



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

March 5, 2007

Jay Hatfield
Jay Hatfield Chevrolet
200 S. East Avenue
Columbus, KS 66275

RE: CON2006-53 - Conditional Use for vehicle and equipment sales outdoor on property zoned "LC" Limited Commercial, generally located north of Kellogg and west of Zelta (11922 E. Kellogg)

Dear Mr. Hatfield:

At its regular meeting on December 7, 2006, 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,

A handwritten signature in black ink, appearing to read 'Derrick K. Slocum', written over a horizontal line.

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS/mc
Enclosure

cc: Richard Christian, 11922 E. Kellogg, Wichita, KS 67207
Baughman Co., PA, Attn: Russ Ewy, 315 Ellis, Wichita, KS 67211
Sue Schlapp, WCC II, Mail Stop 1-13
LaShonda Porter, NA WCC II, Mail Stop #1-135
Vicky Huang, Engineering, Mail Stop #1-71
Kurt Schroeder, Office of Central Inspection, Mail Stop #1-72

CONDITIONAL USE RESOLUTION NO. CON2006-00053

WHEREAS, Jay Hatfield Chevrolet (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 Outdoor Vehicle and Equipment Sales on 1.08 acres zoned “LC” Limited Commercial described as:

East half of Lot 78 and all of Block 79, Linwood Acres Addition to Wichita, Sedgwick County, Kansas. Generally located north and west of the intersection of E. Kellogg and S. Zelta Street (11922 E. Kellogg Avenue)

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 December 7, 2006, 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 1.08 acres zoned “LC” Limited Commercial described as:

East half of Lot 78 and all of Lot 79, Linwood Acres Addition to Wichita, Sedgwick County, Kansas. Generally located north and west of the intersection of E. Kellogg and S. Zelta Street (11922 E. Kellogg Avenue).

Approved subject to the following conditions:

1. The subject property shall be developed in general conformance with the approved site plan.
2. The subject property shall be developed in conformance with all applicable codes to include but not limited to zoning, sign, building, fire, and health codes.
3. 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.

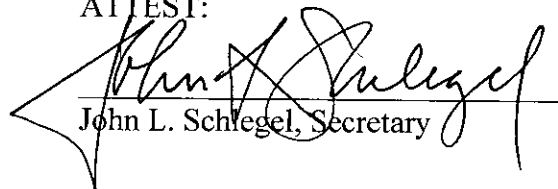
Adopted this 7th DAY of December 2006.

METROPOLITAN AREA PLANNING COMMISSION



Darrell Downing, Chair MAPC

ATTEST:



John L. Schlegel, Secretary

STAFF REPORT
MAPC December 7, 2006



FILE COPY

CASE NUMBER: CON2006-00053

OWNER/APPLICANT: Richard Christian Jay Hatfield Chevrolet, c/o Jay Hatfield

AGENT: Baughman Company, PA, c/o Russ Ewy

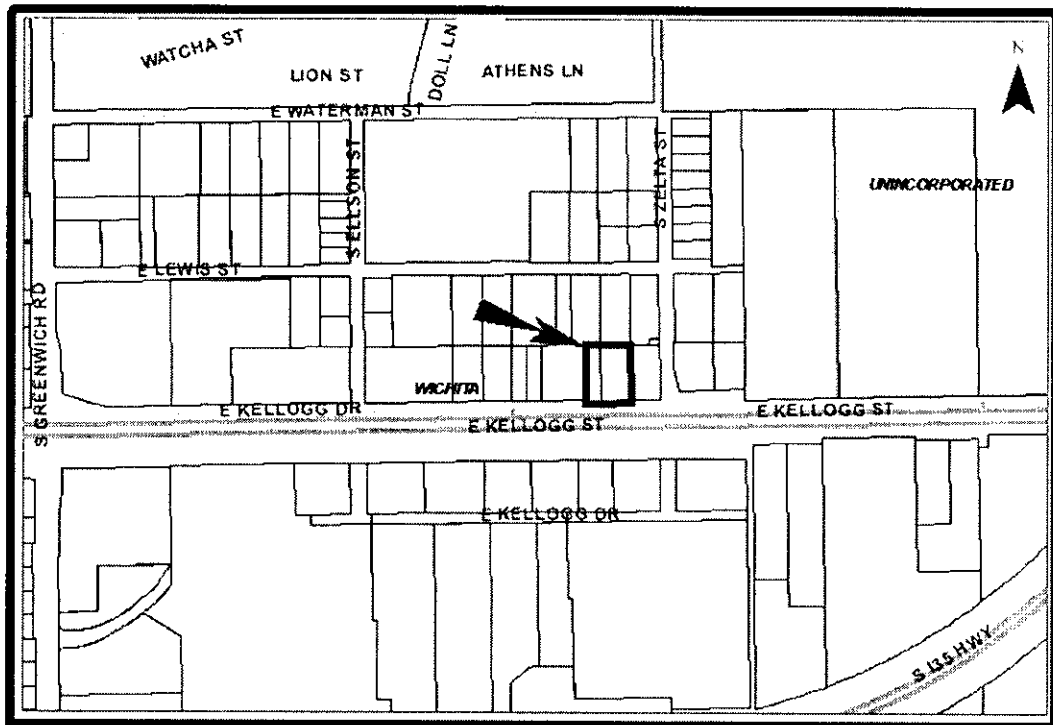
REQUEST: Conditional Use for Outdoor Vehicle and Equipment Sales

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 1.08 acres

LOCATION: Located north and west of the intersection of E. Kellogg and S. Zelta Street (11922 E. Kellogg Avenue)

PROPOSED USE: Vehicle and equipment sales (outdoor)



BACKGROUND: The applicant is requesting a conditional use to allow outdoor vehicle and equipment sales on Lot 79 and the East 1/2 of Lot 78, Linwood Acres Addition, zoned LC Limited Commercial. The site is located north and west of the intersection of East Kellogg and South Zelta Street (11922 E. Kellogg Avenue) and is currently developed with a vacant building, which was used for archery and angler supplies. The applicant proposes to use this site for outdoor vehicle and equipment sales. Per the Unified Zoning Code, outdoor vehicle and equipment sales may be permitted as a conditional use in the LC zoning district.

The development north of the site is a mobile home park and is zoned LC Limited Commercial. The property east of the site is currently automotive repair and accessory uses on property zoned GC General Commercial. The property to the west is a vacant lot and is zoned GC General Commercial. The properties to the south, across Kellogg Avenue are typical fast food establishments and are zoned GC General Commercial.

The applicant's site plan shows the existing structure, originally built in 1993, with two existing drives onto East Kellogg Drive. The site plan illustrates that the site is large enough to accommodate requested vehicle display area and enough parking to satisfy Unified Zoning Code requirements.

CASE HISTORY: The site was originally platted as a portion of Lots 78 and 79 of Linwood Acres Addition on October 7, 1929.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Mobile Home Park
SOUTH:	GC	Strip retail; fast food establishments
EAST:	GC	Automotive repair and accessories
WEST:	GC	Vacant Lot

PUBLIC SERVICES: The subject property has access to Kellogg Drive, a frontage road for Kellogg Avenue, a four-lane freeway, with a traffic count of approximately 31,000 vehicles daily. There is also one access point onto Zelta Street, which is a local residential street. 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 regional commercial types of use. This category of use encompasses major destination areas (centers and corridors) containing concentrations of commercial, office, and personal service uses that have predominately regional market areas and high volumes of retail traffic. Major retail malls, major automobile dealerships and big box retail outlets with a regional market draw. Regional Commercial areas may also include higher density residential housing and uses typically found in Local Commercial areas. A strategy for commercial and offices in the 1999 Comprehensive Update (III.B5.) stated confining highway-oriented uses, outdoor

sales and non-retail commercial uses to highway corridors and established urban areas containing similar concentrations of uses (e.g. portions of Kellogg, Broadway, the CBD fringe).

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 access onto Kellogg Drive, which serves Kellogg Avenue, a four-lane freeway. 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.

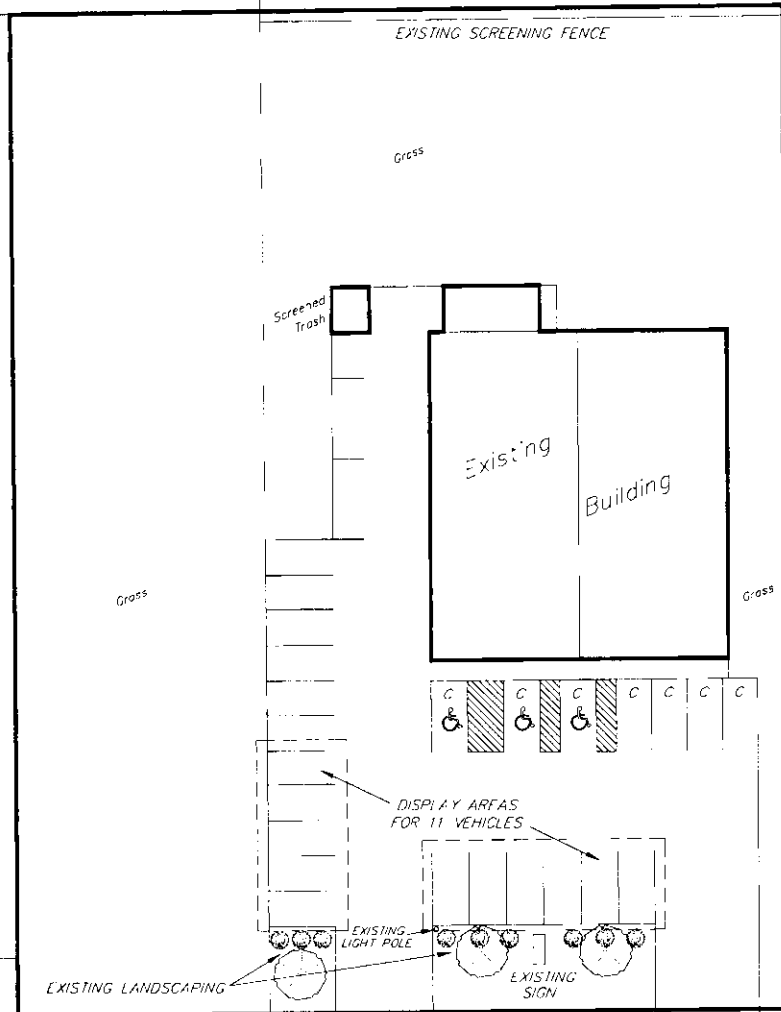
RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED** subject to the following conditions:

- A. The applicant shall comply with all provisions of Section III-D.6.x. of the Unified Zoning Code regarding supplementary use regulations of outdoor vehicle sales in the LC zoning district, and the site shall be developed in substantial conformance with the approved site plan.
- B. The applicant shall install and maintain landscaping in accordance with a landscape plan submitted with the revised site plan. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits or sales of vehicles.
- C. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use.
- D. All vehicles associated with the car sales lot shall be located on the south and the southwest sides of the existing structure and shall be located entirely within the south 60 feet and southwest 45 of feet Lot 79 Linwood Acres Addition. The site shall be limited to the display of no more than twelve vehicles for sale at any given time.
- E. All improvements shall be completed within one year of the approval of the conditional use by the MAPC or the City Council. No vehicle sales shall be allowed until all permits have been acquired and all improvements to the site have been made.
- F. 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 corridor along this section of East Kellogg Avenue is predominately GC zoned regional retail uses along both sides of East Kellogg Avenue. There are other car dealerships in the immediate area.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC Limited Commercial and could be developed with a wide range of uses permitted by right. The property is suitable for the commercial uses to which it has been restricted.
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 minimal negative impacts on the area and will likely improve the property, given the recommendation of access control, landscaping, screening, etc.
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 meets the commercial locational criteria, an auto-related use being located along segments of Kellogg Avenue. 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 controls will be an improvement to the area.



KELLOGG DRIVE

ZELTA STREET

SITE INFORMATION:

LOT AREA: 1.08 ACRES ±
BUILDING AREA: 6,300 SQ. FT.

DISPLAY AREA: 2,600 SQ. FT.
VEHICLES DISPLAYED: 11

TOTAL PARKING: 13 SPACES
CUSTOMER PARKING: 7 SPACES



SCALE: 1" = 30'

SITE PLAN

CON2006-53
KELLOGG & ZELTA

