

**CONDITIONAL USE RESOLUTION NO. CON-2002-00011**

**WHEREAS**, RAW LLC c/o Lindy Andell (owner/applicant), Doug Maryett, (agent), 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 Amend CU-500, vehicle and equipment sales, outdoors, on approximately 0.68 acres zoned "LC" Limited Commercial described as:

That part of Lot 1, Silver Spur East, an Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the Northwest corner of said Lot 1; thence East 105 feet; thence South 275 feet; thence W 115 feet; thence Northerly along the West line of said Silver Spur East Addition to the point of beginning. Generally located at the southeast corner of the Harry and Rock Road Intersection, 8001 E. 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 18, 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 permit a Conditional Use to Amend CU-500, vehicle and equipment sales, outdoors, on approximately 0.68 zoned "LC" Limited Commercial described as:

That part of Lot 1, Silver Spur East, an Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the Northwest corner of said Lot 1; thence East 105 feet; thence South 275 feet; thence W 115 feet; thence Northerly along the West line of said Silver Spur East Addition to the point of beginning. Generally located at the southeast corner of the Harry and Rock Road Intersection, 8001 E. Harry.


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 new and used cars and light trucks. No sale of trailers and no rental of trailers or u-haul type of vehicles are permitted.
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.
3. Vehicle sales use of the lot shall be in conformance with the site plan, except that the driveways shall be limited as indicated on the approved landscape plan.

4. The applicant shall install and maintain landscaping in accordance with the approved landscape plan that was submitted with the CU-500 application. No display is permitted in landscape areas.
5. Parking barriers shall be installed and maintained 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. A low fence type barrier constructed of wrought iron or other materials approved by the Planning Director may also be used for this purpose. All existing parking surfaces of concrete, asphalt, or asphaltic concrete shall be in good repair and maintained.
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. The attached wall signs on the south 'service building' shall be removed and new signage shall be limited to reflect current ownership and the building's use. No more than one sign is permitted on each frontage and if either sign is replaced it will be with a sign no larger or taller than the existing sign on Rock Road.
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. If either building is repainted it will be in a muted tones only, and all building walls of both buildings and of sign supports shall be painted with the same colors at that time.
11. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

Adopted this 18th day of APRIL, 2002. 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

  
\_\_\_\_\_  
J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:

  
\_\_\_\_\_  
Marvin S. Krout, Secretary

ROCK ROAD

SCALE: 1" = 30'

**PARKING REQUIREMENT:**

1 STALL/500 SQ. FT. BUILDING  
 2,975± SQ. FT. BUILDING  
 PARKING REQUIRED: 6 STALLS

2 STALLS/FIRST 10,000 SQ. FT.  
 1 STALL/EACH 10,000 SQ. FT.  
 26,141± SQ. FT. SALES/DISPLAY/SIC  
 PARKING REQUIRED: 4 STALLS

TOTAL PARKING REQUIRED: 10 STALLS  
 TOTAL DISPLAY PARKING: 65 STALLS

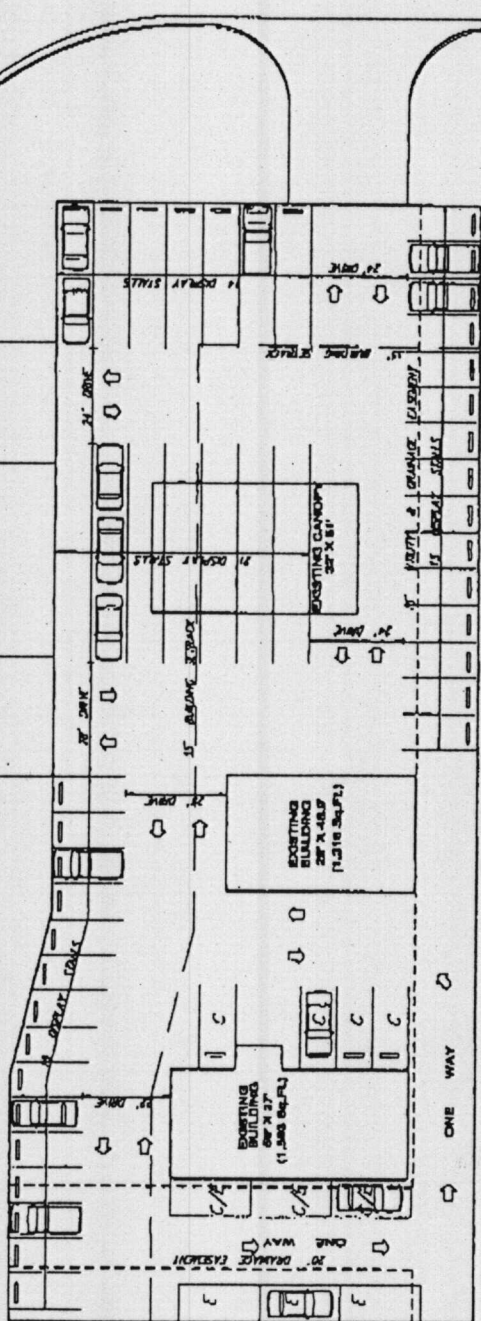
**LEGEND**

C = CUSTOMER ONLY PARKING  
 C/E = CUSTOMER OR EMPLOYEE PARKING  
 E = EMPLOYEE ONLY PARKING

**NOTE**

CUSTOMER & EMPLOYEE PARKING TO  
 BE SIGNED APPROPRIATELY PER CITY STA  
 NO DISPLAY PARKING SHALL BE ALLO  
 THESE STALLS

HARRY STREET



# SITE PLAN

APPROVED BY *D. Baughman*

**WINFIELD MOTOR CAR COMPANY**  
 S.E. CORNER OF HARRY & ROCK ROAD



AGENDA ITEM NO. 10

STAFF REPORT

MAPC – April 18, 2002

DAB II – April 15, 2002

**CASE NUMBER:** CON2002-00011

**OWNER/APPLICANT:** RAW LLC c/o Lindy Andell

**AGENT:** Doug Maryett

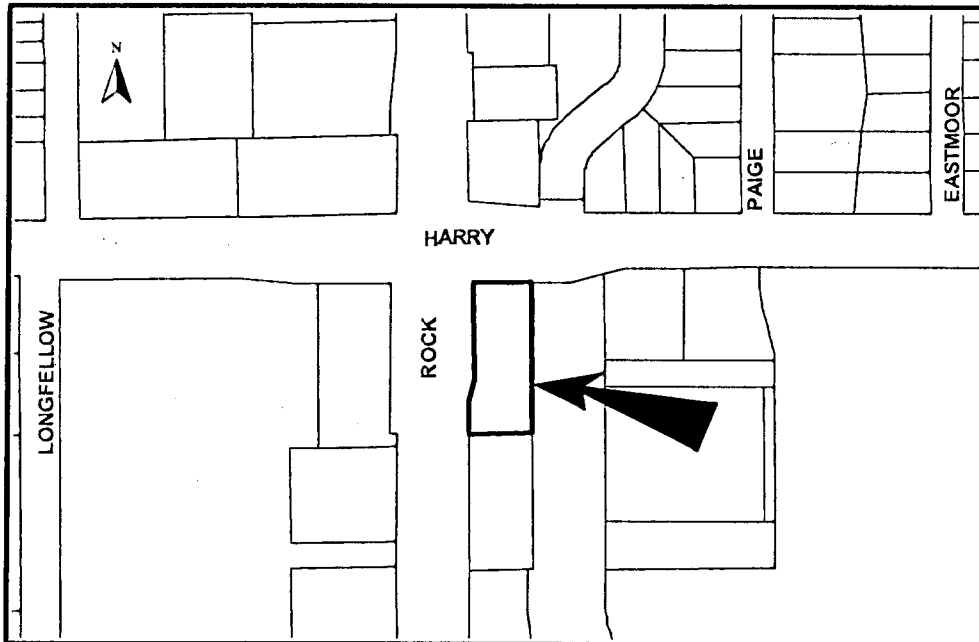
**REQUEST:** Amend CU-500

**CURRENT ZONING:** "LC" Limited Commercial

**SITE SIZE:** 0.68 acres

**LOCATION:** Southeast corner of the Harry and Rock Road Intersection, 8001 E Harry.

**PROPOSED USES:** Vehicle and equipment sales, outdoors



**BACKGROUND:** The applicant, RAW LLC, is requesting consideration to amend CU-500. CU-500 allowed used car sales on this site, which is zoned "LC" Limited Commercial, with conditions attached to its approval. The property is located on the southeast corner of the Harry – Rock Road intersection, at 8001 E Harry and contains 0.68 acres. Two conditions of approval for CU-500 have changed, which necessitates the amendment.

Condition #6 stated: The conditional use will terminate if Winfield Motor Company ceases to operate at this location or has a change of control within the motor company. Winfield Motor Company is no longer associated with this site. Rock Chevrolet will be the operating at this site.

Condition #13 stated: The approval of the conditional use shall be for a 3-year time period beginning on May 4, 1999. The applicant is requesting an unlimited time period for the conditional use.

Currently the site is vacant. Current landscaping is not in compliance with the approved landscape plan for CU-500; not all the landscaping has been planted and some that was planted is dead.

Land adjoining the application area is zoned "LC" Limited Commercial, "B" Multi-Family, "SF-5" Single Family Residential and "GO" General Office. The development in the area reflects the permitted uses in the zoning, which includes restaurants, convenience stores, gas stations, apartments, offices, churches and single family residential. The nearest outside car sales lots are located approximately 1 1/2 miles to the northeast and northwest of the Kellogg – Rock Road intersection. A car lot has been developed on General Commercial zoned property 3 miles north and another at the further north at the Rock Road – K-96 intersection.

**CASE HISTORY:** The Silver Spur East Addition was entered on transfer record in 1957. BZA 11-75 approved a use exception to permit a U-Haul trailer rental. Conditions of approval were a 15-ft x 40-ft display area, a maximum of 6 trailers to be displayed, with the largest trailer allowed to be no more than 6-ft x 12-ft, paved display area, no signs to project over the ROW, lights were to be shielded and no outside loudspeakers to be utilized. BZA 9-7 permitted a car wash. V-0946 vacated a portion of the platted building setback. CU-500 for the outside sale of cars had numerous deferrals, hearings, and appeals and was ultimately approved by the WCC, 4-2, on May 4, 1999.

#### **ADJACENT ZONING AND LAND USE:**

NORTH: "B" Multi-Family Residential Apartments

	"LC" Limited Commercial	service station, retail
	"SF-5" Single Family Residential	Single Family Residential
EAST:	"LC" Limited Commercial	office -retail
	"GO" General Office	office-retail
	"SF-5" Single Family Residential	multi-family
SOUTH:	"LC" Limited Commercial	Strip shopping, office, multi-family
WEST:	"LC" Limited Commercial	Strip shopping centers

**PUBLIC SERVICES:** Harry is designated, in the 2030 Transportation Plan, as a 5-lane arterial street on the east side of the intersection and a 6-7 lane arterial on the west side. Rock Road is designated as a 6-7 lane arterial at his location/intersection. None of the widening to meet these standards is programmed in the approved CIP. There are turn lanes and decel lanes on all four sides of the intersection. The estimated traffic volume of (ADT) trips per day at the Harry – Rock Road intersection is 26735 ADTs on the west side, 26361 ADTs on the north side, 21246 ADTs on the east side and 23441 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. CU-500 allowed the outside sale of cars on this site.

**RECOMMENDATION:** Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED with the following conditions:

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of new and used cars and light trucks. No sale of trailers and no rental of trailers or u-haul type of vehicles are permitted.
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.

3. Vehicle sales use of the lot shall be in conformance with the site plan, except that the driveways shall be limited as indicated on the approved landscape plan.
4. The applicant shall install and maintain landscaping in accordance with the approved landscape plan that was submitted with the CU-500 application. No display is permitted in landscape areas.
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10. If either building is repainted it will be in a muted tones only, and all building walls of both buildings and of sign supports shall be painted with the same colors at that time.
11. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is zoned "LC," SF-5", "GO" and "B". The existing businesses in the immediate neighborhood are local retail in character, however the larger Rock Road corridor contains a broader variety of commercial uses. There are established residential developments adjacent to the site on the north and east sides.

2. The suitability of the subject property for the uses to which it has been restricted: Rock Road is one of the main retail corridors in the City 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. Past usage as a Conditional Use for outside car sales on this site has shown the impact to be minimal, except for non-conformance with the required landscape plan.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The current zoning of the site is "LC" Limited Commercial. The Wichita – Sedgwick County Comprehensive Plan, as amended last year, 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. Considering the recent development of one car lot and the approval of another one to the north on Rock Road and considering the development of industrial warehouse, big-box retail and other such uses along Rock Road, this corridor has less of a neighborhood –serving character than other locations where car lots have been determined to be out of character.