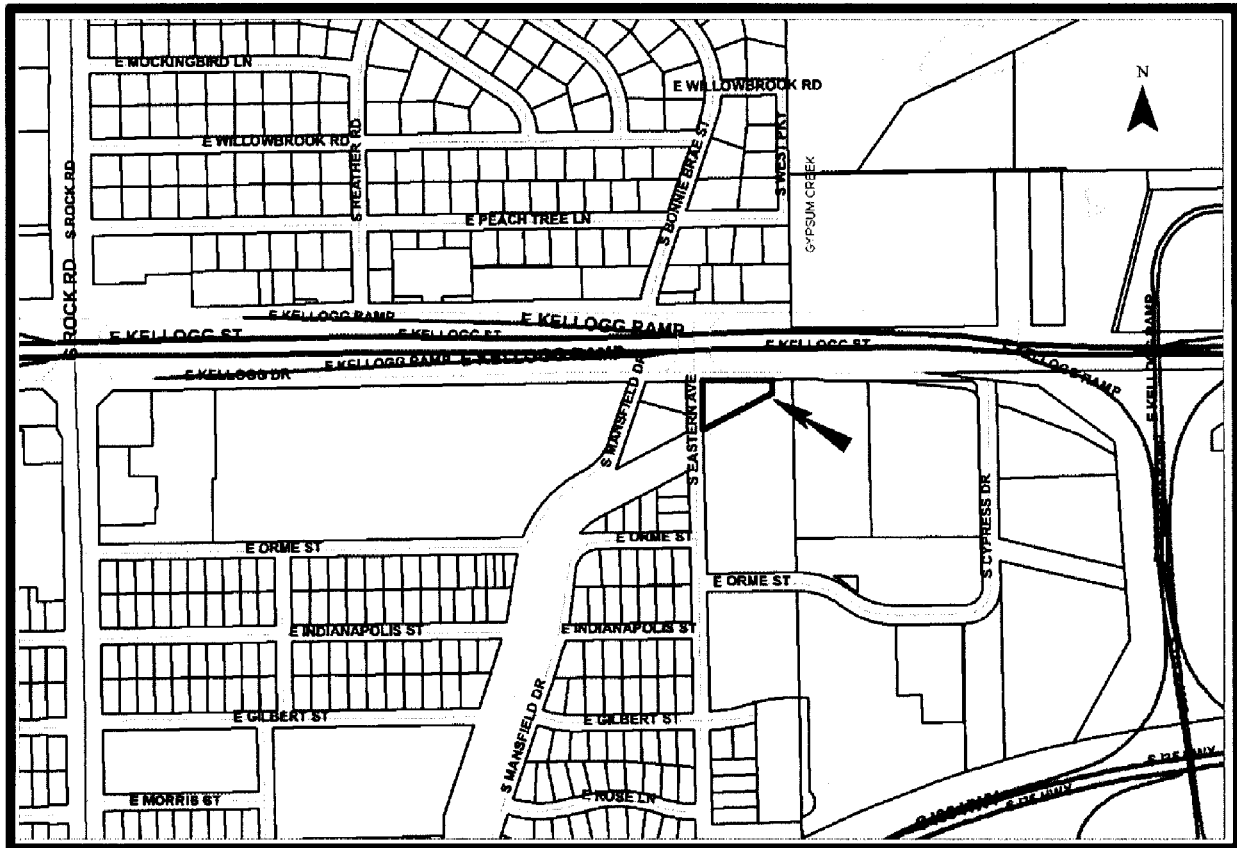
**REQUEST:** Conditional Use for Outdoor Vehicle and Equipment Sales

**CURRENT ZONING:** LC Limited Commercial

**SITE SIZE:** 0.68 acres

**LOCATION:** Southeast corner of South Eastern Avenue and East Kellogg Drive

**PROPOSED USE:** Outdoor vehicle sales



**BACKGROUND:** The applicant requests a Conditional Use to allow outdoor vehicle sales on a 0.68-acre site in LC Limited Commercial zoning. The site is located south of the Kellogg Expressway, at the southeast corner of East Kellogg Drive and South Eastern Avenue. The vacant site has an off-site billboard advertising sign. The applicant provided site plan (see attached) demonstrates vehicle display areas, parking and a small building. The site plan demonstrates access to Eastern Avenue and shared access with property to the east to Kellogg Drive. Per the Unified Zoning Code (UZC) Sec.III-D.6.x., outdoor vehicle and equipment sales may be permitted after consideration and approval of a Conditional Use on a site by site basis in the LC zoning district subject to the following supplementary conditions:

1. Location shall be contiguous to a major street as designated in the Transportation Plan.
2. Visual screening of areas adjacent to residential zoning districts shall be provided.
3. All parking, outdoor storage and display areas shall be paved with concrete or asphalt. Parking barriers shall be installed along all perimeter boundaries abutting streets to ensure that parked vehicles do not encroach onto public street right-of-way.
4. The lighting shall be in compliance with the lighting requirements of Sec. IV-B.4. No string-type or search lighting shall be permitted.
5. The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.
6. No repair work shall be conducted except in an enclosed building, and further provided that no body work is done.
7. Only those signs permitted in the LC District shall be permitted on this site, except that no portable, flashing, moving or off-site signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted.
8. There shall be no use of elevated platforms for the display of vehicles.

North of the site is the Kellogg Expressway, further north is LC zoning with hotel, retail and warehousing uses. South of the site is a 90-foot drainage easement for Gypsum Creek. Further south is an LC zoned site formerly used for retail and currently used for training and storage. East of the site is a GC General Commercial zoned site under the Community Unit Plan development controls of DP-38 and used for vehicle sales. The vehicle dealership east of the site is under the same ownership as the application area. West of the site is an LC zoned office use.

**CASE HISTORY:** The site was platted as Lot 1 of the Circuit City Addition to Wichita in 1996. The site was approved for a vehicle rental use exception in 1966 (BZA 10-66). The site has two Sign Code administrative adjustments (BZA2006-90 and BZA2013-34) to raise a billboard and an off-site sign 20 feet above the rail of the adjacent elevated highway.

**ADJACENT ZONING AND LAND USE:**

|                 |  |
|-----------------|--|
| NORTH: LC       | Expressway, hotel, retail, warehousing |
| SOUTH: LC       | Drainage easement, training, storage   |
| EAST: GC, DP-38 | Vehicle sales                          |
| WEST: LC        | Office                                 |

**PUBLIC SERVICES:** The subject property has direct access to South Eastern Avenue, a two-lane paved local street. The site has access to Kellogg Drive, the Kellogg Expressway service drive, via the bordering property to the east. All other public services are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Wichita-Sedgwick County Comprehensive Plan (the *Community Investments Plan*) 2035 *Wichita Future Growth Concept Map* identifies this

location as “commercial,” encompassing areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices and personal service uses are located in close proximity to, and potentially mixed with, residential uses. Major destination areas (centers and corridors) containing concentrations of commercial and office uses that have regional market areas and generate high traffic volumes are located in close proximity to major arterials or highways and typically are buffered from lower density residential areas by higher density housing types.

The Comprehensive Plan Locational Guidelines make the following applicable recommendations: Major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors. Primary outdoor sales uses should be located along highway corridors or in areas where the uses have already been established. Development abutting the targeted arterials, Kellogg freeway, gateways and landmarks identified on the Priority Enhancement Areas for Wichita Infrastructure Projects Map should consider the inclusion of site design features that increase the sense of quality of life through emphasis of visual character and aesthetic improvements.

**RECOMMENDATION:** The site is consistent with the Comprehensive Plan and UZC, with the exception that a billboard already exists on the site. Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**, with the following conditions:

1. The Conditional Use shall be developed and maintained in conformance with the approved site plan.
2. The Conditional Use shall conform to the Unified Zoning Code, Section III-D.6.x supplementary use conditions, except that one previously approved off-site sign shall be permitted on the site.
3. The site shall be developed in conformance with an approved landscape plan consistent with the Landscape Code.
4. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
5. 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: North of the site is the Kellogg Expressway, further north is LC zoning with hotel, retail and warehousing uses. South of the site is a 90-foot drainage easement for Gypsum Creek. Further south is an LC zoned site formerly used for retail and currently used for training and storage. East of the site is a GC zoned site under the Community Unit Plan development controls of DP-38 and used for vehicle sales. The vehicle dealership east of the site is under the same ownership as the application area. West of the site is an LC zoned office use.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC. The property could be used for a number of uses. Limited size, existing easements and platted building setbacks would limit the development options on this site.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: A large

vehicle sales business exists east of this site. This application does not introduce a new use in this area. No residential areas are impacted by this location. The proposed conditions should mitigate impacts on the surrounding commercial uses.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The adopted Wichita-Sedgwick County Comprehensive Plan (the *Community Investments Plan*) 2035 *Wichita Future Growth Concept Map* identifies this location as “commercial,” encompassing areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices and personal service uses are located in close proximity to, and potentially mixed with, residential uses. Major destination areas (centers and corridors) containing concentrations of commercial and office uses that have regional market areas and generate high traffic volumes are located in close proximity to major arterials or highways and typically are buffered from lower density residential areas by higher density housing types. The Comprehensive Plan Locational Guidelines make the following applicable recommendations: Major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors. Primary outdoor sales uses should be located along highway corridors or in areas where the uses have already been established. Development abutting the targeted arterials, Kellogg freeway, gateways and landmarks identified on the Priority Enhancement Areas for Wichita Infrastructure Projects Map should consider the inclusion of site design features that increase the sense of quality of life through emphasis of visual character and aesthetic improvements.
4. Impact on Community Facilities: All public facilities are available. The small size of this proposed conditional use should have minimal impact on community facilities.

**APPROVED**

*William V. ...*

Date: 7-11-16

KELLOGG DRIVE

EASTERN STREET

257.48'

70.69'

35' BUILDING SETBACK

181.87'

20' BUILDING SETBACK

BILLBOARD

SALES BUILDING

15 UTIL ESMT

289.5'

EASEMENT

DRAINAGE

LEGEND:

MAXIMUM VEHICLE DISPLAY: 60



SCALE: 1" = 40'

13

**CON2016-~~???~~ SITE PLAN**  
LOT 1 - CIRCUIT CITY ADDITION VEHICLE SALES LOT

