CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

January 16, 2008

Government Employees Credit Union
9100 W Central Avenue
Wichita, KS, 67212

RE: **CON2007-41** - City Conditional use to permit vehicle sales on LC zoned lot located north of Central, east of Murray (9100 W. Central).

Dear Ladies and Gentlemen:

At its regular meeting on **December 6, 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,

William Longnecker
Senior Planner
Current Plans Division

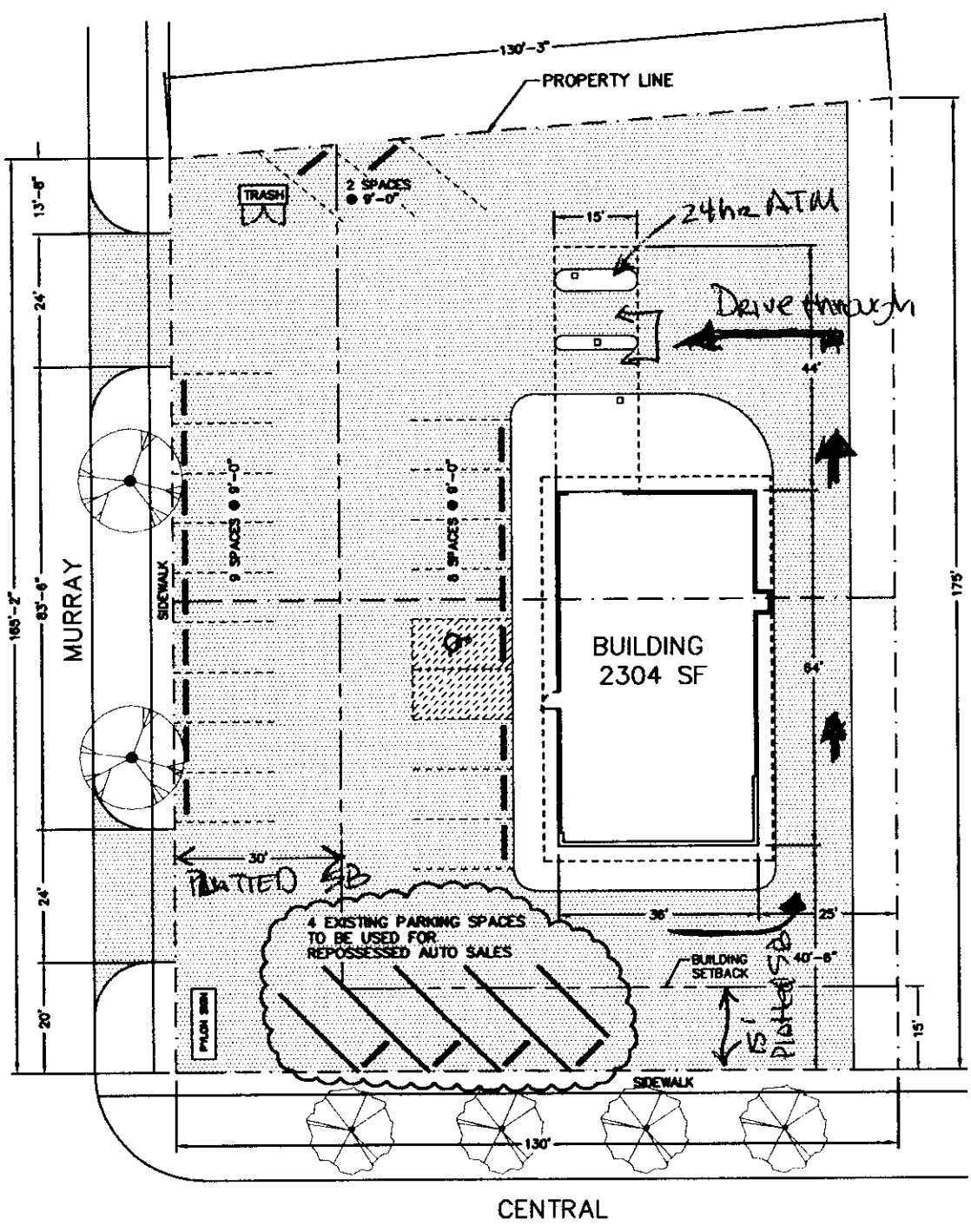
WL/mc
Enclosure

Cc: Jeff Longwell, WCC V, Mail Stop #1-13
Megan Buckmaster, WCC V, Mail Stop #1-135
Vicky Huang, Engineering, Mail Stop #1-71
J.R. Cox, Office of Central Inspection, Mail Stop #1-72
Herb Shaner, Office of Central Inspection, Mail Stop #1-72

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of limited vehicle sales as an accessory use to the primary use on the site, when developed with the conditions of the Conditional Use, will have an effect on the area. The effect will most probably be the application by the other four (4) banks/financial institutions for Conditional Uses to sell vehicles as an accessory use off of their sites. Staff feels that the existence of car sales in an area is the key component in regards to consideration to this type of Conditional Use request and this area has that component, plus the noted high number of bank/financial institutions. The conditions of this Conditional Use will set a precedent for the possible future applications by the other banks/financial institutions in the area, including a low number, 4, of vehicles to be sold on those lots. Because the Conditional Use is defining this type of car sales as an accessory use for the established primary use, bank/financial institution, the existing conditions of the site are considered appropriate. For example the site is completely paved over, thus allowing no area for landscaping and there is existing signage and lighting, which cannot be expanded.

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. The 1993 establishment of the Saturn car dealership in this area provides an opportunity for clusters of other car sales around it, which the proposed accessory car sales for the bank/financial institution does, but to a limited and curtailed degree. There is no adopted neighborhood plan that would specifically discourage car sales as an accessory use for a bank/financial institution.

5. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate.



N

1" = 30'

INDICATES EXISTING PAVED AREA

PARKING LAYOUT

CON2007-41

EquiShare Credit Union
9100 West Central
Wichita, Kansas
OCTOBER 18, 2007
BILL HIETT – (316) 665-0709

LOTS 25 AND 26, BLOCK 33
WESTLINK VILLAGE

Equishare Site D.dwg

CONDITIONAL USE RESOLUTION NO. CON2007-00041

WHEREAS, Government Employees/EquiShare Credit Union, c/o Timothy Straub (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 to permit car sales on an approximately 0.5-acre, zoned "LC" Limited Commercial property described as:

Lots 25 and 26, Block 33, Westlink Village 2nd Addition, Sedgwick County, Kansas. Generally located on the north side of Central Avenue, west of Tyler Road, on the northeast corner of Murray and Central Avenues.

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 6, 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 permit car sales on an approximately 0.5-acre, zoned "LC" Limited Commercial property described as:

Lots 25 and 26, Block 33, Westlink Village 2nd Addition, Sedgwick County, Kansas. Generally located on the north side of Central Avenue, west of Tyler Road, on the northeast corner of Murray and Central Avenues.

Subject to the following conditions:

1. The sale of cars or light trucks on the site (Lots 26 & 25, Block 33, the Westlink Village 2nd Addition) will be an accessory use to the site's primary use as a bank/financial institution. If the primary use ceases to exist, then selling of cars or light trucks on the site will no longer be allowed. No more than four (4) cars or light trucks for sale at any one time shall be allowed on the site. All vehicles must be operable. All vehicles sold on the site must be vehicles that were financed by the site's bank/financial institution and were subsequently repossessed by that same bank/financial institution that financed them; approved vehicles. No sale or rental of trailers, motorcycles or scooters, boats, tractors, lawnmowers, vehicles or trucks larger than pickups are permitted.

2. No automotive service or repair work can be conducted on the site. No body or fender work can be conducted on the site. No washing or cleaning of vehicles can be conducted on the site. No storage or display of vehicles that are not operable on the site. No storage of automotive parts on the site.

3. No delivery of approved vehicles on the site by truck/trailer. All approved vehicles on the site must be driven to the site on their own power. No shipping of approved vehicles off the site by truck/trailer. All approved vehicles on the site must be driven off the site on their own power.

4. The site will be developed according to the approved site plan.

5. A parking barrier, such as a heavy rail type or the current concrete stops, shall be maintained along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that four (4) parked/displayed 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. Outdoor advertisement of the sale of the vehicles on the site shall be limited to the message board on the site's existing pole sign (provide an elevation of the sign with the site plan) and an information sheet attached to an inside side window of the sale vehicles; no painting of sales/advertisement on the car or its windows.

7. There shall be no use of elevated platforms for the display of vehicles. All vehicles on display for sale must be within the paved parking lot of the site, within one of the four parking spaces along the Central frontage. No display/parking of sale vehicles on Murray Street or Central Avenue right-of-ways or the grass in those right-of-ways.

8. No outdoor amplification system shall be permitted.

9. The existing lighting of the site must be shown on the site plan and that will be the allowed lighting on the site.

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

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

12. 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 December 2007. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

M.S. Mitchell, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT

MAPC December 20, 2007

CASE NUMBER: CON2007-41

APPLICANT/OWNER: Government Employees/EquiShare Credit Union
c/o Timothy Straub

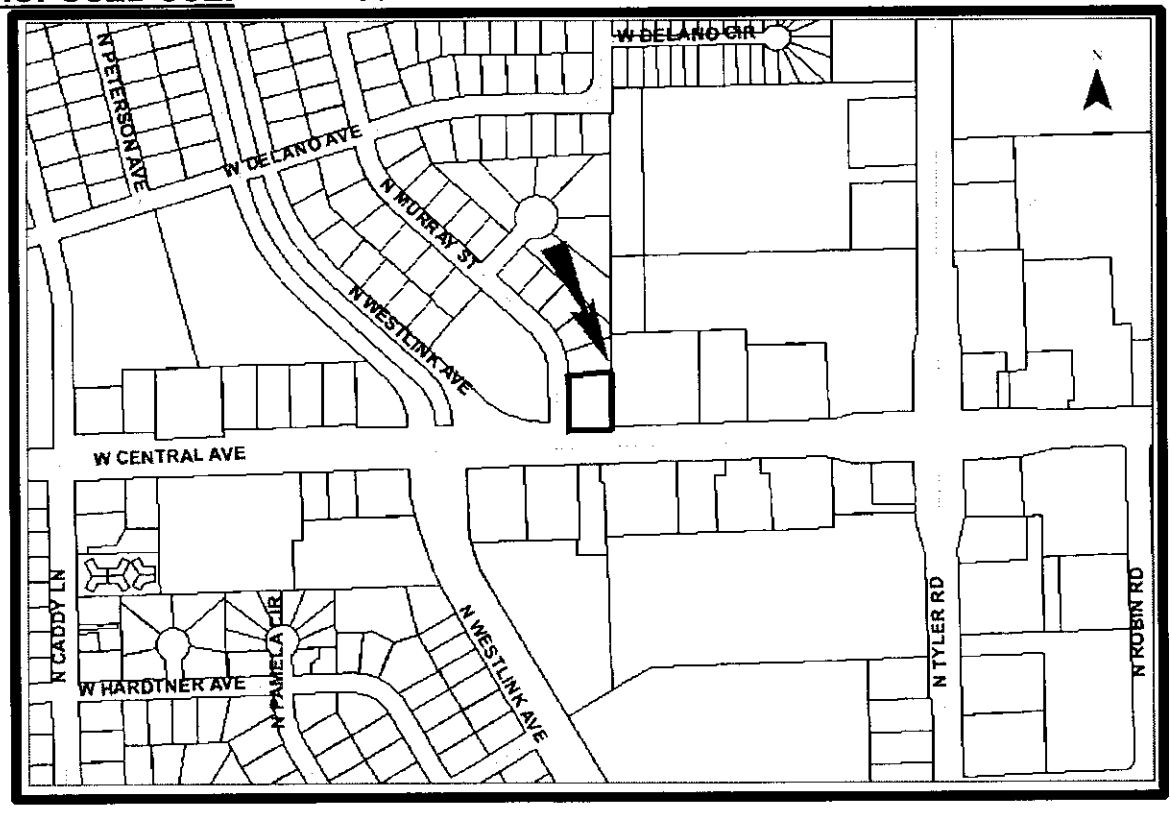
REQUEST: Sell the credit union's repossessed automobiles

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: Approximately 0.50-acres

LOCATION: Generally located on the north side of Central Avenue, west of Tyler Road, on the northeast corner of Murray and Central Avenues (WCC #V)

PROPOSED USE: Car sales on the credit union's site



BACKGROUND: The credit union (applicant/site's primary use) proposes to sell automobiles that it has financed and repossessed, from its business site: an accessory use to the primary use. The applicant's site plan shows the 2,304-sqaure foot credit union building, with two drive-through lanes and a 24-hour ATM located on its north side, two drives onto Murray Street, four trees in the Central Avenue right-of-way (ROW), two trees in the Murray ROW, a pylon sign, an enclosed dumpster, platted 30-foot (Murray frontage) and 15-foot (Central frontage) setbacks and 21 parking spaces. For parking purposes the credit union is considered "office, general," and is required to have nine (9) parking spaces and one (1) disabled parking space. The applicant proposes to convert the four (4) existing parking spaces along its Central frontage into display spaces for automobiles it has financed and reprocessed. This leaves 17 parking spaces, which is more than adequate for the site's primary use and the proposed accessory uses. The site has no landscaping or screening and is developed with the primary building with paved parking and internal circulation. The Unified Zoning Code (UZC) classifies a credit union as a bank or financial institution.

Properties abutting the east side of the site are zoned "GC" General Commercial, with a CUP overlay, DP-209. Most of the CUP is developed as a Saturn car sales lot (1993), a large used car sales lot and another to be developed car sales lot (2007), all with their accessory repair garages and car washes, serving the sales lots. These car sales lots are large local dealerships, which represent various car -makers. The rest of the properties are a fast food restaurant (1994) and the (1990) abutting Via-Christi medical office. Properties located north of the site are zoned "LC" (abutting) Limited Commercial and "SF-5" Single-family Residential. The "LC" zoned site has a vacant office building (1966) on it and was recently issued an administrative permit for an 80-foot communication/radio tower: CON2007-45. The "SF-5" zoned properties are part of a large development of single-family residences (Westlink Village 2nd Addition, June 6, 1955), built (random sampling) in the early to late 1950s. Properties located west of the site are zoned "SF-5" and "LC." The "SF-5" zoned property, west across Murray from the site, is developed as a church. The "LC" zoned properties are developed as a savings & loans/bank (1976), fast food (1975), a gas station (1971) and either freestanding retail or strip retail (1959, 1966). Properties located south of the site, across Central, are zoned "LC", with a CUP overlay DP-9. Development within the CUP include a large shopping center (1960), free standing retail and retail strips and office (mid 1970s –mid 1980s), a savings & loan/bank (1984), a vacant movie theater (1976) and fast food (late 1980s to present).

CASE HISTORY: Z-0658 (BoCC, June 8, 1965) rezoned the site, Lots 26 & 25, and the abutting northern property, Lot 24, all in Block 33, all in the Westlink Village 2nd Addition from "AA" One-family Residential to "LC" Light Commercial. The Westlink Village 2nd Addition, was recorded with the Register of Deeds June 6, 1955. The site was not developed at the time of the rezoning and the MAPC had recommended denial of the requested "LC" zoning and had approved "BB" Office zoning, which the BoCC subsequently overturned.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC," "SF-5"	vacant building, single family residences
SOUTH:	"LC/CUP"	large retail strip, retail, office, medical, fast food, savings & loans/bank
EAST:	"GC – "LC"/CUP"	medical office, fast food, large car sales complexes,
WEST:	""SF-5," "LC"	church, savings & loan/bank, fast food, retail

PUBLIC SERVICES: Tyler Road and Central Avenue are four-lane arterial roads with right and left turn lanes at this location. Murray Street is an improved residential street. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this area as appropriate for "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 area. The existing credit union is an appropriate use for this site. The credit union is not proposing the site become a car sales lot, but that it be allowed to display no more than four (4) repossessed cars/light trucks (whose sales it financed) for sale at any one time on the credit union site. The proposed car sales would be an accessory use of the credit union, the primary use. There are at least four (4) other banks/financial institutions, all on Central, all zoned "LC", all located within 600 to 2,000-feet of the subject site and if this application is approved it can be expected that some if not all of them will consider a similar request. The regional car sales lots located east and adjacent to the site have established car sales in the area. Within the "GC" General Commercial, "CBD" Central Business District, "LI" Limited Industrial, "GI" General Industrial and "AFB" Air Force Base zoning districts of the City, banks/financial institutions have been permitted to sale vehicles they had financed and than repossessed. Staff could not locate any other area of the City where this type of accessory use has been permitted in the "LC" zoning district.

Commercial Objective III.B encourages future commercial areas to "minimize detrimental impacts to other adjacent land uses," with Strategy III.B.1 seeking to channel new commercial uses to areas identified on the "Wichita Land Use Guide." Commercial Locational Guideline #3 of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting and other activity from adversely impacting surrounding residential areas. The site and the proposed use could meet these criteria.

RECOMMENDATION: Sale of repossessed vehicles, as an accessory use to a bank/financial institution, that financed them is not a use that is reviewed often by Staff. Typically these pre-application inquiries are made by banks/financial institutions that are on an "LC" zoned site and in an area that has no established car sales. Staff usually does not support the introduction of car sales into an area where none exist. The exceptions to introducing car sales into an area where none exist, has been on "LC" zoned sites where

an existing garage, vacant or active, has been supported for a Conditional Use for car sales. The results of these approvals are at best mixed, as they can add more mechanical clutter on sites that may have been marginal in regards to their economic vitality and their positive contribution to a neighborhood and its appearance. In fact some Neighborhood Plans specifically prohibit any additional car sales lots within a Plan's area. The current application is different in that the "LC" zoned site is in an area where a large regional car sales complex is established, that the applicant is asking for the car sales to be an accessory use to the bank/financial institution (as opposed to a vehicle repair garage or a pawn shop) for a limited number of repossessed automobiles, which it had financed, to be sold from the credit union site. The request, if approved will possibly lead to more Conditional Use request for car sales as an accessory use from the other four (4) banks/financial institutions in the immediate area.

Based upon information available prior to the public hearings, planning staff recommends that the request for a Conditional Use to allow car sales as an accessory use to the bank/financial institution be APPROVED, subject to the following conditions:

1. The sale of cars or light trucks on the site (Lots 26 & 25, Block 33, the Westlink Village 2nd Addition) will be an accessory use to the site's primary use as a bank/financial institution. If the primary use ceases to exist, then selling of cars or light trucks on the site will no longer be allowed. No more than four (4) cars or light trucks for sale at any one time shall be allowed on the site. All vehicles must be operable. All vehicles sold on the site must be vehicles that were financed by the site's bank/financial institution and were subsequently repossessed by that same bank/financial institution that financed them; approved vehicles. No sale or rental of trailers, motorcycles or scooters, boats, tractors, lawnmowers, vehicles or trucks larger than pickups are permitted.

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

12. 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 "LC" zoned local retail, office, fast food and banks/financial institutions. Most of the "LC" zoned properties in the area have CUP overlays. The exception is the existing "GC" and "LC" zoned (with CUP overlays) large auto sales complexes, which have more of a regional market area. Established "SF-5" zoned single-family residential development is located north and northwest of the site and behind the commercial development.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial. The property is suitable for the commercial uses to which it has been restricted. However the site is adjacent to a large car sales/dealership site and the proposed accessory use of limited car sales on the site, with the conditions of the Conditional Use, would not introduce car sales into the area.