

CONDITIONAL USE RESOLUTION NO. CON2002-00047

WHEREAS, Toraino Hadley, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for Vehicle and Equipment Sales, Outdoor in LC Limited Commercial District zoning located at 1752 & 1754 North Grove Avenue, legally described as:

West 86 feet of Lots 2, 4, 6, 8, and 10, of Carr's Addition to 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 September 26, 2002, 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 Vehicle and Equipment Sales, Outdoor in LC Limited Commercial District zoning located at 1752 & 1754 North Grove Avenue, legally described as:

West 86 feet of Lots 2, 4, 6, 8, and 10, of Carr's Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

- 1) In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of used cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups.
- 2) The vehicle sales lot shall be operated with the current automobile detail shop. 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.
- 3) The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards. The revised site plan will include more dimension control, size of the existing building, parking for the car sales business and the detail shop business, internal circulation, and proposed and existing lighting.
- 4) The applicant shall install and maintain landscaping in accordance with the revised landscape plan submitted with the revised site plan.
- 5) 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.
- 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) There shall be no use of elevated platforms for the display of vehicles.
- 8) No amplification system shall be permitted.

- 9) No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
- 10) The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.
- 11) The applicant shall erect and maintain a solid six-foot screening along the southern property lines that is adjacent to residential zoning.
- 12) The applicant shall guarantee the closure of the Grove and 17th Street entrances that are closest to the intersection and continue the curb and gutter according to City standards. Dedication of access control allowing closing the 17th and Grove entrances that are closest to the intersection by separate instrument shall be submitted to Staff for recording.
- 13) Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

Adopted this 13th Day of December, 2024.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:

Bryant Frye
Bryant Frye, Chairman

Scott Wadle
Scott Wadle, Secretary



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

October 17, 2002

John H. Jackson
Applicant
1754 N. Grove
Wichita, KS 67214

RE: CON2002-00047 – Conditional Use to allow used car sales on property zoned “LC” Limited Commercial. Generally located at the southeast corner of 17th Street North and Grove, 1752 & 1754 N. Grove.

Dear Mr. Jackson:

At its regular meeting on September 26, 2002, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the following conditions:

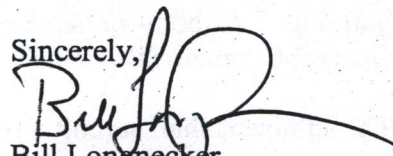
1. In addition to uses permitted in the “LC” Limited Commercial district, the site shall be limited to the sales of used cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups.
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13. Any violation of the conditions 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. When conditions of approval #3, #4, and #12 listed above are submitted to our office and/or completed, we will prepare and mail the Conditional Use Resolution.

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

Sincerely,



Bill Longnecker
Senior Planner

WL/rs

Cc: Carl Brewer, City Council Member, District I, Mail Stop 1-13
Heidi Drew, N.A. I, Mail Stop 1-135
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



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

October 2, 2002

John H. Jackson
Applicant
1754 N. Grove
Wichita, KS 67214

RE: CON2002-00047 – Conditional Use to allow used car sales on property zoned “LC” Limited Commercial. Generally located at the southeast corner of 17th Street North and Grove, 1752 & 1754 N. Grove.

Dear Mr. Jackson:

At its regular meeting on September 26, 2002, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the following conditions:

1. In addition to uses permitted in the “LC” Limited Commercial district, the site shall be limited to the sales of used cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups.
2. The vehicle sales lot shall be operated with the current automobile detail shop. 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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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. There shall be no use of elevated platforms for the display of vehicles.
8. No amplification system shall be permitted.
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13. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

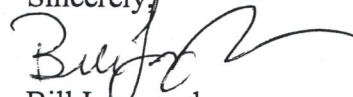
NOTICE: The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning-related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement with the City Clerk by 5:00 p.m. on the Wednesday preceding this meeting, providing new facts on the issue or alleging an unfair hearing. The Council will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

Property owners may also file written protest petitions on zoning-related items heard by the MAPC. 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 within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing. Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 200 feet of the perimeter of the application area, unless the Council overrides such a protest and approves the application by a vote of 6 of its members.

If there are no valid appeals or protest petitions filed opposing this action by October 10, 2002, the action of the MAPC will be considered final. If appeals or protest petitions are filed, you will be advised of the date your application will be forwarded to the Governing Body for review and final action.

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

Sincerely,



Bill Longnecker
Senior Planner

WL/rs

Cc: Carl Brewer, City Council Member, District I, Mail Stop 1-13
Heidi Drew, N.A. I, Mail Stop 1-135
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Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

West ~~80~~ Feet of Lots 2, 4, 6, 8, & 10, CARPS Addition
80

31 E 6 PLAT

By John S. Co. Bill and Macken

REVISED 21 FEB 1911



When lot is improved and owner is well watered & lot is not improved and owner is not watered & lot is not improved and owner is not watered & lot is not improved and owner is not watered

West 80 Feet



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AGENDA ITEM NO. 6

STAFF REPORT

MAPC – September 26, 2002

CASE NUMBER: CON2002-00047

APPLICANT/AGENT: John Henry Jackson (Contract Purchaser/Applicant)

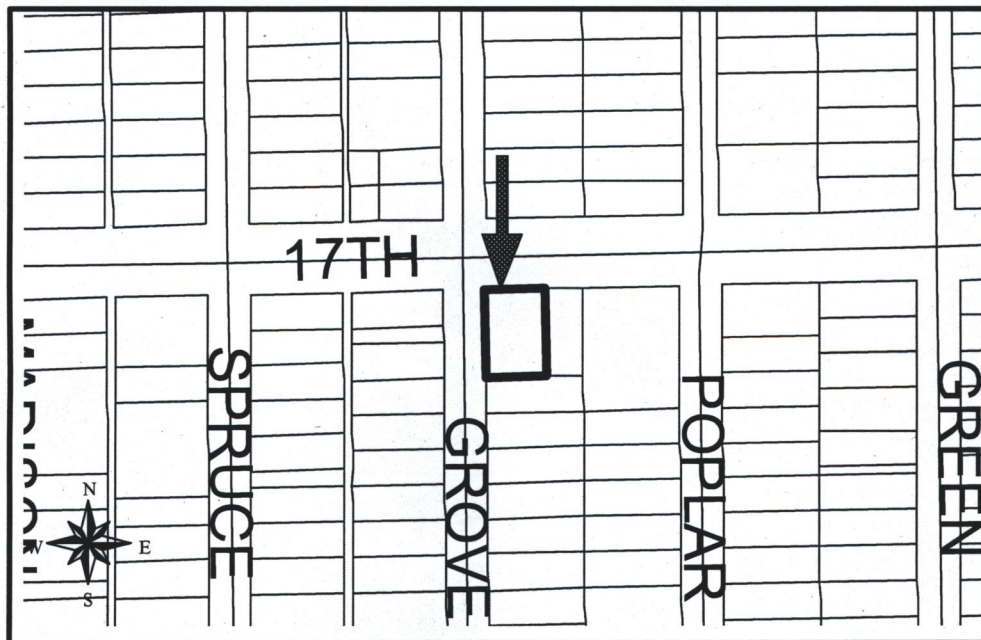
REQUEST: Conditional Use to allow used car sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 14,782.88 square feet

LOCATION: Southeast corner of 17th Street North and Grove, 1752 & 1754 North Grove.

PROPOSED USES: Vehicle and equipment sales, outdoors



BACKGROUND: The applicant, John Henry Jackson, is requesting consideration and recommendation for a Conditional Use to allow used car sales on property zoned "LC" Limited Commercial. The property (approximately 10,750 square feet)

is described as the west 86-feet of Lots 2, 4, 6, 8 & 10, Carr's Addition, located on the southeast corner of the 17th Street North - Grove intersection. 17th Street fronts the north side of the property and Grove fronts its west side. The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The applicant has submitted a site plan.

The property is currently being used as an automobile detail shop. The site has 4 existing entrances/exits (entrances); 2 on Grove and 2 on 13th. The applicant has shown on the site plan that the 2 entrances that are closest to the 17th Street – Grove intersection as not being used. The site plan shows these two entrances being used as auto display spaces. The two entrances farthest from the intersection, one on Grove and the other on 17th would remain open. The site plan shows some proposed and existing landscaping, a proposed 6-foot privacy fence on the south and east sides (where the site abuts developed property) an existing building (no size given) and a proposed sign location. There is some dimensional control given on the site plan.

The properties to the north, east and west are zoned "LC" Limited Commercial and all of these properties have frontage on 17th Street. Across the street from the site, northeast of 17th and Grove, there are several vacant businesses for a block east, until the zoning turns into "TF-3", Duplex zoning. Across the street, northwest of 17th and Grove, there is a garage, a beauty shop and some undeveloped "LC" properties until the zoning turns in into "SF-5", Single Family Residential zoning. The properties west of the site and across Grove include the Fire Department's Engine House #10, an undeveloped property and a laundry mat, after which the zoning turns into "TF-3". The entrance to the Fire Station is directly west, across the street from the site's north entrance onto Grove. The property abutting the site on the east is a small vacant retail business with vacant businesses and a burger shop east of that for the next block, after which the zoning becomes "TF-3". Properties to the south of the site are zoned TF-3" and are developed as single family residential, with the exception of the property abutting the site's south side. This property is zoned "B" Multifamily and is developed as a beauty shop. The properties fronting 17th for a block – a block and a half east and west of the 17th and Grove intersection is the only solid grouping of properties zoned "LC" between Hillside and Hydraulic, with perhaps two exceptions the rest of the properties in this mile are zoned either "TF-3" or "SF-5".

CASE HISTORY: The Carr's Addition was approved by the Board of Commissioners on March 31, 1913.

ADJACENT ZONING AND LAND USE:

NORTH: "LC" Limited Commercial
"TF-3" Duplex

Vacant business, garage, beauty –
barber shops
Single-Family Residential

EAST:	"LC" Limited Commercial	Vacant businesses, burger shop, retail
SOUTH:	"B" Multi-Family Residential	Beauty shop
	"TF-3" Duplex	Single-Family Residential
WEST:	"LC" Limited Commercial	Fire Station, laundry, Undeveloped
	"TF-3" Two Family Residential	Single-Family Residential, church

PUBLIC SERVICES: 17th Street North, at this intersection, is a 4-lane arterial street. Grove, at this intersection is a 2-lane arterial. The estimated traffic volume of (ADT) trips per day at the 17th - Grove intersection is 5211 ADTs on the west side, 5972 ADTs on the north side, 5479 ADTs on the east side and 5457 ADTs on the south side. Water/sewer and other municipal services are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide, as amended in 2002, of the Wichita – Sedgwick County Comprehensive Plan identifies this property as Commercial. The current zoning of the site is "LC" Limited Commercial. The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The Wichita – Sedgwick County Comprehensive Plan, as amended by Resolution 5-02, directs the location of auto sales lots and other types of infrequent purchase or non-neighborhood serving commercial uses to areas (existing or planned) containing similar uses and away from neighborhood commercial areas. This area contains neighborhood commercial and no auto sales lots and other types of infrequent purchase or non-neighborhood serving commercial uses.

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 is a failed vehicle sales lot on the southwest corner of 13th Street North and Spruce, approximately ½ mile away. The zoning for this property is "GC", General Commercial. The commercial uses along this portion of 17th Street North are neighborhood serving and do not involve outdoor display or storage associated with vehicle sales.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is zoned "LC" for a block on either side of the 17th – Grove intersection, with SF-5" and "TF-3" zoning west and east of the "LC" zoning along 17th and north and south (behind) of the "LC" zoning at this intersection. The existing businesses in the neighborhood are local retail in character. The most intense use at the intersection is the site's current use as a detail shop. This use does include the parking of cars waiting to be detailed or waiting to be picked up by their owners. There are established residential developments adjacent to the site on the south and north sides to 13th Street North and 21st Street North and east to west from Hillside to Hydraulic.

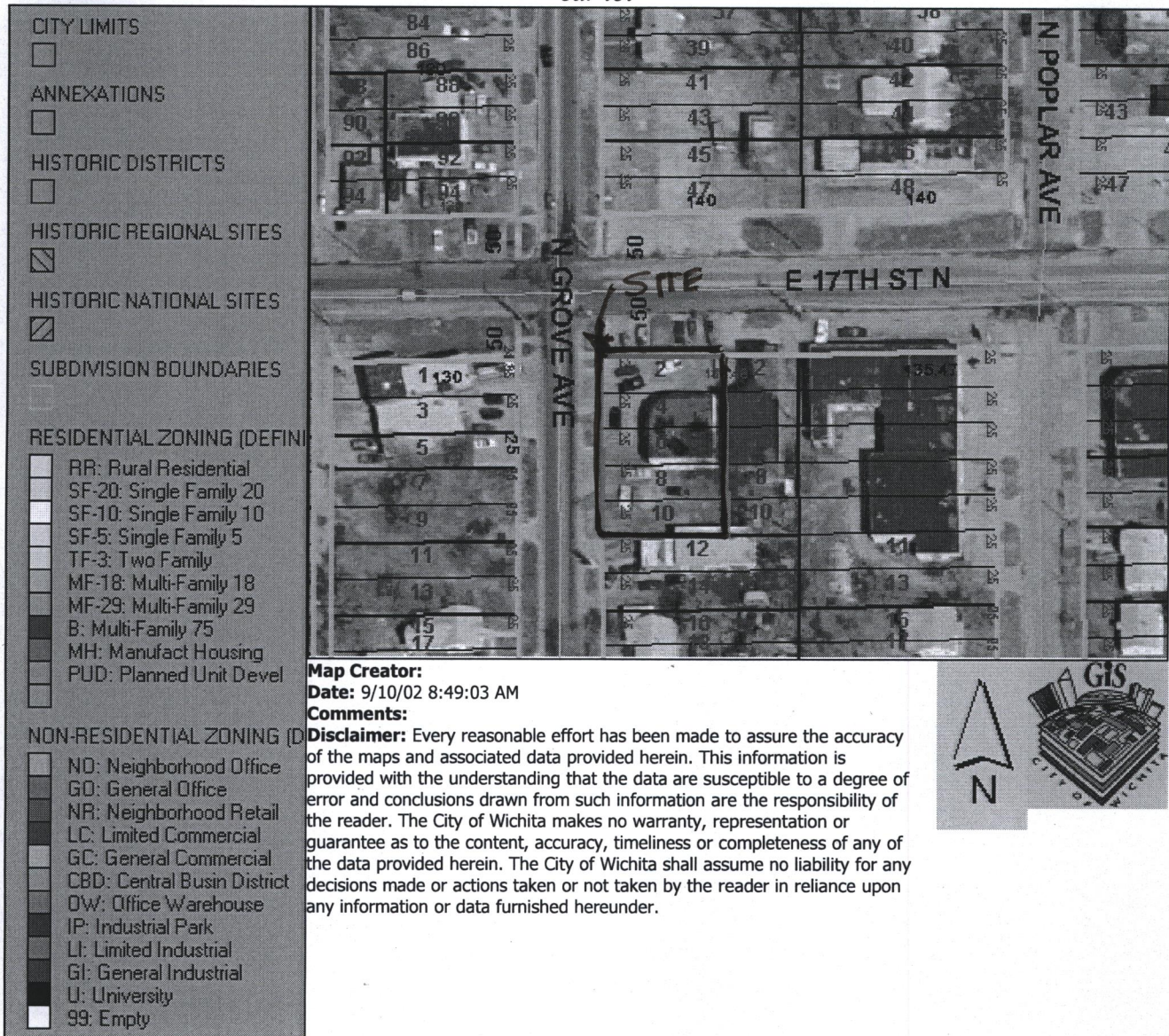
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently used as a detail shop, which is a permitted use in "LC" zoning. "LC" zoning permits a wide range of uses and the site could be developed with one of the many "LC" permitted uses.
3. Extent 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.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Unified Zoning Code requires a Conditional Use for 'vehicle and equipment sales, outside' in "LC" Limited Commercial zoning. The Wichita Land Use Guide of the 1999 update to the Wichita – Sedgwick County Comprehensive Plan identifies this property as Commercial. The current zoning of the site is "LC" Limited Commercial. The Wichita – Sedgwick County Comprehensive Plan, as amended by Resolution 5-02, directs the location of auto sales lots and other types of infrequent purchase or non-neighborhood serving commercial uses to areas (existing or planned) containing similar uses and away from neighborhood commercial areas. The proposed car sales lot does not meet these criteria. The nearest car sales lot is located just west of the 13th Street North – I-35 interchange.

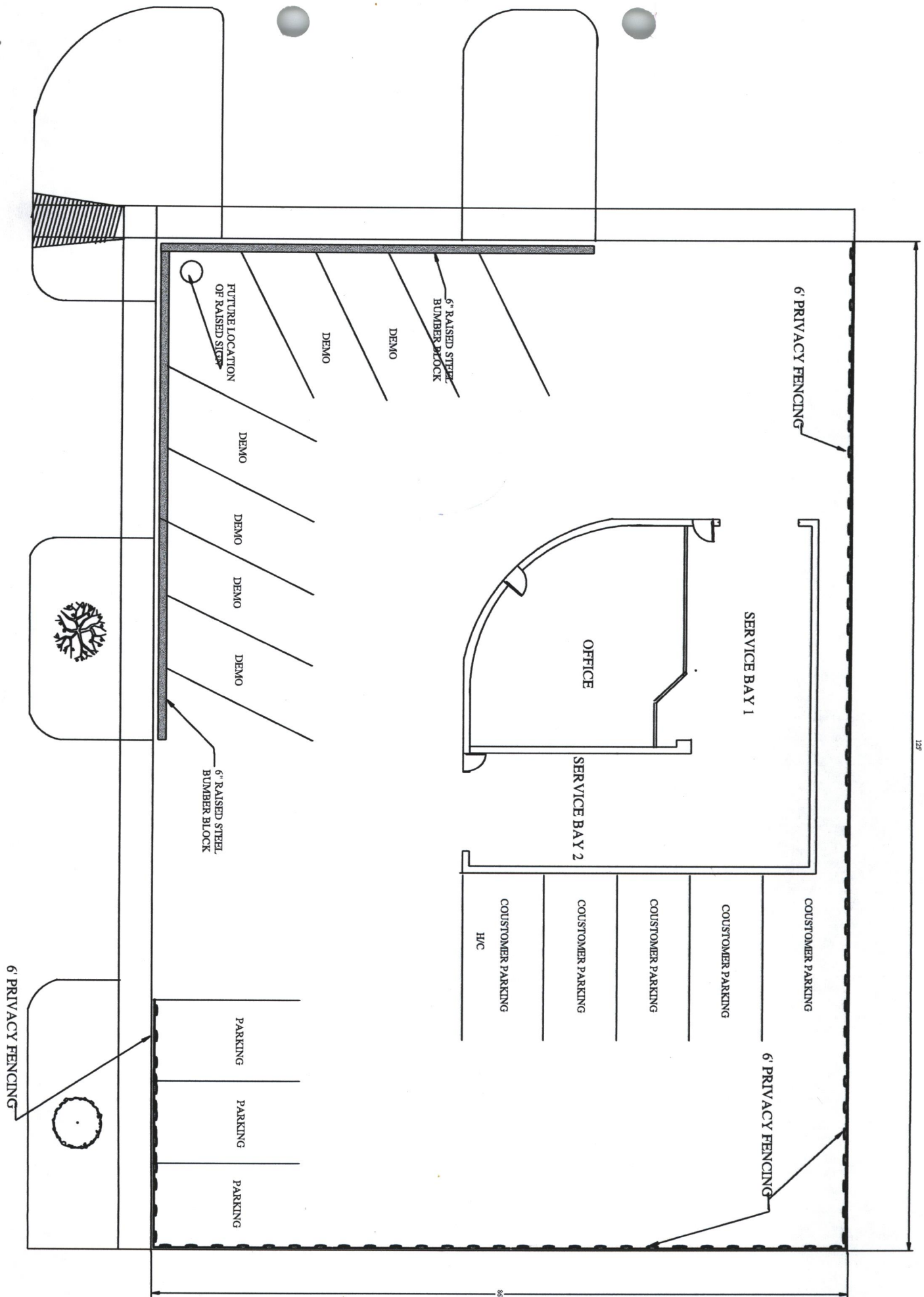
If, however, the Planning Commission believes this is an appropriate use, staff recommends approval be subject to the following conditions:

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of used cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups.
2. The 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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13. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

con02-47
car lot





REVISED SITE PLAN
1752-54 N. GROVE



EXISTING SITE PLAN
1752-54 N. GROVE

