



Wichita-Sedgwick County Metropolitan Area Planning Department

September 25, 2007

Lloyd Beynon
10223 W. Lydia Circle
Wichita, KS 67209

RE: CON2007-29 - City conditional use for vehicle sales (indoor only) on property zoned "LC" Limited Commercial in the "D-O" Delano Overlay District, generally located south of Douglas and east of Oak Street (621 W Douglas).

Dear Ladies and Gentlemen:

At its regular meeting on August 16, 2007, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Derrick K. Slocum', written over a horizontal line.

Derrick K. Slocum
Associate Planner
Current Plans Division

Copies to: Douglas & Washington Dev, LLC, 8100 E. 22nd St., N., Wichita, KS 67216
Paul Gray, WCC IV, Mail Stop #1-13
Kelli Glassman, NA WCC IV, Mail Stop #1-135
Vicky Huang, Engineering, Mail Stop #1-71
Kurt Schroeder, Office of Central Inspection, Mail Stop #1-72
Randy Sparkman, Office of Central Inspection, Mail Stop #1-72
Paul Hays, Office of Central Inspection, Mail Stop #1-72

DKS/mc
Enclosure

CONDITIONAL USE RESOLUTION NO. CON2007-00029

WHEREAS, Lloyd Beynon and Bradley Tidemann of Douglas & Washington Development LLC; 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 Indoor Vehicle Sales on 0.08 acres zoned "LC" Limited Commercial described as:

Lot 84 on Douglas Ave, West Wichita Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Douglas Avenue and East of Oak Street (621 West Douglas 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 August 16, 2007, 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 Indoor Vehicle Sales on 0.08 acres zoned "LC" Limited Commercial described as:

Lot 84 on Douglas Ave, West Wichita Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Douglas Avenue and East of Oak Street (621 West Douglas Avenue.)

Approved subject to the following conditions:

1. The subject property shall comply with the requirements of Section III-C.8(c) (D-O Delano Overlay district standards) of the Unified Zoning Code, as applicable.
2. There shall be no outdoor sales, display or storage of vehicles allowed upon the subject property.
3. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
4. Any automotive service or repair work conducted on the site shall be entirely within a building.
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.

Adopted this 16th Day of August 2007.

METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

DAB IV August 1, 2007
MAPC August 16, 2007

CASE NUMBER: CON2007-00029

APPLICANT: Douglas & Washington Dev. LLC / Attn: Bradley Tidemann
(Owner)
Lloyd Beynon (Applicant)

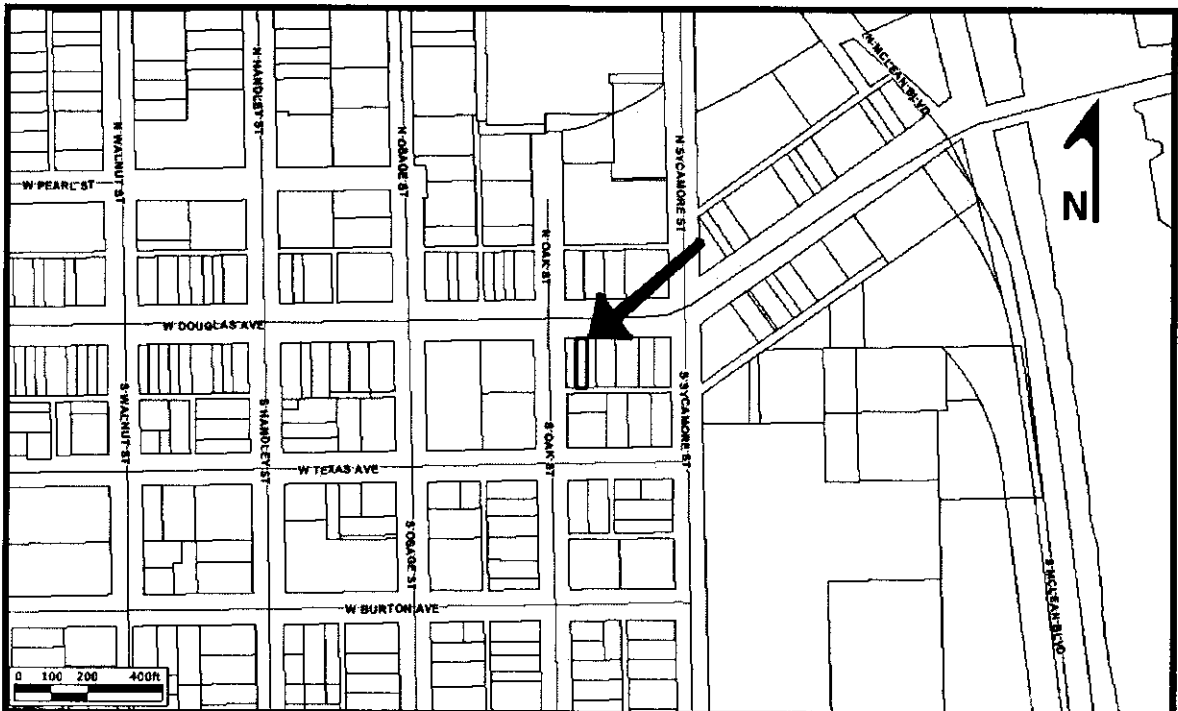
REQUEST: Conditional Use for Indoor Vehicle Sales

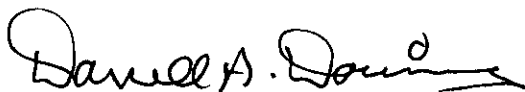
CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 0.08 acres

LOCATION: South side of Douglas Avenue and East of Oak Street (621 West Douglas Avenue)

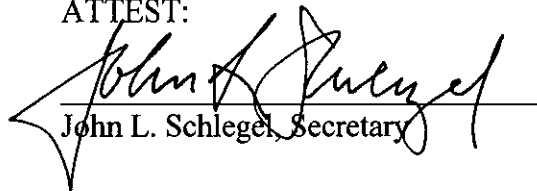
PROPOSED USE: Indoor sales of motor scooters



A handwritten signature in cursive script, reading "Darrell A. Downing".

Darrell Downing, Chair MAPC

ATTEST:

A handwritten signature in cursive script, reading "John L. Schlegel".
John L. Schlegel, Secretary

BACKGROUND: The applicant requests a conditional use to permit indoor vehicle sales on a 0.08-acre property zoned LC Limited Commercial located on the south side of Douglas Avenue and east of Oak Street. The subject property is located within the Delano Overlay (D-O) district. The applicant currently leases the subject property. Sec. III-C.8.b (2) of the Unified Zoning Code (UZC) specifies “Vehicle and Equipment Sales (indoor)” as a conditional use within the D-O district.

A mix of office and commercial uses with GC General Commercial and LC Limited Commercial zoning along both sides of Douglas Avenue, and surrounding the subject site, characterizes the immediate area. Properties both north and east of the site are zoned LC Limited Commercial, occupied by commercial and office uses. The remainder of the block to the south and west of the site is zoned GC and occupied by a variety of commercial uses. The nearest residential zoning and use is about 250 feet away to the south.

The building on the subject property has an existing garage door, accessible from the platted alley immediately south. The applicant submitted the attached site plan illustrating the proposed parking area, behind the building, and access to the site from the front and the rear. No alterations to the structure are needed for the proposed use. The applicant has indicated that the use will be limited to the display of motor scooters and the recommended conditions of approval reflect this request.

CASE HISTORY: The subject property is platted as part of the West Wichita Addition (1912).

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Commercial Retail
SOUTH:	GC	Warehousing, Vacant Commercial Lots
EAST:	LC	Commercial Retail
WEST:	GC	Financial Services, Commercial Retail

PUBLIC SERVICES: The subject property has one point of access to Douglas Avenue, which is a two-lane minor arterial with diagonal parking on both sides and a daily traffic count of approximately 9,260. The CIP does not propose any projects at this location, as improvements have been completed in the last two to three years. There is also a platted, improved alley adjacent to the south of the subject property. Municipal water and sewer currently serve the subject property.

CONFORMANCE TO PLANS/POLICIES: The Functional Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for Local 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 that limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

The Commercial Locational Guidelines of the Comprehensive Plan also recommend that auto sales lots and other types of infrequent purchases or non-neighborhood serving

commercial uses be guided to areas containing similar uses, and away from neighborhood commercial areas. However, the nature of the requested conditional use confines the use to the building interior, with no renovations required. In fact, as proposed, the use will be indiscernible from the exterior of the building.

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

1. The subject property shall comply with the requirements of Section III-C.8(c) (D-O Delano Overlay district standards) of the Unified Zoning Code, as applicable.
2. There shall be no outdoor sales, display or storage of vehicles allowed upon the subject property.
3. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
4. Any automotive service or repair work conducted on the site shall be entirely within a building.
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 staff recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: A mix of office and commercial uses with GC General Commercial and LC Limited Commercial zoning along both sides of Douglas Avenue, and surrounding the subject site, characterizes the immediate area. Properties both north and east of the site are zoned LC Limited Commercial, occupied by commercial and office uses. The remainder of the block to the south and west of the site is zoned GC and occupied by a variety of commercial uses. The nearest residential zoning and use is about 250 feet away to the south.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC Limited Commercial and is currently used for a variety of office uses. Absent the Delano Overlay, the property could be used for indoor vehicle sales without the conditional use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: As proposed and recommended the conditional use should be indiscernible from the building exterior. Therefore, there should be no detrimental impacts to surrounding residential areas.

4. Conformance of the requested change to adopted or recognized Plans/Policies:
The Functional Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for Local 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 that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Commercial Locational Guidelines of the Comprehensive Plan also recommend that auto sales lots and other types of infrequent purchases or non-neighborhood serving commercial uses be guided to areas containing similar uses, and away from neighborhood commercial areas. However, the nature of the requested conditional use confines the use to the building interior, with no renovations required. In fact, as proposed, the use will be indiscernible from the exterior of the building.

Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.