



Wichita-Sedgwick County Metropolitan Area Planning Department

February 18, 2020

Kenny & Shayla Nguyen
126 North Saint Clair Street
Wichita, KS 67203

Samuel Bankole
2117 South Cranbrook
Wichita, KS 67207

RE: CON2019-00053 - City request to approve a Conditional Use Permit to permit Vehicle Sales, Outdoor on property zoned LC Limited Commercial located on the south side of West McCormick Avenue and the west side of South Meridian Avenue

Dear Applicants:

At its regular meeting on January 23, 2020, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to APPROVE the request by a vote of 13 to 0 in accordance with the attached resolution. No protests were filed, so this matter is considered complete, subject to the conditions outlined in the resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: WCC IV, Jeff Blubaugh, Mail Stop 1-13
Rebecca Fields, CSR IV, Mail Stop 1-135
Paul Hays, OCI, Mailstop 1-72
Jeff Van Zandt, City Law, Mailstop 1-134
Shawn Mellies, Engineering, Mail Stop 1-71
Seth Gotchey, Engineering, Mail Stop 1-71

CONDITIONAL USE RESOLUTION NO. CON2019-00053

WHEREAS, Kenny and Shayla Nguyen, (Owners), and Samuel Bankole (Agent) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to allow Vehicle and Equipment Sales, outdoor on property zoned LC, Limited Commercial District, located on the south side of West McCormick Avenue and west of South Meridian Avenue, and legally described as:

Odd Lots 5, 7 and 9, except the east 20 feet thereof on Meridian together with Lots 1 and 3, except that part deeded to the city on Meridian, Richmond's Addition to City of 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 January 23, 2020, 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 Vehicle and Equipment Sales, outdoor on property zoned LC, Limited Commercial District, located on the south side of West McCormick Avenue and west of South Meridian Avenue, and legally described as:

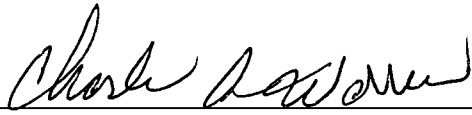
Odd Lots 5, 7 and 9, except the east 20 feet thereof on Meridian together with Lots 1 and 3, except that part deeded to the city on Meridian, Richmond's Addition to City of Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. The entire site shall be developed and operated in conformance with the requirements of Section III-D.6(x) of the Unified Zoning Code.
2. A revised site plan, drawn to scale and addressing the conditions of approval shall be submitted for review and approval by the Planning Director or his designee prior to the issuance of a certificate of occupancy, but no later than 30 days after approval of the Conditional Use. In particular, the site plan shall show the number and arrangement of vehicles for sales on the site, appropriate security for display of the vehicles and appropriate screening along the west property line.
3. 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 23rd Day of January, 2020

METROPOLITAN AREA PLANNING COMMISSION



Charles A. Warren, Chair MAPC

ATTEST:



Scott Knebel, Secretary



AGENDA ITEM NO. 4.3

STAFF REPORT

MAPC - January 23, 2020
DAB IV - February 3, 2020

CASE NUMBER:

CON2019-00053

APPLICANT/AGENT:

Kenny and Shayla Nguyen (Owners) / Samuel Bankole (Agent)

REQUEST:

Conditional Use to allow Outdoor Vehicle Sales and Service

CURRENT ZONING:

LC Limited Commercial

SITE SIZE:

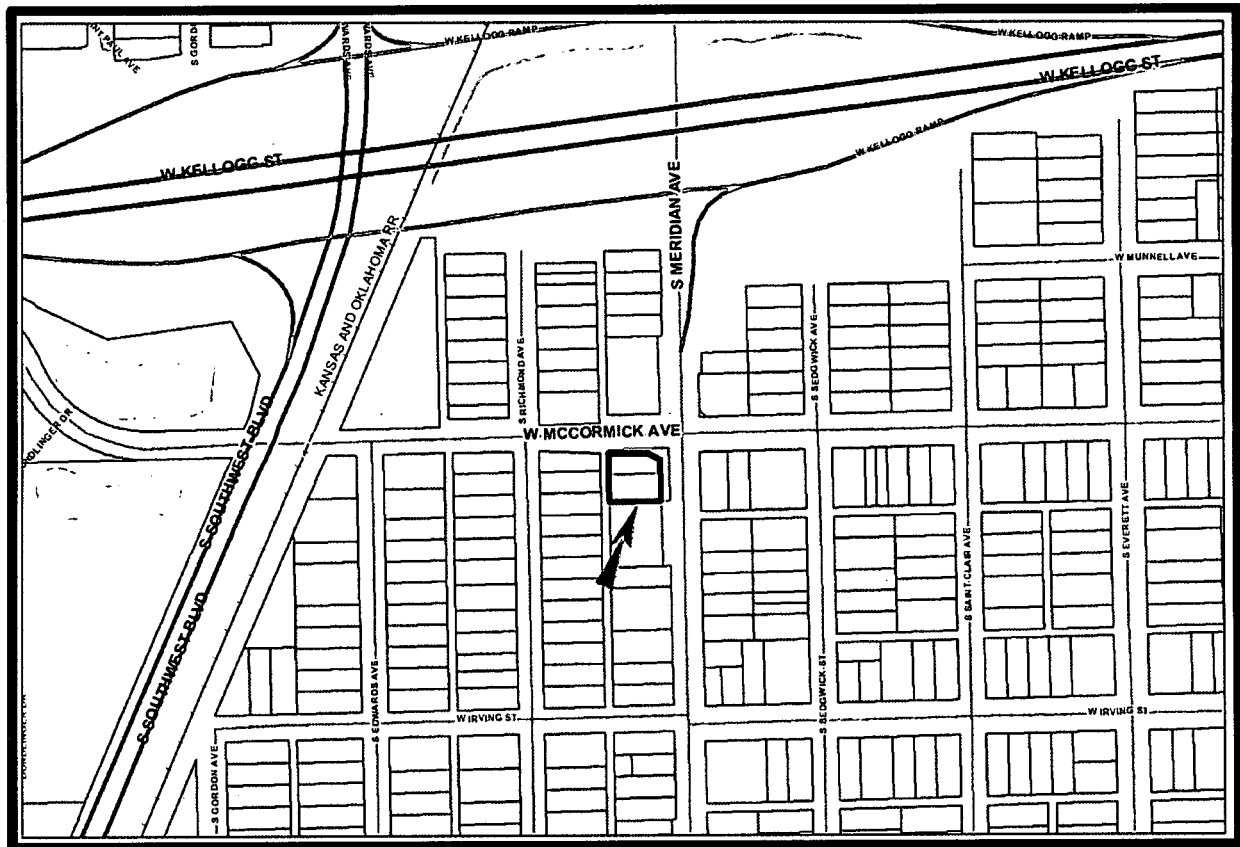
0.31 acre

LOCATION:

West of South Meridian Avenue and south of West McCormick Avenue

PROPOSED USE:

Outdoor Vehicle Sales and Service



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on property zoned LC Limited Commercial ("LC") located on the west side of South Meridian Avenue and south of West McCormick Avenue. The subject property is a paved, parking lot that has been secured with a chain-linked fence, with the west 10 feet of the lot unpaved. There are no buildings presently on the property. The applicant has provided a proposed site plan indicating a 10-foot by 12-foot building will be established to serve as the office for the proposed sales lot. There are four parking spaces for customers shown to the west of the proposed building, with two existing trees along the west property line to remain for landscaping.

The Unified Zoning Code (UZY) permits vehicle and equipment sales, outdoor, with a Conditional Use in the LC zoning district. The Unified Zoning Code specifies requirements for vehicle and equipment sales in LC in Section III-D(x) as follows:

- x. **Vehicle and Equipment Sales, Outdoor, in LC.** Outdoor Vehicle and Equipment Sales shall be subject to the following standards when located within the LC District.
 - (1) Location shall be contiguous to a major street as designated in the *Transportation Plan* adopted by the Governing Bodies, and as amended from time to time.
 - (2) Visual screening of areas adjacent to residential zoning districts shall be provided to protect adjacent properties from light, debris and noise and to preserve adjacent property values even when the change in use to Vehicle and Equipment Sales replaces a previous use that is of equal or greater intensity. In no case shall screening be less than that required by Sec. IV-B.1-3.
 - (3) All parking, outdoor storage and display areas shall be paved with concrete, asphalt or asphaltic concrete or any comparable hard surfacing material. Parking barriers shall be installed along all perimeter boundaries abutting streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public street right-of-way.
 - (4) The lighting shall be in compliance with the lighting requirements of Sec. IV-B.4. No string-type or search lighting shall be permitted.
 - (5) The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.
 - (6) No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.
 - (7) Only those signs permitted in the LC District shall be permitted on this site, except that no portable, flashing, moving or off-site Signs shall be

permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted.

- (8) There shall be no use of elevated platforms for the display of vehicles.

The specific provisions lacking for the subject property to comply with the requirements of the UZC deal with the installation of appropriate parking barriers for the display area for the vehicles for sale, and adequate screening on the west side of the property. The chain-linked fencing needs to be removed and replaced with pipe barriers or acceptable security to meet the requirements stated above. Also, a revised site plan needs to be provided showing appropriate screening along the west property line, and need to address the specific number and manner of display of vehicles for sale on the property.

The property north of the site across McCormick Avenue is zoned LC and developed with a convenience store/gas station. Property south of the site is zoned LC and has a building that was formerly used as a bingo parlor, but appears to be vacant. The property to the east across Meridian Avenue is zoned LC and is occupied by a retail business and restaurant. Property to the west is zoned TF-3 Two-Family Residential (TF-3). The lot to the west that is adjacent to McCormick Avenue is occupied with a single-family home with a detached garage off the alley. The lots to the west that are south of the single-family home are vacant.

CASE HISTORY: The subject property is platted as part of the Richmonds Addition, which was recorded with the Register of Deeds September 22, 1886. There is no other previous zoning actions on the subject property.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Commercial Uses
SOUTH:	LC	Commercial Uses
EAST:	LC	Commercial Uses
WEST:	TF-3	Single-Family Residence, vacant

PUBLIC SERVICES: The subject property has access both Meridian Avenue and McCormick Avenue. Meridian Avenue is a four-lane, arterial road. McCormick Avenue is a four-lane, arterial road at this location. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The “Community Investments Plan 2015-2035” depicts this location as being generally “residential”; however the location at the intersection of two arterial streets with commercial uses established on all other corners of the intersection supports a commercial use. The subject property is also located with the Established Central Area of the Community Investments Plan. The Wichita Urban Infill Strategy is focused on the Established Central Area – comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. Increased levels of infill redevelopment throughout the Established Central Area is a major policy goal of the Community Investments Plan. One of the strategies to promote infill redevelopment is to support regulatory changes, like the proposed conditional use for the drinking establishment, to support urban-scale infill projects. This particular use would not be out of character with the spirit and intent of the plan’s acceptable uses for this location.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request for an ancillary parking lot be **APPROVED** subject to the following conditions:

1. The entire site shall be developed and operated in conformance with the requirements of Section III-D.6(x) of the Unified Zoning Code.
2. A revised site plan, drawn to scale and addressing the conditions of approval shall be submitted for review and approval by the Planning Director or his designee prior to the issuance of a certificate of occupancy, but no later than 30 days after approval of the Conditional Use. In particular, the site plan shall show the number and arrangement of vehicles for sales on the site, appropriate security for display of the vehicles and appropriate screening along the west property line.
3. 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.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The property north of the site across McCormick Avenue is zoned LC and developed with a convenience store/gas station. Property south of the site is zoned LC and has a building that was formerly used as a bingo parlor, but appears to be vacant. The property to the east across Meridian Avenue is zoned LC and is occupied by a retail business and restaurant. Property to the west is zoned TF-3 Two-Family Residential (TF-3). The lot to the west that is adjacent to McCormick Avenue is occupied with a single-family home with a detached garage off the alley. The lots to the west that are south of the single-family home are vacant.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property has been used as a parking lot, but could have other commercial uses established.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested outdoor vehicle sales will not impact the commercial uses to the north, south or east. The installation of the required screening to the west will mitigate potential impacts to those properties given their existing uses and degree of improvements
4. **Length of time the property has been vacant as currently zoned:** The property has been used zoned commercially for years. The lack of more intensive commercial uses by the owners has been a private decision.
5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** There are no impacts evident under either situation. The requested use is reasonable and will enhance value of the land.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "Community Investments Plan 2015-2035" depicts this location as being generally "residential"; however the location at the intersection of two arterial streets with commercial uses established on all other corners of the intersection supports a commercial use. The subject property

is also located with the Established Central Area of the Community Investments Plan. The Wichita Urban Infill Strategy is focused on the Established Central Area – comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. Increased levels of infill redevelopment throughout the Established Central Area is a major policy goal of the Community Investments Plan. One of the strategies to promote infill redevelopment is to support regulatory changes, like the proposed conditional use for the drinking establishment, to support urban-scale infill projects. This particular use would not be out of character with the spirit and intent of the plan's acceptable uses for this location.

7. **Impact of the proposed development on community facilities:** The proposed use will have no detrimental impact on community facilities.

Attachments:

Proposed Site Plan

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