CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

July 13, 2000

Bay Le
1017 South Broadway
Wichita, KS 67211

RE: **CON2000-00018 – Conditional use to allow the sale of used cars on property zoned "LC" Limited Commercial. Generally located at Broadway and Morris (1017 South Broadway).**

Dear Bay Le:

At its regular meeting on June 29, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request.

Protest petitions have been filed by property owners within the legal notification area. District Advisory Board I will hear this request on August 7, 2000, at 7 p.m. at the Atwater Community Center, 2755 E. 19TH (on the corner of 19th and Volutsia) Wichita, KS. For further information about the DAB meeting please contact Heidi Drew, at 688-9515.

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

Sincerely,

Barry L. Carroll

Barry L. Carroll,
Associate Planner

Cc: Property Owners
Alma Rivas, 1718 N. Fairview, Wichita, KS 67203
Pedro J. Banuelos, 4617 W. 9th, Wichita, KS 67212
Slape and Howard, %Gary Howard and Dale Slape, 1009 S. Broadway, Wichita, KS 67211
Lois Ann Newman, 2112 S. Topeka, Wichita, KS 67211-4833

RESOLUTION No. R-00-316

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO ALLOW VEHICLE AND EQUIPMENT SALES, OUTDOOR, ON 0.16 ACRES ZONED "LC" LIMITED COMMERCIAL LOCATED AT BROADWAY AND MORRIS (1017 SOUTH BROADWAY) IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-427, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to allow vehicle and equipment sales, outdoor, on 0.16 acres zoned "LC" Limited Commercial legally described below:

Case No. CON2000-00018

A Conditional Use Permit to allow vehicle and equipment sales, outdoor, on 0.16 acres zoned "LC" Limited Commercial described as:

Lots 118 and 170, Block, 4, Orme & Phillips Addition, Wichita, Sedgwick County, Kansas. Generally located at Broadway and Morris (1017 South Broadway).

SUBJECT TO THE FOLLOWING CONDITIONS:

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to sales of used cars.

2. The vehicle sales lot shall be developed in accordance with the site plan, which shows the location for all spaces that will be used for customer parking and the storage or display of vehicles. The required customer and employee parking shall not be used for the display of vehicles. The applicants shall comply with the Landscape Ordinance.

3. All parking, storage and display areas shall be paved with concrete, asphalt or similar surface. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles so not encroach onto public right-of-way.

4. No portable signs, and no temporary display signs are permitted, including the use of commercial flags, banners, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.

5. There shall be no use of elevated platforms for the display of vehicles.

6. No noise amplification system shall be permitted.

7. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.

8. Per City Engineering standards, contingent dedication of additional right-of-way shall be granted by separate instrument. The contingency shall be a determination made by the City Engineer that the additional right-of-way is necessary for improvements to Broadway.

9. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITYOF WICHITA, KANSAS, this date AUG 15 2000

Bob Knight, Mayor

ATTEST:

Pat Burnett, City Clerk

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to form:

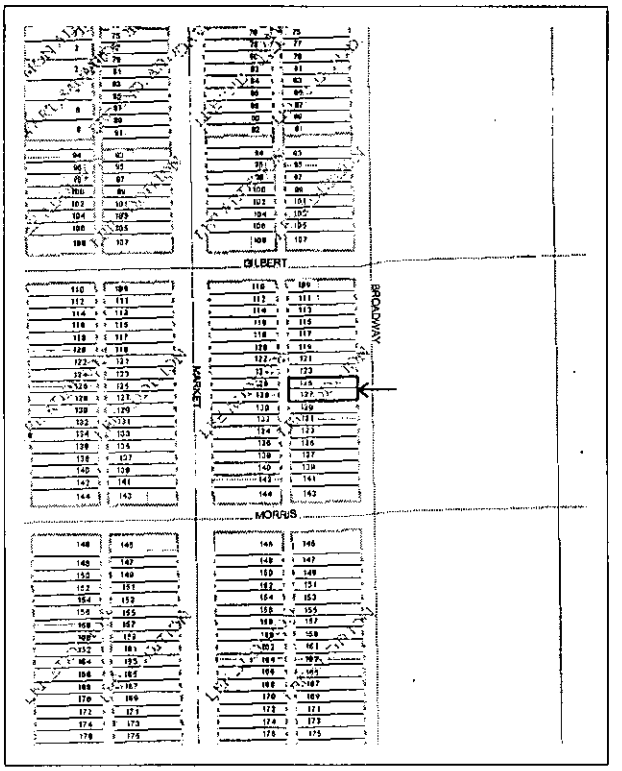
Gary E. Rebenstorf, City Attorney

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT
MAPC – June 15, 2000

CASE NUMBER:	**CON-2000/00018**
APPLICANT/AGENT:	Bay Le (Owner), Alma Rivas & Pedro Banuelos (Applicants)
REQUEST:	*Conditional Use* to allow the sale of used cars
CURRENT ZONING:	*"LC" Limited Commercial*
SITE SIZE:	7,000 square feet
LOCATION:	Broadway and Morris (1017 South Broadway)
PROPOSED USES:	Used car sales



BACKGROUND: The applicants are requesting a *Conditional Use* to permit used car sales on a platted ¼-acre tract of land. They indicate a desire to offer up to 15 vehicles for sale. This property is zoned *"LC" Limited Commercial* and is located north of *Morris,* on the westside of *South Broadway (*see map). Woven wire fencing surrounds the application area. Access to the site is from *South Broadway* and from an alley located to the west. Currently the site is developed with a two-story building. A jewelry repair shop is located on the first floor with an apartment on the second floor. The jeweler operating the first floor business resides in the upstairs apartment. The occupant will vacate the site should the *Conditional Use* be approved.

The property north of the application is a vacant lot and zoned *"LC" Limited Commercial,* the property to the south is a residence and it is zoned *"LC" Limited Commercial;* to the east is a vacant lot and is zoned *"LC" Limited Commercial;* to the west are residential houses and zoned *"MF-18" Multi-Family.*

Outdoor vehicle and equipment sales in the *"LC", Limited Commercial,* district is permitted if: the location is contiguous to a major street; visual screening of areas contiguous to residential zoning is provided; storage and display areas shall be paved with concrete, asphalt or other comparable material; outdoor lighting shall employ cut-off luminaries and shall be mounted at a height not exceeding one-half the distance from the neighboring lot unless evidence is shown that the light source is not visible from the neighboring lot; no noise amplification system projecting human voices or music shall be permitted if the music or voices can be heard within any residential zoning district located within 500 feet of the site; no repair work shall be conducted except in an enclosed building; and no body or fender work is permitted.

Code required parking is at the rate of one space per 500 square feet of building area, plus two spaces for the first 10,000 square feet of area used for sales, display and storage, plus one space per 10,000 square feet thereafter. This site contains approximately 4,250 square feet of sales, display and storage area and approximately 900 square feet of building area. Four parking spaces would be required. The applicants are showing four spaces (see site plan). It also appears that there is not much room for landscaping due to existing paving.

CASE HISTORY: The current site was platted as the *Lee's Addition* in 1882.

ADJACENT ZONING AND LAND USE:

NORTH:	*"LC" Limited Commercial*	Vacant lot
EAST:	*"LC" Limited Commercial*	Vacant lot
SOUTH:	*"LC" Limited Commercial*	Residential House
WEST:	*"MF-18" Multi-Family Residential*	Residential House

PUBLIC SERVICES: *South Broadway* is a four-lane arterial street with estimated traffic volumes of *10,878* trips per day. Water/sewer and other municipal services are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The *Land Use Guide* of the *Comprehensive Plan* identifies this property as *"commercial."* The plan contains an objective which states: *"Confine highway-oriented, auto-related and non-retail commercial uses to a limited number of urban areas, such as portions of Kellogg, Broadway, the CBD fringe, and other similar areas."* There are two car sales lots in the two blocks north and one lot in the same block of the application area.

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

1. In addition to uses permitted in the *"LC" Limited Commercial* district, the site shall be limited to sales of used cars.

2. The vehicle sales lot shall be developed in accordance with the site plan, which shows the location for all spaces that will be used for customer parking and the storage or display of vehicles. The required customer and employee parking shall not be used for the display of vehicles. The applicants shall comply with the Landscape Ordinance.

3. All parking, storage and display areas shall be paved with concrete, asphalt or similar surface. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles so not encroach onto public right-of-way.

4. No portable signs, and no temporary display signs are permitted, including the use of commercial flags, banners, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.

5. There shall be no use of elevated platforms for the display of vehicles.

6. No noise amplification system projecting human voices or music shall be permitted if the music or voices can be heard within any residential zoning district located within 500 feet of the site.

7. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.

8. Per City Engineering standards, contingent dedication of additional right-of-way shall be granted by separate instrument. The contingency shall be a determination made by the City Engineer that the additional right-of-way is necessary for improvements to Broadway.

9. Any violation of the conditions approved, as a part of this request, shall render the *Conditional Use* null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Most of the area is zoned *"LC" Limited Commercial* and the adjacent neighborhood to the east is zoned *"MF-29" Multi-Family Residential*. The character of the neighborhood is one of mixed zoning, vacant lots, business and residential uses.

2. The suitability of the subject property for the uses to which it has been restricted: This site is currently zoned *"LC", Limited Commercial* and is used as jewelry repair shop and residence. Both are permitted uses. Vehicle sales are permitted only by *Conditional Use* in the *"LC"* district. The site will retain its zoning whether the request is approved or not. It is possible to continue to use the site as zoned or other retail sales uses permitted by the current zoning would be allowed.

3. Extent to which removal of the restrictions will detrimentally affect nearby property. The adjacent properties to the north, south and east are zoned *"LC" Limited Commercial*. The property to the west is residential and is zoned *"MF-29."* A variety of uses are already permitted on the properties zoned *"LC" and "MF-29."* Minimal detrimental effects are anticipated from the proposed *Conditional Use* recommended for this request.

4. Conformance of the requested change to the adopted or recognized *Comprehensive Plan and Policies*: The *Land Use Guide* of the *Comprehensive Plan* identifies this property as *"commercial.* "The plan contains an objective which states: *"Confine highway-oriented, auto-related and non-retail commercial uses to a limited number of urban areas, such as portions of Kellogg, Broadway, the CBD fringe, and other similar areas."*

5. Impact of the proposed development on community facilities: With approval of this project, the projected impact on community facilities is minimal.

Conditional Use: Used Car Lot | Four-plexes |

Applicants: Alma Rivas and Pedro Banuelos (264-9524)

SITE PLAN

APPROVED 8/15/00 BY Barry L. Cornell

ALLEY (Paved)

Lots: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

Customer Parking

Customer Parking

Customer Parking

Customer Parking

Customer Parking

Vacant Lot

Residential House

(140' x 50' Lot)

Gilbert St

1011 S. Broadway

Legal Description:
{ Lots 125-127
Lawrence Ave
Lee's Addition }

Office Area (15' x 30')

KEY
- Landscaping Area
- Fence
- Light Post

SIDEWALK

Broadway Street (paved)

E S N W

LEGEND
0 10 20
1" = 10'

CON2000-00018