



Wichita-Sedgwick County Metropolitan Area Planning Department

July 7, 2017

Mike Edgar
1942 Glen Oaks.
Wichita, KS 67216

RE: CON2017-000014 -Conditional Use to allow vehicle sales at 1624 S. Seneca

Dear Mr. Edgar

At its regular meeting on May 4, 2017, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to APPROVE the request in accordance with the attached resolution.

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

Sincerely,

David M. Clements
Principal Planner

DCM:al

Attachment

Copies to: MABCD
Jeff Blubaugh, Council Member District IV
Rebecca Fields, CSR District IV

CONDITIONAL USE RESOLUTION NO. CON2017-00014

WHEREAS, Mike and Verna Edgar, (Owners) 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 to allow vehicle sales, specifically being motorized scooters, on property zoned LC Limited Commercial District at 1624 S. Seneca, and legally described as:

Lots 4 and 5 in Merton Park Addition in Wichita, Sedgwick County, Kansas

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 May 4, 2017, 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 o allow vehicle sales, specifically being scooters, on property zoned LC Limited Commercial zoned property described as:

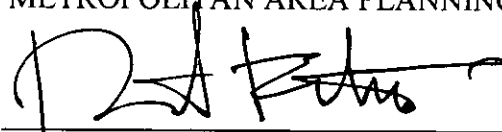
Lots 4and 5 in Merton Park Addition in Wichita, Sedgwick County, Kansas

Subject to the following conditions:

- 1) In addition to uses permitted by right in the LC zoning district, the property is permitted a Conditional Use for "vehicle and equipment sales, outdoor." This Conditional Use is limited to motorized scooters and shall not include the sale of automobiles, trucks, trailers or boats.
- 2) The selling of scooters is subject to the supplemental use regulations of UZC Section III D. 6. X. pertaining to vehicle and equipment sales in the LC zoning district.
- 3) Off-street parking spaces shall be provided in accordance with Article IV, Sec. IV-A of the UZC. No vehicles for sale shall be displayed in required off-street parking spaces.
- 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 4th Day of May 2017

METROPOLITAN AREA PLANNING COMMISSION



David Foster, Chair MAPC

ATTEST:

D.M. Clements

David M Clements, Secretary



STAFF REPORT
MAPC May 5, 2017
DAB IV: May 1, 2017

CASE NUMBER: CON2017-00014

OWNER: Mike and Verna Edgar

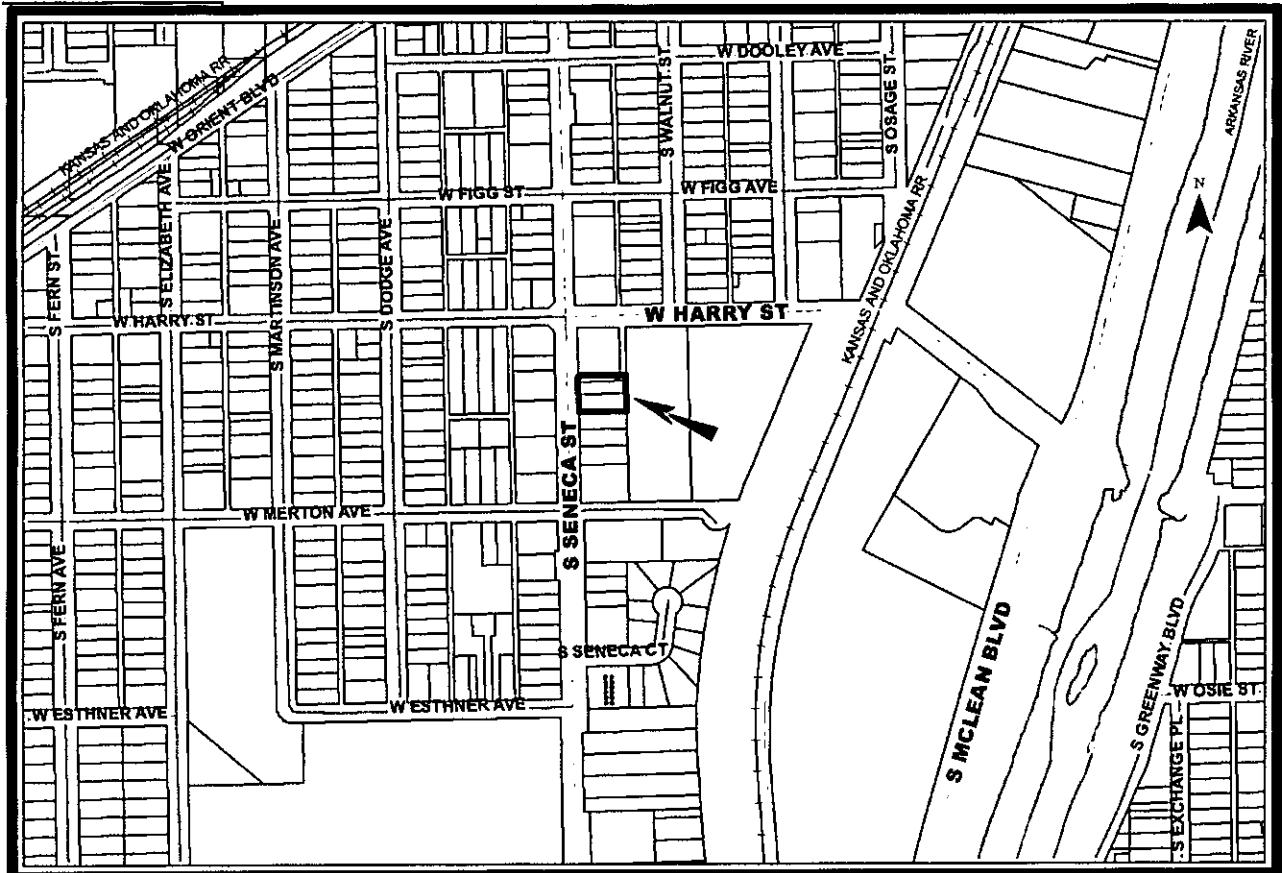
REQUEST: Conditional Use for Vehicle Sales

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.22 acre

LOCATION: South of West Harry Street on the east side of South Seneca Street
(1624 South Seneca Street)

PROPOSED USE: Vehicle Sales



BACKGROUND: This application was filed to allow a Conditional Use for Vehicle Sales in a Limited Commercial District (LC). The subject property is at 1624 South Seneca Street. The applicants own an existing business at this location, Red Line Go-Kart and Mower Supply. This business consist of mowers, go-carts and small lawn equipment. The business has been at this location since 1998, and has four employees. At this time, the applicant would like to add small motorized scooters to their product lines. The scooters require a state license plate, and prior to selling the scooters, the applicant needs a State of Kansas dealer's license. The State of Kansas requires a zoning certificate of approval with a dealer's license application, so the Conditional Use application was necessary in order for the state dealer's license to be completed.

The applicants provided a site plan that shows the location of 3,200 square foot building that is used for a showroom and service facility and customer parking areas. The plan includes an outdoor display area near South Seneca Street where the scooters can be parked and displayed during the day. There is sufficient on-site parking to allow the scooters to be displayed at this location. The scooters would be stored in the building overnight.

Property north of the site is LC Limited Commercial (LC) and is developed with a specialty retail building. East of the site is a property zoned LI Limited Industrial (LI) that is improved with an industrial drilling contractor. South and west of the subject site are properties zoned LC that consist of automobile sales, retail and restaurant users.

Outdoor vehicle and equipment sales uses are subject to supplementary use regulations control in Unified Zoning Code (UZY) Article III, Section III-D.6. x.

CASE HISTORY: The property is platted as Lots 4 and 5 in Merton's Park Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	retail sales
SOUTH:	LC	motor vehicle sales
EAST:	LI	industrial drilling contractor
WEST:	LC	restaurant/retail

PUBLIC SERVICES: The subject property is located on South Seneca Street, a commercial arterial. All municipal services are currently provided to the property. Adding the scooter products to this business will not have an impact on municipal services.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as commercial within the Established Central Area. The Plan encourages promoting economic growth and entrepreneurship, and the applicant's goal of growing his business would align with these plan statements.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED. Recommended conditions of approval include:

- 1) In addition to uses permitted by right in the LC zoning district, the property is permitted a Conditional Use for "vehicle and equipment sales, outdoor." This Conditional Use is limited to motorized scooters and shall not include the sale of automobiles, trucks, trailers or boats.
- 2) The selling of scooters is subject to the supplemental use regulations of UZY Section III D. 6. X. pertaining to vehicle and equipment sales in the LC zoning district.

- 3) Off-street parking spaces shall be provided in accordance with Article IV, Sec. IV-A of the UZC. No vehicles for sale shall be displayed in required off-street parking spaces.
- 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.

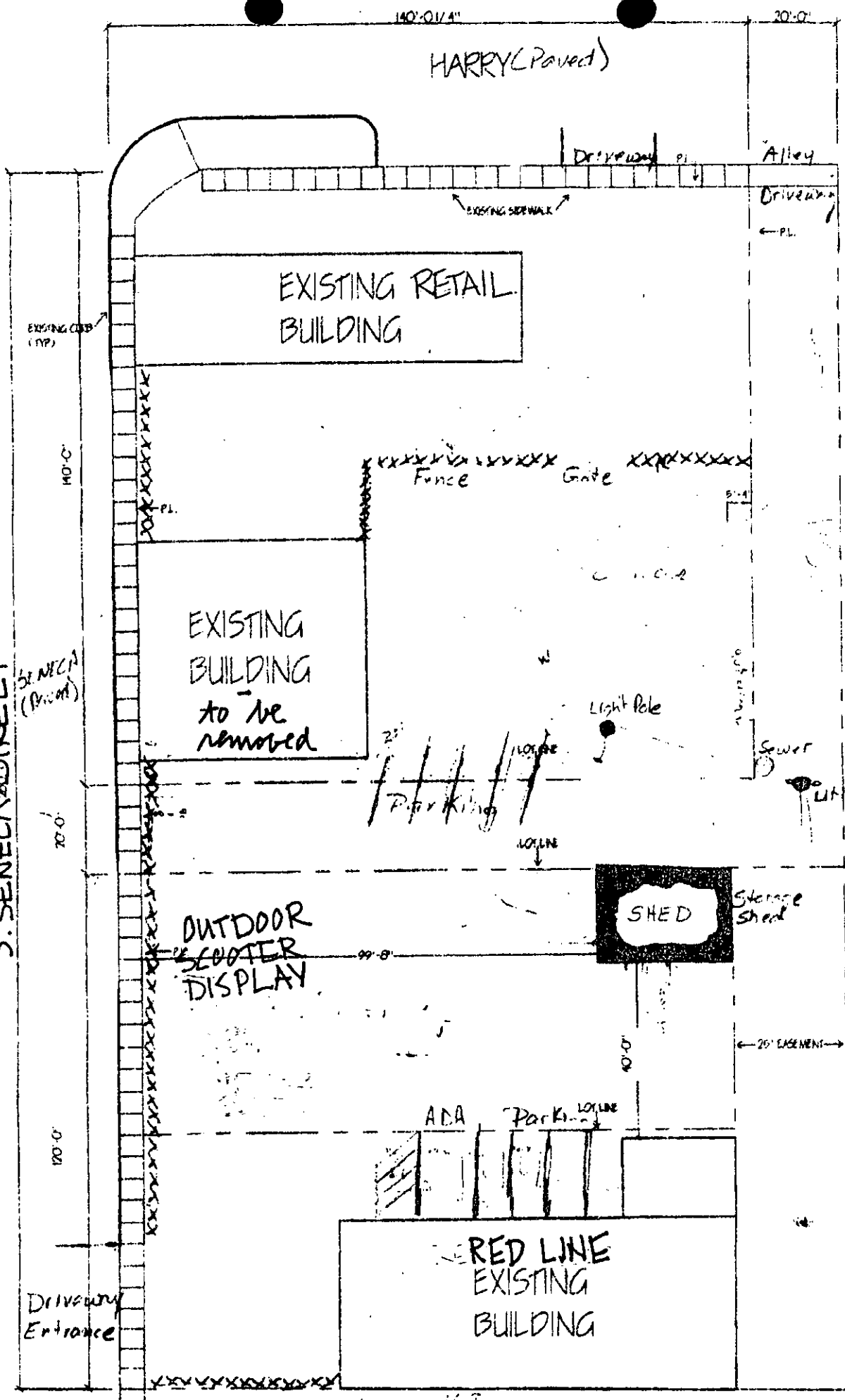
The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north of the site is LC Limited Commercial (LC) and is developed with a specialty retail building. East of the site is a property zoned LI Limited Industrial (LI) that is improved with an industrial drilling contractor. South and west of the subject site are properties zoned LC that consist of automobile sales, retail and restaurant users.
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 proposed use of motorized scooters.
3. **The extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed Conditional Use will allow an additional product line at this existing business in a LC commercial zoning area. The area is characterized by a wide range of commercial uses, including other motor vehicle sales operations. The proposed scooter line will have no adverse impact on surrounding properties.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as commercial within the Established Central Area. The Plan encourages promoting economic growth and entrepreneurship, and the applicant's goal of growing his business would align with these plan statements.
5. **Impact on Community Facilities:** All public facilities are available and the proposed use of motorized scooters will have no impact on community facilities.

Staff Report Attachments:

- a. Site plan

S. SENECA STREET



Commercial
Industrial
→