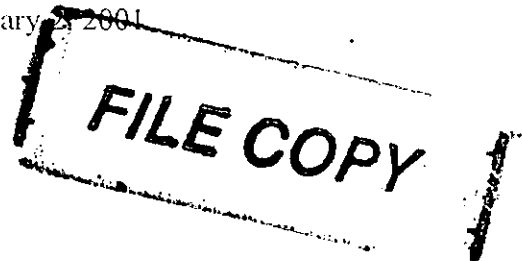




Wichita-Sedgwick County Metropolitan Area Planning Department

January 2, 2001



David & Palmer Properties
101 W. 29th N.
Wichita, KS 67204

RE: CON2000-00050 – Conditional Use to allow outdoor vehicle and equipment sales on property zoned “LC” Limited Commercial. Generally located on the southwest corner of South Seneca and 43rd Street South.

Dear Mr. David:

At its regular meeting on December 7, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to the following conditions:

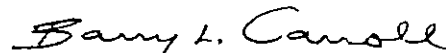
1. In addition to uses permitted in the “LC” Limited Commercial district, the site shall be limited to the rental and sales of vehicles. The rental and vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted without first obtaining “GC” General Commercial zoning.
2. The rental and vehicle sales lot shall be developed in accordance with a revised plan, that will show landscaping plantings, specific location of cars to be sold and all paved areas, submitted within 60-days that is approved by the Planning Director, and which shows the location for all spaces that will be used for customer parking and the storage or display of vehicles. The required customer and employee parking shall not be used for the display of vehicles.
3. All proposed parking, storage and display areas paved with concrete, asphalt or similar surface. 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 do not encroach onto public right-of-way.

4. 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.
5. There shall be no use of elevated platforms for the display of vehicles.
6. No amplification system shall be permitted.
7. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
8. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with.
9. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is the Conditional Use Resolution.

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

Sincerely,


Barry L. Carroll
Associate Planner

BLC/rs

cc: John Tasset, 207 N. Pershing, Wichita, KS 67208
D.A.B. IV, Brian W. Silcott, Mail Stop 1-135
Bill Gale, City Council Member, Mail Stop 1-13
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
J. R. Cox, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON2000-00050

WHEREAS, George David (Owner/Applicant), John Tasset (Agent), 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 outdoor vehicle and equipment sales on .47-acres zoned "LC" Limited Commercial described as:

Lot 3, Block D, Vilm Gardens Second Addition, Sedgwick County, Kansas.
Generally located on the southwest corner of South Seneca and 43rd Street
South.

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 December 7, 2000, 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 outdoor vehicle and equipment sales on .47-acres zoned "LC" Limited Commercial described as:

Lot 3, Block D, Vilm Gardens Second Addition, Sedgwick County, Kansas.
Generally located on the southwest corner of South Seneca and 43rd Street
South.

subject to the following conditions:

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the rental and sales of vehicles. The rental and 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.
2. The rental and vehicle sales lot shall be developed in accordance with a revised plan, that will show landscaping plantings, specific location of cars to be sold and all paved areas, submitted within 60-days that is approved by the Planning Director, and which shows the location for all spaces that will be used for customer parking and the storage or display of vehicles. The required customer and employee parking shall not be used for the display of vehicles.

3. All proposed parking, storage and display areas paved with concrete, asphalt or similar surface. 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.
4. 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.
5. There shall be no use of elevated platforms for the display of vehicles.
6. No amplification system shall be permitted.
7. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
8. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with.
9. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

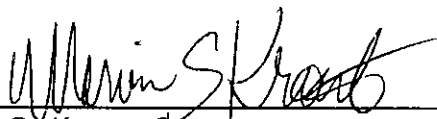
Adopted this 7th day of December, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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



Chris Carraher, Chair MAPC

ATTEST:



Marvin S. Krout, Secretary

STAFF REPORT

DAB/4 – December 6, 2000

MAPC – December 7, 2000

CASE NUMBER: CON2000-00050

APPLICANT/AGENT: George David (Owner/Applicant)
John Tasset (Agent)

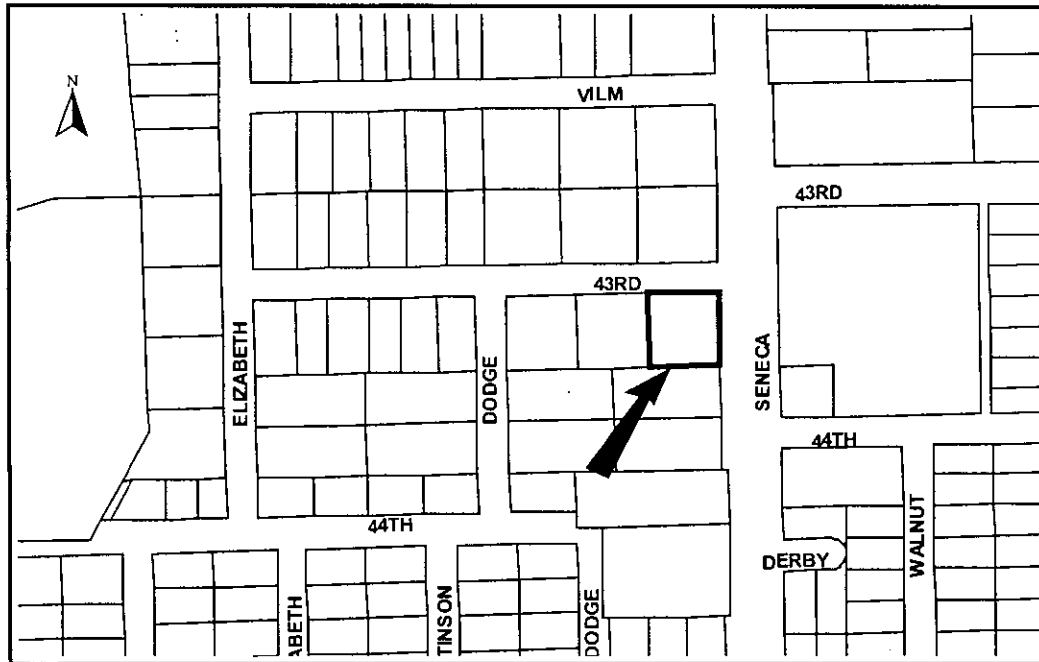
REQUEST: Conditional Use to allow outdoor vehicle and equipment sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: .47-acres

LOCATION: Southwest corner of South Seneca & 43rd Street South (4401 South Seneca)

PROPOSED USES: Outdoor vehicle and equipment sales



BACKGROUND: The applicant is requesting a Conditional Use to permit used car sales on a platted .47-acre tract of land. The applicant indicates a desire to offer up to 15 vehicles for sale. This property is zoned "LC" Limited Commercial and is located at the southwest corner of South Seneca and 43rd Street South. Access to the site is from one opening on the west side South Seneca; there is also access from the south side of 43rd Street South, a gravel street. There was a former automotive service store (*Right Way Automotive*) at this location. The site has been vacant for approximately two months.

North of the application area are the *Poorman's Auto Supply* and *L & M Manufacturing* businesses that are zoned "LC" Limited Commercial. The businesses to the south are the *Wingert Animal Hospital* and *Jay Horn Motors* (garage) are nonconforming uses on land zoned "SF-6" Single-Family Residential. Across South Seneca to the east are manufactured homes and the *Gray Car & Truck Repair* business that are zoned "LC" Limited Commercial; to the west are duplexes that are zoned "LC" Limited Commercial. There is a six-foot wooden fence along the western boundary line and partially across the northern perimeter.

Outdoor vehicle and equipment sales in the "LC," Limited Commercial, district may be permitted if: the location is contiguous to a major street; visual screening of areas contiguous to residential zoning is provided; storage and display areas paved with concrete, asphalt or other comparable material; outdoor lighting employs cut-off luminaries and mounted at a height not exceeding one-half the distance from the neighboring lot unless evidence is shown that the light source is not visible from the neighboring lot; no noise amplification system is permitted if music or voices can be heard within any residential zoning district located within 500 feet of the site; no repair work maybe conducted except in an enclosed building; and no body or fender work is permitted.

Code required parking is at the rate of one space per 500 square feet of building area, plus two spaces for the first 10,000 square feet of area used for sales, display and storage, plus one space per 10,000 square feet thereafter. This site contains approximately 18,104 square feet of sales, display and storage area and approximately 1,950 square feet of building area. The site will require a total of nine (9) spaces for customer and employee parking. The site plan submitted by the applicant indicates that there are nine (9) parking spaces (see site plan).

Since the property to the south (*Wingert Animal Hospital*) is zoned "SF-6," the applicant area shall comply with the compatibility standards (setbacks, height, noise, & site design standards, etc.) as set forth in the Unified Zoning Code (UZC) IV-C, 1-7.

There are no used car lots in the general vicinity. The closest used car lot is located two (2) miles to the north and east at the intersection of Broadway and MacArthur.

CASE HISTORY: The current site was platted as the *Vilm Gardens 2nd Addition* in 1953.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial	Commercial Business
EAST:	"LC" Limited Commercial	Commercial Business
SOUTH:	"SF-6" Single-Family Residential	Wingert Animal Hospital
WEST:	"LC" Limited Commercial	Residential

PUBLIC SERVICES: South Seneca is a four-lane arterial street with estimated traffic 1997 volumes of 9,350 and projected 2030 volumes of 10,866 average daily trips (ADTs). Water/sewer and other municipal services are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The *Wichita Land Use Guide* map of the Comprehensive Plan identifies this location as a "commercial" area. The plan contains an objective which states: "**Confine highway-oriented, auto-related and non-retail commercial uses to a limited number of urban areas, such as portions of Kellogg, Broadway, the CBD fringe, and other similar areas.**" Another Plan objective states that future commercial uses should be located so as to compliment existing commercial activities, provide convenient access and mitigate detrimental impacts to other adjacent land uses. The "Wichita Residential Area Enhancement Map" depicts this area as a "conservation" area. These areas, which are basically, sound physically and viable economically, would be protected from decline by policies which would ensure population stability, and maintain levels of investments, market strength, and environmental quality and neighborhood character. These areas cover a large portion of Wichita, including not only areas with no apparent threats to stability, but also areas where future viability may be questionable because of encroaching land uses or other impacts. Treatment policies and actions would include continuing strict code enforcement, ongoing maintenance of community facilities and prevention of land use conflicts.

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 South Seneca are neighborhood serving and do not involve the outdoor display storage associated with vehicle sales.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is zoned "LC," Limited Commercial. The "LC" district does not permit auto sales without a Conditional Use permit. The site has commercial uses on three sides and a residential use on one side. These two districts do not permit extensive outside display. The area is developed predominantly with lower intensity, small-scale neighborhood serving retail and service commercial uses. A car sales lot would not be consistent with the character and type of uses located at this site.
2. The suitability of the subject property for the uses to which it has been restricted: The "LC" district permits a wide range of retail sales and less intense uses. It seems plausible that a use could be found for this site that is permitted by the current zoning. South Seneca carries a high enough volume of traffic and is of a sufficient size to be able to accommodate most smaller scale retail sales uses, office, or neighborhood oriented service tenants.
3. The length of time the subject property has remained vacant as zoned: The property is now vacant. The site was used previously as an automotive parts store. According, to the applicant, the site has been vacant for approximately two months.
4. 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. South Seneca is deserving of some level of protection against outside display and storage uses, otherwise it will begin to take on a South Broadway appearance.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies this property as "commercial. **The plan contains an objective which states: "Confine highway-oriented, auto-related and non-retail commercial uses to a limited number of urban areas, such as portions of Kellogg, Broadway, the CBD fringe, and other similar areas."** The proposed use does not match these criteria. This area has no used car lots and if approved could be precedent setting for the neighborhood.
6. Impact of the proposed development on community facilities: Municipal services are available to serve this site, and the proposed use should not generate any more traffic than other permitted uses.

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 rental and sales of vehicles. The rental and 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.
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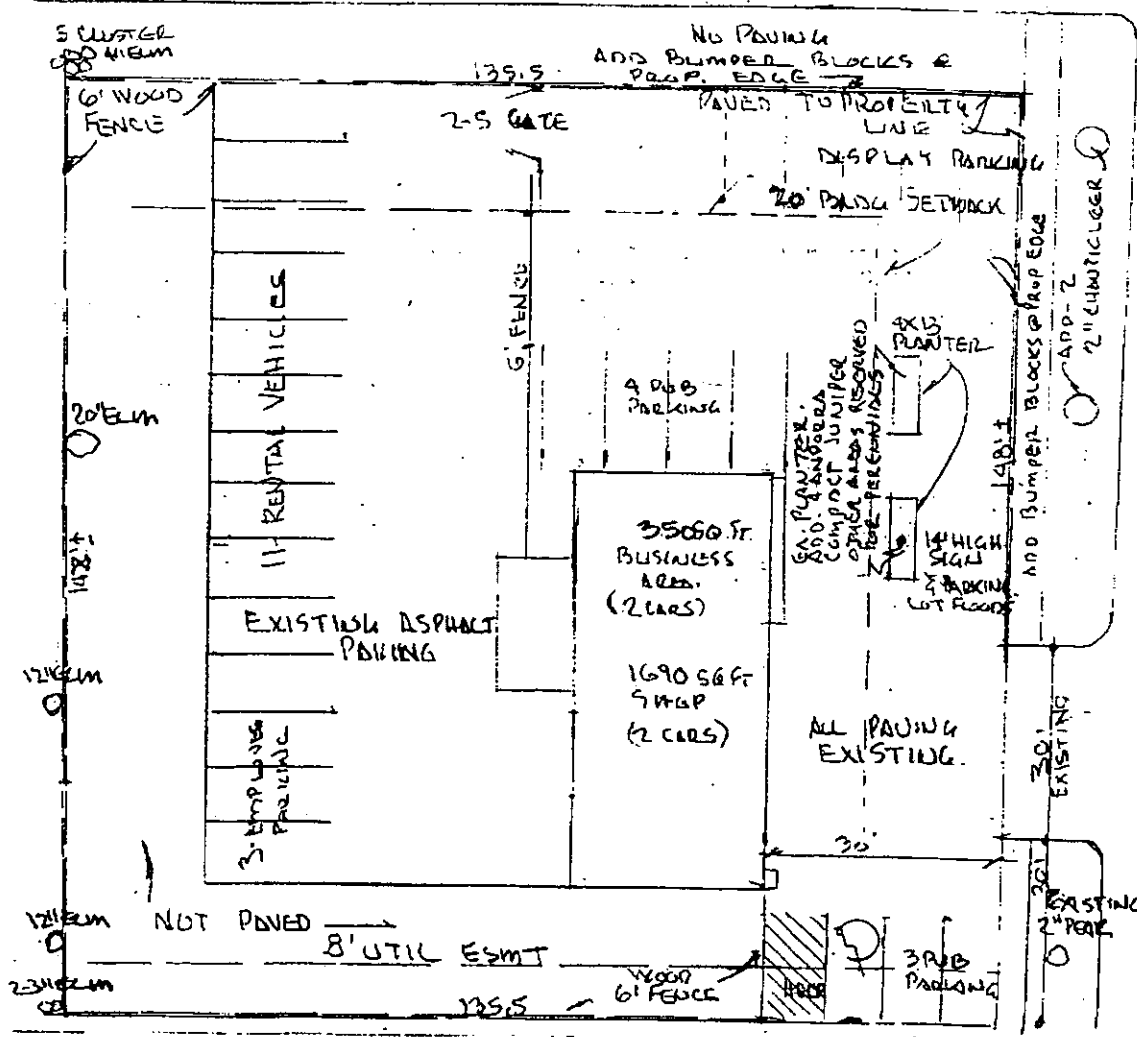
SITE PLAN

REVISED BLDG AREA
12/28/00

APPROVED 1/2/01 BY Benny L. Canoll

CON2000-00050: South Seneca & 43rd Street South

43rd Street South (gravel)



4401 S. SENECA
PAVED

NORTH
LEAD
W/IN CROWNED
2ND ADDIT.
BLOCK O LOT B
SCALE - 1"=20'