



**Wichita-Sedgwick County Metropolitan Area Planning Department**

February 20, 2018

Hamid Bakhtiari  
1332 N Woodrow Avenue  
Wichita, KS 67203

**RE: CON2017-00042** - City Conditional Use for Auto Sales in Limited Commercial Zoning located at the southeast corner of South Broadway Avenue and East Mount Vernon Avenue (2010 South Broadway Avenue)

Dear Applicant:

At its regular meeting on **February 15, 2018**, 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 submitted site plan and building elevations.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on March 1, 2018. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by March 1, 2018 at 5:00 p.m.

If there are no protests, the MAPC's approval is final. If there are protests, this application will be presented to the Wichita City Council on Tuesday, March 20, 2018, beginning at 9:00 a.m. The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink that reads 'Kyle C. Kobe'.

Kyle C. Kobe  
Associate Planner

Copies to: MABCD  
James Clendenin, Council Member District III  
Maddy Campbell, CSR District III  
Christopher Clark, 7701 E Kellogg Dr. Ste 630, Wichita, KS, 67207

**CONDITIONAL USE RESOLUTION NO. CON2017-00042**

**WHEREAS**, Christopher Clark of Clarkitecture LLC (Agent), on behalf of Hamid Bakhtiari, (Owner) 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 outdoor vehicle sales, on property zoned LC Limited Commercial at 2010 South Broadway Avenue and legally described as:

Odd Lots 3 to 17 of the Snively Miller and Works Subdivision Addition

**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 15, 2018, 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 sales, on property zoned LC Limited Commercial at 2010 South Broadway Avenue and legally described as:

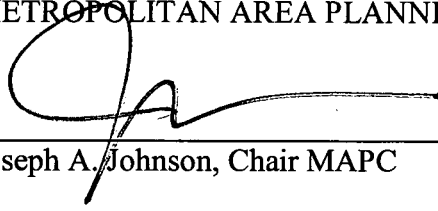
Odd Lots 3 to 17 of the Snively Miller and Works Subdivision Addition

Subject to the following conditions:

1. Site development shall occur in compliance with Site Plan and Building Elevations submitted as a part of this case (the South Broadway Car Dealership and corresponding elevation drawings dated 2/7/2018 by Clarkitecture).
2. In addition to uses permitted by right in the LC zoning district, this property is permitted a Conditional Use for "vehicle and equipment sales, outdoor."
3. The selling of vehicles is subject to the supplemental use regulations of UZC Section III D. 6. X. pertaining to vehicle and equipment sales in the LC zoning district.
4. Off-street parking spaces shall be provided in accordance with Article IV, Sec. IV-A of the UZC. No vehicles for sale shall be displayed in required off-street parking spaces.
5. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
6. 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 15 Day of February 2018

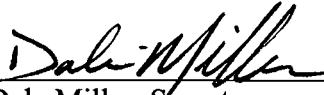
METROPOLITAN AREA PLANNING COMMISSION



---

Joseph A. Johnson, Chair MAPC

ATTEST:



---

Dale Miller, Secretary



**STAFF REPORT**  
MAPC February 15, 2018  
DAB III February 7, 2018

**CASE NUMBER:** CON2017-00042

**APPLICANT:** Christopher Clark with Clarkitecture LLC (Agent)  
Hamid Bakhtiari with HMB Real Estate LLC (Applicant)

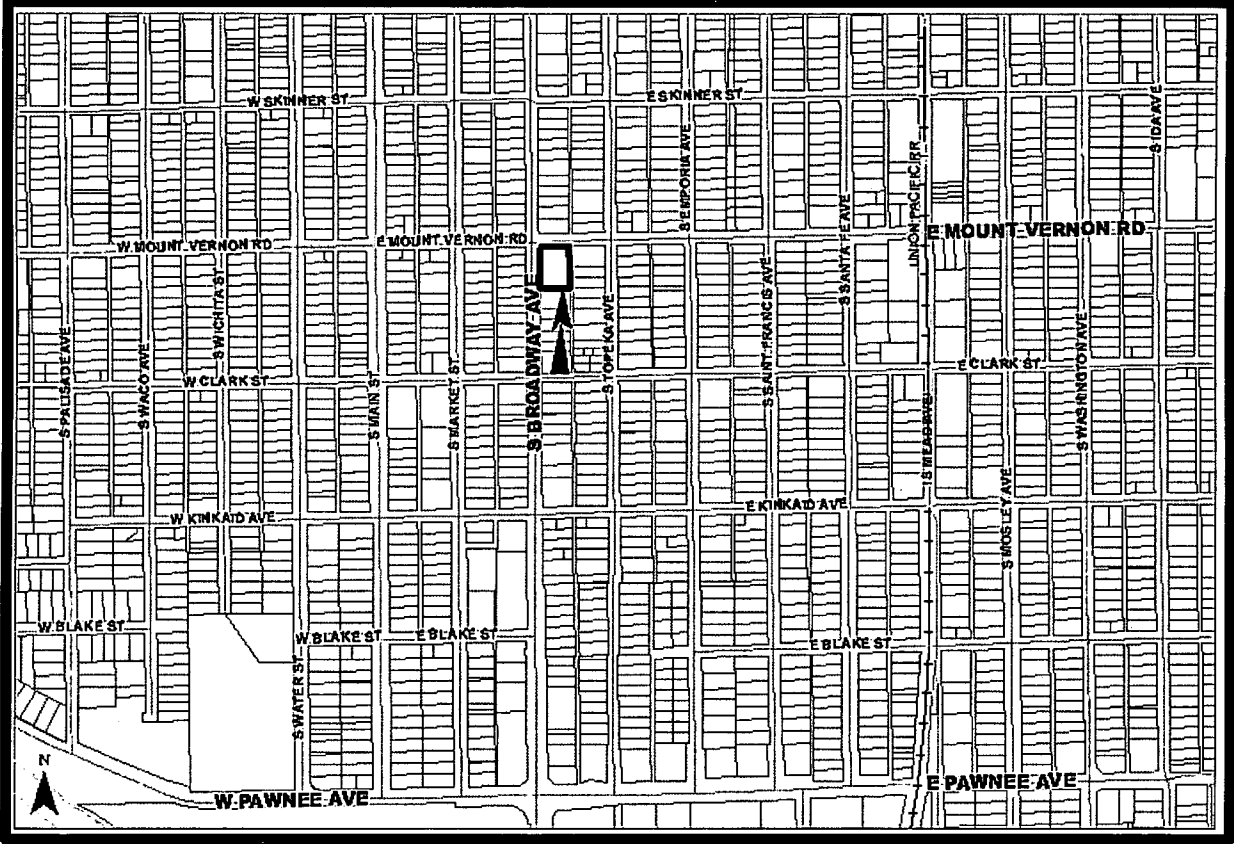
**REQUEST:** Conditional Use for Vehicle Sales

**CURRENT ZONING:** LC Limited Commercial

**SITE SIZE:** 0.66 acres

**LOCATION:** Southeast corner of the intersection of South Broadway Avenue and East Mount Vernon Road (2010 South Broadway Avenue)

**PROPOSED USE:** Vehicle Sales



**BACKGROUND:** This application was filed to allow a Conditional Use for Vehicle Sales in a Limited Commercial District (LC). The site is located on a parcel that was formerly operated as a convenience store.

The site plan for this project shows the proposed layout and dimensions of the various parts of the property. The site plan shows the almost 3,500 square foot building, approximately 8,400 square feet of sales parking, 14 customer and employee parking spaces (including one ADA space), and new concrete driveway. The site plan is attached. The site plan as currently composed does not meet code requirements in a few ways:

- The Sales Lot area extends into the street right of way
- There is no indicated parking barrier or fence corresponding to the Sales Lot area
- There is no indicated screening along the eastern portion (abutting Residential)

The new concrete driveway indicated on the site plan would indicate that there could potentially be plans for some level of maintenance or repair services on site, which would require separate approval.

Based on the parking standards of the Unified Zoning Code (UZC) this property is required to have 9 striped off street parking spaces for customers and employees. The site plan indicates five additional parking spaces beyond that.

According to the information available at this time there does not appear to be any proposed screening, fencing or other types of improvements to the parking lot site. If there is to be no fencing installed on site then parking barriers are required to be installed per UZC Article III, Section III-D.6.x.(3).

At the time of this application there are many other sites along South Broadway that are used as car sales lots. A visual inspection conducted by staff showed that there were more than a dozen properties operating primarily as car lots between Kellogg and Pawnee Avenues. This includes the site located directly across the street from the subject property. The neighborhood residents have expressed that the area is already overly saturated with this specific type of use and have listed it as undesirable in the area plan this property is a part of, which will be discussed in more detail later.

Property north of the site is LC Limited Commercial (LC) and is developed with a bicycle shop. East of the site is a property zoned SF-5 Single Family Residential (SF-5) and consists of single family homes. South of the site is zoned LC and contains a motel. West of the site across Broadway is zoned LC and is used for vehicle sales.

Outdoor vehicle and equipment sales uses are subject to the attached supplementary use regulations control in UZC Article III, Section III-D.6. x, when located in the LC district.

**\*Update for second hearing before the MAPC on 15 February 2018\*** The applicant has provided building elevations and an updated site plan for review by the MAPC, per the discussion on the 1 February 2018 MAPC hearing. This case was heard by the DAB for District III, in which the DAB voted in favor of the application, based on the building elevations and site plan provided by the applicant. The elevations, updated site plan, and DAB notes are attached.

**CASE HISTORY:** This case was originally heard on 1 February 2018. Staff presented the case and recommended denial based on the South Central Area Land Use Plan. The applicant presented the information that there was a deed restriction put in place on the property, and that they were willing to update the site plan and provide building elevations. The Commission voted to defer the case to the 15 February hearing to provide the applicant time to submit the updated materials.

CON2017-00042

The property is platted as Lots 3, 5, 7, 9, 11, 13, 15, 17 in Snively, Miller and Work's Subdivision in 1886.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC	bicycle shop
SOUTH:	LC	motel
EAST:	SF-5	single family homes
WEST:	LC	vehicle sales

**PUBLIC SERVICES:** The subject property is located on South Broadway Avenue, a commercial arterial. All municipal services are currently provided to the property. Development of any type would be readily served by all forms of public services and utilities.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, references the South Central Plan for this area. The South Central Neighborhood Land Use Plan was adopted in 2009. The plan lists this property as 'Mixed-Use Commercial' which it defines as:

Mixed-Use Commercial – This category encompasses areas that were originally developed with low-density residential uses that have transitioned to commercial use due to strip commercial zoning along arterial streets. Commercial development consisting primarily of low-intensity uses, such as office, neighborhood-serving commercial uses, and specialty retail, that are mixed with residential uses are encouraged. Commercial and residential uses are encouraged to locate within the same structure, such as apartments located above shops or offices. Commercial uses that preserve existing single-family structures are particularly encouraged.

The proposed vehicle sales lot does not fit this description. A car lot is not in keeping with the desired types of uses nor the aesthetic qualities that the plan describes for this land use category.

In the Locational Guidelines section of the Plan the first point addressed the least desirable land uses.

1. The "Least Desirable Land uses" for the South Central Neighborhood are: motels, bars, useds car lots, and resource processing industries.

Used car lots are specifically called out as being undesirable in this area. This application is requesting something that is specifically called out as being against the overall vision of the community for their main thoroughfare. The Plan indicates that approval of Conditional Use Permits that allow "Least Desirable Land Uses" is strongly discouraged.

It is staff's opinion that this site and the neighborhood would be better served if the site were developed closer to the types of uses the Plan lists as desirable.

2. The "Most Desirable Land Uses" for the South Central Neighborhood are: residential uses, parks/open space, institutional uses, neighborhood-serving retail, specialty retail, restaurants, medical services, professional offices, personal care/improvement services, and high-employment commercial and industrial uses.

This site is well suited for many of these uses, and is located along a prominent street where these types of uses would be most encouraged and would best serve the practical and aesthetic goals of the community.

**RECOMMENDATION:** Based on the information available prior to the public hearing and the adopted South Central Neighborhood Land Use Plan that strongly discourages approval of Conditional Use Permits for use Car Lots, MAPD staff recommends the application be DENIED.

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

1. **The zoning, uses and character of the neighborhood:** Property north of the site is LC Limited Commercial (LC) and is developed with a bicycle shop. East of the site is a property zoned SF-5 Single Family Residential (SF-5) and consists of single family homes. South of the site is zoned LC and contains a motel. West of the site across Broadway is zoned LC and is used for vehicle sales. This stretch of commercial street development (along South Broadway) is approximately 2 miles long, and contains over a dozen used car sites already at the time of application. This constitutes an abnormally high amount of this type of use already in this neighborhood.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC and is located along a primary thoroughfare for both the neighborhood and city. As a result this property is suitable for the full range of uses listed in the zoning code for LC. This property is well suited to the uses that are listed as most desirable according to the South Central Neighborhood Land Use Plan: residential uses, parks/open space, institutional uses, neighborhood-serving retail, specialty retail, restaurants, medical services, professional offices, personal care/improvement services, and high-employment commercial and industrial uses.
3. **The extent to which removal of the restrictions will detrimentally affect nearby property:** Removing the restrictions would result in another car lot in an area already overly saturated with car lots. It would also run counter to the South Central Neighborhood Plan and therefore the stated vision of the community for its development pattern. Further it would prevent a more suitable use from locating in a prominent location such as this.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, references the South Central Plan for this area. The South Central Neighborhood Land Use Plan was adopted in 2009. The plan lists this property as 'Mixed-Use Commercial' which it defines as:

Mixed-Use Commercial – This category encompasses areas that were originally developed with low-density residential uses that have transitioned to commercial use due to strip commercial zoning along arterial streets. Commercial development consisting primarily of low-intensity uses, such as office, neighborhood-serving commercial uses, and specialty retail, that are mixed with residential uses are encouraged. Commercial and residential uses are encouraged to locate within the same structure, such as apartments located above shops or offices. Commercial uses that preserve existing single-family structures are particularly encouraged.

The proposed vehicle sales lot does not fit this description. A car lot is not in keeping with the desired types of uses nor the aesthetic qualities that the plan describes for this land use category.

In the Locational Guidelines section of the Plan the first point addressed the least desirable land uses.

1. The "Least Desirable Land uses" for the South Central Neighborhood are: motels, bars, used car lots, and resource processing industries.

Used car lots are specifically called out as being undesirable in this area. This application is requesting something that is specifically called out as being against the overall vision of the community for their main thoroughfare. The Plan indicates that approval of Conditional Use Permits that allow "Least Desirable Land Uses" is strongly discouraged.

It is staff's opinion that this site and the neighborhood would be better served if the site were developed closer to the types of uses listed in as desirable.

2. The "Most Desirable Land Uses" for the South Central Neighborhood are: residential uses, parks/open space, institutional uses, neighborhood-serving retail, specialty retail, restaurants, medical services, professional offices, personal care/improvement services, and high-employment commercial and industrial uses.

This site is well suited for many of these uses, and is located along a prominent street where these types of uses would be most encouraged and would best serve the practical and aesthetic goals of the community.

5. **Impact on Community Facilities:** The subject property is located on South Broadway Avenue, a commercial arterial. All municipal services are currently provided to the property. Development of any type would be readily served by all forms of public services and utilities.

If, in the opinion of the Planning Commission, the request is determined to be appropriate, the Planning Commission should adopt alternative findings supporting approval and approval should be subject to the following conditions:

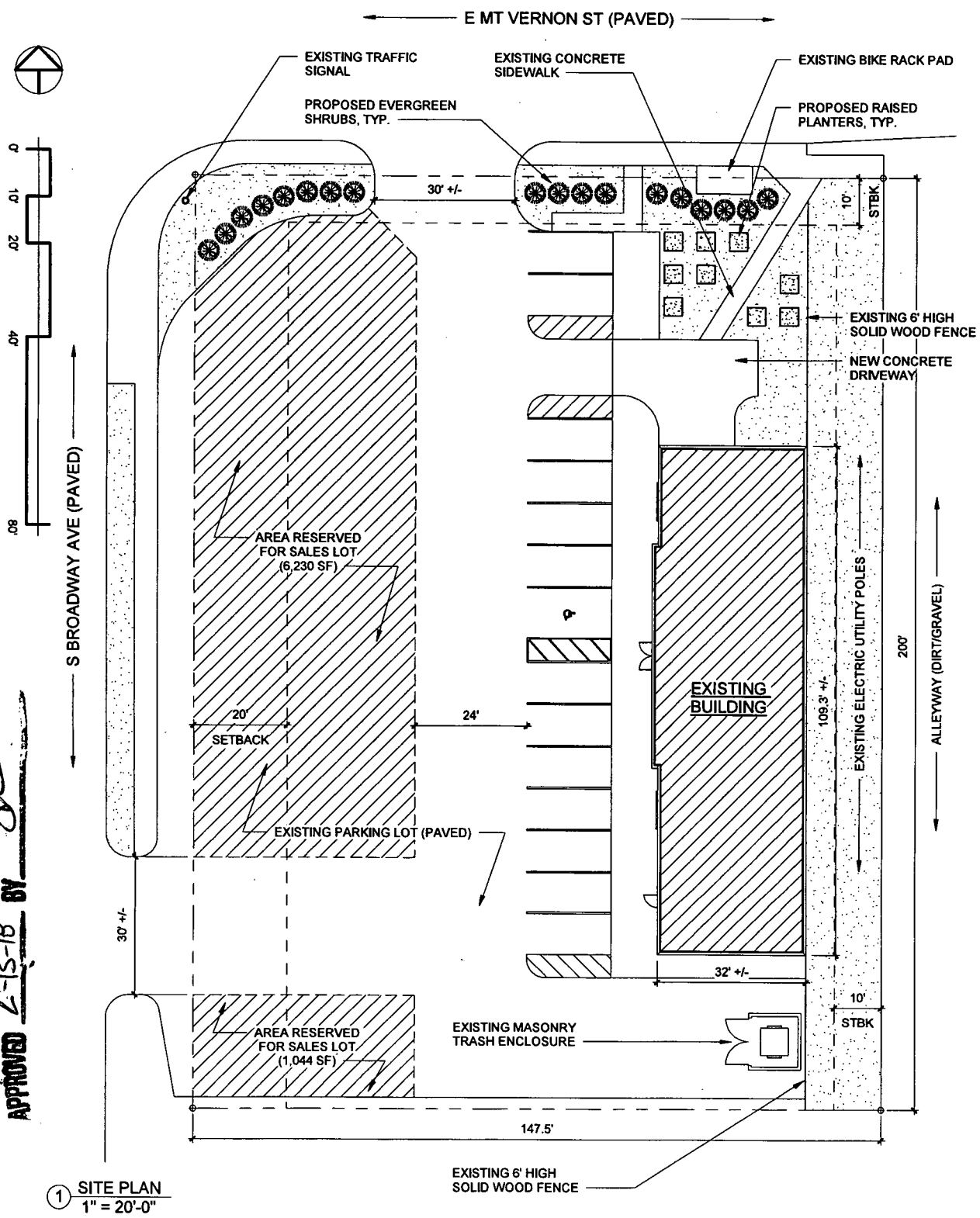
- 1) Site development shall occur in compliance with Site Plan and Building Elevations submitted as a part of this case.
- 2) In addition to uses permitted by right in the LC zoning district, this property is permitted a Conditional Use for “vehicle and equipment sales, outdoor.”
- 3) The selling of vehicles is subject to the supplemental use regulations of UZC Section III D. 6. X. pertaining to vehicle and equipment sales in the LC zoning district.
- 4) Off-street parking spaces shall be provided in accordance with Article IV, Sec. IV-A of the UZC. No vehicles for sale shall be displayed in required off-street parking spaces.
- 5) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 6) 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.

Staff Report Attachments:

- a. Zoning Code Excerpt
- b. Site plan submitted by applicant
- c. Land Use Maps
- d. Excerpts from South Central Neighborhood Land Use Plan
- e. Google Aerial
- f. DAB Report
- g. Building Elevations
- h. Updated Site Plan

# SITE PLAN

APPROVED 2-15-18 BY *SR*



① SITE PLAN  
1" = 20'-0"

PROPERTY LEGAL DESCRIPTION: ODD LOTS 3 TO 17 INC SNVELY-MILLER & WORK'S SUB

<p><b>CLARKITECTURE</b> CLARKITECTURE.NET (316) 302-4472</p> <p>7701 E KELLOGG DR, SUITE 630 WICHITA, KS 67207</p>	<p>OWNER: (APPLICANT) HMB RE, LLC</p> <p>PROJECT: SOUTH BROADWAY CAR DEALERSHIP</p>	<p>DATE: 02/07/18</p> <p>NOTE: THESE DRAWINGS ARE NOT ISSUED FOR CONSTRUCTION.</p>
--	---	--

# SITE PLAN

APPROVED 2-15-18 BY *SK*



## WEST ELEVATION - DESIGN OPTIONS

South Broadway Car Dealership

07 Feb 2018

**CLARKITECTURE**  
BUILDINGS THAT MEAN BUSINESS.