

May 13, 2005

Howard Hancock
Hancock Automotive, Inc.
145 N. Hillside
Wichita, KS 67214

RE: CON2005-02 – Conditional Use for Outdoor Vehicle and Equipment Sales on property zoned “LC” Limited Commercial. Generally located at the southwest corner of Hillside Avenue and 1st Street (145 N. Hillside). (District I)

Dear Ladies and Gentlemen:

At its regular meeting on **February 24, 2005**, 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 cars and light trucks, as long as it continues to operate as a vehicle repair, limited garage. No sale or rental of trailers, motorcycles or scooters, vehicles or trucks larger than pick ups are permitted.
2. 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, within 6 months of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
4. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within six months of approval by the MAPC or the City Council. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits.

5. **A parking barrier, such as a heavy rail type, 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.**
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. No signs allowed on the west side of the building.
7. There shall be no use of elevated platforms for the display of vehicles. **All vehicles for sale or for repair must be on a concrete, asphalt or an approved all weather surface.**
8. No outdoor amplification system shall be permitted.
9. **No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use.** Outside storage of parts, including tires, associated with the car repair, limited, operation shall be within a 6-foot solid screened area.
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. Outside pole lighting shall be no taller than 14-feet and directed onto the site and away from the residential development abutting the west side of the site.
11. The applicant shall erect and maintain gated, solid six-foot screening along the site's western property line that is abutting residential zoning and existing residential development.
12. **All trash receptacles, oil containers or any similar type of receptacles for new or used petroleum products or trash shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.**
13. The entrances onto Hillside Avenue and 1st Street shall be reviewed and approved by the Traffic Engineer. The applicant shall guarantee the closure of all but the approved entrances according to City standards.
14. **All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.**
15. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
16. 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 action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. When conditions of approval #3, and #4 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
Current Plans Division

WL/rms

Cc: Robert W. Kaplan, Kaplan, McMillan and Harris, 430 N. Market, Wichita, KS 67202
Carl Brewer, WCC I, Mail Stop 1-13
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



AGENDA ITEM NO. _____

STAFF REPORT

MAPC February 24, 2005

DAB I – March 7, 2005

CASE NUMBER: CON2005-00002

OWNER/APPLICANT: Howard Hancock

AGENT: Robert Kaplan

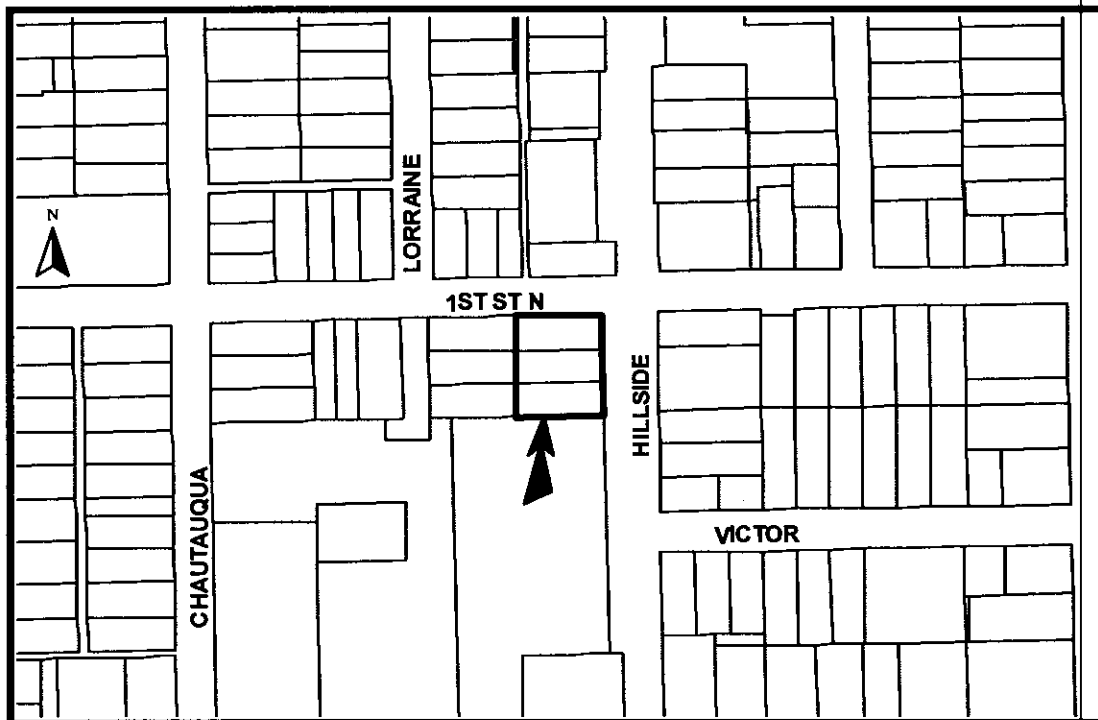
REQUEST: Conditional Use for Outdoor Vehicle and Equipment Sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: Approximately 0.45-acres

LOCATION: Southwest corner of Hillside Avenue and 1st Street (145 North Hillside)

PROPOSED USE: Sale of pre-owned vehicles



BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on the east 105-feet of Lots 19, 20 and 21, Chautauqua Place Addition, which are zoned "LC" Limited Commercial. The site is located at the southwest corner of Hillside Avenue and 1st Street. The subject site is developed with a five-bay door garage/office, used for limited car and light truck repair. The applicant proposes to retain the site's limited vehicle repair shop, which is permitted by right, and sell pre-owned cars and light trucks. Per the Unified Zoning Code (UZO), outdoor vehicle and equipment sales may be permitted with a Conditional Use in the "LC" zoning district.

Development east and southeast of the subject site, across Hillside Avenue and down to Douglas Avenue include: a dentist office, several free standing single-story retail businesses and a small fast food restaurant with a drive through window. All of these developments are zoned "LC", with the exception of the business furthest southeast of the subject site, along Douglas Avenue, which is zoned "GC" General Commercial. Abutting the south side of the subject site there is a large Ace building supply business zoned "LC" and "GC" along its Douglas Avenue frontage. South of the Ace site and along Douglas Avenue is a small, 0.45-acre, car sales lot, zoned "GC". A car sales lot is permitted by right in the "GC" zoning district. This site used to be a gas station. The gas station's building has been retained and is used as the car sales lot's office. Abutting the west side of the subject site are a single-family residence and duplexes, all zoned "TF-3" duplex zoning. Development north and northeast of the site, across 1st Street and Hillside Avenue, are: a vacant free standing business (owned by the City of Wichita), a neighborhood retail strip (self-service laundry, a liquor store and other retail), both zoned "LC", single-family residences zoned "TF-3", multi-story apartments zoned "LC", offices, medical, dental and veterinary offices and a fire station zoned "LC", "GO" General Office and "B" Multi-family Residential.

The applicant's site plan shows the existing garage/office, two proposed drives onto Hillside Avenue and the one onto 1st Street, two existing lights, proposed signage, circulation completely around the site and the parking/display area. If approved, the applicant needs to provide a revised site plan giving more detail including the square footage of the building, distinguish the parking and display areas, proposed lighting, solid screening around trash receptacle(s), solid screening around the outside storage area, solid screening along the west side of the site where it abuts residential zoning and landscaping.

CASE HISTORY: The subject property is platted as Lots 19, 20 and 21, Chautauqua Place Addition, which was recorded with the Register of Deeds April 29, 1911. The City has acquired 20-feet of right-of-way along the site's Hillside frontage. Note: The west 25-feet of the three subject lots are zoned "TF-3". The applicant was unaware of the two zoning districts on the site at the time he filed the request. The applicant would prefer to have the current Conditional Use request considered on the "LC" section of the site and if approved, then file for a zone change to "LC" on the "TF-3" section of the site and amend the Conditional Use to extend it to cover the rezoned western portion of the site.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Single-family residences, duplexes
	"LC"	Apartments, vacant freestanding retail, neighborhood retail strip
	"GO"	Offices, medical, dental and veterinary offices
SOUTH:	"B"	Office, fire station
	"LC"	Building supply, free standing retail, fast food with drive through window
	"GC"	Car sales lot, building supply, retail
EAST:	"LC"	Retail, dental office
WEST:	"TF-3"	Single-family residence, duplexes

PUBLIC SERVICES: This subject property has access to Hillside Avenue, a 4-lane arterial street and 1st Street, a two-lane, one-way street east. Current traffic volumes at this intersection are approximately 22,280 vehicles per day along Hillside Avenue and 4,808 – 5,184 vehicles per day along 1st Street. The 2030 Transportation Plan estimates that traffic volumes at the intersection will increase to approximately 25,000 vehicles per day along Hillside Avenue and approximately 5,000 – 7,000 vehicles per day along 1st Street. The 2030 Transportation Plan recommends that Hillside Avenue becomes a five-lane arterial street. Improvements along this section of Hillside Avenue are scheduled to begin in 2006. Municipal water and sewer services are currently provided to the subject property. The sewer line is located in west side of the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. The closest car sales lot is approximately 350-feet south of the subject site, located on a "GC" zoned lot.

In the past the MAPC has identified smaller car sales lots as being more of a local retail establishment in their nature, as opposed to the cluster of larger car sales lots located primarily along Kellogg Avenue and Broadway Avenue, which are more regional in their nature. The MAPC has also recommended that buildings that had in the past been used for automobile activities, such as gas stations, be considered as possible sites for car sales. The subject site's building was constructed in 1958 and was previously used as a Skelly gas station and later for tire sales, prior to its current use for auto repair, limited. The Wichita Northeast Plan (November 1995), while never adopted, does identify issues and goals within the area. This Plan was part of a series of specific community plans to build on the Comprehensive Plan. These plans included the involvement of the various stakeholders in the specific plan areas in articulating their goals and the issues within their neighborhoods. Issues in the Northeast area included the poor appearance of the area,

redevelopment, reinvestment, cleanup, code enforcement and vacant and deteriorating storefronts and housing.

RECOMMENDATION: While the site does not entirely meet the Comprehensive Plan's criteria of locating car lots in areas where they are already clustered, it does match up with the MAPC's criteria of locating smaller car sales lots within sites that had previously been used for auto related businesses. Introduction of a car sales lot into an area can lead to other car sales lots and this is an issue that must be addressed on a site-by-site basis with a Conditional Use application. Usually, but not always, on an application for a Conditional Use for a small site for car sales, the car sales are the only business to operate on the site.

In this case the applicant proposes to retain the permitted by right limited vehicle repair business, while operating a car sales lot. The upcoming improvements to Hillside Avenue at this site present an opportunity for redevelopment of this site, which would be in the spirit of the Wichita Northeast study. The improvements will include new sidewalks around the site as well opportunities for redevelopment, including additional landscaping, of the site. Landscaping opportunities in particular are present along the site's south lot, which is not developed. Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**. This recommendation is based on the principle that staff would not be supportive of additional car sales lots in the area. The strength of this application is the fact that a car sales lot already exists, by right on a "GC" zoned lot approximately 350-feet south of the subject site. Recommended conditions of approval include:

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of cars and light trucks, as long as it continues to operate as a vehicle repair, limited garage. No sale or rental of trailers, motorcycles or scooters, vehicles or trucks larger than pick ups are permitted.
2. 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, within 6 months of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
4. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within six months of approval by the MAPC or the City Council. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits.
5. A parking barrier, such as a heavy rail type, 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.
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. No signs allowed on the west side of the building.
7. There shall be no use of elevated platforms for the display of vehicles. All vehicles for sale or for repair must be on a concrete, asphalt or an approved all weather surface.
8. No outdoor amplification system shall be permitted.
9. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. Outside storage of parts, including tires, associated with the car repair, limited, operation shall be within a 6-foot solid screened area.
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. Outside pole lighting shall be no taller than 14-feet and directed onto the site and away from the residential development abutting the west side of the site.
11. The applicant shall erect and maintain gated, solid six-foot screening along the site's western property line that is abutting residential zoning and existing residential development.
12. All trash receptacles, oil containers or any similar type of receptacles for new or used petroleum products or trash shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
13. Dedication by separate instrument of access control closing all but one entrance onto Hillside Avenue and one entrance onto 1st Street. The entrances shall be reviewed and approved by the Traffic Engineer. The applicant shall guarantee the closure of all but the approved entrances according to City standards.

14. All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.
15. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
16. 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.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is predominately medical services, office, retail and some multi-family along the Hillside corridor, anchored by the Wesley Hospital complex on the north end. There is only one vacant lot along the corridor and it is zoned "GO" General Office and "MF-29" Multi-family Residential. Office type development will remain in the area as long as Wesley Hospital remains the economic engine for the area. There are low-density residential uses located behind the Hillside corridor. The south end of the corridor has the area's other car sales lot, zoned "GC" General Commercial and permitted by right, and a large building supply business. There are no other car repair shops in the immediate 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 suitable for the commercial uses to which it has been restricted, including its current use as vehicle repair, limited.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Vehicle sales on a site this size when developed with the Conditional Use, will have a minimum of negative effect on the area and at best improve the property, with the application of additional access control, landscaping, screening and the other conditions on the site.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Commercial Locational Guidelines recommend that auto-related commercial 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 these activities. A Conditional Use for a car sales lot on this site does not entirely meet the Commercial Locational criteria, but it does meet the criteria of the MAPC in regards to locating small car sales lots on sites that had previously been used for car related businesses. There is another car sales lot within 350-feet of the subject site. There is no adopted neighborhood plan that would specifically discourage a car sales lot on this site. The Conditional Use conditions do represent an opportunity for encouraging investment and upgrading the property, especially within the context of the upcoming improvements to Hillside Avenue at this location and the site's undeveloped south lot.
5. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate. Additional access control onto Hillside Avenue and 1st Street are an improvement to the area.