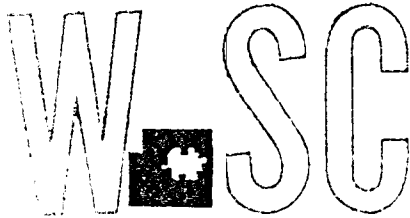


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

Khalil Abdallah
3002 E. Harry
Wichita, KS 67211

FILE COPY

March 17, 1999

RE: CU-498 - Conditional Use to allow vehicle sales on property zoned "LC" Limited Commercial and generally located north of Harry and East of George Washington Boulevard.

Dear Mr. Abdallah:

On March 16, 1999, the Wichita City Council considered the above-captioned request. The action of the Council was to APPROVE the request, subject to the conditions stated in the letter dated February 12, 1999. If you have any further question concerning this matter, please contact the Planning Department office at 268-4421.

Sincerely,

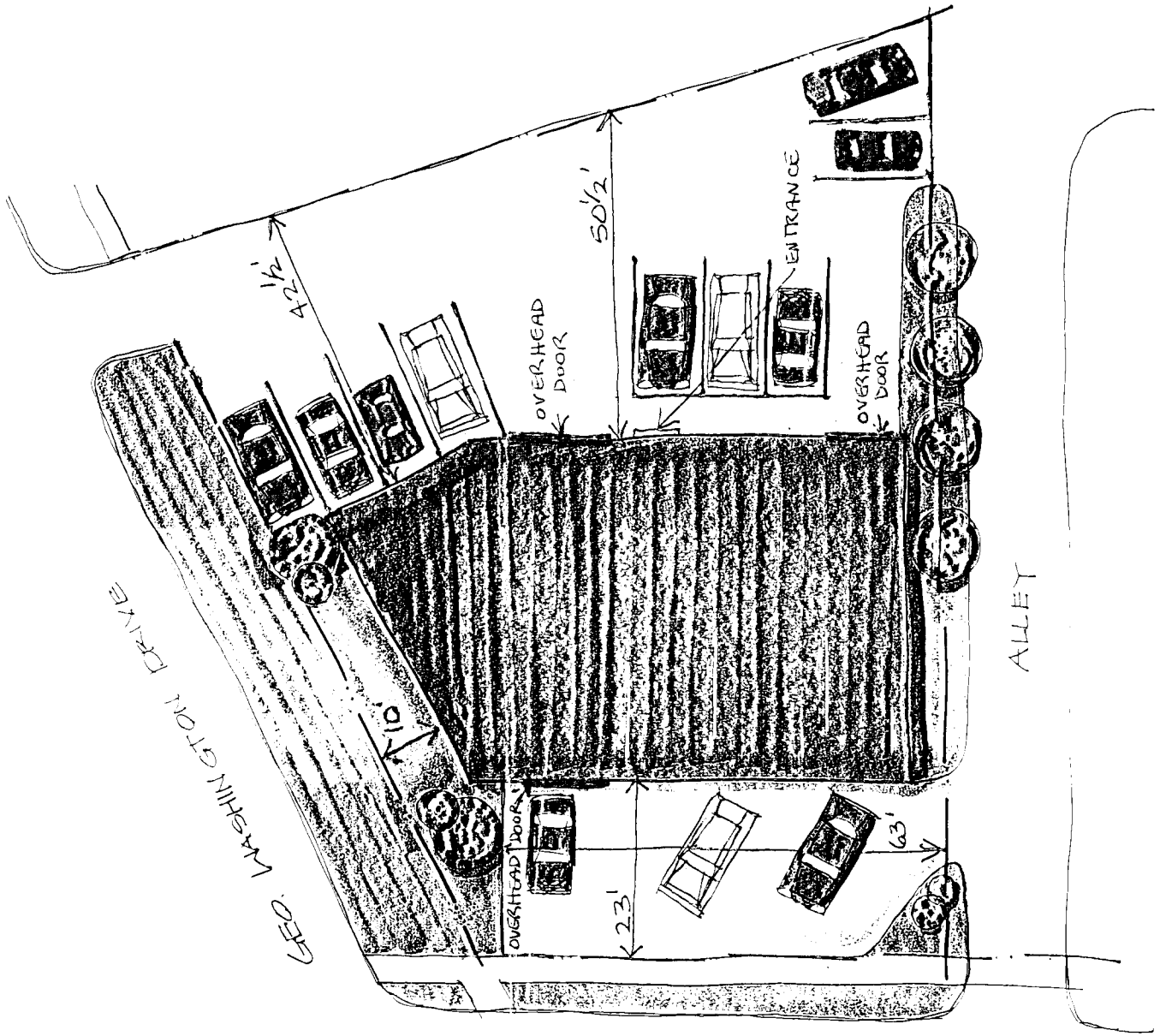
A handwritten signature in cursive script that reads 'Keith Gooch'.

Keith Gooch
Senior Planner

KG/rs

cc: Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection
File

CU-498



HARRY STREET

SITE PLAN

CU-498



STAFF REPORT

CPO (3) November 12, 1998

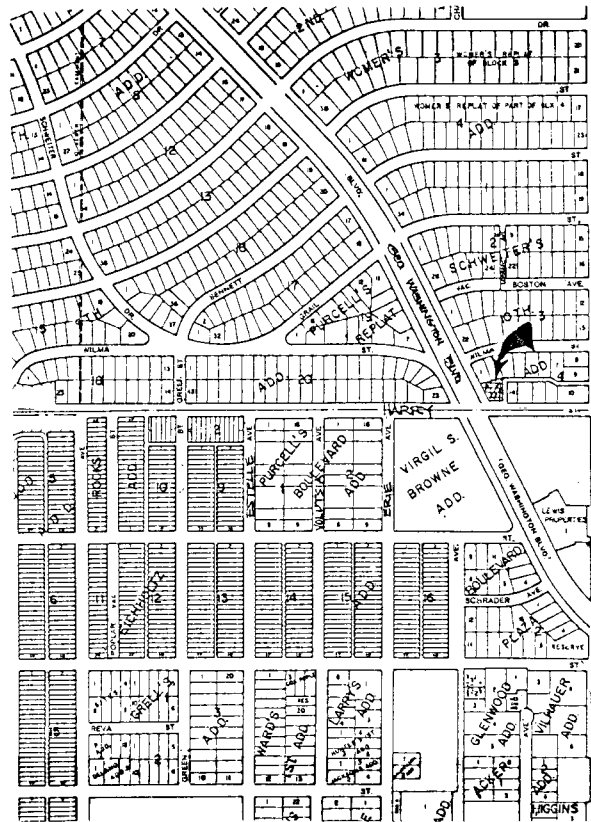
MAPC November 19, 1998

MAPC December 17, 1998

MAPC February 11, 1999

This case was referred back to the MAPC by the Wichita City Council

- CASE NUMBER:** CU-498
- APPLICANT/AGENT:** Khalil Abdallah (Owner)
- REQUEST:** Conditional Use to permit vehicle sales
- CURRENT ZONING:** "LC" Limited Commercial
- SITE SIZE:** 9,000 square feet
- LOCATION:** North of Harry and east of George Washington Boulevard



BACKGROUND: The applicant is requesting a Conditional Use to allow vehicle sales on a 9,000 square foot property located north of Harry and east of George Washington Boulevard. This platted tract is zoned "LC" Limited Commercial. The sale of vehicle and equipment with outside display/storage requires a Conditional Use within the "LC" Limited Commercial Zoning District.

The applicant has stated that he currently operates an upholstery repair shop at this location. Through his business dealings with customers and also car dealerships he acquires vehicles. The applicant has stated he cleans and repairs these vehicles, and then places them on his lot for sale. (No body or fender work is conducted on-site.) Central Inspection has notified the applicant he is in violation of the Unified Zoning Code and has required him to obtain a Conditional Use to allow vehicle sales.

The applicant has stated the three parking spaces just south of the existing building, as shown on the attached site plan, would be used for the display of vehicles and no more than three vehicles would be displayed at any one time. However, these spaces can not be constructed since there is only 25 feet from the south building line to Harry Street right-of-way, which would cause these vehicles to back into Harry Street and they would be backing into Harry Street opposite to the flow of traffic. Traffic Engineering is adamantly opposed to this at any location in the City.

The Unified Zoning Code requires 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 site plan shows approximately 494 square feet for vehicle sales, display and storage which will require a total of two spaces for customer and employee parking. The building (3,500 square feet) which will be used as an office for the vehicle and equipment sales operation (1,500 square feet) and the existing upholstery business (2,000 square feet) will require an additional 12 parking spaces (three for the office and nine for the upholstery business). Therefore, this site will be required to have 14 spaces for employee and customer parking. The site plan submitted by the applicant shows only ten parking spaces and the five shown north of the building are located adjacent to the overhead doors used in the upholster business. These spaces can not be used to meet the required parking spaces. Also at the entrance to this site from the George Washington Boulevard frontage road is a small up ramp which would also not permit any parking to be located on it. Therefore, it seems unlikely the applicant will be able to provide the required number of parking spaces. If the request is approved, a revised site plan shall be submitted by the applicant which shows the required 14 spaces and any area which will be used for the display of vehicles. If the applicant is unable to meet the parking requirement, he would be required to file for a variance to reduce the required parking spaces.

There are commercial developments located to the south and east of this site. An

apartment complex is north of the site. Across George Washington Boulevard to the west is a restaurant. Residential properties are located north of this restaurant along George Washington Boulevard.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"GO"	Apartment complex
SOUTH:	"LC"	Commercial development
EAST:	"LC"	Commercial development
WEST:	"LC"	Commercial development

PUBLIC SERVICES: This site has access to Harry and George Washington Boulevard, both are four lane arterials. The existing traffic volumes along Harry are 21,799, and 5,263 for George Washington Boulevard. The 2020 Transportation Plan estimates these volumes will increase to 29,692 and 7,435, respectively. Municipal services are available to serve this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate 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 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 uses.

RECOMMENDATION: Staff does not feel vehicle sales is an appropriate use at this location because there are no other vehicle sales lots in the immediate vicinity, and due to the outside storage associated with vehicle sales, which is not permitted for other "LC" zoned properties along Harry. The approval of this request could also establish the precedent of vehicle sales along Harry which does not conform to the Comprehensive Plan.

Based upon information available prior to the MAPC, planning staff recommends this request be denied. However, if the Planning Commission believes this is an appropriate use staff recommends approval be subject to the following conditions;

1. No more than three vehicles can be for sale on this sales lot at any one time.
2. This property shall be developed in accordance with a revised site plan which shows the required 14 parking spaces for employees and customers. These spaces shall not be located in front of any overhead doors which are used as part of this business. The site plan shall also designate which spaces shall be

used for customer and employee parking and which spaces will be for the display of vehicles. The required customer and employee parking shall not be used for any display of vehicles. The applicant shall file a variance if he is unable to meet the required number of parking spaces.

3. 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.
4. 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 done on the premises without first obtaining "GC" General Commercial zoning.
5. The property shall be used primarily for the reupholster of vehicles, with the selling of vehicles being an accessory use to the primary business.
6. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable, flashing, moving or off-site signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be used.
7. No sound projecting devices or loudspeakers shall be used on-site.
8. There shall be no use of elevated platforms for the display of vehicles.
9. The applicant shall plant 2 trees in the parkway along the Harry and George Washington frontage.
10. 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 site has commercial developments located to the east, south and west, which are zoned "LC" but are not permitted outside storage. An apartment complex is located just to the north of the application area on "GO" zoning. The site is located at the northeast corner of the intersection of two arterials developed primarily with neighborhood oriented uses - restaurant and small scale retail uses. A Coke-Cola bottling plant exists on the southwest corner.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: This general area is characterized by residences and mostly small neighborhood retail uses. The outdoor storage involved with the vehicle and equipment rental business is not compatible with the uses found in this general location.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Comprehensive Plan recommends auto related uses be located along 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 the uses. The application area is not along the CBD fringe, Kellogg, nor are any other similar uses found in the general vicinity. Therefore, this request does not correspond to the Comprehensive Plan. The approval of this request could possibly allow for additional vehicle sales operations to be located along Harry to the east or west of this site.
4. The suitability of the subject property for the uses to which it has been restricted: The tenant is currently operating an authorized reupholster business at this location. Other retail uses would also be appropriate at this location. However, staff feels this area is inappropriate for a vehicle sales operation, which should be located near similar uses or as specified in the Comprehensive Plan.
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on the community facilities.