CONDITIONAL USE RESOLUTION NO. CON2002-00005

WHEREAS, Steven Enterprises LLC, c/o Brandon Steven (owner/applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow vehicle sales on approximately 1.4 acres zoned "LC" Limited Commercial described as:

> The west 300 feet of Lot 38, Knight Acres Addition, Wichita, Sedgwick County, Kansas, except the north 63 feet thereof. Generally located north of 2nd Street North and east of West Street.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of February 21, 2002, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a Conditional Use to allow vehicle sales on approximately 1.4 acres zoned "LC" Limited Commercial described as:

> The west 300 feet of Lot 38, Knight Acres Addition, Wichita, Sedgwick County, Kansas, except the north 63 feet thereof. Generally located north of 2nd Street North and east of West Street.

subject to the following conditions:

1. All requirements of Section III.D.6.x. of the Unified Zoning Code shall be met.

2. The applicant shall dedicate by separate instrument 20 additional feet of street right-of-way along the property's West Street frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

3. The southern-most access drive to West Street shall be closed with a gate, which shall remain closed except for use by trucks delivering vehicles to the site. The applicant shall dedicate by separate instrument complete access control except for two openings along the property's West Street frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable. The dedication instrument shall reference the gating requirements of this condition on the southern-most drive.

4. Parking spaces for employees and customers shall be provided on the property as required by the Unified Zoning Code and in conformance with the standards established by the City Traffic Engineer. The parking spaces shall be marked and designated for employees and customers and shall not be used for display or storage of vehicles for sale, unless the vehicle is driven by an employee.

5. A landscaped street yard and landscape buffer in conformance with the requirements of the Landscape Ordinance shall be provided on the property and shall comply with a landscape plan approved by the Planning Director. The required landscaped street yard may be located within the additional 20 feet of dedicated street right-of-way mentioned in Condition of Approval #2.

6. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

7. The site shall be developed in general conformance with the approved site plan. All improvements to the west 200 feet of the property as shown on the approved site plan shall be completed within one year of approval of the revised site plan by the Planning Director. Vehicles may not be displayed or stored on the east 100 feet of the property until a site plan for this portion of the property is approved by the Planning Director and the improvements shown on the site plan are made.

8. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

9. Any violation of the conditions of approval shall render the Conditional Use null and void.

10. Approval of this Conditional Use shall supersede and render null and void the Use Exception granted for the subject property by BZA Resolution No. 22-90.

Adopted this 21st day of FEBRUARY, 2002. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:

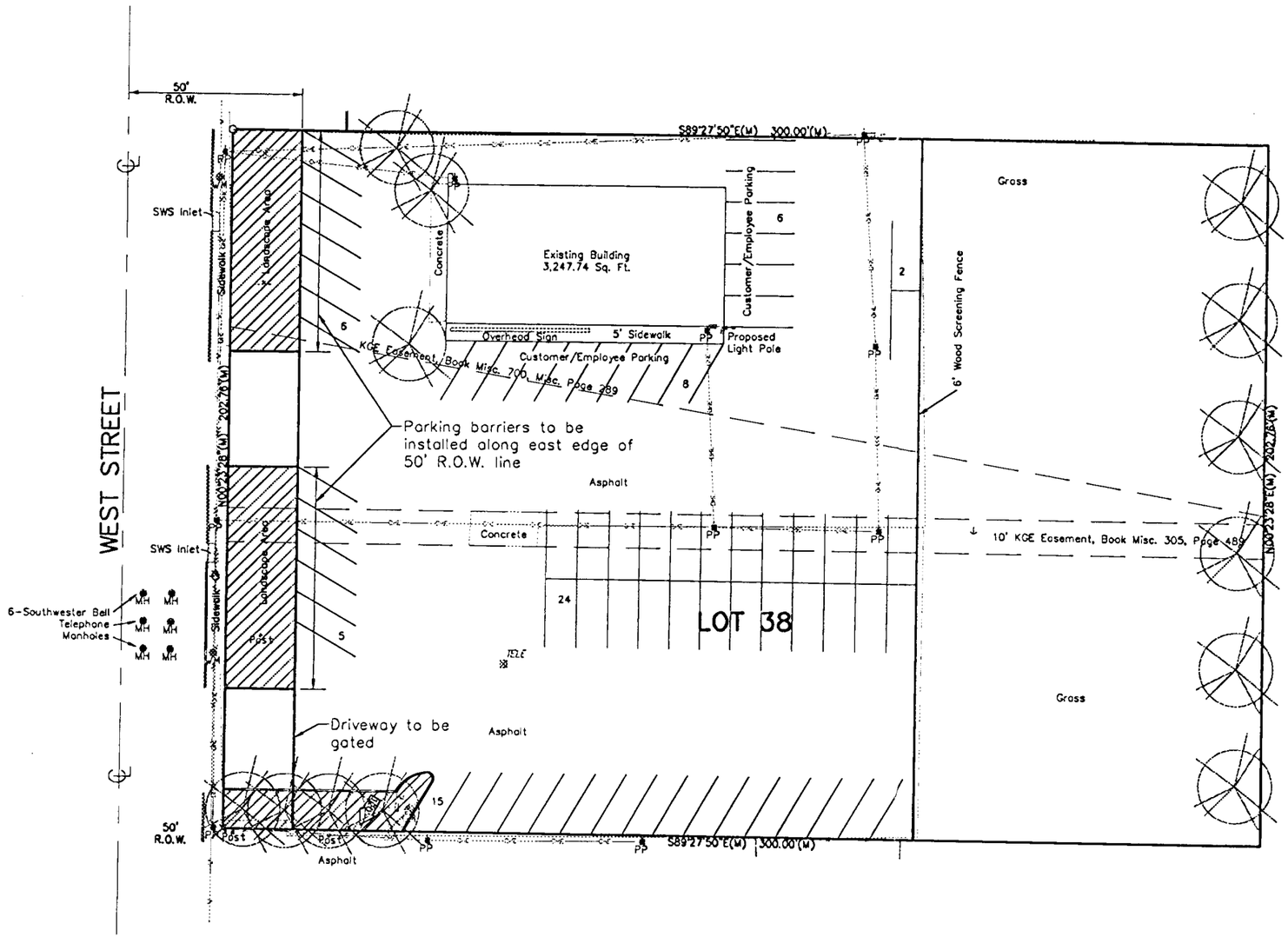
Marvin S. Krout, Secretary

CON2002-00005

SITE PLAN

APPROVED 4-23-02 BY SK

SITE EXHIBIT
PART OF LOT 38, KNIGHT ACRES
WICHITA, KANSAS
CON2002-00005



SCALE

20' 0 20' 40'

LEGEND

- O = 5/8" Rebor (found)
- X = "X" Cut (found)
- E = Electric Riser
- = Fire Hydrant
- MH = Manhole
- GM = Gas Meter
- = Guy Anchor
- = Overhead Electric
- Post = Post
- PP = Power Pole
- = Sign
- WM = Water Meter
- = Water Valve
- = Fence
- R.O.W. = Right of Way
- (M) = Measured
- TELE = Telephone Pedestal
- ℄ = Centerline
- SWS = Storm Water Sewer
- = Water
- = Shade Tree – 2" Minimum Caliper
- Landscape Area =3205.98 s.f.

Applicant: Brandon Steven

Display Spaces: 52

Employee/Customer Spaces: 14

FILENAME: 0125exhibit.dwg ACE

© Austin Miller, Inc.

AUSTIN MILLER Inc.
ENGINEERING SERVICES
355 N. Waco, Suite 200 Wichita, KS 67202
316/262-1281 fax 316/262-8773

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT

MAPC February 21, 2002
DAB IV, March 6, 2002

CASE NUMBER: CON2002-00005

APPLICANT/AGENT: Steven Enterprises LLC c/o Brandon Steven (Owner/Applicant); Kaplan, McMillan, & Harris c/o Robert W. Kaplan (Agent)

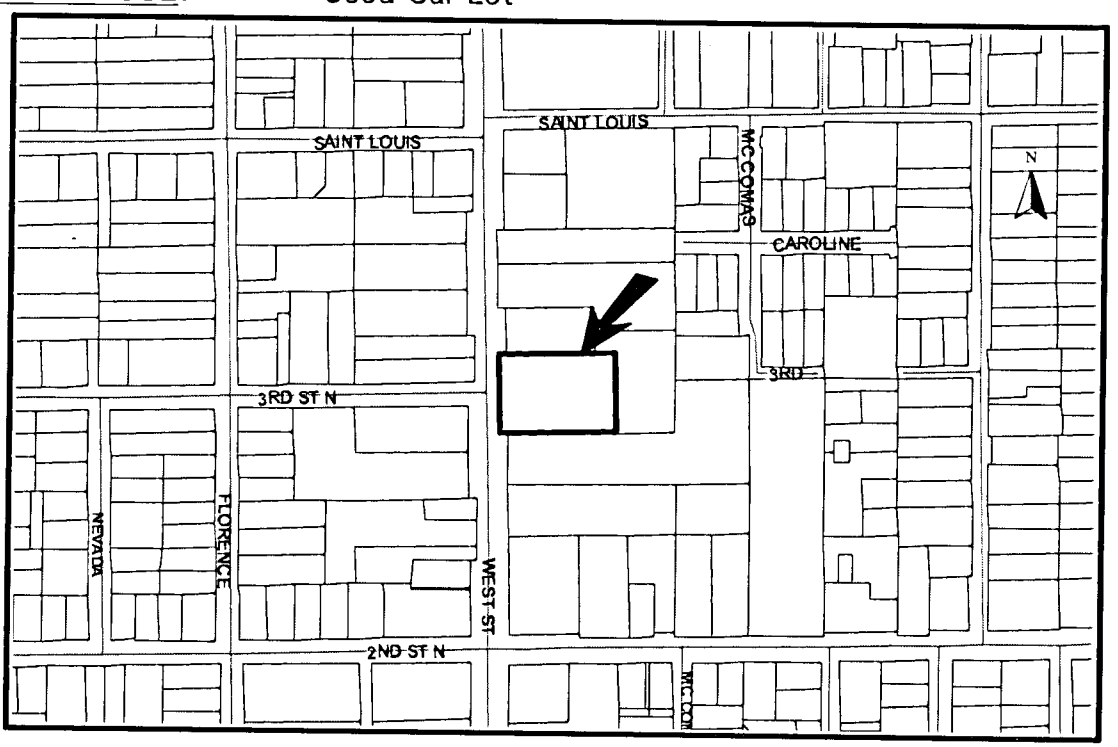
REQUEST: Conditional Use for Outdoor Vehicle and Equipment Sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 1.4 acres

LOCATION: North of 2nd Street North and east of West Street (400 N. West St.)

PROPOSED USE: Used Car Lot



BACKGROUND: The applicant is requesting a Conditional Use to allow a used car lot on a 1.4 acre platted tract zoned "LC" Limited Commercial and located north of 2nd Street North and east of West Street (400 N. West St.). A used car lot is defined by the Unified Zoning Code as "outdoor vehicle and equipment sales," which requires a Conditional Use when located in the "LC" district.

A 20,000 square foot tract in the northwest portion of the property is developed with AdvantEdge Quality Cars. Used car sales on this portion of the subject property is permitted by a Use Exception granted by the Board of Zoning Appeals in 1991 (see attached resolution and site plan). The applicant is requesting to expand the used car lot 100 feet to the east and 100 feet to the south, thereby tripling the size of the used car lot. At the suggestion of planning staff, the applicant submitted a Conditional Use request for the entire property so that the property would be subject to the one set of regulations rather than both Use Exception and Conditional Use regulations.

The West Street frontage in this area is commercial in character with several vehicle sales lots in the vicinity, including a motorcycle sales lot across West Street that was recently approved for expansion by the MAPC. The zoning of the property to the north is "LC" Limited Commercial, and the property is developed with a pawn shop. The zoning to the south is "LC" Limited Commercial, and the property is developed with a television studio. The zoning of the property to the east is "SF-5" Single-Family Residential, and the property is undeveloped. The zoning of the properties to the west across West Street is "LC" Limited Commercial and "GC" General Commercial, and the properties are developed with a Southwestern Bell facility and a motorcycle sales lot.

The applicant submitted the attached "Site Exhibit," which indicates that the applicant proposes to redevelop the subject property by demolishing an approximately 2,800 square foot commercial building and expanding the used car lot 100 feet to the east and 100 feet to the south. An existing 3,247 square foot commercial building will remain on the subject property, as will an existing billboard. The two existing access drives to West Street are proposed to remain, as is the existing 30 feet of half-street right-of-way for West Street. No landscaping or screening are proposed for the site. An unspecified portion of the sales lot is proposed to be gravel rather than paved. The location of required off-street parking spaces is not indicated on the site plan.

To limit the impact of the proposal and to bring the proposal into compliance with existing regulations, planning staff recommends conditions of approval regarding access, screening, landscaping, and operational standards. These conditions are described in detail in the "Recommendation" section of this report.

CASE HISTORY: The property is platted as part of the Knight Acres Addition, which was recorded December 20, 1918. A portion of the subject property was granted a Use Exception (BZA22-90) to permit a car sales lot on January 22, 1991.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Pawn Shop
SOUTH:	"LC"	Television studio
EAST:	"SF-5"	Vacant
WEST:	"LC" & "GC"	Southwestern Bell facility & motorcycle sales lot

PUBLIC SERVICES: This site has access to West Street, a four-lane arterial street. Traffic volumes on West Street at this location are currently approximately 20,000 vehicles per day, and the 2030 Transportation Plan estimates the traffic volumes will increase to approximately 25,000 vehicles per day. Based on these traffic volumes, the Transportation Plan recommends that West Street be widened to five lanes. The widening of West Street cannot be accomplished in the existing 60 feet of right-of-way; therefore, the street right-of-way has been widened through dedications as sites redevelop in this area, including dedications from all the properties rezoned in this area in the last 40 years. Water and gas utility lines are currently located under West Street, and when roadways are widened and reconstructed, utility lines typically are relocated outside the road bed, which also requires additional street right-of-way. Numerous access drives exist along this stretch of West Street, and many of these access drives are duplicative (e.g., more than one drive per site), including the access drives to the subject property. Excess access drives reduce the through traffic volume capacity of the street and lead to increased incidents of traffic accidents; therefore, the second access drive to the subject property should be closed. Municipal water and sewer 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 sales lots should be guided to areas containing similar uses, and away from neighborhood commercial areas.

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

1. All requirements of Section III.D.6.x. of the Unified Zoning Code shall be met.

2. The applicant shall dedicate by separate instrument 20 additional feet of street right-of-way along the property's West Street frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

3. The southern-most access drive to West Street shall be closed, and the applicant shall provide a guarantee for closure of the drive in a form suitable to the City Engineer within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable. The applicant shall dedicate by separate instrument complete access control except for one opening along the property's West Street frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

4. Parking spaces for employees and customers shall be provided on the property as required by the Unified Zoning Code and in conformance with the standards established by the City Traffic Engineer. The parking spaces shall be marked and designated for employees and customers and shall not be used for display or storage of vehicles for sale, unless the vehicle is driven by an employee.

5. A landscaped street yard and landscape buffer in conformance with the requirements of the Landscape Ordinance shall be provided on the property and shall comply with a landscape plan approved by the Planning Director.

6. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

7. The site shall be developed in general conformance with the approved site plan. All improvements shown on the approved site plan shall be completed within one year of approval of the revised site plan by the Planning Director.

8. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

9. Any violation of the conditions of approval shall render the Conditional Use null and void.

10. Approval of this Conditional Use shall supersede and render null and void the Use Exception granted for the subject property by BZA Resolution No. 22-90.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The West Street frontage in this area is commercial in character with several vehicle sales lots in the vicinity. Zoning along the West Street frontage is "LC" Limited Commercial and "GC" General Commercial, and the properties along the West Street frontage are developed with commercial uses. The proposed used car lot is consistent with the commercial zoning, uses, and character of the area.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial. A portion of the property has a Use Exception to permit a car sales lot and is developed as such. The remainder property is developed with vacant commercial space and is apparently suitable for the commercial uses to which it has been restricted. Outdoor vehicle and equipment sales uses may be permitted in the "LC" district with a Conditional Use and should be guided to areas, such as the location of the subject property, where similar uses exist.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code; the landscaped street yard and buffer requirements of the Landscape Ordinance; and the recommended conditions of approval should limit noise, lighting, and other activity from adversely impacting residential areas to the east and should ensure attractive and orderly redevelopment along a major community thoroughfare.

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 West Street, and the recommended conditions of approval have provisions which limit noise, lighting, and other adverse impacts on surrounding residential areas. The Commercial Locational Guidelines also recommend that auto sales lots should be guided to areas containing similar uses, and away from neighborhood commercial areas. This site is located along West Street in an area where auto sales uses already exist.

5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities if the recommended additional street right-of-way and access controls are provided along West Street. Not providing the recommended additional street right-of-way and access controls will hinder the City's ability to provide a roadway that is of sufficient capacity to safely carry projected future traffic volumes.