

CONDITIONAL USE RESOLUTION NO. CU-475

WHEREAS, Howard Brodsky, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow vehicle sales and rental on .25 acres zoned "LC" Limited Commercial described as:

The east 165 feet of Lot 7, Mor-Ell Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Bluffview, on the north side of Harry.

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 16, 1998, 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 permit a conditional use to allow vehicle sales and rental on .25 acres zoned "LC" Limited Commercial described as:

The east 165 feet of Lot 7, Mor-Ell Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Bluffview, on the north side of Harry.

subject to the following conditions:

- A. This property shall be developed in accordance with the site plan approved as part of the Conditional Use Permit application. All parking, storage, and display areas shall be paved with concrete, asphalt, or asphaltic concrete. 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 do not encroach onto public right-of-way.
- B. The automobile rental facility 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 done on the premises without first obtaining "GC" General Commercial zoning.

- C. Parking spaces for customers and employees shall be provided on the site per the Unified Zoning Code requirements. These spaces shall be marked and designated for customers and employees and shall not be used for the display or storage of vehicles for sale or rental.
- D. The property shall be used primarily for renting cars, with the selling of vehicles being limited to cars which have been rented at this site.
- E. Only those signs permitted in the "LC" zoning 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 used.
- F. No sound projecting devices or loudspeakers shall be used on-site.
- G. There shall be no use of elevated platforms for the display of vehicles.
- H. Currently the site has approximately five existing shrubs just in front of the existing building. The applicant shall also plant 2 trees in the parkway along the Bluffview frontage. One shall be planted in front of the building and the other just north of the existing driveway on-site.
- I. Any violation of the conditions of approval shall render the Conditional Use permit null and void.

Adopted this 16th day of April, 1998. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION


Richard E. Lopez, Chairman

ATTEST:



Marvin S. Krout, Secretary



AGENDA ITEM NO. 4

STAFF REPORT

CPO (3) April 9, 1998

MAPC April 16, 1998

CASE NUMBER: CU-475

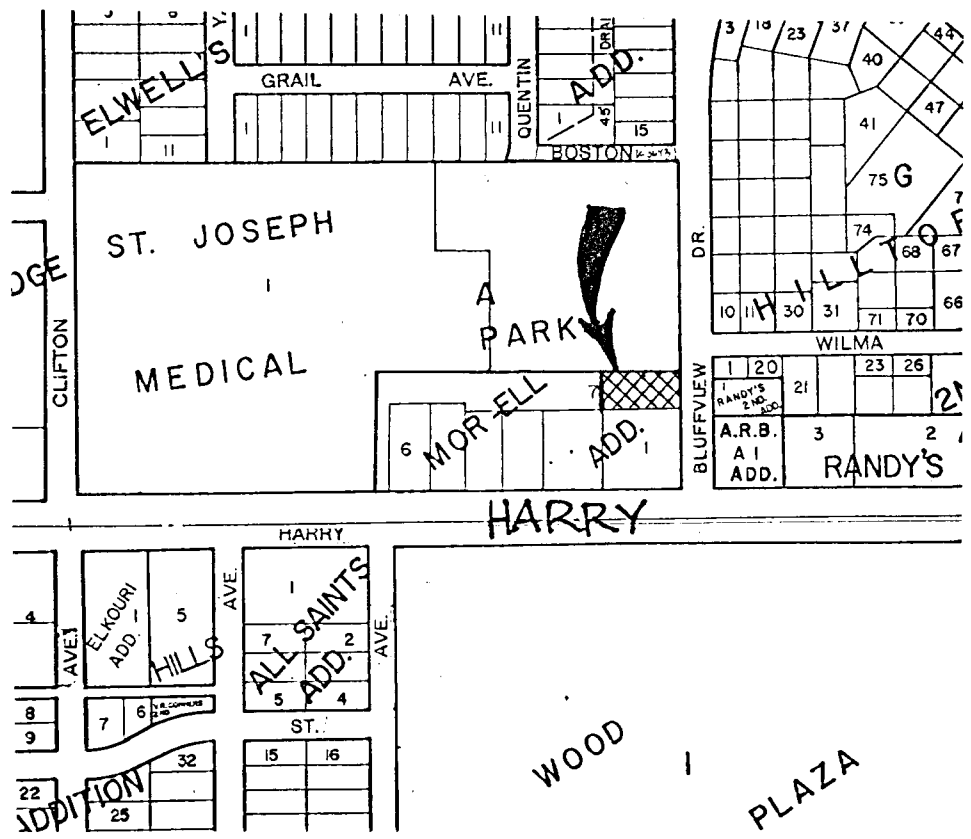
APPLICANT/AGENT: Howard Brodsky (Owner/Applicant)

REQUEST: Conditional Use to allow vehicle sales and rental

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: .25 acres

LOCATION: West of Bluffview and north of Harry



BACKGROUND: The applicant is requesting a Conditional Use to permit a vehicle rental agency which falls under the zoning code definition for “vehicle and equipment sales,” on a .25 acre platted tract located north of Harry and west of Bluffview. The parcel of land is zoned “LC” Limited Commercial and was once used as a Taco Tico. The existing building on-site (1500 square feet) will be used as the office, with approximately 32 spaces shown on the site plan to be used as customer parking, handicapped spaces, employee parking and vehicle display. The applicant has also stated that he plans on selling a few of these vehicles.

The Unified Zoning Code requires auto businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet and one space per each additional 10,000 square feet of lot area used for vehicle sales, display, or storage purposes and one space per 500 square feet of building area for employee parking. The site plan shows approximately 11,000 square feet for vehicle sales, display and storage which will require a total of 2 space for customer and employee parking. The building (1500 square feet) which will be used as an office will require an additional 3 parking spaces. Therefore, this site will be required to have 5 spaces for employee and customer parking. The site plan submitted by the applicant exceed the number of required parking spaces.

The site adjoins St. Joseph Medical Center on the north. Commercial properties are located south, west and east of this site. A few single-family homes are located approximately 100 to 150 feet to the northeast on the east side of Bluffview.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	“LC” and “GO”	St. Joseph Medical Park
SOUTH:	“LC”	Firestone
EAST:	“LC”	Financial Institution
WEST:	“LC”	Offices

PUBLIC SERVICES: This site is served with municipal services. Access to this site is provided from Bluffview, a two-lane collector street.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for commercial uses. The commercial locational guidelines of the Plan recommend that commercial uses not located in planned centers, including auto-related uses, should be guided to cluster in areas such as CBD fringe, segments of Kellogg and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses and utilities can support uses. This site is surrounded by commercial land uses and is located with 200 feet of a major arterial, therefore this Conditional Use seems to conform to the

Comprehensive Plan.

RECOMMENDATION: Normally, staff would not support a vehicle sales lot at a location like this, which is characterized by less intensive uses and with no similar uses already established. However, the nature of this use as primarily renting rather than selling cars, and the site layout, with a more substantial building and fewer parked cars per square foot than a typical sales lot, lead staff to consider this an acceptable reuse of this former restaurant site. Based upon information available prior to the public hearings planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. This property shall be developed in accordance with the site plan approved as part of the Conditional Use Permit application. All parking, storage, and display areas shall be paved with concrete, asphalt, or asphaltic concrete. 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 do not encroach onto public right-of-way.
- B. The automobile rental facility 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 done on the premises without first obtaining "GC" General Commercial zoning.
- C. Parking spaces for customers and employees shall be provided on the site per the Unified Zoning Code requirements. These spaces shall be marked and designated for customers and employees and shall not be used for the display or storage of vehicles for sale or rental.
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- F. No sound projecting devices or loudspeakers shall be used on-site.
- G. There shall be no use of elevated platforms for the display of vehicles.
- H. Currently the site has approximately five existing shrubs just in front of the existing building. The applicant shall also plant 2 trees in the parkway along the Bluffview frontage. One shall be planted in front of the building and the other

just north of the existing driveway on-site.

- I. Any violation of the conditions of approval shall render the Conditional Use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area surrounding the application area is characterized by commercial and office uses. The appearance of the property should not change significantly from its current appearance, and the rental of vehicles should not significantly alter the character of this neighborhood.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: This proposed use should not have a significant impact on neighboring properties, when considering other uses permitted by right in the "LC" zoning district.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Comprehensive Plan recommends this area as appropriate for commercial uses. The Plan also recommends for auto-related uses to be placed in areas where these uses may already exist or to locations where traffic patterns and surrounding uses can support such uses. There are no similar uses established in this area, but the area is highly commercialized and the primary rental use distinguishes it from typical auto sales lots.
4. Impact of the proposed development on community facilities: This use should not generate heavy traffic or other significant impact on community facilities.
5. The length of time the subject property has remained vacant as zoned: During the past three years, this property has only been occupied for approximately a two month period.