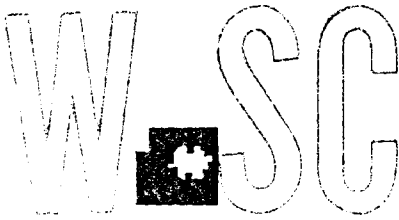


WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

September 12, 1997

Robert Hartless
620 Northeast Parkway
Wichita, KS 67208

RE: CU-450 - Conditional use to allow vehicle sales on property zoned "LC" and generally located near the corner of 22nd Street North and Arkansas (2243 N. Arkansas)

Dear Mr. Hartless:

At its regular meeting on August 28, 1997, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to conditions stated in the letter dated September 2, 1997.

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,

Lawrence P. Mitchell
Senior Planner

LPM/sh

cc: Jose A. Marquez, 1915 N. Market, Wichita, KS 67214
Kurt Schroeder, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection

STAFF REPORT

CPO (6) August 27, 1997

MAPC August 28, 1997

CASE NUMBER: CU-450

APPLICANT/AGENT: Robert Hartless (property owner); Jose A. Marquez (lessee)

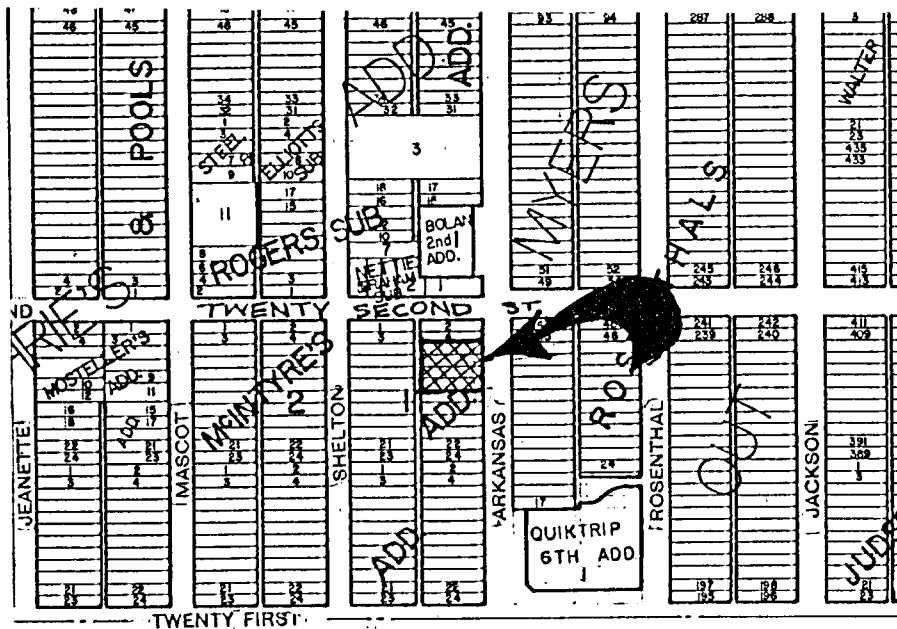
REQUEST: Conditional use to allow vehicle sales.

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 0.30 acres

LOCATION: 50 feet south of 22nd Street North on the west side of Arkansas Avenue.

PROPOSED USE: Vehicle Sales



BACKGROUND: The application area is located near the southwest corner of 22nd Street North and Arkansas Avenue. The owner, Robert Hartless, and the lessee, Jose A. Marquez, are requesting a conditional use to develop the site with a used vehicle sales lot. There is currently a vacant structure on the site that was previously used as a drinking establishment. This building will be used as the sales office for the proposed used vehicle sales lot.

The Unified Zoning Code requires used auto businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet and one space per each additional 10,000 square feet of lot area used for vehicle sales, display, or storage purposes and one space per 500 square feet of building area for employee parking. The applicants' site will contain a building of 1,440 square feet, which will require three parking spaces for employees and display area of 1,760 square feet which will require three parking spaces for customers for a total parking requirement of six parking spaces. In addition to the required six on-site parking spaces, the applicants' site plan indicated 19 display stalls for the used car inventory. Based on the site plan submitted by the applicants and approved by Traffic Engineering, adequate customer and employee parking can be provided.

The landscape ordinance would not be triggered by the reuse of this property. The Zoning Code would require a screening fence along the west line where adjacent to residential zoning; in this case, screening along the south line which has a single family dwelling would also seem appropriate.

The adopted Land Use Guide of the Comprehensive Plan identifies this area for commercial uses. The commercial locational guidelines of the Plan recommend that commercial uses not located in planned centers, including auto-related uses, should be guided to cluster in areas such as the 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 such uses. The application area is not located on Kellogg nor is it in the near vicinity of an existing vehicle sales lot. The nearest vehicle sales lot is located on the southeast corner of 25th Street North and Arkansas Avenue. The uses on nearby properties which are currently zoned "LC" and "TF-3" can be characterized as residential and retail sales. The site is also located on a busy 2-lane arterial street which may create a safety problem with customers test driving unfamiliar vehicles. All of the above factors suggest that this proposed use would not be appropriate for the area.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH: "LC" Retail Sales (Liquor Store)
SOUTH: "LC" Single-Family Dwelling
EAST: "LC" Single-Family Dwelling
WEST: "TF-3" Single-Family Dwelling

PUBLIC SERVICES: The application area has approximately 100 feet of frontage on Arkansas Avenue with one opening. Arkansas Avenue is a 2-lane arterial with existing traffic volume of approximately 7,866 average daily trips (ADT) between 21st and 25th Street North. The 2020 Transportation Plan projects traffic along Arkansas Avenue to increase to approximately 8,020 ADT for this segment. Sewer and water service are available to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for commercial uses. The commercial locational guidelines of the Plan recommend that commercial uses not located in planned centers, included auto-related uses, should be guided to areas such as the 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 such uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED. However, should the Planning Commission determine that a vehicle sales lot is appropriate at this location, it is recommended that the approval be subject to the following conditions:

1. 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.
2. 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.
3. Parking spaces for customers and employees shall be provided on the site per the Unified 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.

4. There shall be a 6-foot screening fence constructed along the south and west boundary of the sales lot. Landscaping shall be provided as required by the Landscape Code.
5. All lights shall be shielded to direct light away from adjoining properties. No string-type lighting shall be permitted.
6. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable signs shall be permitted and no string-type banners shall be permitted.
7. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
8. There shall be no use of elevated platforms for the display of vehicles.
9. 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 request is not compatible with the immediate surrounding area, which is characterized by residential and retail uses.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: Since the proposed use is not similar to other businesses in the area, the request may detrimentally impact nearby properties by introducing a commercial used vehicles sales use into the area, and setting a precedent for more such requests in this vicinity.
3. The suitability of the subject property as currently zoned: The "LC" district provides a broad range of other commercial uses to which this property can be put.
4. Conformance of the requested change to adopted or recognized Comprehensive Plan: The Land Use Guide of the Comprehensive Plan identifies this area for commercial uses, but the request is not consistent with the Plan's locational guidelines for auto-related uses, which indicate that such uses should be limited segments of Kellogg and to other areas where these uses already exist.
5. Effect on community facilities: Arkansas is marginally handling the current traffic volumes, and seems an inappropriate street from a safety standpoint for customers driving unfamiliar vehicles.