



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

March 5, 2007

Eugene L. Mecke
1404 Ida
Wichita, KS 67211

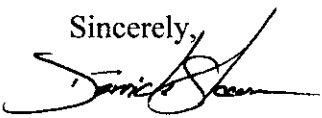
RE: CON2007-07 – conditional use to permit vehicle and equipment sales outdoors, generally located 2,000 feet west of I-135 southeast of the intersection of East Lincoln Street and South Pattie Street (1301 East Lincoln Street).

Dear Mr. Mecke:

At its regular meeting on April 5, 2007, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,


Derrick K. Slocum
Associate Planner
Current Plans Division

DKS/mc
Enclosure

cc: Virдена Gilkey, NA WCC I, Mail Stop #1-135
Vicky Huang, Engineering, Mail Stop #1-71

CONDITIONAL USE RESOLUTION NO. CON2007-00007

WHEREAS, Nidal Hussein (applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for a Outdoor Vehicle and Equipment Sales on .24 acres zoned "LC" Limited Commercial described as:

Lots 2, 4, 6 and 8, on Pattie Ave., Lincoln Street Addition, Sedgwick County, Kansas. Generally located 2,000 feet west of I-135, southeast of the intersection of E. Lincoln St. and S. Pattie St. (1301 E. Lincoln St.)

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 April 5, 2007, 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 Outdoor Vehicle and Equipment Sales on .24 acres zoned "LC" Limited Commercial described as:

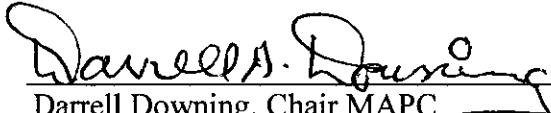
Lots 2, 4, 6 and 8, on Pattie Ave., Lincoln Street Addition, Sedgwick County, Kansas. Generally located 2,000 feet west of I-135, southeast of the intersection of E. Lincoln St. and S. Pattie St. (1301 E. Lincoln St.)

Approved subject to the following conditions:

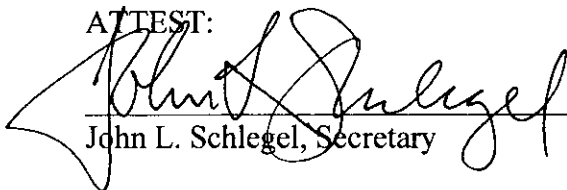
1. In addition to uses permitted in the LC district, the site shall be limited to the sales of cars and light trucks, as long as it continues to operate as a vehicle repair, limited garage. No sale or rental of trailers, motorcycles or scooters, vehicles or trucks larger than pick ups are permitted.
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.
3. 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 6 months of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
4. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within six months of approval by the MAPC or the City Council. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits.
5. 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.

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.
7. 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.
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 any residential structures.
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. The entrances shall be reviewed and approved by the Traffic Engineer. The applicant shall guarantee the closure of all but the approved entrances according to City standards.
13. 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.
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.

METROPOLITAN AREA PLANNING COMMISSION


Darrell Downing, Chair MAPC

ATTEST:


John L. Schlegel, Secretary



STAFF REPORT

MAPC April 5, 2007

DAB I – April 2, 2007

CASE NUMBER: CON2007-00007

OWNER: Eugene Mecke

APPLICANT: Nidal Hussein

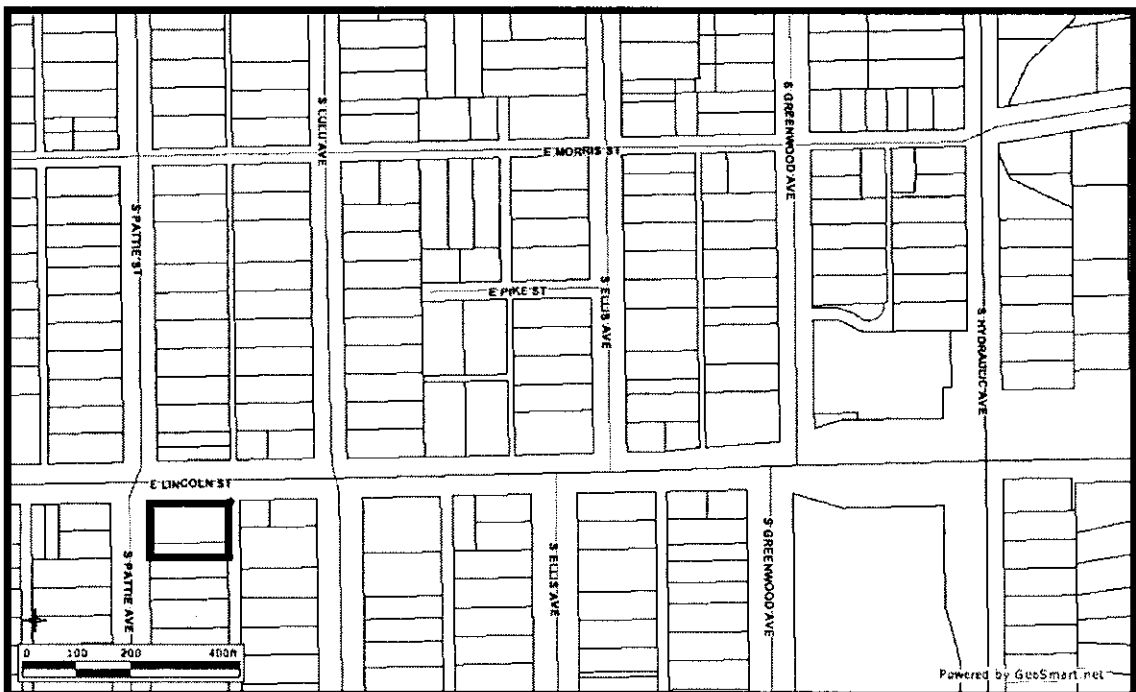
REQUEST: Conditional Use for Outdoor Vehicle and Equipment Sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: Approximately 0.24-acres

LOCATION: Southeast corner of E. Lincoln Street and S. Pattie Street
(1301 E. Lincoln Street)

PROPOSED USE: Sale of pre-owned vehicles



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on Lots 2, 4, 6 and 8 of the Lincoln Street Addition, which are zoned LC Limited Commercial. The site is located at the southeast corner of E. Lincoln Street and S. Pattie Street. The subject site is developed with a one-bay door garage/office, used for limited car and light truck repair. The applicant proposes to retain the site's limited vehicle repair shop, which is permitted by right, and sell pre-owned cars and light trucks. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a Conditional Use in the LC zoning district.

Development east of the subject site includes a warehouse/storage facility, a church, duplex; warehouse/office facility and six single-family residences sprinkled in between the commercial development. These developments are zoned LC, "B" Multi-Family and "TF-3" Two-Family. Development west of the subject site includes a church, two vehicle repair stations, a gas station, office, two retail stores, a bar/club and a single-family residence all in LC zones. Abutting the south side of the subject site are a single-family residence, zoned LC and "MF-29" Multi-Family. Development north of the site, across Lincoln Street are: a mixed-use retail/apartment structure, a 4-plex, another retail building and some single-family residences zoned LC and "GO" General Office.

The applicant's site plan shows the existing garage/office, two proposed drives onto S. Pattie Street and the one onto E. Lincoln Street, circulation completely around the site and the parking/display area. If approved, the applicant needs to provide a revised site plan giving more detail including the square footage of the building, proposed lighting, solid screening around trash receptacle(s), solid screening around the outside and landscaping.

CASE HISTORY: The subject property is platted as Lots 2, 4, 6 and 8 of the Lincoln Street Addition, which was recorded with the Register of Deeds June 5, 1986. The existing structure on the site was built in 1927.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Mixed Use- Retail and Apartment
SOUTH:	"LC"	Single-Family Residence
EAST:	"LC"	Warehouse/Storage
WEST:	"LC"	Church/Place of Worship

PUBLIC SERVICES: This subject property has access to E. Lincoln Street, a 4-lane arterial street along the north property line and S. Pattie Street, a two-lane, local street along the west property line. The current traffic volumes at the nearest major intersection (Lincoln Street and Washington Avenue) are approximately 16,750 vehicles per day along Lincoln Street and approximately 20,240 vehicles per day along Washington Avenue. Municipal water and sewer services are currently provided to the subject property. The sewer line is located on the east side of subject site, while the water main is located along the west side of the S. Pattie Street R.O.W.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend 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 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.

In the past, the MAPC has identified smaller car sales lots as being more of a local retail 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 nature. The MAPC has also recommended that buildings that had in the past been used for automobile activities, such as gas stations, be considered as possible sites for car sales. The subject site's building was constructed in 1927 and was previously used as a gas station prior to its current use for auto repair, limited.

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. This recommendation is based on the principle that staff would not be supportive of additional car sales lots in the area. Recommended conditions of approval include:

1. In addition to uses permitted in the LC district, the site shall be limited to the sales of cars and light trucks, as long as it continues to operate as a vehicle repair, limited garage. 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.
3. 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 6 months of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
4. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within six months of approval by the MAPC or the City Council. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits.

5. 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.
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.
7. 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.
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 any residential structures.
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. The entrances shall be reviewed and approved by the Traffic Engineer. The applicant shall guarantee the closure of all but the approved entrances according to City standards.
13. 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.
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.

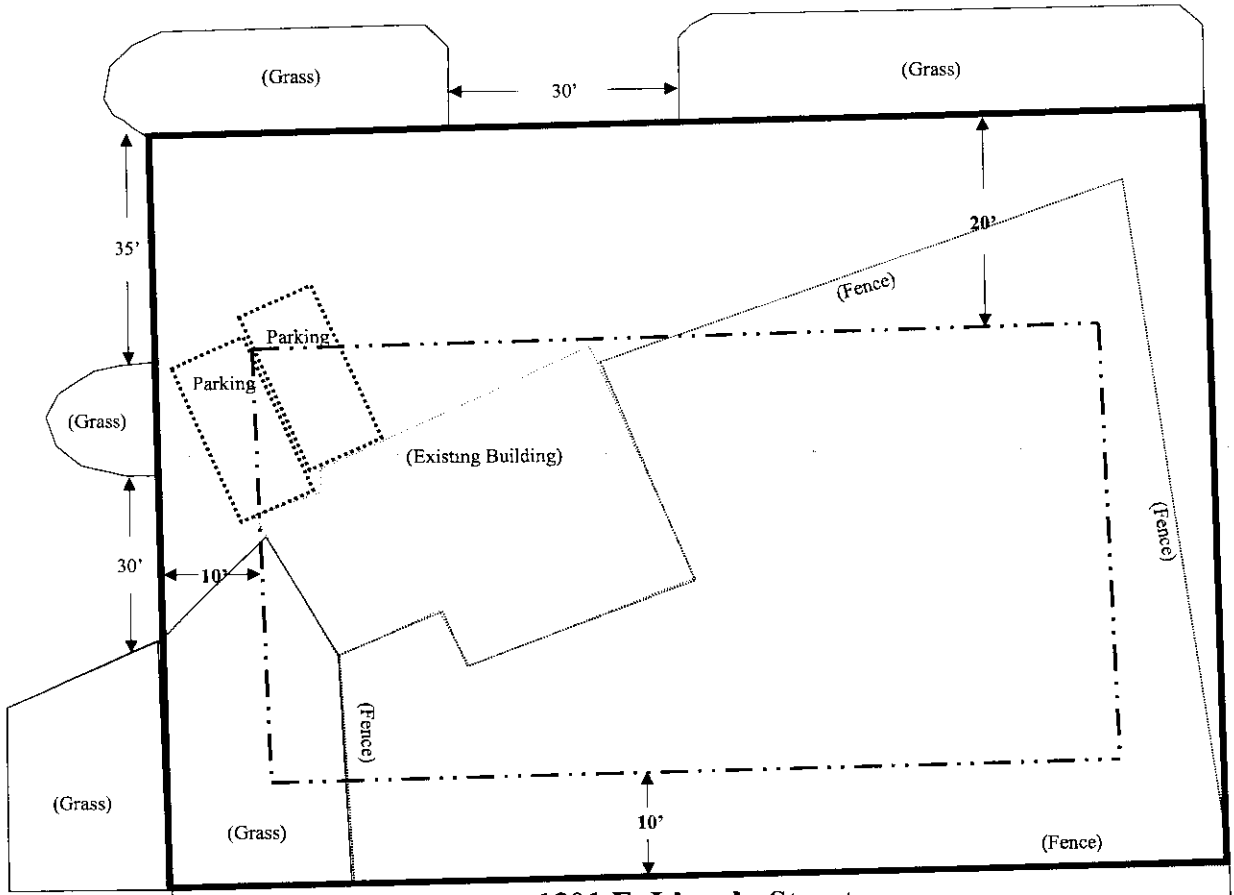
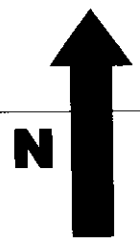
The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is predominately office, retail, warehousing and some multi and single-family along the Lincoln Street corridor. All lots appear to be occupied, but some of the properties are in deteriorating condition. Office type, neighborhood retail, and warehouse development will remain in the area due to the location of this area, being between Washington Avenue and Hydraulic Street, with close proximity to I-135. There are low-density residential uses located behind the Lincoln Street corridor. This corridor has other vehicle services, including gas stations and vehicle repair shops, zoned LC Limited Commercial and permitted by right.
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 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. A Conditional Use for a car sales lot on this site does not entirely meet the Commercial Locational criteria, but it does meet the criteria of the MAPC in regards to locating small car sales lots on sites that had previously been 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.
5. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate.

(Water)

S. Pattie St. (70' R.O.W.)

E. Lincoln St. (70' R.O.W.)



(Sewer)

Alley (20' R.O.W.)

1301 E. Lincoln Street

(Existing Conditions)

- Pavement
- Grass / Landscape

Scale: 3/32" = 1'

Lots 2, 4, 6 & 8, Lincoln Street Addition Addition to Wichita, Sedgwick County, Kansas. Generally located 2,000 feet west of I-135, southeast of the intersection of E. Lincoln St. and S. Pattie St. (1301 E. Lincoln St.)

Conditional Use Request
Owner: Eugene Mecke
Applicant: Nidal Hussein