

7. **Case No. CON2000-00010** - Juanita L. Doyan (Owner/Applicant); Ferris Consulting c/o Greg Ferris (Agent) request Conditional Use for outdoor vehicle and equipment sales on property described as:

The South 11 feet of Lot 3, All of Lots 5 and 7 of TOSH'S SUBDIVISION to Wichita, Kansas, a replat of Lot 6, Zimmerly's Addition and the North 1/3 of the W/2 of Lot 7, Zimmerly's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located south of Boston and east of Broadway (1506 S. Broadway).

SCOTT KNEBEL, Planning staff, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on a 0.39 acre platted tract located south of Boston and east of Broadway (1506 S. Broadway). The subject property is zoned "LC" Limited Commercial, and outdoor vehicle and equipment sales is permitted with a Conditional Use in the "LC" district. The applicant is proposing to convert the site of a vacant laundry mat into a used car lot.

The character of the neighborhood is that of mixed-use development consisting of single-family and multi-family residential development and various commercial uses, including two used car lots within one block of the site. The zoning of the property to the north is "GC" General Commercial. The zoning of the properties to the south and west is "LC" Limited Commercial. The zoning of the properties to the east is "MF-29" Multi-Family. The property across Boston to the north is developed with a vehicle repair business. The adjacent property to the south is developed with a single-family residence. The adjacent properties to the east are developed with single-family residences. The property across Broadway to the west is developed with a pawnshop.

The applicant has submitted a site plan showing the proposed use of the subject property. The site plan shows a 2,909 square foot sales/office building, approximately 6,200 square feet of display area, five employee/customer parking spaces, three light poles of undesignated height, and a six foot high wood screening fence along the south property line. The site plan does not provide sufficient area for the required parking spaces, which are two spaces for the first 10,000 square of display area and five spaces (one space per 500 square feet of building area) for the building area for a total of eight required parking spaces. The site plan also does not provide for a landscaped street yard or landscape buffering due to the

entire site (outside the street right-of-way) being covered with buildings or paving.

To limit the impact of the proposal on surrounding properties and to bring the proposal into compliance with the Unified Zoning Code, planning staff recommends conditions of approval regarding parking, signage, landscaping, lighting, noise, and display area practices. Also, due to the age of the plats, which do not provide utility easements or street right-of-way in conformance with the Subdivision Regulations, planning staff also recommends that the Conditional Use be approved subject to the dedication of street right-of-way and utility easements.

CASE HISTORY: A portion of the subject property is platted as part of Tosh's Subdivision of Lot 6 in Zimmerly's Addition, which was recorded on February 14, 1887. Another portion of the subject property is platted as part of Zimmerly's Addition, which was recorded June 26, 1883.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC"	Vehicle Repair
SOUTH:	"LC"	Single Family
EAST:	"MF-29"	Single Family
WEST:	"LC"	Pawnshop

PUBLIC SERVICES: This site has access to Broadway, a four-lane arterial with 1997 traffic volumes of approximately 10,000 vehicles per day. The 2030 Transportation Plan estimates the volumes on Broadway will remain approximately 10,000 vehicles per day. Municipal services are currently provided to this site.

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, 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.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. No outside storage of salvaged vehicles or parts shall be permitted.
2. All parking, storage, and display areas shall be paved with concrete, asphalt, or asphaltic concrete. 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 do not encroach onto public right-of-way.
3. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted.
4. 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, except that fixed banners, affixed to light poles and not exceeding 50 square feet of material per light pole, will be permitted. However, in addition to the above, affixed banners or special promotional items shall be limited to twelve (12) events per year not to exceed ninety (90) days per year for all events.
5. Outdoor speakers and sound amplification systems shall not be permitted.
6. There shall be no elevated platforms for the display of vehicles.
7. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.
8. The applicant shall submit a landscape plan for approval by the Planning Director that provides for tree planting in the street right-of-way between the sidewalk and the curb.
9. The applicant shall submit a revised site plan that provides sufficient customer/employee parking spaces to comply with the Unified Zoning Code. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.

10. The applicant shall dedicate by separate instrument the necessary easements in accordance with Section 7-205 of the Subdivision Regulations and street right-of-way in accordance with Section 7-201 of the Subdivision Regulations. The necessity of easements and street right-of-way shall be determined by City Engineering.
11. Any violation of the conditions of approval shall declare the Conditional Use 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 that of mixed-use development consisting of single-family and multi-family residential development and various commercial uses. The zoning of the adjacent property to the north is "GC" General Commercial. The zoning of the adjacent properties to south and east is "LC" Limited Commercial. The zoning of the adjacent properties to the east is "MF-29" Multi-Family. The adjacent property to the north is developed with a vehicle repair business. The adjacent property to the south is developed with a single-family residence. The adjacent properties to the east are developed with single-family residences. The adjacent property to the west is developed with a pawnshop.
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 developed with a vacant laundry mat and is apparently suitable for commercial uses to which it has been restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the recommend conditions of approval which would limit signage, lighting, noise, and display area practices.
4. Conformance of the requested change to adopted or recognized 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. This site is located along Broadway, and the recommended conditions of approval have

provisions which limit noise, lighting, and other adverse impacts. 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, 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. This site is located along Broadway in an area where auto-related commercial uses already exist.

5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities.

KNEBEL "The subject property, as indicated on the slide is zoned Limited Commercial, and outdoor vehicle and equipment sales is permitted with a Conditional Use in the 'LC' district. The applicant is proposing to convert the site of a vacant laundromat into a used car lot. The area is basically a mixed-use area; there is commercial development along Broadway, including a couple of used car lots a block to the south at Harry with both multi-family and single-family residential located off of Broadway, and in some cases along Broadway. There is single-family residence to the south and single-family residences immediately to the east.

The applicant has submitted a site plan which shows that the 2900 square foot building would be used as a sales/office building and there would be approximately 6200 square feet of display area. The site plan shows only 5 customer parking areas, however that is not sufficient regarding the Zoning Code, which would require, I believe 8 parking spaces based on the display area and the size of the building. The Commercial Locational Guidelines recommend that auto related commercial uses be guided to areas where the uses already exist, which in this case I have shown you that they do. Staff has recommended approval, subject to many of the same conditions that we have recommended for approval for used cars lots in this same vicinity and elsewhere."

GAROFALO "Are there any questions of Scott?"

BARFIELD "Will there be any repairs at this location?"

KNEBEL "Vehicle repair is a permitted use in the Limited Commercial district if it is indoors."

BARFIELD "Am I correct that the building does not detail any space for repairs?"

KNEBEL "It doesn't currently, right. There are no overhead doors to permit indoor repair, which would be limited to indoor repair, but I guess the building could someday be modified to permit that."

GAROFALO "Do they plan on using the current building that is there?"

KNEBEL "Yes. That is what is indicated on the site plan."

GAROFALO "Okay. Are there any other questions of Scott? Okay, we will hear from the applicant or agent."

GREG FERRIS "Members of the Planning Commission, my name is Greg Ferris with Ferris Consulting. I represent Juanita and Ernest Doyan, the owners of the property. At this late hour, I will not take any time to make a presentation unless you so require."

We concur with the staff recommendations and all of the conditions. Unless you have questions, I will leave it at that. I would say that if there is opposition, I would probably ask for an extension of my two minutes for rebuttal at the end, but I will not burden you with any presentation unless there are questions."

GAROFALO "Are there any questions of Mr. Ferris? Okay, thanks, Greg. Is there anyone else here to speak in favor of this application? Is there anyone here to speak in opposition? Seeing none, we will bring it back to the Commission."

MOTION: Having considered the factors as contained in Policy statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood: The character of the neighborhood is that of mixed-use development consisting of single-family and multi-family residential development and various commercial uses. The zoning of the adjacent property to the north is "GC" General Commercial. The zoning of the adjacent properties to south and east is "LC" Limited Commercial. The zoning of the adjacent properties to the east is "MF-29" Multi-Family.

The adjacent property to the north is developed with a vehicle repair business. The adjacent property to the south is developed with a single-family residence. The adjacent properties to the east are developed with single-family residences. The adjacent property to the west is developed with a pawnshop. 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 developed with a vacant laundry mat and is apparently suitable for commercial uses to which it has been restricted. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the recommend conditions of approval which would limit signage, lighting, noise, and display area practices. Conformance of the requested change to adopted or recognized 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. This site is located along Broadway, and the recommended conditions of approval have provisions which limit noise, lighting, and other adverse impacts. 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, 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. This site is located along Broadway in an area where auto-related commercial uses already exist. Impact of the proposed development on community facilities: The use of this property should have limited

impact on community facilities.) I move that we recommend to the governing body that the request be approved, subject to the following:

1. No outside storage of salvaged vehicles or parts shall be permitted.
2. All parking, storage, and display areas shall be paved with concrete, asphalt, or asphaltic concrete. 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 do not encroach onto public right-of-way.
3. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted.
4. 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, except that fixed banners, affixed to light poles and not exceeding 50 square feet of material per light pole, will be permitted. However, in addition to the above, affixed banners or special promotional items shall be limited to twelve (12) events per year not to exceed ninety (90) days per year for all events.
5. Outdoor speakers and sound amplification systems shall not be permitted.
6. There shall be no elevated platforms for the display of vehicles.
7. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.
8. The applicant shall submit a landscape plan for approval by the Planning Director that provides for tree planting in the street right-of-way between the sidewalk and the curb.
9. The applicant shall submit a revised site plan that provides sufficient customer/employee parking spaces to comply with the Unified Zoning Code. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.

10. The applicant shall dedicate by separate instrument the necessary easements in accordance with Section 7-205 of the Subdivision Regulations and street right-of-way in accordance with Section 7-201 of the Subdivision Regulations. The necessity of easements and street right-of-way shall be determined by City Engineering.
11. Any violation of the conditions of approval shall declare the Conditional Use null and void.

LOPEZ moved, **JOHNSON** seconded the motion, and it carried unanimously (10-0).

PLATT "Let the record show that I voted for a used car lot."
