



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

January 16, 2007

Ernest C. Doyan
1825 S Broadway
Wichita, KS 67213

Shawn Hutchinson
Shawn's Sign Service
6123 S Meade
Wichita, KS 67211

RE: CON2006-60 – Administrative adjustment to CON2006-04. Generally located north of Central and west of Hoover (5600 W. Central)

Legal Description: South 120 feet of Lots 1 SH Sampson Addition to Wichita, Sedgwick County, Kansas.

Dear Applicants:

We have reviewed your request for an Administrative Adjustment to CON2006-04 to permit the installation of an electronic message sign.

Sec. V-D.14. of the Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to approve minor adjustments to the conditions of a Conditional Use as long as the adjustment does not have any of the negative impacts stated in Sec. V-I.6. We find that permitting an electronic message sign as proposed meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: With the listed conditions, the adjustment to permit an electronic message sign should have no impact on the safety and convenience of vehicular and pedestrian circulation.
- 2) Impact on existing uses in surrounding areas: Surrounding zoning is commercial, and no residences will be within view of the proposed sign. With the listed conditions, the adjustment to permit an electronic message sign should have no impact on existing uses in surrounding areas.

- 3) Compatibility with existing or permitted uses on abutting sites: The only property abutting the application area is a commercially zoned car wash which will be visually screened from the proposed sign by an existing building. Therefore, there should be no impact on existing or permitted uses on abutting sites.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

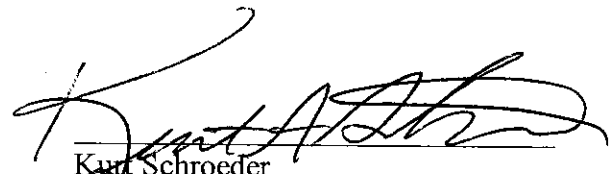
Our signatures below indicate that an Administrative Adjustment to CON2006-04 to permit an electronic message sign is hereby granted subject to the following conditions:

- 1) The sign shall be in conformance with the approved elevation.
- 2) The sign shall be capable of restricting the brightness from dusk to dawn and shall be restricted to no more than 30 percent of the maximum brightness/light intensity capability of the sign during the period from dusk to dawn.
- 3) No animated, flashing or moving images or text shall be displayed on the sign.
- 4) Portable signage shall not be permitted on the subject property.
- 5) 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 that the Conditional Use is null and void.

The "Development Application" sign should now be removed from the property.



John L. Schlegel
Planning Director



Kurt Schroeder
Superintendent of Central Inspections

Enclosure

cc: Kurt Schroeder, OCI
Jan Lister, OCI

In this case the subject site is located next to the I-235 – Central interchange with “LC” zoned small local retail development, including another vehicle limited repair garage, on two of its sides. The existing “LC” zoned vacant car wash on its north side is potentially a more intense use than the car sales lot, but provides distance between the car sales lot and the single-family residences north of the site. The subject site and the other vehicle limited repair garage located south of the site, across Central, have unique locations for this portion of Central, in their immediate proximity to the I-235 – Central interchange and that they have other existing “LC” zoned development between them and the nearest residential development. There appears to be no other sites along this portion of Central with these site characteristics, including two other vehicle limited repair garages located west of the subject site and the vehicle limited repair garage located south of the subject site. Both of these other two vehicle limited repair garages are on the west side and abutting the I-235 – Central interchange, but each is either directly adjacent to or abutting “SF-5” zoned single-family residences.

Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED. This recommendation is based on the principle that staff would be only supportive of sites that shared the site characteristics of this site including that they are not abutting or directly adjacent to residential zoning. Recommended conditions of approval include:

1. In addition to uses permitted in the “LC” Limited Commercial district, the site shall be limited to the sales of cars and light trucks, as long as it continues to operate as a vehicle repair, limited garage. No sale or rental of trailers, motorcycles or scooters, vehicles or trucks larger than pick ups are permitted.
2. 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 selling of any cars or light trucks, within six months of approval by the MAPC or the City Council. The site plan will include, but not be limited to, internal circulation that will remain open at all time and confirms the site meets the parking standards for both the approved car sales lot and the existing vehicle repair, limited garage. The site will be developed according to the revised site plan.
4. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within the nearest planting season and approval by the MAPC or the City Council. The plan shall include what plants will be planted and how many and what size the plants are, with the intent being that their size meets the minimum requirement of the “Landscape Ordinance”. The landscape plan will also state how the plants will be cared for and that they will be replaced if they die, within the nearest

planting season. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits/selling of cars and light trucks.

5. A parking barrier, such as a heavy rail type, 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.
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. All other signage will be per the "LC" zoning district.
7. There shall be no use of elevated platforms for the display of vehicles. All vehicles for sale or for repair must be on a concrete, asphalt or an approved all weather surface.
8. No outdoor amplification system shall be permitted.
9. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. Outside storage of parts, including tires, associated with the car repair, limited, operation shall be within a 6-foot solid screened area.
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. Outside pole lighting shall be no taller than 14-feet and directed onto the site and away from the residential development north and east of the site.
11. All vehicles associated with the car sales lot shall be located in front of the existing garage/office building located on the south 120-feet of Lot 1, S.H. Sampson Addition; the site. All customer parking will be confined to the south 120-feet of Lot 1, S.H. Sampson Addition; the site
12. All trash receptacles, oil containers or any similar type of receptacles for new or used petroleum products or trash shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
13. Dedication by separate instrument of access control closing all but one entrance onto Central Avenue. **The Traffic Engineer has agreed that the east drive will be closed.** The applicant shall guarantee the closure of all but the approved entrances according to City standards.
14. All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council. No selling of cars shall be

allowed until all permits have been acquired and all improvements to the site have been made.

15. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
16. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is predominately "LC" zoned local retail along both sides of Central Avenue. There are other car repair shops in the immediate area. There are no other car sales lots in the immediate area, the nearest being approximately 1½ miles to almost 2-miles away from the subject site.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial. The property is suitable for the commercial uses to which it has been restricted, including its current use as vehicle repair, limited.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Vehicle sales on a site this size when developed with the Conditional Use, will have a minimum of negative effect on the area and at best improve the property, with the application of additional access control, landscaping, screening and the other conditions on the site.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Commercial Locational Guidelines recommend that auto-related commercial 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 activities. A Conditional Use for a car sales lot on this site does not entirely meet the "Commercial Locational" criteria, but it does conform to the MAPC's past recommendation in regards to locating small car sales lots on sites that had previously been used or are still being used for car related businesses. There is no adopted neighborhood plan that would specifically discourage a car sales lot on this site. The Conditional Use conditions do represent an opportunity for encouraging investment and upgrading the property while allowing the applicant the opportunity to expand his business opportunities.

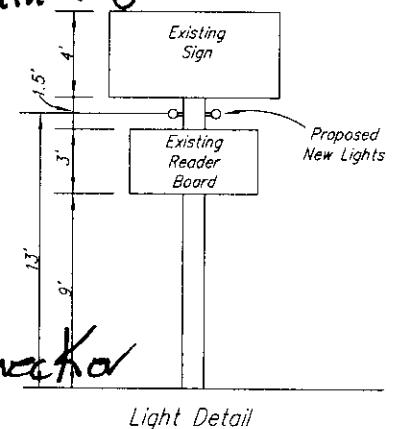
5. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate. Additional access control onto Central Avenue is an improvement to the area.

Interstate - 235

Ferris Consulting
P.O. Box 573,
Wichita, KS 67201

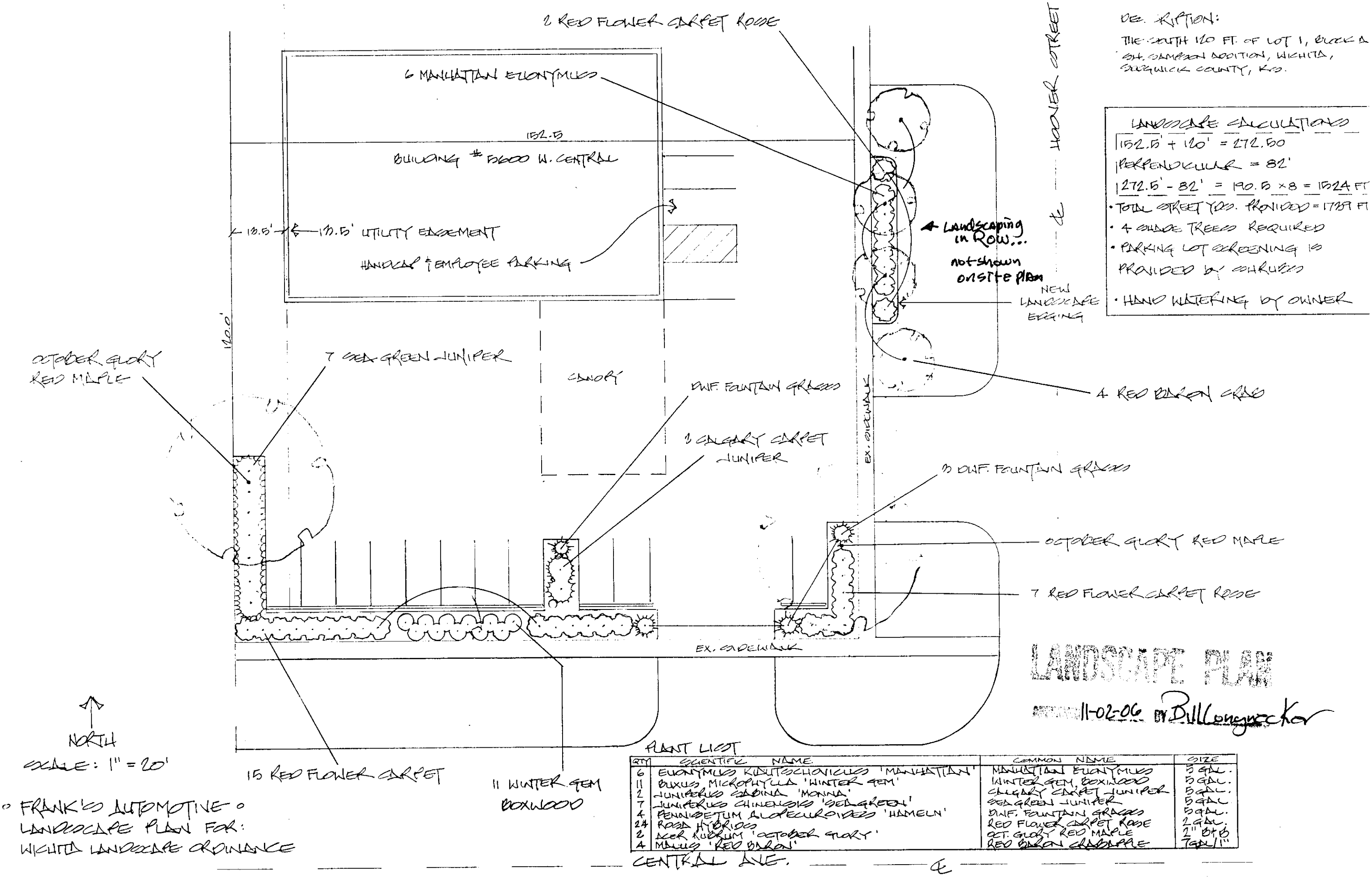
SITE PLAN

APPROVED 11-01-06 BY Bill Longnecker



DE. RATION:
THE SOUTH 120 FT. OF LOT 1, BLOCK A
S4. CAMPBELL ADDITION, WICHITA,
SUSSEX COUNTY, K.S.

LANDSCAPE CALCULATIONS
 $152.5' + 120' = 272.50$
 $PERPENDICULAR = 82'$
 $272.5' - 82' = 190.5 \times 8 = 1524 \text{ FT}$
• TOTAL STREET YDS. PROVIDED = 1739 FT
• 4 SHADE TREES REQUIRED
• PARKING LOT SCREENING IS PROVIDED BY SHRUBS
• HAND WATERING BY OWNER



CONDITIONAL USE RESOLUTION NO. CON2006-00004

WHEREAS, Ernest Doyan / Frank's Automotive (applicant); Ferris Consulting, c/o Greg Ferris, (agent); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for Outdoor Vehicle and Equipment Sales on 0.43 acres zoned "LC" Limited Commercial described as:

The South 120 feet of Lot 1, S.H. Sampson Addition, Sedgwick County, Kansas. Generally located at the northwest corner of Central Avenue and Hoover Street (5600 West Central Avenue).

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 March 16, 2006, 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 Outdoor Vehicle and Equipment Sales on 0.43 acres zoned "LC" Limited Commercial described as:

The South 120 feet of Lot 1, S.H. Sampson Addition, Sedgwick County, Kansas. Generally located at the northwest corner of Central Avenue and Hoover Street (5600 West Central Avenue).

Approved subject to the following conditions:

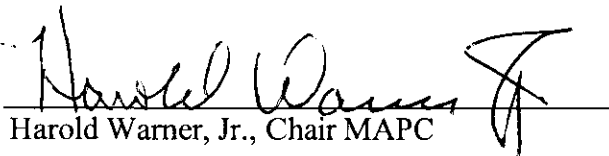
1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of cars and light trucks, as long as it continues to operate as a vehicle repair, limited garage. No sale or rental of trailers, motorcycles or scooters, vehicles or trucks larger than pick ups are permitted.
2. 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 selling of any cars or light trucks, within six months of approval by the MAPC or the City Council. The site plan will include, but not be limited to, internal circulation that will remain open at all time and confirms the site meets the parking standards for both the approved car sales lot and the existing vehicle repair, limited garage. The site will be developed according to the revised site plan.

4. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within the nearest planting season and approval by the MAPC or the City Council. The plan shall include what plants will be planted and how many and what size the plants are, with the intent being that their size meets the minimum requirement of the "Landscape Ordinance". The landscape plan will also state how the plants will be cared for and that they will be replaced if they die, within the nearest planting season. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits/selling of cars and light trucks.
5. A parking barrier, such as a heavy rail type, 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.
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. No flashing or moving signs. The total square footage of pole signage will not increase. All other signage will be per the "LC" zoning district.
7. There shall be no use of elevated platforms for the display of vehicles. All vehicles for sale or for repair must be on a concrete, asphalt or an approved all weather surface.
8. No outdoor amplification system shall be permitted.
9. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. Outside storage of parts, including tires, associated with the car repair, limited, operation shall be within a 6-foot solid screened area.
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. Outside pole lighting shall be no taller than 14-feet and directed onto the site and away from the residential development north and east of the site.
11. All vehicles associated with the car sales lot shall be located in front of the existing garage/office building (street wall line) located on the south 120-feet of Lot 1, S.H. Sampson Addition; the site. No more than eleven (11) vehicles for sale shall be permitted on the site. All customer parking will be confined to the south 120-feet of Lot 1, S.H. Sampson Addition; the site
12. All trash receptacles, oil containers or any similar type of receptacles for new or used petroleum products or trash shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
13. Dedication by separate instrument of access control closing all but one entrance onto Central Avenue. The applicant shall close all but the approved entrances with some type of barrier.

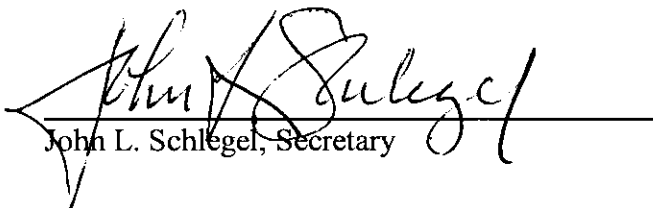
14. All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.
15. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
16. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 8th DAY of SEPTEMBER, 2006. 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


Harold Warner, Jr., Chair MAPC

ATTEST:


John L. Schlegel, Secretary

STAFF REPORT

MAPC March 2, 2006 (Deferred 2 weeks)

DAB VI – March 6, 2005

MAPC March 16, 2006

CASE NUMBER: CON2006-00004

OWNER/APPLICANT: Ernest Doyan / Frank's Automotive

AGENT: Ferris Consulting c/o Greg Ferris

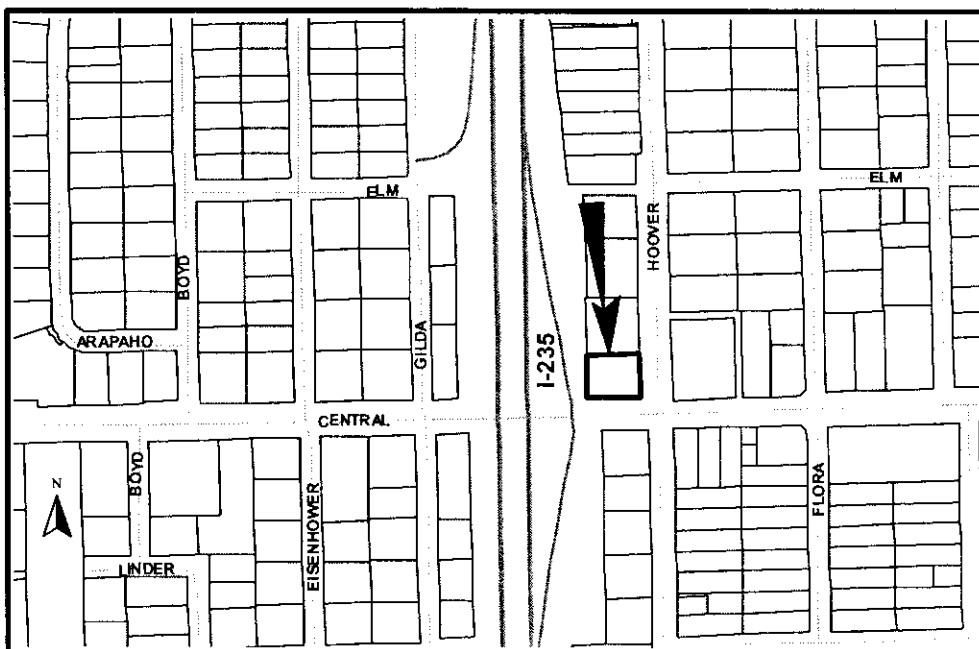
REQUEST: Conditional Use for Outdoor Vehicle and Equipment Sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: Approximately 0.43-acres

LOCATION: Northwest corner of Central Avenue and Hoover Street
(5600 West Central Avenue)

PROPOSED USE: Sale of pre-owned vehicles



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on the south 120-feet of Lot 1, S.H. Sampson Addition, which is zoned "LC" Limited Commercial. The site is located at the northwest corner of Central Avenue and Hoover Street and is currently developed with a five-bay door garage/office, used for limited car and light truck repair. The applicant proposes to retain the site's limited vehicle repair garage, which is permitted by right, and sell pre-owned cars and light trucks. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a Conditional Use in the "LC" zoning district.

Development east and northeast of the site, across Hoover Street, include a small commercial strip containing a drinking and eating establishment (DER) and retail (built in 1969), a small freestanding restaurant (built in 1969) and single-family residences (built in the early 1950s). The nonresidential development is zoned "LC" and the site containing the houses are zoned "TF-3" Duplex Residential and "SF-5" Single-family Residential. Abutting the north side of the subject site there is a vacant self-serving car wash (BZA 26-81, use exception) zoned "LC". North of the car wash there is single-family residential development (built in the early 1950s) zoned "SF-5" and "TF-3". South of the site, across Central Avenue, there is a limited vehicle repair garage (built in 1957) and a Goodwill store, both are zoned "LC". Abutting the west side of the site is the Central - I-235 interchange. This portion of Central, from West Street to the Central - I-235 interchange, is almost striped out with "LC" zoning supporting a mixture of small free standing retail, small retail strips, a few offices, limited vehicle repair garages and some DERs and restaurants. All of these nonresidential developments are "local commercial" type of uses. There are no other car sale lots on this portion of Central. The nearest car sales lots appear to be the Saturn dealership located at Central and Tyler Road and another two dealerships located on West between Douglas Avenue and 3rd Street. These car sales lots are all between 1 ½-miles to almost 2-miles away from the subject site.

The applicant's site plan shows the existing garage/office (built in 1971), the two existing drives onto Central and the one onto Hoover, an existing pole sign with proposed additional lighting, the parking and display areas with proposed pipe railing around the display area (along the site's Central frontage) and, per the applicant's calculations, approximately 1,540-sqaure feet of landscaping. A unique feature of the site is that the legal description of the application area cuts through the existing garage/office building, leaving approximately the northern half of it out of the application area. Part of the customer/employee parking is in that northern portion and thus located off of the site. As shown on the site plan, all of the proposed display area for vehicle sales is confined to the application area. If approved, the applicant needs to provide a revised site plan giving more detail including the above mentioned 'split' building, separating the square footage for the garage area and the office area, show that the site can meet the parking requirements for the garage and car sales business, show onsite vehicular circulation, state what plants will be planted and how many and what size with the intent being that their size meets the minimum

requirement of the "Landscape Ordinance", state how they will be cared for, show any other proposed lighting, and solid screening around any trash receptacles.

CASE HISTORY: The site is platted as the Lot 1, the S.H. Sampson Addition, which was recorded with the Register of Deeds November 11, 1967. The site is described as the south 120-feet of Lot 1, the S.H. Sampson Addition. The northern remaining portion of Lot 1, the S.H. Sampson Addition has a vacant self-service car wash, per the conditions of BZA27-81. The site was annexed into the city sometime between 1951 – 1960.

- At their March 2, 2006 meeting the MAPC asked the applicant if a two-week deferral would be acceptable. The deferral period would allow the applicant and the Traffic Engineer to discuss the closing of the site's west drive (staff) as opposed to closing the east drive (applicant). The applicant agreed to the two-week deferral.
- At their March 6, 2006 meeting DAB VI recommended approval (5-3) of the requested Conditional Use, per Staff's recommendation, with three additional conditions suggested by the applicant (see attaché January 21, 2006 letter), those being;
(A) No vehicles shall be displayed north of the Central Avenue street wall line.
(B) No flashing or moving signs.
(C) The total square footage of pole signage will not increase.

The DAB also: (d) amended the applicant's proposed condition that no more than 15 sale vehicles will be allowed on the site by reducing it to no more than 11 sale vehicles on the site and (e) adding the condition that any vehicles waiting for repair (by the current and still to be used repair garage) off the site (on the north, abutting car wash site) will have solid screening around them.

NOTE: All of the underlined should be considered by the MAPC in their recommendation as conditions of the Conditional Use.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Vacant self-service car wash
SOUTH:	"LC"	Car repair garage, limited, Goodwill store
EAST:	"LC"	Small strip retail, free-standing restaurant,
	"TF-3"	single-family residences
WEST:	Public right-of-way	Central Avenue – I-235 interchange

PUBLIC SERVICES: The subject property has access to Central Avenue, a five-lane arterial street and Hoover Street, a paved two-lane residential street. The west side of the site abuts the Central – I-235 interchange. I-235 is a four-lane freeway. Current traffic volumes at this portion of Central are approximately 24,137 vehicles per day.

The "2030 Transportation Plan" estimates that traffic volumes at this location will increase to approximately 45,000-46,000 vehicles per day. The "2030 Transportation Plan" indicates improvements for the Central – I-235 interchange and a recent (February 2006) KDOT concept study reaffirms this interchange as a candidate for improvements. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide of the Comprehensive Plan" identifies this site as appropriate for "local commercial" types of use. Medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants, personal service facilities and on a limited basis mini-storage warehouse and light manufacturing are examples of "local commercial" uses. All of these uses would be on a scale that would not have a significant regional draw.

The "Commercial Locational Guidelines of the Comprehensive Plan" recommends 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 site has direct access onto Central Avenue, a five-lane arterial. The conditions attached to a Conditional Use can address site design issues. The "Commercial Locational Guidelines" also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or 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 activities. As mentioned the closest car sales lots are approximately 1 ½ miles to almost 2-miles away from the subject site.

In the past the MAPC has identified smaller car sales lots as being more of a local commercial establishment in their nature, as opposed to the cluster of larger car sales lots located primarily along Kellogg Avenue and Broadway Avenue, which are more regional in their cliental draw. The MAPC has also recommended that buildings that had in the past been used for automobile activities, such as vehicle repair garages, be considered as possible sites for car sales. The applicant's proposal to continue to use the site/building for limited auto repair, while adding the car sales on the site conforms with what the MAPC has recommended for this type of site/use in the past.

RECOMMENDATION: While the site does not entirely meet the "Comprehensive Plan's" criteria of locating car lots in areas where they are already clustered, it does conform with the MAPC's past recommendations of locating smaller car sales lots within sites that had previously been used or continue to be used for auto related businesses. In this case the applicant proposes to retain the permitted by right limited vehicle repair garage, while operating a car sales lot on the same site. The proposed Conditional Use could bring improvements to the site that will include additional landscaping of the site and conforming to the current access control standards. Introduction of a car sales lot into an area can lead to other car sales lots and this is an issue that must be addressed on a site-by-site basis with a Conditional Use application.