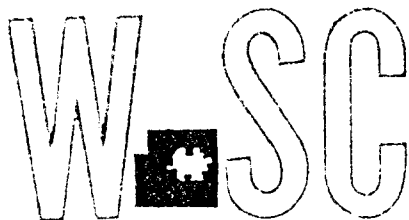


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

May 12, 1997

E.F. Properties
Attn: OL Eck
7310 E. Kellogg Drive
Wichita, KS 67207

Re: **Administrative Adjustment 97-6-CU-419: Administrative Adjustment to allow the site plan to vary from the exhibit provided with the approved conditional use CU-419.**

Legal Description: Lot 1, Block 1, WP Higgins Addition, Wichita, Sedgwick County, Kansas.

Dear Mr. Eck:

We have reviewed your request for an administrative adjustment to allow the site plan for this property to vary from the exhibit provided with the approved conditional use CU-419. The changes include locating the building a greater distance from Pawnee and re-organizing the customer and employee parking which will provide for increasing the sales spaces from 49 to 51.

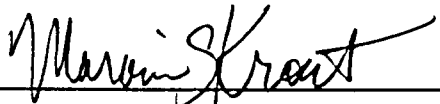
We find that the requested adjustment meets the four conditions required by Section V-I.6 of the Unified Zoning Code, as set out below:

- 1) **Impact on safety and convenience of vehicular and pedestrian circulation:** The proposed site plan adjustments, two additional sales spaces and relocation of the sales office, should have no negative impact on safety and convenience of vehicular and pedestrian circulation in the vicinity of the application area.
- 2) **Impact on existing uses in surrounding areas:** The parking spaces that will be made available on this site should be adequate to meet the needs of the employees and customers of this business. Therefore, there should be no need for the employees or customers of this business to seek parking on any other property or public street in the area.

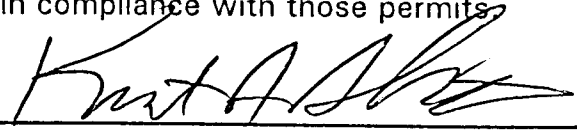
- 3) Compatibility with existing or permitted uses on abutting sites: The parking spaces and the location of the sales office on the site should be compatible with other uses in the area that are providing parking and business offices on their sites to meet their needs.
- 4) Effect on public health, safety or welfare: There will be no encroachments into public utility easements and there should not be a negative impact on the public health, safety or welfare nor will the proposed increase of two sales spaces and relocation of the sales office be materially injurious to properties or improvements in the vicinity.

Our signatures below indicate that an administrative adjustment to allow the site plan to vary from the exhibit proved with the approved conditional use (CU-419) is hereby granted subject to the following conditions:

- 1) All conditions established by CU-419 shall remain in effect, except that the site shall be developed in compliance with the attached site plan dated May 12, 1997.
- 2) All required building permits shall be obtained prior to any construction and all work shall be performed in compliance with those permits.



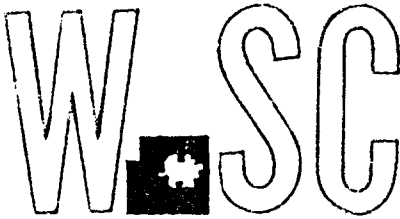
Marvin S. Krout
Director of Planning



Kurt Schroeder
Superintendent of Central Inspection

LPM/sah

WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

December 27, 1996

Conoco, Inc.
Attn: Mr. Al Brevitz
P.O. Box 1267
Bldg. C.B. 5250
Ponca City, Ok 74602

RE: CU-419 - Conditional use to allow outdoor vehicle and equipment sales on property zoned "LC" Limited Commercial on property generally located on the southeast corner of Pawnee and Oliver (2410 S. Oliver)

Dear Mr. Brevitz:

At its regular meeting on December 5, 1996, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to the following conditions:

- A. This property shall be developed in accordance with the site plan approved as part of the Conditional Use Permit application. 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.
- B. The automobile 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 done on the premises without first obtaining "GC" General Commercial zoning.
- C. Parking spaces for customers and employees shall be provided on the site per the Zoning Code requirements. These spaces shall be marked and designated for customers and employees and shall not be used for the display or storage of vehicles for sale.

CU-419

December 27, 1996

Page 2

- D. The site shall be landscaped in accordance with the City's landscape ordinance.
- E. The westernmost existing driveway on Pawnee and the northernmost existing driveway on Oliver shall be closed and the curbs and gutters reconstructed as depicted on the site plan.
- F. All lights shall be shielded to direct light away from adjoining properties and no string-type lighting shall be permitted.
- G. Only those signs permitted in the "LC" zoning district shall be permitted on the site, except that no portable signs shall be permitted, and no string-type banners shall be permitted.
- H. No sound projecting devices or loudspeakers shall be used so as to be heard outside of the building.
- I. There shall be no use of elevated platforms for the display of vehicles. The number of cars displayed for sale on this lot at any one time shall not exceed 49.
- J. Any violation of the conditions of approval shall render the Conditional Use Permit null and void.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

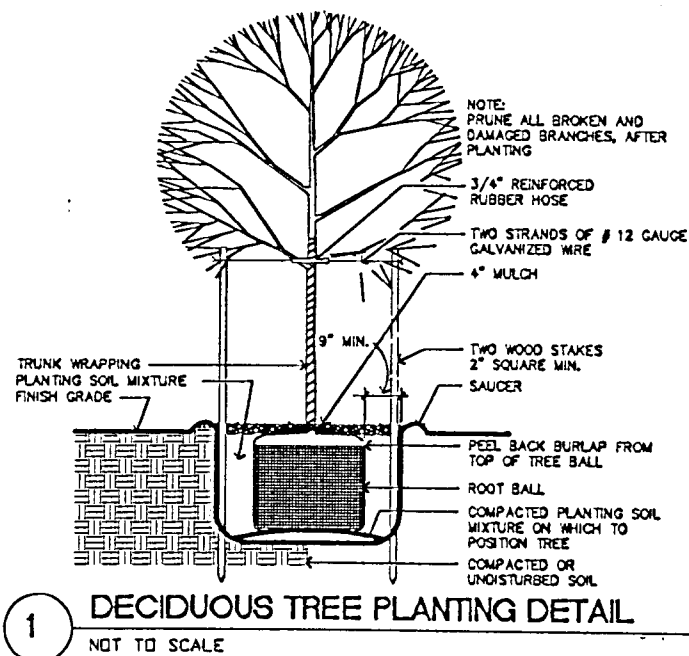


Russ Ewy
Associate Planner

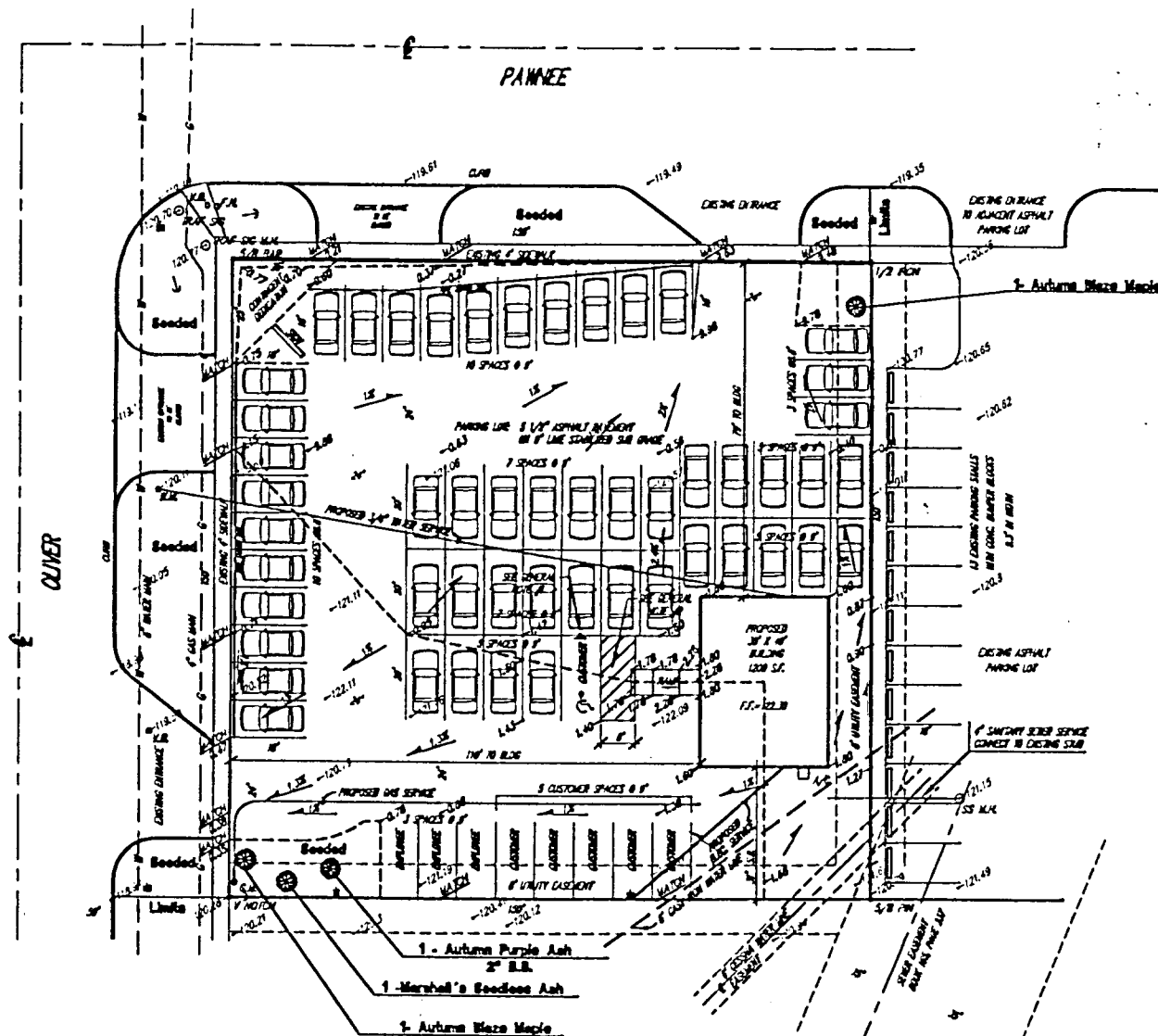
cc: Gene Razook, 358 N. Rock Road, Wichita, Ks 67206
Mark Savoy, Savoy, Ruggles, and Bohm, 924 N. Main, Wichita, Ks 67203
Kurt Schroeder, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Paul Hayes, Office of Central Inspection

1. ALL WORK SHALL BE DONE AS PER THE CITY OF WICHITA LANDSCAPE SPECIFICATIONS AND LOCAL NURSERY STANDARDS.
2. ALL TREES WITH BROKEN LEADERS WILL NOT BE ACCEPTED.
ALL LANDSCAPING TO BE INSPECTED BY THE PROJECT MANAGER UPON DELIVERY.
3. TOPSOIL HAULED ONTO SITE SHALL BE FERTILE, FRIABLE, NATURAL SANDY LOAM TOPSOIL, OF UNIFORM QUALITY CHARACTERISTIC OF REPRESENTATIVE LOCAL SOILS WHICH PRODUCE HEAVY GROWTH OF CROPS, GRASS OR OTHER VEGETATION. IT SHALL BE FREE OF RUBBISH, CLAY LUMPS, BRUSH, WEEDS, ROOTS, STONES, TRASH OR OTHER MATTER TOXIC TO PLANT GROWTH.

TOPSOIL SHALL BE DELIVERED IN AN UNFROZEN AND NON-MUDDY CONDITION AND SHALL BE SUBJECT TO APPROVAL BY THE PROJECT MANAGER.
4. PLASTIC EDGING SHALL BE USED TO SEPARATE ALL TURF AREAS FROM PLANTING BEDS. EDGING SHALL BE COMBIA COMMERCIAL GRADE OR AN APPROVED EQUAL.
5. ALL PLANTING BEDS FOR SHRUBS SHALL HAVE THE EXISTING SOIL REMOVED AND REPLACED 18" IN DEPTH WITH THE APPROVED TOPSOIL.



QTY.	COMMON NAME	BOTANICAL NAME	SIZE	CONDITION
TREES				
1	AUTUMN PURPLE ASH	Fraxinus americana 'Autumn Purple Ash'	2' to 2 1/2' cal	BB
1	MARSHALL'S SEEDLESS ASH	Fraxinus pensylvanica 'Marshall's Seedless Ash'	2' to 2 1/2' cal	BB
2	AUTUMN BLAZE MAPLE	Acer Rubrum 'Autumn Blaze'	2' to 2 1/2' cal	BB



RECEIVED

1. THE ACCESSIBLE HANDICAP PARKING SIGN BOTTOM OF SIGN SHALL BE 104" TO 111" HIGH TO BE ABOVE FINISH GRADE.
2. HANDICAP ACCESSIBLE SIGNPOST TO MEET CODE FOR 2.8.2.10.

DESCRIPTION: LOT 1, BLOCK 1, HLP. HIGGINS ADDITION,
MICHITA, SEDGWICK COUNTY, KANSAS

PARKING SPACES
51 SALES SPACES
5 REGULAR CUSTOMER SPACES
1 HANDICAP CUSTOMER SPACE
3 EMPLOYEE SPACES
60 TOTAL SPACES

LANDSCAPE AREA REQUIRED: 1520 SQ FT
LANDSCAPE AREA PROVIDED: 1544 SQ FT

TREES TO PROVIDED: 4 EACH

NOTE: EMPLOYEE AND CUSTOMER PARKING TO BE POSTED WITH SIGNS

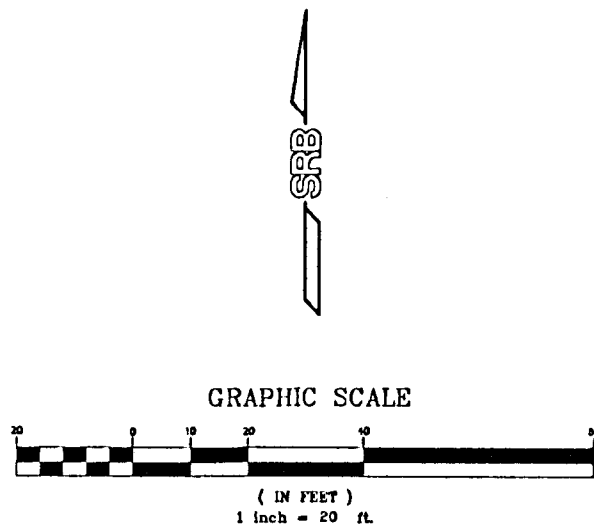
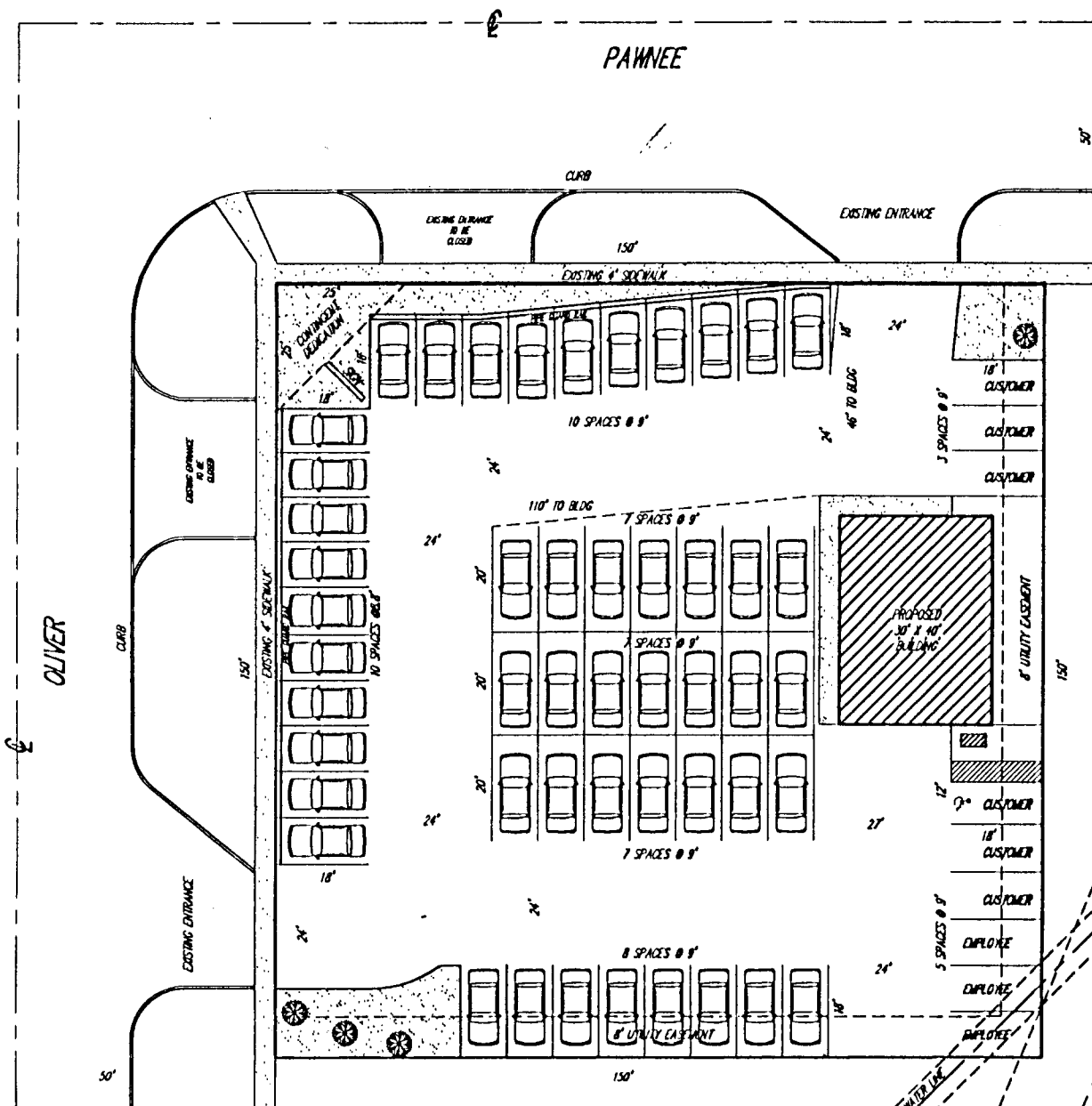
Admin Adj 97-6 of
CU-419
Approved 5-12-97, DM

**SITE GRADING & SITE UTILITY PLAN
& LANDSCAPE PLAN**
LOT 1, BLOCK 1, W. P. HIGGINS ADDITION, WICHITA, KANSAS

SRB	924 NORTH MAIN WICHITA, KANSAS 67203 http://www.srb.com/~srb	316-264-8008 FAX 316-4621 E-mail: srb@srbd.com
	SAVOY, RUGGLES & BOHM, P.A. ENGINEERING & SURVEYING	

DESIGN	DRAWN	UTILITY	REVIEW	DATE	REVISED
THIS	DO			1992.01.10	1992.01.10

EXHIBIT CONDITIONAL USE REQUEST FOR OUTDOOR VEHICLE AND EQUIPMENT SALES



THIS DRAWING MAY HAVE BEEN REDUCED.

DESCRIPTION: LOT 1, BLOCK 1, W.P. HIGGINS ADDITION,
WICHITA, SEDGWICK COUNTY, KANSAS

PARKING SPACES
49 SALES SPACES
5 REGULAR CUSTOMER SPACES
1 HANDICAP CUSTOMER SPACE
3 EMPLOYEE SPACES

LANDSCAPE AREA REQUIRED: 1520 SQ FT
LANDSCAPE AREA PROVIDED: 1544 SQ FT

TREES TO PROVIDED: 4 EACH

58 TOTAL SPACES

NOTE: EMPLOYEE AND CUSTOMER SPACES
TO BE POSTED WITH SIGNS

SRB 924 NORTH MAIN 316-264-8008
WICHITA, KANSAS 67203 FAX 264-4621
SAVOY, RUGGLES & BOHM, P.A.
ENGINEERING & SURVEYING

DWG FILE 6042C - S.A.M.
PROJECT NO 9600604Z

REV 14 NOV 96
20 OCT 96

Cu419

Supervised
CAN

STAFF REPORT

December 5, 1996

CASE NUMBER: CU-419

APPLICANT/AGENT: Conoco Inc.-Al Brevitz (Applicant), Gene Razook (Agent), Mark Savoy (Agent)

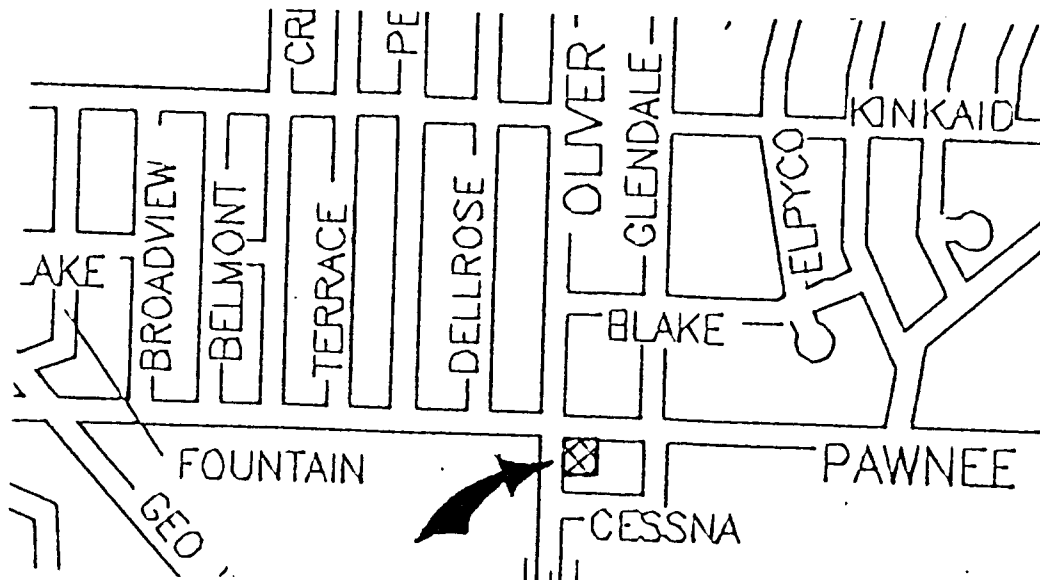
REQUEST: Conditional Use to allow outdoor vehicle and equipment sales

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 0.5 acres

LOCATION: Southeast corner of Pawnee and Oliver, 2410 S. Oliver

PROPOSED USE: Used Car Sales Lot



BACKGROUND: The applicant, Conoco Inc., is requesting a Conditional Use to allow outdoor vehicle sales on this site at 2410 South Oliver. The site is located at the southeast corner of Pawnee and Oliver.

The subject property is developed with a vacant gas station and is surrounded by an undeveloped lot to the west, a liquor store to the north, a restaurant and arcade to the east, and a restaurant to the south.

The zoning code requires used auto businesses to provide customer parking at the rate of one space per 500 square feet of building area, plus two spaces for the first 10,000 square feet of lot area used for sales, display or storage purposes, plus one space for each additional 10,000 square feet of lot area used for sales, display or storage purposes. The applicant's site contains a building of 1,200 square feet which will require 3 parking spaces and a lot display area of 21,300 square feet which will require 4 parking spaces for a total parking requirement of 7 spaces. Based on the site plan submitted by the applicants, adequate customer and employee parking will be provided.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Liquor Store
SOUTH:	"LC"	Restaurant
EAST:	"LC"	Arcade and Restaurant
WEST:	"LC"	Undeveloped Lot

PUBLIC SERVICES: The application area has approximately 150 feet of frontage on Oliver and 150 feet of frontage on Pawnee. The sales lot will have access from both Oliver on the north and Pawnee on the west. Two currently existing access points, one on the north of the site and one on the west of the site, will be eliminated according to the submitted site plan. Both Oliver and Pawnee are 4-lane arterials with existing traffic volume of approximately 12,801 average daily trips (ADT) north of this intersection, 14,373 ADT west of this intersection, 19,017 ADT south of this intersection, and 15,001 ADT east of this intersection. The 2020 Transportation Plan projects an increased traffic volume with totals of 18,994 ADT north of this intersection, 14,910 ADT west of this intersection, 22,157 ADT south of this intersection, and 14,677 ADT east of this intersection. Improvements at this intersection have been included in the CIP. Sewer and water service are available to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies commercial uses at all corners of the intersection of Pawnee and Oliver. This area is located on the Area Treatment Classification Map as a conservation district, which primarily identifies the objectives of maintaining levels of investment, maintaining market strength, and preventing land use conflicts. The commercial locational guidelines recommend that commercial uses should have required site design features which limit noise, lighting, and other activities so as to not adversely impact surrounding residential areas, and should be located adjacent to arterials or major thoroughfares which provide needed ingress and egress in order to avoid congestion.

The Land Use Guide also indicates that auto-related and non-retail uses should be guided to areas such as the CBD fringe, segments of Kellogg, and other appropriate areas and street where these uses may already exist or to locations where traffic patterns, surrounding land uses and utilities can support such uses. In this specific case two auto sales dealerships are located within 1400 feet, of the proposed application area on Oliver and the traffic patterns and surrounding land uses can support this use.

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

- A. This property shall be developed in accordance with the site plan approved as part of the Conditional Use Permit application. 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.
- B. The automobile 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 done on the premises without first obtaining "GC" General Commercial zoning.
- C. Parking spaces for customers and employees shall be provided on the site per the Zoning Code requirements. These spaces shall be marked and designated for customers and employees and shall not be used for the display or storage of vehicles for sale.
- D. The site shall be landscaped in accordance with the City's Landscape Ordinance.
- E. The westernmost existing driveway on Pawnee and the northernmost existing driveway on Oliver shall be closed and the curbs and gutters reconstructed as

- depicted on the site plan.
- F. All lights shall be shielded to direct light away from adjoining properties and no string-type lighting shall be permitted.
 - G. Only those signs permitted in the "LC" zoning district shall be permitted on the site, except that no portable signs shall be permitted, and no string-type banners shall be permitted.
 - H. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
 - I. There shall be no use of elevated platforms for the display of vehicles.
 - J. The applicant shall provide a contingent street dedication for a 25-foot corner clip on the northwest corner of the application area for street improvements to Pawnee and Oliver.
 - K. Any violation of the conditions of approval shall render the Conditional Use Permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The areas to the north, south, east and west are predominately commercial in nature with "LC" zoning. The surrounding land uses are developed with commercial structures.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: The property is zoned "LC" which permits outdoor vehicle and equipment sales as a conditional use. If approved, one access point on Oliver and one access point on Pawnee would be eliminated. The site plan also includes landscape planting along Oliver and Pawnee. The conditional use, if permitted would result in the removal of the vacant gas station and canopy currently occupying the site.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use Guide of the Comprehensive Plan identifies commercial uses at all corners of this intersection. The Area Treatment Classification Map identifies this as a conservation area, which aims to maintain high levels of investment and market strength; the redevelopment of this site will lead to these objectives..
4. Impact of the proposed development on community facilities: The approval of

this request should not have an appreciable impact on public facilities. Although the 2020 Transportation Plan identifies an increase in traffic volumes in the future, planned improvements should serve to handle this increase in traffic volume. The construction of this sales lot should not affect water or sewer service in the area.