



Wichita-Sedgwick County Metropolitan Area Planning Department

April 5, 2019

Harris 4, LLC
1223 N Rock Road Ste 300
Wichita, KS 67206

Anne Williams
1238 E Douglas
Wichita, KS 67214

RE: CON2019-00006 - City Conditional Use to allow used vehicles sales on a property zoned LC Limited Commercial generally located west of South Broadway and approximately 365 feet north of East Harry Street (1525 S Broadway).

Dear Applicant:

At its regular meeting on April 4, 2019, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to APPROVE the request with the following conditions:

- 1) The Condition Use shall be limited to 3 years from the issuance of a Kansas Dealers License from State of Kansas to sell used vehicles on property described above. The Conditional Use may be renewed after 3 years through a conditional use amendment.
- 2) The Conditional Use shall be limited to the sale of cars and pick-up (light) trucks. No sale or rental of trailers, boats, motorcycles/scooters, recreational vehicles or trucks larger than pick-ups are permitted. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.
- 3) The Conditional Use shall limit the total number of vehicles displayed for sale to 20 vehicles.
- 4) All improvements to the property must be finished before car sales is permitted. Those improvements shall include, but not limited to, clearly marked customer and employee parking and the display area, proposed lighting. Fencing of the property shall be prohibited.
- 5) 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, prior to car sales is permitted. The site plan will include, but not be limited to, internal circulation that will remain open at all time to allow access, parking barriers along the north property line, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.
- 6) 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.
- 7) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

- 8) 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.

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.

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 April 18, 2019. 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 April 18, 2019 at 5:00 p.m.

If there are not any protests, the MAPC's approval is final. If there are protests, this application will be presented to the Wichita City Council on Tuesday, May 7, 2019, 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,



Philip Zevenbergen
Associate Planner

Copies to: MABCD
James Clendenin, Council Member District III
Maddy Campbell, CSR District III
Adam Barlow-Thompson 1121 South Waco, Wichita, KS 67213
South Central Neighborhood Association

CONDITIONAL USE RESOLUTION NO. CON2019-00006

WHEREAS, Anne Williams of AdvantEdge Quality Cars. (Agent), on behalf of Harris 4, LLC, (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 outdoor used vehicle sales, on property zoned Limited Commercial at 1525 South Broadway Avenue and legally described as:

Even Lots 10 through 28, inclusive, on Lawrence Avenue (now Broadway), the East ½ of odd Lots 9 through 13, inclusive, on Market Street, and the East ½ of the South ½ of Lot 15, on Market Street, Stanley & McPherson's Addition, Wichita, Sedgwick County, Kansas; TOGETHER WITH the East ½ of Lots 2 and 4 on Market Street and Lots 1 and 3, on Lawrence Avenue (now Broadway), Goodwin's Addition, Wichita, Sedgwick County, Kansas.

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 April 4, 2019, 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 used vehicle sales, on property zoned Limited Commercial at 1525 South Broadway and legally described as:

Even Lots 10 through 28, inclusive, on Lawrence Avenue (now Broadway), the East ½ of odd Lots 9 through 13, inclusive, on Market Street, and the East ½ of the South ½ of Lot 15, on Market Street, Stanley & McPherson's Addition, Wichita, Sedgwick County, Kansas; TOGETHER WITH the East ½ of Lots 2 and 4 on Market Street and Lots 1 and 3, on Lawrence Avenue (now Broadway), Goodwin's Addition, Wichita, Sedgwick County, Kansas.

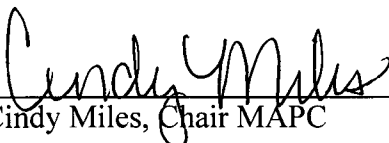
Subject to the following conditions:

1. The Condition Use shall be limited to 3 years from the issuance of a Kansas Dealers License from State of Kansas to sell used vehicles on property described above. The Conditional Use may be renewed after 3 years through a conditional use amendment.
2. The Conditional Use shall be limited to the sale of cars and pick-up (light) trucks. No sale or rental of trailers, boats, motorcycles/scooters, recreational vehicles or trucks larger than pick-ups are permitted. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.
3. The Conditional Use shall limit the total number of vehicles displayed for sale to 20 vehicles.
4. All improvements to the property must be finished before car sales is permitted. Those improvements shall include, but not limited to, clearly marked customer and employee parking and the display area, proposed lighting. Fencing of the property shall be prohibited.

5. 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, prior to car sales is permitted. The site plan will include, but not be limited to, internal circulation that will remain open at all time to allow access, parking barriers along the north property line, any existing or proposed signs, existing or proposed lighting. The site will be developed according to the revised site plan.
6. 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.
7. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
8. 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 19th Day of April 2019

METROPOLITAN AREA PLANNING COMMISSION


Cindy Miles, Chair MAPC

ATTEST:


Dale Milley, Secretary



STAFF REPORT

MAPC: April 4, 2019
 DAB III: April 3, 2019

CASE NUMBER: CON2019-00006

APPLICANT/AGENT: Harris 4 LLC (Applicant) / Advantedge Quality Cars (Agent)

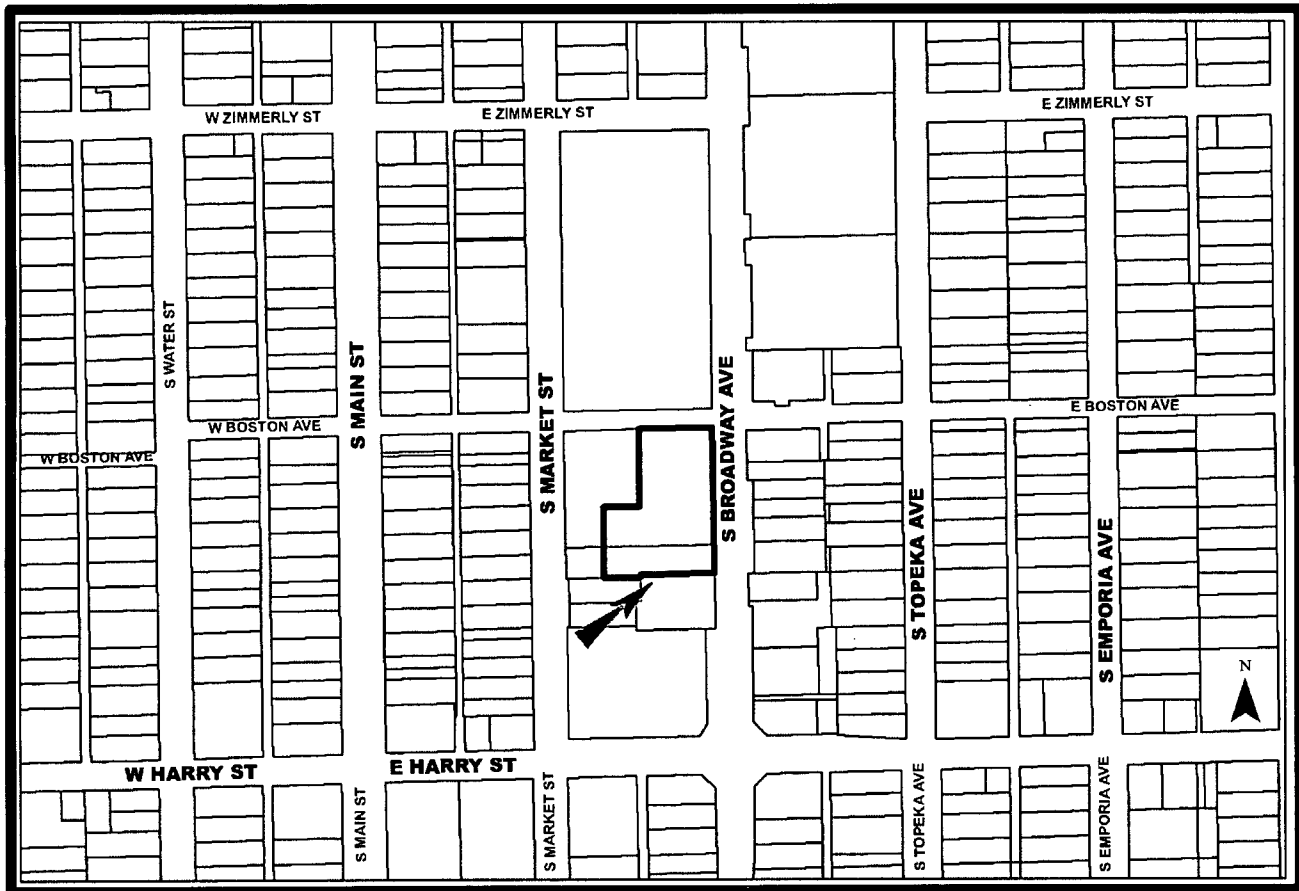
REQUEST: Conditional Use for Outdoor Vehicle Sales

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 1.3 acres

LOCATION: On the west side of South Broadway Avenue approximately 300 feet north of East Harry Street (1525 S Broadway).

PROPOSED USE: Outdoor Vehicle Sales



BACKGROUND: The applicant is requesting a “conditional use” to allow outdoor vehicle sales on portion of a property zoned LC Limited Commercial. Half of the overall site is zoned LC; whereas, the other half is zoned B Multi-Family, with a small portion zoned GC General Commercial. The conditional use will only pertain to the portion of the site zoned LC. The site is located approximately 300 feet north of the major arterial intersection of South Broadway Avenue and East Harry Street. The subject site is developed with a one-story masonry building currently being used as a pawn shop. The remainder of the site is parking. The pawn shop will continue to conduct business. The applicant will be occupying a portion of pawn shop building to conduct sales and will display vehicles for sale only on a small portion of the site that is zoned LC (see attached site plan). Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a conditional use in the LC zoning district. Vehicle repair will not be provided as part of the car sales business on this site. Outdoor vehicle and equipment sales uses are subject to supplementary use regulations control in UZC Article III, Section III-D.6.x.

The applicant’s site plan (attached) shows the existing commercial structure and indicates where on the property vehicle sales parking spaces will be. The display space for vehicles sales would encompass just the northeast corner of the subject property. The site has several drive accesses on South Broadway, one onto East Boston, and three onto South Market Street.

Property north of the site is zoned LC Limited Commercial and SF-5 Single Family Residential and is the site for USD 259 Hamilton Middle School. Property east of the site is zoned LC and is developed as outdoor vehicles sales (CON2002-00043 and CON2000-00010). West of the site is zoned SF-5 and is developed with single-family residences. Property south of the site is zoned GC General Commercial and is developed with commercial properties. There are two outdoor vehicles sales businesses located along South Broadway Avenue on this block directly east of the subject property as well as tire repair store located at the northeast corner of South Broadway Avenue and East Boston Street.

CASE HISTORY: The entire site was platted as lots 1 – 4, Goodwins Addition in 1910 together with even lots 10 – 28 and odd lots 9 – 27, Stanley & McPherson’s Addition in 1888.

ADJACENT ZONING AND LAND USE:

NORTH:	LC & SF-5	Hamilton Middle School
SOUTH:	GC	Commercial
EAST:	LC	Outdoor Vehicle Sales
WEST:	SF-5	Single-family Residential

PUBLIC SERVICES: The subject property has access to South Broadway—a four lane, paved arterial road—South Market—a single lane, one-way arterial road—and East Boston Avenue—a two-lane, paved local road. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Future Growth Concept Map identifies the area “Commercial.” The property is also located within the South Central Neighborhood Plan adopted in 2005 which identifies the land use as “Commercial Redevelopment Node” and is in close proximity to an identified “Neighborhood Gateway” at the intersection of South Broadway and East Harry Street. The intended purpose of the “Commercial Redevelopment Node” is to create large redevelopment lots that front Broadway with “medium intensity commercial uses, such as community-destination retail and restaurant uses that are developed in a node rather than a strip commercial pattern. The node should be constructed with few access points to public streets and commercial structures should be interconnected and constructed with high-quality architecture and landscaping.”

The “Locational Guidelines” of the *South Central Neighborhood Land Use Plan* supplement the “Locational Guidelines” contained in *The Wichita-Sedgwick County Comprehensive Plan*. Where the “Locational Guidelines” of the *South Central Neighborhood Land Use Plan* and *The Wichita-Sedgwick County Comprehensive Plan* are inconsistent, the “Locational Guidelines” of the *South Central Neighborhood Land Use Plan* apply.

“Locational Guidelines” of the South Central Plan identify “Least Desirable Land Uses” and “Most Desirable Land Uses”. Used car sales lots are specifically identified as a least desirable use and are strongly discouraged.

RECOMMENDATION: Based on the information available prior to the public hearing, 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 zoned LC Limited Commercial and SF-5 Single Family Residential and is the site for USD 259 Hamilton Middle School. Property east of the site is zoned LC and is developed as outdoor vehicles sales (CON2002-00043 and CON2000-00010). West of the site is zoned SF-5 and is developed with single-family residences. Property south of the site is zoned GC General Commercial and is developed with commercial properties. There are two outdoor vehicles sales businesses located along South Broadway Avenue on this block directly east of the subject property as well as tire repair store located at the northeast corner of South Broadway Avenue and East Boston Street.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC and is currently a pawn shop that will continue to conduct business. Vehicles will be displayed on a small portion of the property in the northeast corner of the site, and the applicant will be occupying a portion of the pawn shop building to conduct sales. The property is suitable for commercial uses as currently zoned, and a conditional use is not needed in order for the site to be put to suitable use. The property could be developed with medium intensity commercial uses as identified in the South Central Plan.
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 negative effect on the area, with potential increased traffic, noise, light, and is visually unappealing.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area and the South Central Neighborhood Plan adopted in 2005.

The South Central Neighborhood Plan identifies the land use as “Commercial Redevelopment Node” and is in close proximity to an identified “Neighborhood Gateway” at the intersection of South Broadway and East Harry Street. The intended purpose of the “Commercial Redevelopment Node” is to create large redevelopment lots that front Broadway with “medium intensity commercial uses, such as community-destination retail and restaurant uses that are developed in a node rather than a strip commercial pattern. The node should be constructed with few access points to public streets and commercial structures should be interconnected and constructed with high-quality architecture and landscaping.”

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County Comprehensive Plan are inconsistent, the “Locational Guidelines” of the *South Central Neighborhood Land Use Plan* apply.

“Locational Guidelines” of the South Central Plan identify “Least Desirable Land Uses” and “Most Desirable Land Uses”. Used car sales lots are specifically identified as a least desirable use and are strongly discouraged.

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:

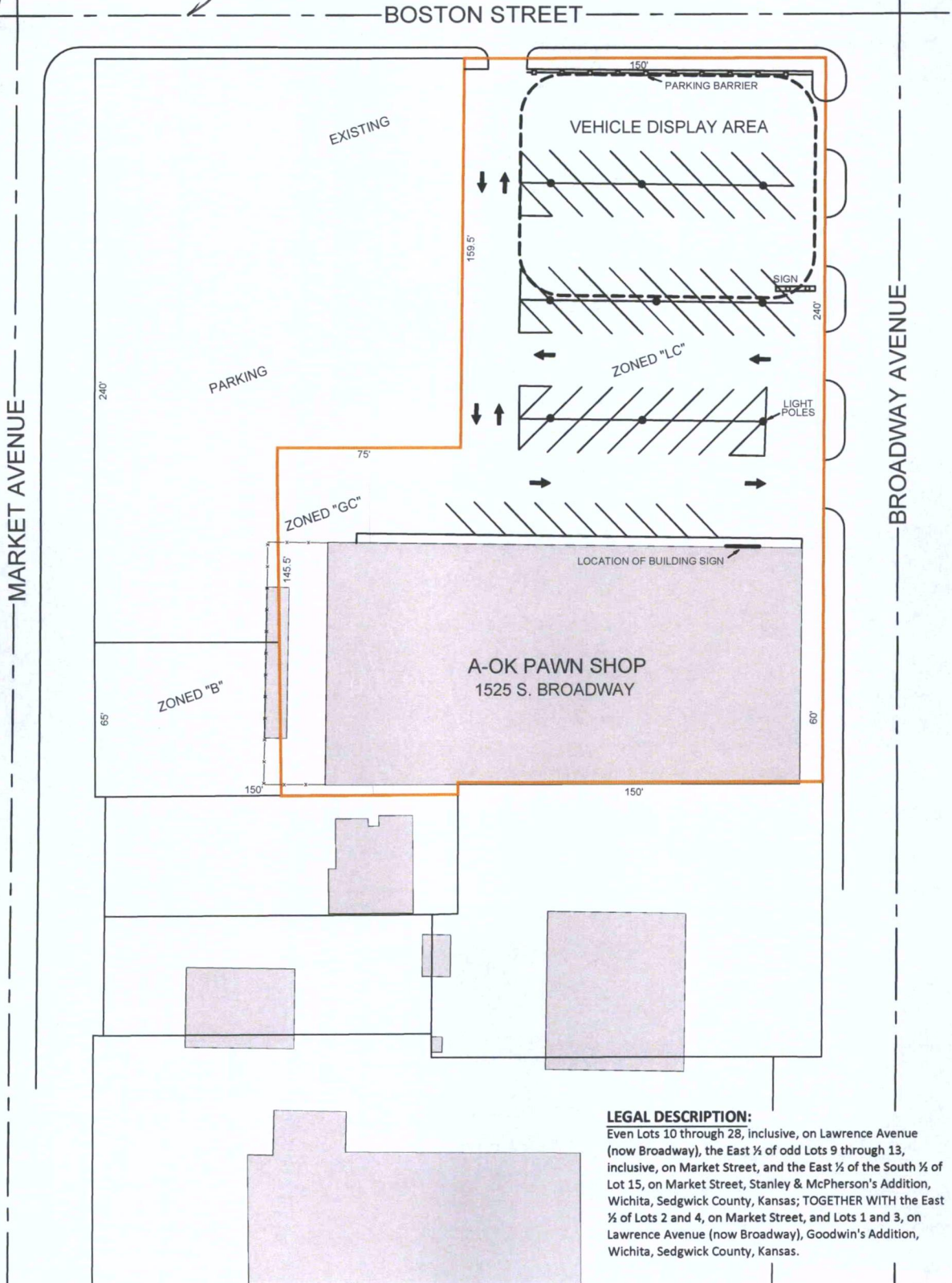
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Staff Report Attachments:

1. Area Map
2. Zoning Map
3. Land Use Map
4. Site Plan Submitted by Applicant
5. Zoning Code Excerpt (Sec. III-D.6.x)
6. Excerpts from South Central Neighborhood Land Use Plan

SITE PLAN

APPROVED 4/19/19 BY *[Signature]*



LEGAL DESCRIPTION:
 Even Lots 10 through 28, inclusive, on Lawrence Avenue (now Broadway), the East 1/2 of odd Lots 9 through 13, inclusive, on Market Street, and the East 1/2 of the South 1/2 of Lot 15, on Market Street, Stanley & McPherson's Addition, Wichita, Sedgewick County, Kansas; TOGETHER WITH the East 1/2 of Lots 2 and 4, on Market Street, and Lots 1 and 3, on Lawrence Avenue (now Broadway), Goodwin's Addition, Wichita, Sedgewick County, Kansas.

APRIL 25, 2019

CON2019-06 SITE PLAN 1525 SOUTH BROADWAY



SCALE: 1" = 40'

