CONDITIONAL USE RESOLUTION No. 2002-00010

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO ALLOW USED CAR SALES, ON 14,782.88 SQUARE FEET ACRES ZONED "LC" LIMITED COMMERCIAL, LOCATED ON THE NORTHWEST CORNER OF HYDRAULIC AND WASSALL, 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. 44-975, 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 used car sales on 14,782.88 square feet zoned "LC" Limited Commercial legally described below:

Case No. CON2002-00010

A Conditional Use Permit to allow used car sales, on 14,782.88 square feet zoned "LC" Limited Commercial described as:

Lots 10 and 11, Block E, Graber Addition, Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Hydraulic and Wassall.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of used cars and light trucks. No sale or rental of vehicles, trailers or trucks larger than pick ups.

2. 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 without first obtaining "GC" General Commercial zoning.

3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards

4. The applicant shall install and maintain landscaping in accordance with the revised landscape plan submitted with the revised site plan.

5. 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.

6. 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.

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

8. No amplification system shall be permitted.

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

10. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.

11. The applicant shall erect and maintain a solid six-foot screening along the northern and western property lines that are adjacent to residential zoning and the existing residential development.

12. The applicant shall guarantee the closure of the Hydraulic and Wassall entrances that are closest to the intersection and continue the curb and gutter according to City standards. Dedication of access control allowing closing the Hydraulic and Wassall entrances that are closest to the intersection by separate instrument shall be submitted to Staff for recording.

13. 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 CITY OF WICHITA, KANSAS, this date 5-14-02

Bob Knight, Mayor

ATTEST:

for Patsy Ellis, Deputy
Pat Burnett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

CON2002-10

CONDITIONAL USE TO ALLOW USED CAR SALES ON PROPERTY ZONED "LC" LIMITED COMMERCIAL

PAUL WEIGAND, APPLICANT

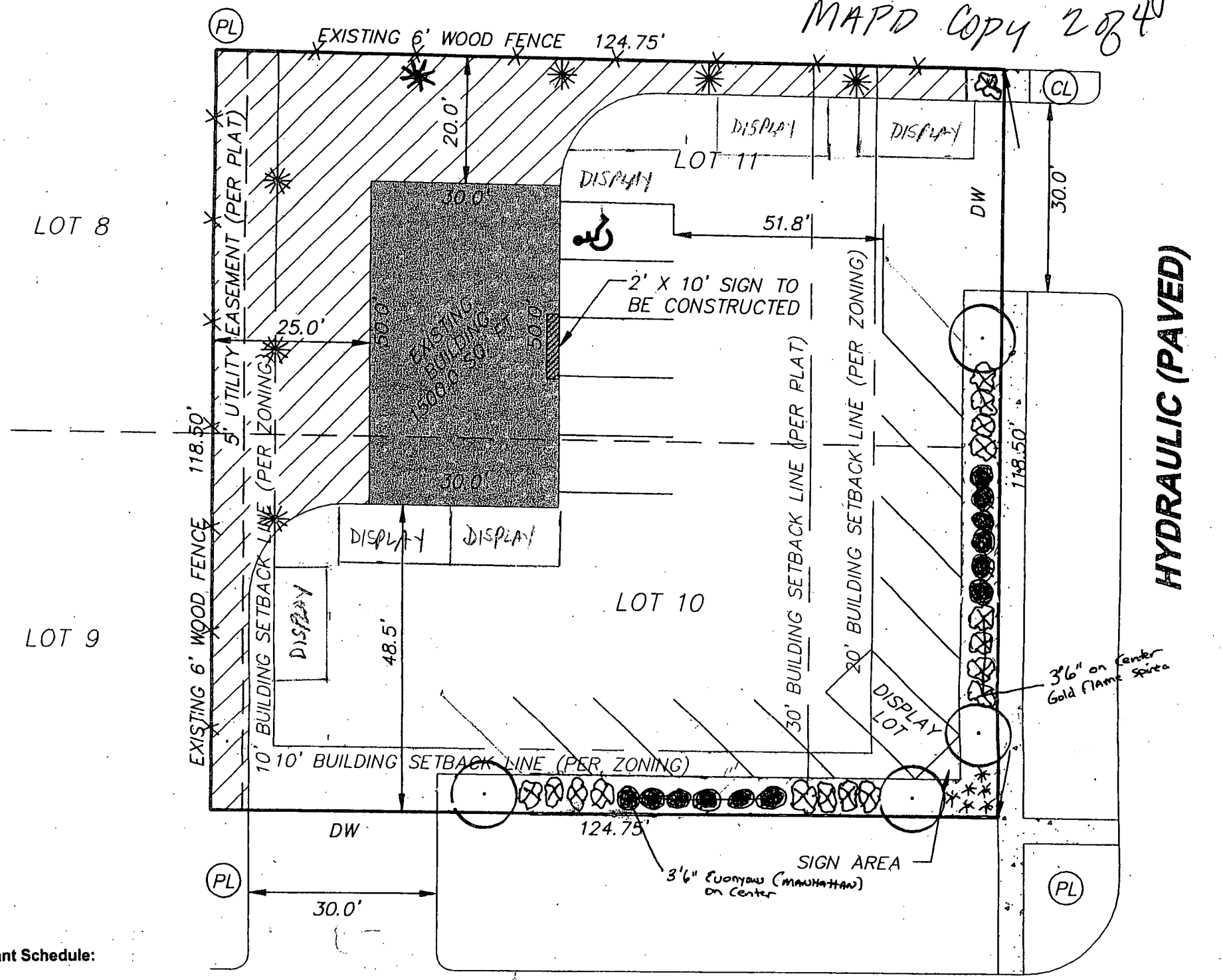
ADDRESS: 2747 S. HYDRAULIC

UPDATED

SITE PLAN

APPROVED 9/24/08 BY RLmorgan

MAPD Copy 2 of 4



Plant Schedule:

Amt.	Botanical Name	Common Name	Size
4	*Acer ginnala*	Amur Maple	1-1 ½ " caliper
7	*Juniperus chinensis* 'Keteleeri'	Keteleeri Juniper	5-6' in height
13	*Euonymus patens*	Manhattan Euonymus	2-gal, 18-24" ht.
16	*Spiraea bulmalda* 'Goldflame'	Gold Flame Spirea	2-gal, 18-24" ht.
6	*Hemerorcallis* 'Stella d Oro"	Stella d Oro Daylily	12" min. ht., 1-gal cont.

Watering Method: drip irrigation with rain sensor

WASSALL (PAVED)

CON2002-00010

LANDSCAPE PLAN

APPROVED 10/21/02 BY DG

MAPD Copy 6 of 2

LEGEND:

(DW) = DRIVEWAY

= CONIFEROUS TREE (Keteleeri Juniper 5' TALL)

= SHRUB (Gold Flame Spirea) (2 GL)

= ORNAMENTAL TREE (Amur) 1 caliber

= Perennial (Stella de ORA)

= Manhattan Euonymus

(CL) = CITY LIGHTING

(PL) = PRIVATE LIGHTING

= LANDSCAPE STREET YARD (GRASS AREA)

= HANDICAP PARKING

LANDSCAPE REQUIRED: 118.50 X 8 = 948
124.75 X 8 = 998
1946 REQUIRED SQ. FT.

TREES: 4 REQUIRED
4 PROVIDED
PERIMETER BUFFER TREES: 7 REQUIRED
7 PROVIDED

1" = 20'

0 10 20

Dwn. By: B.J.P.

FILE: 2333 C:drawings/2333

LEGAL DESCRIPTION:

LOTS 10 AND 11, GRABER ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS.

LOT AREA = 14,782 SQ. FT.

NOTE:

ALL PARKING SPACES ARE 9' X 18'.

TOTAL = 14 PARKING STALLS 20 Parking Stalls

APPLICANT HAS STATED SIGNAGE WILL BE CONSTRUCTED ON BUILDING AT A LATER DATE AS SHOWN HEREON.

NOTE:

1) DRAWING DIMENSIONS WERE PROVIDED BY CLIENT. NO SURVEY WAS PERFORMED ON SUBJECT PROPERTY.

2) PLAT CONTAINS NO ACCESS CONTROL. PLAT CONTAINS NO BUILDING SETBACK LINE ALONG WASSALL.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

MAPC – April 18, 2002
DAB III – April 17, 2002

CASE NUMBER: CON2002-00010

APPLICANT/AGENT: Paul W. Weigand (Owner/Applicant)

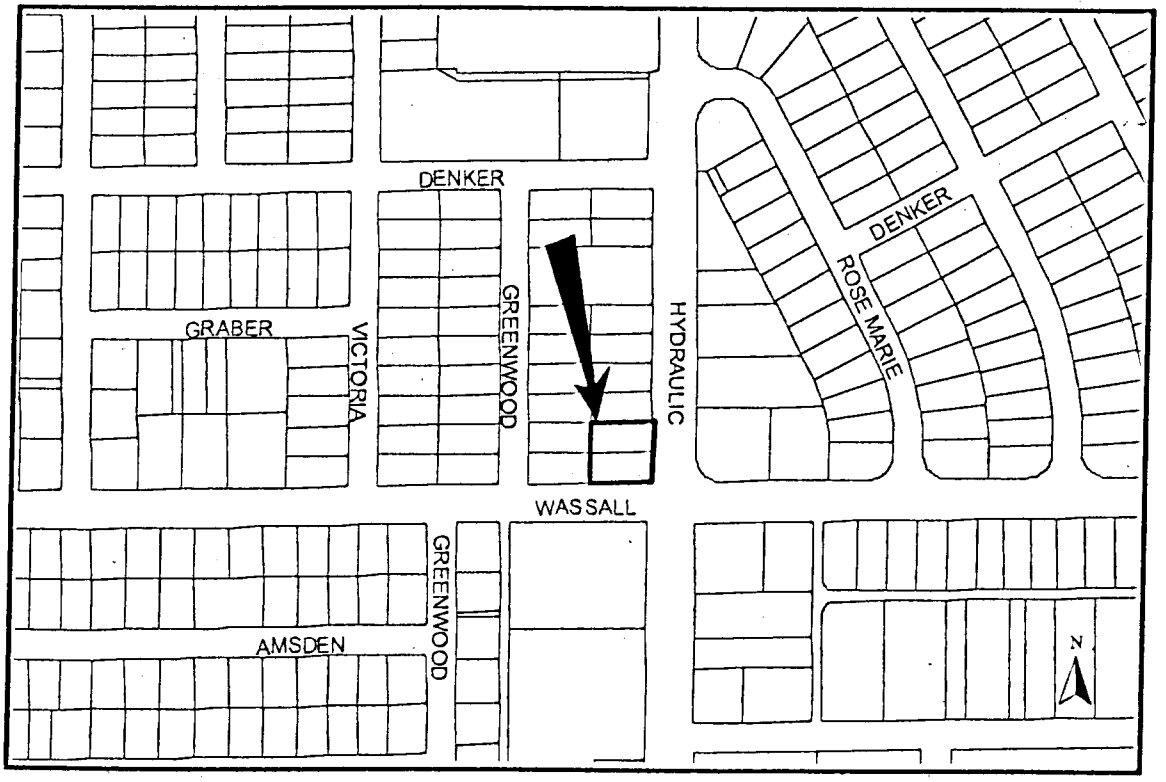
REQUEST: Conditional Use to allow used car sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 14,782.88 square feet

LOCATION: Northwest corner of Hydraulic and Wassall
Lots 10 & 11, Block E, Graber Addition.

PROPOSED USES: Vehicle and equipment sales, outdoors



BACKGROUND: The applicant, Paul Weigand, is requesting consideration and recommendation for a Conditional Use to allow used car sales on property zoned "LC" Limited Commercial. The property (14,782.88 square feet) is described as Lots 10 & 11, Block E, Graber Addition, located on the northwest corner of the Wassall - Hydraulic intersection. Wassall fronts the south side of the property and Hydraulic fronts its east side. The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The applicant has submitted a site plan.

The applicant is requesting consideration of used car sales on this property, which contains a vacant 1,500 sq.-ft building to be used as office space and a concrete parking area where he proposes to display the used cars and provide parking for prospective buyers. The site plan shows 5 parking spaces to be provided for customers, this is sufficient for this site; the applicant needs to designate one space for handicap parking. There are 9 spaces for display and the site plan shows approximately 51-ft of circulation on the Hydraulic side and Staff scales approximately 30-ft on the Wassel side.

The site has 4 existing entrances/exits (entrances); 2 on Wassall and 2 on Hydraulic. The applicant has shown on the site plan that he will close off the 2 entrances that are closest to the Wassall – Hydraulic intersection, leaving the two farthest from the intersection open. The site plan shows the closed entrances to be landscaped. This would leave the site with an entrance on Hydraulic and another on Wassall. These remaining entrances would line up with existing entrances of the businesses that are across from it on Wassall and Hydraulic; Louie's Liquor on the Hydraulic side and Quick Trip on the Wassall side. The site has two old light poles (without light fixtures attached) on it, one located on the southwest side of the site and the other on the northeast side of the site. The one on the northeast side of the site is damaged and will need repair or possibly removal.

The site plan shows proposed landscaping and the existing landscaping. The existing landscaping is the grass areas on the north and west sides. The proposed landscaping includes 10 shrubs and 5 Austrian Pines. The landscaping is being reviewed. Staff does not agree with the submitted landscaping plan calculations and is addressing this issue with the applicant.

The neighborhood to the north is zoned SF-5 and has developed residential. There is a 6-ft stockade fence between the proposed used car lot and the residence adjacent to it on the north side. The neighborhood to the west is zoned TF-3 and is developed as single family residential. There is a 6-ft. stockade fence that runs the width of the southwest lot adjacent to the proposed site, the next lot north of this lot has no screening between it and the proposed site. On the east side (across Hydraulic) there is Louie's Liquor at the intersection, then north of it Shooter's, a billiards hall. North of

these two businesses on the west side there are single family and multifamily residences. Development on the south includes a restaurant on the southeast side of the intersection and a Quick Trip on the southwest side of the intersection. Adjacent to these businesses are two small strip centers containing barber - beauty shops, sandwich shops, insurance businesses, a bingo hall, bars, and restaurants. Beyond these businesses to the Hydraulic – I-135 Loop, are residences (both single family and 4-plex) and a warehouse – distribution developments

CASE HISTORY: The Graber Addition was entered on transfer record November 13, 1950. The BZA denied an application for a car sales lot on this site at their July 24, 1984 meeting. An application for a used car sales lot was recommended for approval by the MAPC, 10-2, at their March 8, 2001 meeting. April 17, 2001 DAB III recommended denial, 8-0, for the Conditional Use request for a used car lot. The WCC voted to deny the Conditional Use request for a used car lot, 7-0, at their May 1, 2001 meeting. This request for the Conditional Use is being made by the same applicant as the one March 8, 2001, just over 13 months ago. Just prior to the March 8th MAPC the applicant had verbally asked Staff for consideration of having a 'pool shooting school' co-located on the site. This was addressed during the MAPC meeting and the applicant was informed that a 'pool shooting school' would be a permitted use by right in "LC" zoning, but co-location on the site with the car lot would probably bring parking into non-compliance.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5" Single Family Residential	Residential
EAST:	"LC" Limited Commercial	Liquor store, billiards hall
SOUTH:	"LC" Limited Commercial	Strip shopping centers
WEST:	"TF-3" Two Family Residential	Residential
	"SF-5" Single Family Residential	Residential

PUBLIC SERVICES: Hydraulic is a four-lane arterial street. The estimated traffic volume of (ADT) trips per day at the Hydraulic - Wassall intersection is 4413 ADTs on the west side, 9458 ADTs on the north side, 356 ADTs on the east side and 10042 ADTs on the south side. Water/sewer and other municipal services are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide, as amended in 2002, of the Wichita – Sedgwick County Comprehensive Plan identifies this property as Commercial. The current zoning of the site is "LC" Limited Commercial. The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The Wichita – Sedgwick County Comprehensive Plan, as amended by Resolution 5-02, directs the

location of auto sales lots and other types of infrequent purchase or non-neighborhood serving commercial uses to areas (existing or planned) containing similar uses and away from neighborhood commercial areas. This area contains neighborhood commercial and no auto sales lots and other types of infrequent purchase or non-neighborhood serving commercial uses.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be DENIED. The Comprehensive Plan does not indicate that a used car lot would be appropriate for this area, there are not any other vehicle sales lots existing or allowed by zoning in the general vicinity. The commercial uses along this portion of Hydraulic are neighborhood serving and do not involve outdoor display or storage associated with vehicle sales.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is zoned "LC," SF-5" and "TF-3". The existing businesses in the neighborhood are local retail in character. There are established residential developments adjacent to the site on the north and west sides. A location further south that would be in the warehouse – distribution center area would be more appropriate.

2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed with one of the many "LC" permitted uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property. Outdoor storage and display of vehicles is not consistent with the type of development existing at this intersection. Approval of this request will most likely open other sites nearby for additional vehicle sales lots and other "heavier" commercial uses.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The Wichita Land Use Guide of the 1999 update to the Wichita – Sedgwick County Comprehensive Plan identifies this property as Commercial. The current zoning of the site is "LC" Limited Commercial. The Wichita – Sedgwick County Comprehensive Plan, as amended by Resolution 5-02, directs the location of auto sales lots and other types of infrequent purchase or non-neighborhood serving commercial uses to areas (existing or planned) containing similar uses and away from neighborhood commercial areas. The proposed car sales lot does meet these criteria. The nearest car sales lot is located on the Douglas Hydraulic Intersection.

If, however, the Planning Commission believes this is an appropriate use, staff

recommends approval be subject to the following conditions:

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of used cars. No sale or rental of trailers or trucks larger than pick ups. All automobiles displayed for retail sale will be of the standard and quality as is currently available at a new car dealership and those automobiles, which are trade ins and cannot be warranted will not be held for retail sale.

2. 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 without first obtaining "GC" General Commercial zoning.

3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards

4. The applicant shall install and maintain landscaping in accordance with the revised landscape plan submitted with the revised site plan.

5. 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.

6. 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.

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

8. No amplification system shall be permitted.

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

10. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.

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