



Wichita-Sedgwick County Metropolitan Area Planning Department

Mohsend Etezazi
1729 Duckcross Cove
Wichita, KS 67206

December 23, 2019

RE: CON2019-00034 - City Conditional Use Amendment to CON2004-00030 to expand area for Vehicle Sales on property zoned Limited Commercial (LC), generally located on the east side of South Broadway Avenue and within one quarter mile south of East Harry Street (1728 South Broadway).

Dear Applicant;

At its regular meeting on **December 19, 2019**, 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 attached conditions.

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 January 2, 2020. 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 **January 2, 2020 at 5:00 p.m.**

Due to the recommended denial at DAB III, the application will be scheduled for consideration by the City Council on January 21, 2020. 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 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,

Matt Williams
Associate Planner

Copies to: MABCD
Sanford Roberts, 1950 S. Webb Rd #111, Wichita, KS 67207
James Clendenin, Council Member District III
Maddy Campbell, CSR District III
Janet Price, South Central NA, 2010 S. Water, Wichita, KS 67213

RESOLUTION NO. 20-06

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT OUTDOOR VEHICLE AND EQUIPMENT SALES ON PROPERTY ZONED LIMITED COMMERCIAL AT 1728 SOUTH BROADWAY AVENUE, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY,
KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow Outdoor Vehicle and Equipment Sales on property zoned Limited Commercial legally described below:

Case No. CON2019-00034

A Conditional Use to permit "Outdoor Vehicle and Equipment Sales," on property zoned Limited Commercial at 1728 South Broadway Avenue, and legally described as:

All Lots 6, 8, 10, 12, 14 and 16 except the north 10 feet of the east 52 feet, Block 3, Wilson Addition, Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The approval of CON2019-00034 will void CON2004-00030.
- B. All requirements of Article III, Section III.D.6.x. of the Unified Zoning Code shall be met.
- C. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business.
- D. 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.
- E. Parking spaces for employees and customers shall be provided on the property as required by the UZC and in conformance with the standards established by the City Traffic Engineer. The parking spaces shall be marked and designated for employees and customers and shall not be used for display or storage of vehicles for sale, unless the vehicle is driven by an employee. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business unless additional parking spaces for such businesses are provided per a revised site plan approved by the Planning Director.
- F. 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.
- G. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
- H. A revised landscape plan shall be submitted showing a landscaped street yard and landscape buffer along the alley, which shall be provided and maintained on the property as approved by the Planning Director.
- I. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, and prior to operation of a vehicle sales lot on the expanded footprint. The site plan shall include the current 6-foot wooden, stockade type fence, all lighting, including those on the building, the pole fence along the Broadway Avenue frontage, the location and size of the office and garage space within the current building, approved signage and solid screening around the trash receptacle.

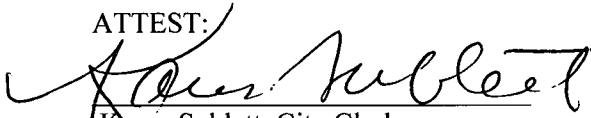
- J. The site shall be developed in general conformance with the approved site plan and landscape plan. All improvements shown on the approved site plan and landscape plan shall be completed prior to the operation of a vehicle sales lot on the expanded footprint.
- K. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- L. 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.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED this 21st day of January, 2020.

ATTEST:

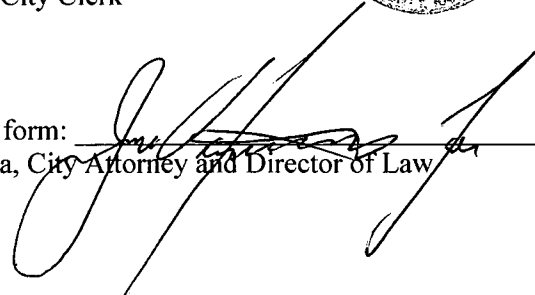

Karen Sublett, City Clerk




Brandon J. Whipple, Mayor

Approved as to form:

Jennifer Magana, City Attorney and Director of Law

A large, stylized signature of Jennifer Magana, City Attorney and Director of Law, written over the text "Approved as to form: Jennifer Magana, City Attorney and Director of Law".



AGENDA ITEM NO. 4.1

STAFF REPORT

MAPC – October 10, 2019

DAB III – October 2, 2019

CASE NUMBER: CON2019-00034

APPLICANT/AGENT: Mohsen Etezazi (Applicant)
Sanford Roberts (Agent)

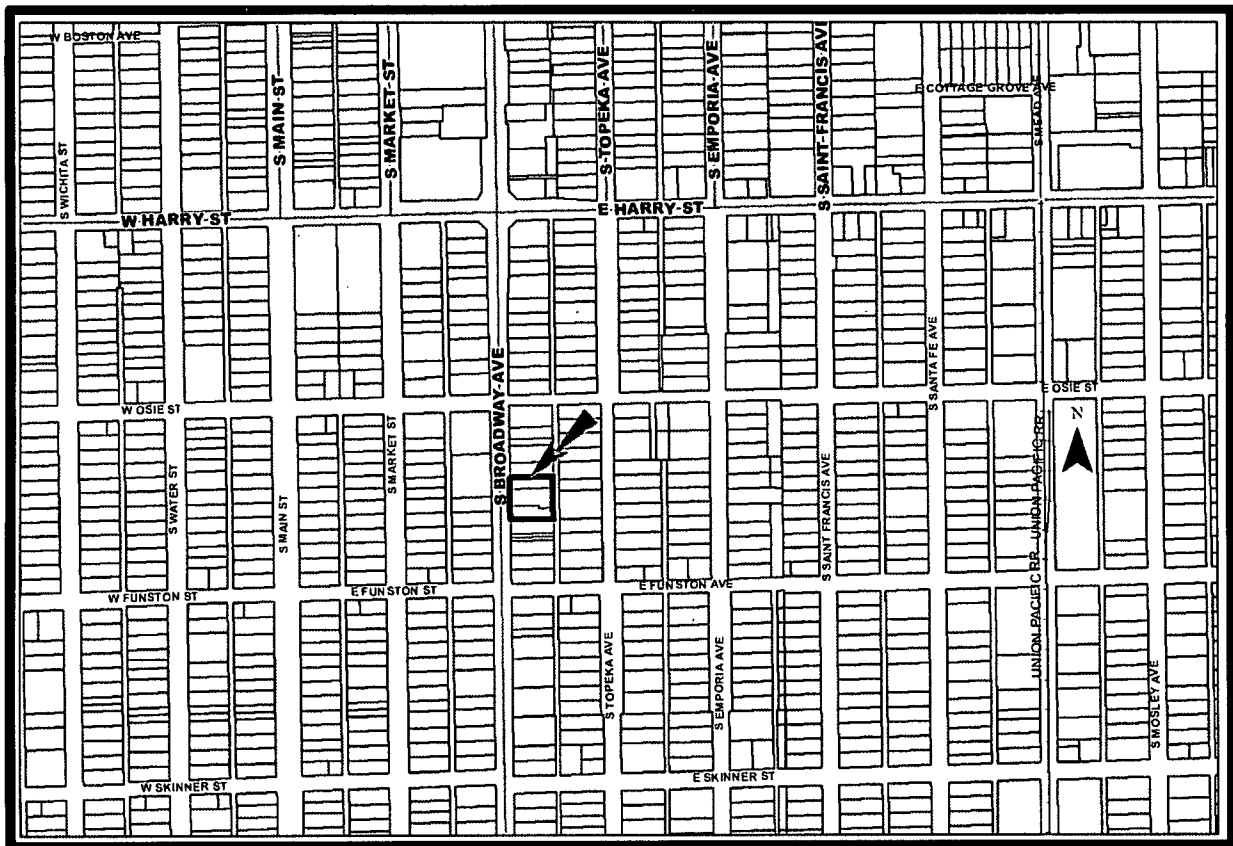
REQUEST: Conditional Use to expand area for
Outdoor Vehicle and Equipment Sales

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.51 acres

LOCATION: On the east side of S. Broadway Avenue and within one quarter mile
south of E. Harry Street (1728 South Broadway Avenue)

PROPOSED USE: Vehicle Sales



BACKGROUND: The applicant is requesting a Conditional Use to expand Outdoor Vehicle and Equipment Sales from Lots 10, 12, a portion of 8 & a portion of 14 to all of Lots 6, 8, 10, 12, 14 & 16 (except the north 10 feet of east 53 feet), Block 3, Wilson's Addition. The subject properties are zoned LC Limited Commercial. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the LC zoning district.

The subject properties are located south of Harry, between Osie & Funston, on the east side of Broadway. Lots 6, 8, 14, & 16 are paved with no structures. The site plan the applicant has provided shows the building at 1728 S. Broadway serving an expanded site for vehicle sales. A 6-foot wood fence is shown along the east side of the site while a 3-foot transitioning to 6-foot wood fence is shown along the south and north sides of the site. No landscaping is shown on the site plan. The site plan shows the site being served by one centrally located drive from Broadway Avenue.

This section of Broadway consists of mixed-use development including older, pre-1930, single-family residences either still being used for single-family residences or having been converted into two-family or multi-family residential uses along Broadway. There are also some multi-family residential structures and various commercial uses including numerous car sales lots along the Broadway corridor. The zoning along this section of the Broadway corridor is LC Limited Commercial, which has allowed the commercial development to gradually displace the older single-family residential development on the corridor.

Properties east of the site, across the 20-foot alley, are zoned TF-3 Two-family residential and are developed primarily single-family residential, although there is a brick duplex directly east of the site. Properties west of the site are zoned LC Limited Commercial, with development including a bank and single-family residential structures with either single-family or multi-family uses. Properties north of the site are zoned LC Limited Commercial and are developed as a single-family residence and a car lot. Properties south of the site are zoned LC Limited Commercial and are developed as single-family residential and a car sales lot across Funston.

CASE HISTORY: The Wilson's Addition was recorded with the Register of Deeds April 9, 1887. A Conditional Use, CON2003-49, for this larger site was approved by the MAPC at their January 8, 2003 meeting. The applicant felt like he could not meet the conditions of CON2003-49 and withdrew his request following approval. At that time, Lots 10 and 12 were not developed. There were no recorded protests to CON2003-49.

A Conditional Use, CON2004-30 for the current, smaller site was approved by the MAPC at their October 7, 2004 meeting. There were no recorded protests to CON2004-30.

An Administrative Adjustment to reduce the compatibility setback along the east property line of Lots 10 & 12 from 25 feet to 20 feet measured to the center of the alley, BZA2004-00040, was approved May 4, 2004.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Single-family, Car sales
SOUTH:	LC	Single-family, Car sales
EAST:	TF-3	Single-family, Duplex
WEST:	LC	Bank, Single-family, Multi-family

PUBLIC SERVICES: Normal municipal services are available. South Broadway Avenue is a paved four-lane arterial.

CONFORMANCE TO PLANS/POLICIES: The adopted Future Land Use Map of the South Central Neighborhood Plan identifies this site as appropriate for “Mixed-Use Commercial”. Used car lots are described as a “least desirable land use”.

The Future Land Use Map of the adopted Wichita-Sedgwick County Comprehensive Plan, the Community Investment Plan, identifies this site as appropriate for “commercial”. These areas are described as encompassing the full diversity of commercial development intensities and types typically found in a large urban municipality. This site conforms to this designation.

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

1. The approval of CON2019-00034 will void CON2004-00030.
2. All requirements of Article III, Section III.D.6.x. of the Unified Zoning Code shall be met.
3. In addition to uses permitted in the “LC” Limited Commercial district, the site shall be limited to the sales of cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business.
4. 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.
5. Parking spaces for employees and customers shall be provided on the property as required by the UZC and in conformance with the standards established by the City Traffic Engineer. The parking spaces shall be marked and designated for employees and customers and shall not be used for display or storage of vehicles for sale, unless the vehicle is driven by an employee. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business unless additional parking spaces for such businesses are provided per a revised site plan approved by the Planning Director.
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.
7. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
8. A revised landscape plan shall be submitted showing a landscaped street yard and landscape buffer along the alley, which shall be provided and maintained on the property as approved by the Planning Director.
9. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, and prior to operation of a

vehicle sales lot on the expanded footprint. The site plan shall include the current 6-foot wooden, stockade type fence, all lighting, including those on the building, the pole fence along the Broadway Avenue frontage, the location and size of the office and garage space within the current building, approved signage and solid screening around the trash receptacle.

10. The site shall be developed in general conformance with the approved site plan and landscape plan. All improvements shown on the approved site plan and landscape plan shall be completed prior to the operation of a vehicle sales lot on the expanded footprint.
11. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
12. 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is that of mixed-use development consisting of single-family and multi-family residential development and various commercial uses including used car sales. Most of the property along Broadway is zoned "LC" Limited Commercial or "GC" General Commercial, with residential zoning limited to areas along the streets east and west of Broadway. The proposed used car lot is consistent with the zoning, uses, and character of the area.
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 apparently suitable for commercial uses to which it has been restricted; however, used car sales is an established use on the site and can be suitable for the expanded property if developed according to the recommended conditions of approval.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental effects should be minimized by the recommended conditions of approval which would limit signage, lighting, noise, and display area practices from adversely impacting nearby property.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The adopted Future Land Use Map of the South Central Neighborhood Plan identifies this site as appropriate for "Mixed-Use Commercial". Used car lots are described as a "least desirable land use".

The Future Land Use Map of the adopted Wichita-Sedgwick County Comprehensive Plan, the Community Investment Plan, identifies this site as appropriate for "commercial". These areas are described as encompassing the full diversity of commercial development intensities and types typically found in a large urban municipality. This site conforms to this designation.

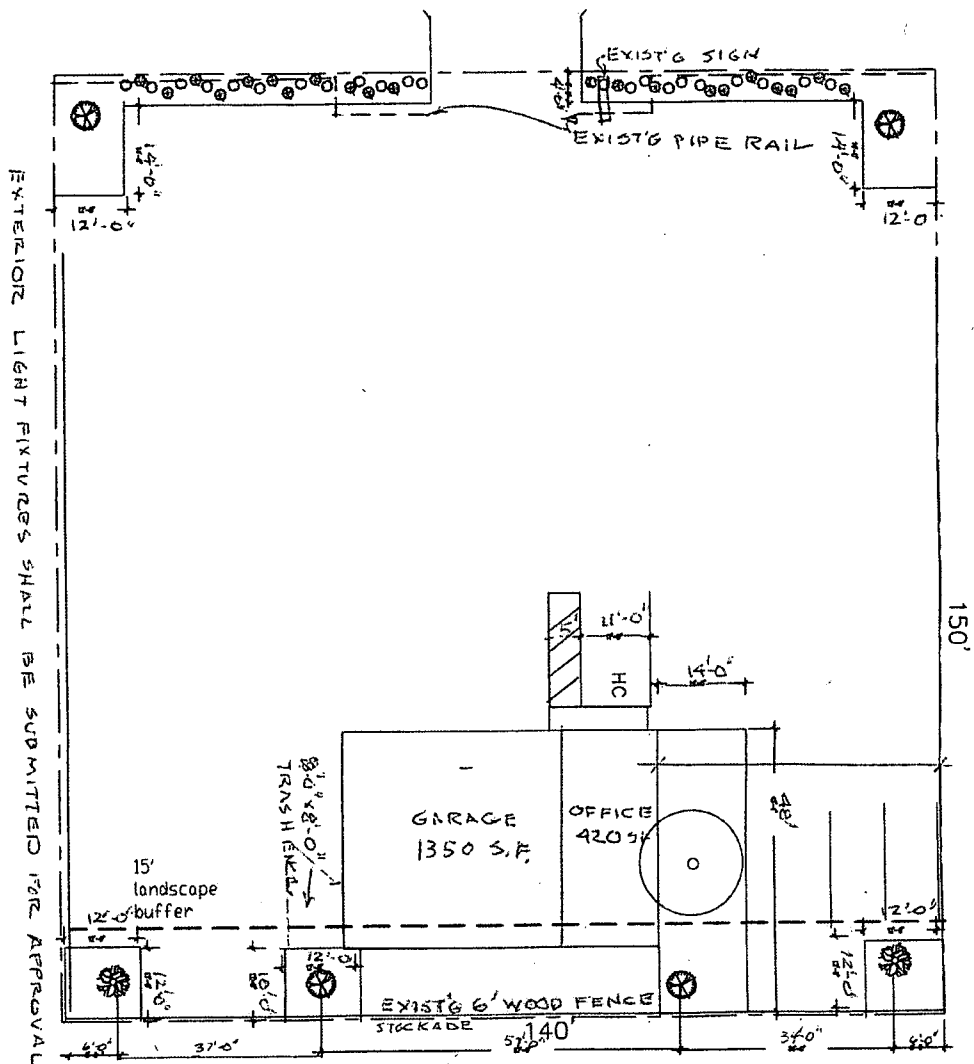
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities.

LANDSCAPE PLAN - 1728 S. BROADWAY AVE.

- OCTOBER GLORY MAPLE 2" CALIPER
- PRAIRIE FIRE CRAB APPLE 2" CALIPER
- BURNING BUSH- HEIGHT 3'-4' SPREAD 3' 3-5 GAL. 18" AT PLANTING
- GOLDEN PRIVET HEIGHT 3'-4' SPREAD 3' 3-5 GAL. 18" AT PLANTING
- EXISTING MAPLE TREE- APPROX 30 FT. TALL

LANDSCAPE CALCULATIONS:		
DEPTH OF PROPERTY - 150.0 FT - 8 S.F./LIN.FT		
PROPERTY WIDTH - 140' X 8' = 1120 SF LANDSCAPE AREA		
LANDSCAPE AREA PROVIDED:		
SCREENING AREA	925 SF	
LANDSCAPE AREA	420 SF	
TOTAL	1,345 SF	
NUMBER OF SHADE TREES REQ'D.: 1200/500 = 2.4 - 3 REQUIRED		
1 SHADE TREES		
2 ORNAMENTAL TREES		
SHRUBS 116/2' = 58		

LANDSCAPE CALCULATIONS:		
NUMBER OF SHADE TREES REQ'D.: 1120/500 = 2.24 - 3 TREES		
PRAIRIE FIRE CRAB APPLE		
10185 GOLDEN PRIVET		
PARKING SCREENING:		
BURNING BUSH	30 TREES	
GOLDEN PRIVET	30 EA	



LANDSCAPE PLAN N.T.S.



SITE PLAN

APPROVED 2/18/2020 BY [Signature]

MODIFICATIONS to 1728 S. BROADWAY AVE.



SANDY ROBERTS ARCHITECT
1950 S. WEB RD. #111
WICHITA, KS. 67207
- M 204 0482
sanjanr@cox.net

DATE: 8/25/2019
REVISED: 7/18/2020
SHEET 1 OF 10