



Wichita-Sedgwick County Metropolitan Area Planning Department

December 6, 2012

JoAnn Hudson
14105 Sheriac
Wichita, KS 67235

Savoy Company, P.A. c/o Mark Savoy
433 S. Hydraulic
Wichita, KS 67211

RE: CON2012-45 - City Conditional Use for Outdoor Vehicle sales in LI Limited Industrial zoning (Delano Overlay District); generally located west of Seneca Street on the southwest corner of Douglas and Exposition Avenues (1301 W Douglas).

Dear Applicants:

At its regular meeting on November 15, 2012, the Wichita/Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions on the attached resolution. There were no protests on this case during the two-week protest period, therefore the decision of the MAPC is considered final.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,


Jess McNeely, AICP
Current Plans

Copies to: J. R. Cox, OCI, Mail Stop 1-72
Rick Stubbs, OCI, Mail Stop 1-72
Julianne Kallman, Mail Stop 1-71
Delano HOA, Karen Cravens, 320 N. Fern, Wichita, KS 67203
Michael O'Donnell, WCC IV, Mail Stop 1-13
Kelli Geier, NA IV, Mail Stop 1-135

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

CONDITIONAL USE RESOLUTION NO. CON2012-00045

WHEREAS, JoAnn Hudson (Owner/Applicant) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for Vehicle Sales, Outdoor on .21 acres zoned LI Limited Industrial within the Delano Overlay District described as:

N 75 FT LOTS 41-43-45-47-49 CHICAGO NOW DOUGLAS AVE. MARTINSON'S 4TH.
ADD. to Wichita, Sedgwick County, Kansas, generally located south of Douglas and west of Exposition (1301 W. Douglas).

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 November 15, 2012, 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 allow a Conditional Use for Vehicle Sales, Outdoor on .21 acres zoned LI Limited Industrial within the Delano Overlay District described as:

N 75 FT LOTS 41-43-45-47-49 CHICAGO NOW DOUGLAS AVE. MARTINSON'S 4TH.
ADD. to Wichita, Sedgwick County, Kansas, generally located south of Douglas and west of Exposition (1301 W. Douglas).

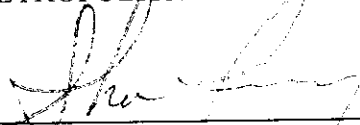
Approved subject to the following conditions:

1. A revised site plan shall be submitted, for Planning Staff approval, within 60 days of the Conditional Use approval. The site plan shall conform to UZC parking requirements designating which spaces are vehicle display, and which spaces are customer and employee parking.
2. The site shall be developed and maintained in accordance with the approved site plan and in conformance with all City ordinances, including but not limited to: zoning, sign code, building, fire, health codes, and licensing requirements.
3. Parking spaces shall be striped as indicated on the approved site plan. All vehicle parking, storage and display areas shall be paved with concrete or asphalt.
4. Barriers shall be installed at all vehicle display or storage areas adjacent to public streets to ensure that vehicles do not encroach onto public sidewalks or right-of-way.
5. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lights shall be permitted.
6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of a building.
7. Only those signs normally permitted in LI zoning and the Delano Overlay District shall be permitted. No string-type banners, pennants, or tinsel shall be permitted.
8. No bodywork or painting is permitted. All vehicle service or repair must be done entirely within an enclosed structure.

9. No vehicles shall be elevated above the parking surface for display.
10. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

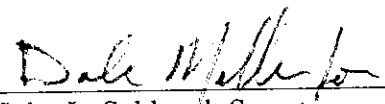
Adopted this 15th Day of November 2012

METROPOLITAN AREA PLANNING COMMISSION



Shawn Farney, Chair MAPC

ATTEST:



John L. Schlegel, Secretary

STAFF REPORT

MAPC November 15, 2012

DAB IV December 3, 2012

CASE NUMBER: CON2012-45

APPLICANT/AGENT: JoAnn Hudson (applicant), Savoy Company, PA, c/o: Mark Savoy (agent)

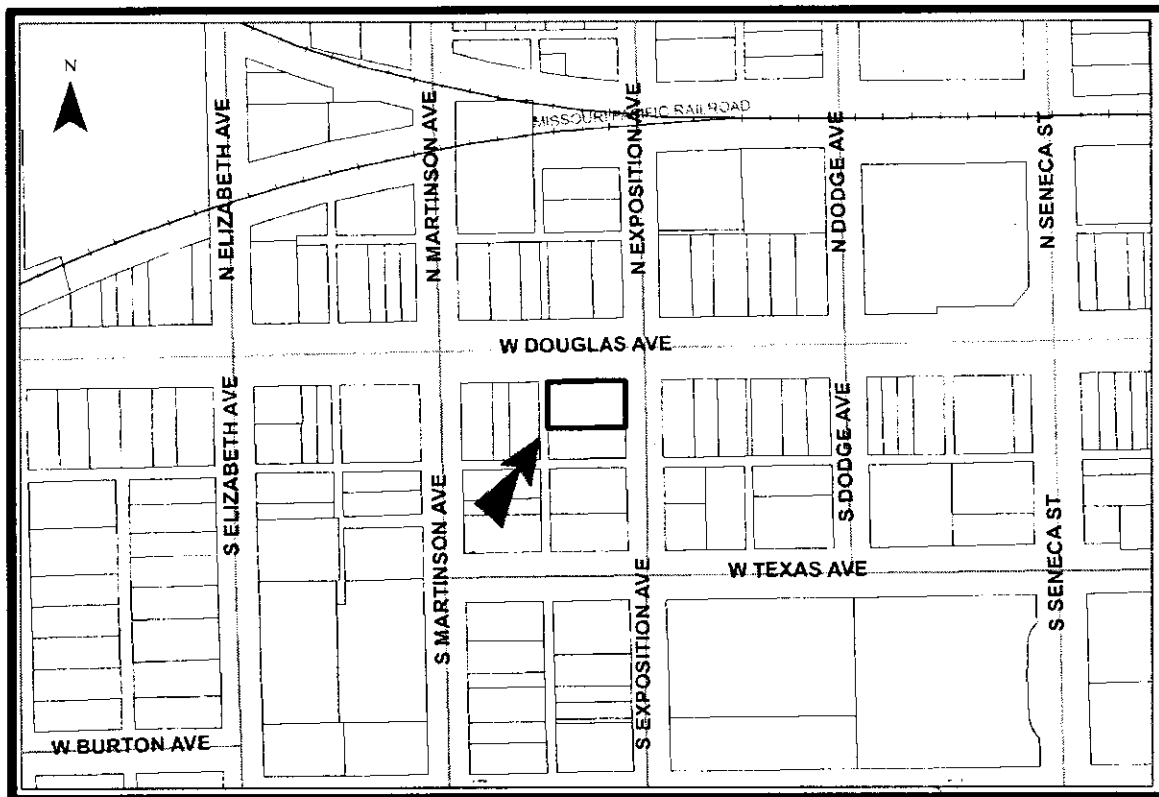
REQUEST: Conditional Use for Outdoor Vehicle Sales

CURRENT ZONING: LI Limited Industrial ("LI"), Delano Overlay District

SITE SIZE: .21 acres

LOCATION: South of Douglas and west of Exposition (1301 W. Douglas)

PROPOSED USE: Outdoor Vehicle Sales



BACKGROUND: The applicant seeks a Conditional Use to permit Outdoor Vehicle Sales on property zoned LI Limited Industrial (“LI”) and within the Delano Overlay District. The site is located on the south side of Douglas and west of Exposition (1301 W. Douglas). The Unified Zoning Code (UZC) permits Outdoor Vehicle Sales in the LI district; however, the Delano Overlay District makes Outdoor Vehicle Sales a Conditional Use in all zoning districts. The application area has functioned as a vehicle sales lot in the past. However, the site has not been used for vehicle sales in over a year, and therefore lost its legal non-conforming use rights. The attached site plan from the applicant shows that the paved site is 75 by 125 feet with a small existing building, a perimeter chain link fence, and parking or display spaces for 15 vehicles.

All surrounding properties are zoned LC Limited Commercial (“LC”). Property north of the site, across Douglas, is occupied with retail, restaurant, and residential uses. Property south of the site is developed with single-family residential uses. Property east and west of the site includes restaurant and retail uses.

CASE HISTORY: The property is the North 75 feet of odd Lots 41 through 49 Chicago now Douglas Avenue of Martinson’s 4th Addition to Wichita, KS, platted in 1886.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Retail, restaurant, single-family residential
SOUTH:	LC	Single-family residential
EAST:	LC	Retail, restaurant
WEST:	LC	Retail, restaurant

PUBLIC SERVICES: The site has two direct access points onto Douglas, a four-lane minor arterial street with a 100-foot right-of-way (ROW). The site also has one access point to Exposition, a paved two-lane residential street with a 60-foot ROW. The 2030 Transportation Plan designates this portion of Douglas to remain a four-lane arterial. The 2006 annual average daily traffic count for this portion of Douglas was 11,474 vehicles per day. All normal public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide, as amended in May 2005, of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this site as “Local Commercial.” The “Local Commercial” category includes commercial, office and personal service uses that do not have a regional draw. The existing vehicle sales lot is consistent with this designation.

The UZC requires Vehicle and Equipment Sales, Outdoor, to have one parking space per 500 square feet of building area, plus two spaces for the first 10,000 square feet of lot area, and one additional space for each additional 10,000 square feet of lot area. Taking parking requirements into consideration, the limited size of this site will limit the total number of vehicles to be displayed on the site. The City of Wichita Access Management policy would require that access points have a minimum of 200 feet separation. As an older developed site, the access points do not meet this policy.

RECOMMENDATION: This site housed a vehicle sales lot for years with no apparent impact on surrounding properties, to include residences south of the site. The residence immediately south of the site is zoned LC, therefore the UZC does not require solid screening along the south property line. The building placement on the south side of the application area screens most of the site from the south. Complete paving of the entire site will most likely prevent landscaping in the near future. The Delano Design Review Committee reviewed this request and recommended approval. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. A revised site plan shall be submitted, for Planning Staff approval, within 60 days of the Conditional Use approval. The site plan shall conform to UZC parking requirements designating which spaces are vehicle display, and which spaces are customer and employee parking.
2. The site shall be developed and maintained in accordance with the approved site plan and in conformance with all City ordinances, including but not limited to: zoning, sign code, building, fire, health codes, and licensing requirements.
3. Parking spaces shall be striped as indicated on the approved site plan. All vehicle parking, storage and display areas shall be paved with concrete or asphalt.
4. Barriers shall be installed at all vehicle display or storage areas adjacent to public streets to ensure that vehicles do not encroach onto public sidewalks or right-of-way.
5. All lights shall be shielded to reflect or direct light away from adjacent properties. No string-type lights shall be permitted.
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7. Only those signs normally permitted in LI zoning and the Delano Overlay District shall be permitted. No string-type banners, pennants, or tinsel shall be permitted.
8. No bodywork or painting is permitted. All vehicle service or repair must be done entirely within an enclosed structure.
9. No vehicles shall be elevated above the parking surface for display.
10. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All surrounding properties are zoned LC. Property north of the site, across Douglas, is occupied with retail, restaurant, and residential uses. Property south of the site is developed with single-family residential uses. Property east and west of the site includes restaurant and retail uses.
2. The suitability of the subject property for the uses to which it has been restricted: The existing site could be used for a wide variety of uses allowed by the current LI zoning and the Delano Overlay District.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: This site housed a vehicle sales lot for years with no apparent negative impact on surrounding properties, to include residences south of the site. The proposed conditions should keep parking limited to the applicant's site, and should mitigate noise and other issues associated with vehicle sales.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide, as amended in May 2005, of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this site as "Local Commercial." The "Local Commercial" category includes commercial, office and personal service uses that do not have a regional draw. The existing vehicle sales lot is consistent with this designation.
5. Impact of the proposed development on community facilities: The vehicle sales lot should have no significant impact on streets and utility services. Douglas Avenue is adequate for current traffic volumes; the proposed vehicles sales use will not have a noticeable impact.



Savoy Company, P.A.
433 S. Hydraulic
Wichita, KS 67211-1911

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SITE PLAN CON 2012-45

EXHIBIT

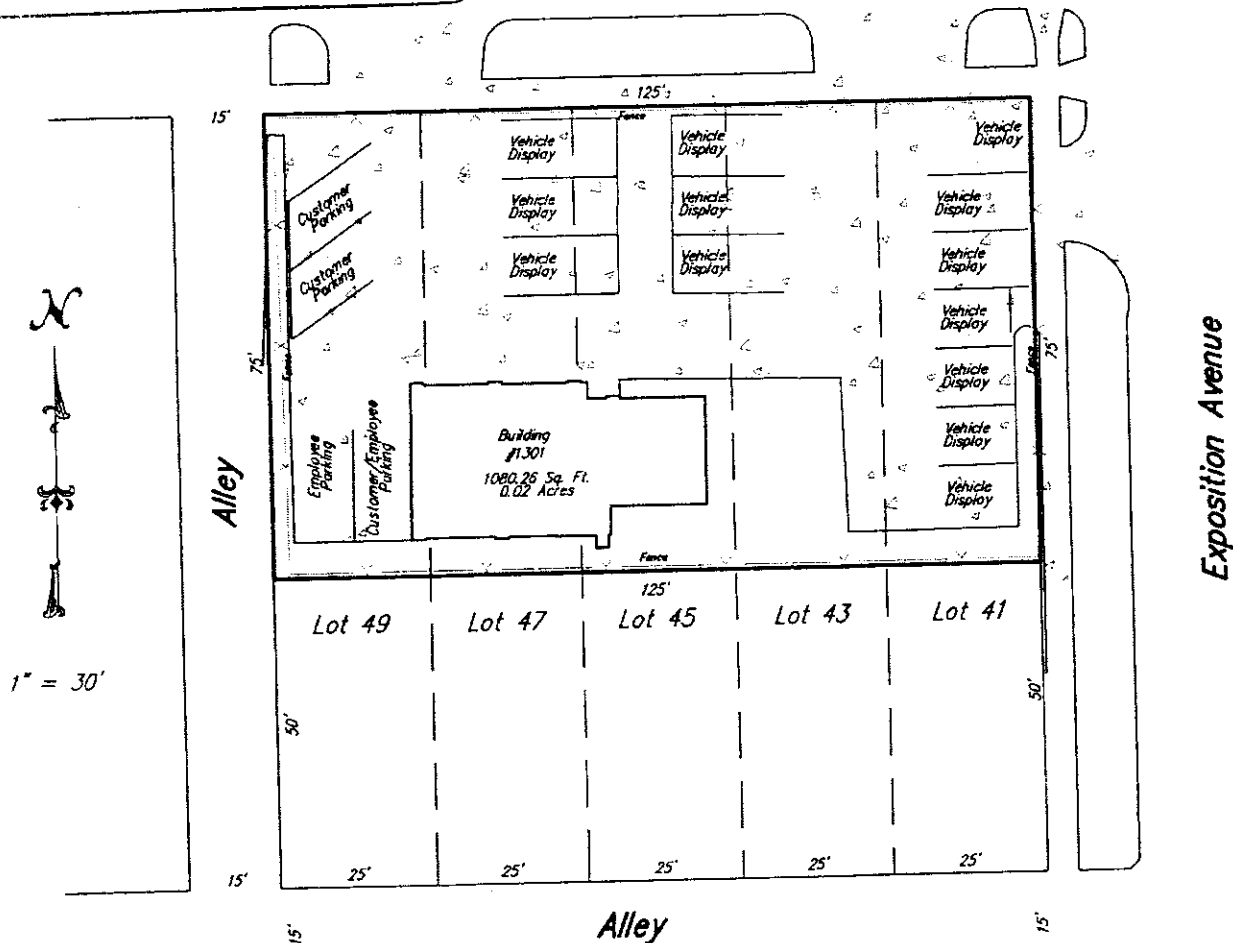
The North 75 feet of Lots 41, 43, 45, 47 and 49 on Douglas Ave,
Martinson's 4th Addition to Wichita, Sedgwick County, Kansas.

APPROVED

1301 W Douglas, Wichita, Kansas

Douglas Avenue

William J. Landwehr
Date: 12-6-12



20 November 2012
PROJECT NO. 12JJ13246 Z

Mark A. Savoy

Land Surveyors

Brian N. Savoy