



Wichita-Sedgwick County Metropolitan Area Planning Department

July 16, 2015

Ferris Consulting
Greg Ferris
P.O. Box 573
Wichita, KS 67201

Car Smart Used Cars LLC
Dennis Sanders
802 N. Ridge Road
Wichita, KS 67212

RE: CON2015-00019 - City Conditional use request to allow outdoor vehicle and equipment sales and self-service storage in the Limited Commercial (LC) zoning district; generally located 700 feet north of West Central on the east side of North Ridge Road (802 N. Ridge Rd.)

Dear Applicants:

At its regular meeting on **July 14, 2015**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request, subject to the following conditions:

- 1) The site shall be developed and operated in conformance with the Unified Zoning Code Article III, Section III-D.6 x and y Use Regulations, including landscaping and any other applicable standards.
- 2) The site is permitted "vehicle and equipment sales, outdoor" as long as the sale of vehicles is associated with a legal vehicle repair use and self-service storage. Paint-less Dent Repair is an allowed service. The sale or rental of trailers and vehicles, motorcycles or trucks larger than pickups is not permitted. Number of cars for sale on the lot at any given time shall not exceed 10.
- 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 one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.

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- 4) The landscaping plan will be submitted for review by the Planning Director, and approval of the landscape plan shall be obtained prior to the issuance of any permits.
- 5) The site shall conform to the lighting standards enumerated in Section IV-B.4 of the Unified Zoning Code. No string-type lighting shall be permitted.
- 6) 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.
- 7) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 8) 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.

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

Sincerely,



Kathy L. Morgan
Senior Planner
Current Plans Division

Copies to: WCC V, Bryan Frye, Mail Stop 1-13
C.L., District V, Janet Johnson, Mail Stop 1-135
Paul Hays, MABCD, Mailstop 1-72
J. R. Cox, MABCD, Mailstop 1-72
Jeff Van Zandt, City Law, Mailstop 1-134
Julianne Kallman, Engineering, Mail Stop 1-71
Pamela S. Harper, Vandaveer, 800 N. Denmark, Wichita, KS 67212

RESOLUTION No. 15 212

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT VEHICLE SALES AND REPAIR AND SELF-SERVICE STORAGE ON APPROXIMATELY 3.63 ACRES ZONED LIMITED COMMERCIAL (LC), GENERALLY LOCATED 700 FEET NORTH OF WEST CENTRAL ON THE EAST SIDE OF NORTH RIDGE ROAD, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow “vehicle sales and repair and self-service storage,” on approximately 3.63 acres zoned LC Limited Commercial legally described below:

Case No. CON2015-00019

A Conditional Use to allow “vehicle sales and repair and self-service storage,” on approximately 3.63 acres zoned LC Limited Commercial District described as:

Lot 1 Block 1, Johnson’s Garden Center Ridge Addition to Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The site shall be developed and operated in conformance with the Unified Zoning Code Article III, Section III-D.6 x and y Use Regulations, including landscaping and any other applicable standards.
2. The site is permitted “vehicle and equipment sales, outdoor” as long as the sale of vehicles is associated with a legal vehicle repair use and self-service storage. Paint-less Dent Repair is an allowed service. The sale or rental of trailers and vehicles, motorcycles or trucks larger than pickups is not permitted. Number of cars for sale on the lot at any given time shall not exceed 10.
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 one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
4. The landscaping plan will be submitted for review by the Planning Director, and approval of the landscape plan shall be obtained prior to the issuance of any permits.
5. The site shall conform to the lighting standards enumerated in Section IV-B.4 of the Unified Zoning Code. No string-type lighting shall be permitted.
6. 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.
7. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
8. 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.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date

July 14, 2015



Jeff Longwell
Jeff Longwell, Mayor

ATTEST:

Karen Sublett MMC
Karen Sublett, City Clerk

Approved as to form:

Jennifer Magana
Jennifer Magana, City Attorney and Director of Law

BACKGROUND: The Applicant is requesting a “conditional use” to allow outdoor vehicle sales, boat and recreational vehicle storage, and “self-service storage” on Lot 1 Block 1, Johnson’s Garden Center Ridge Addition, which is currently zoned Limited Commercial (LC). The site is located approximately 700-feet north of W. Central Avenue on the east side of N. Ridge Road (802 N. Ridge Road). The subject site is developed with six structures that were used for retail, office and greenhouses during the time the property was operating as a garden/landscaping center. The applicant proposes to retain three buildings on the west end of the property and remove the greenhouses. Fifteen new self-service storage units will be built and an area designated for storage of boats and recreational vehicles. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales and indoor self-service storage may be permitted with a conditional use in the LC zoning district. Outdoor storage of boats and recreational vehicles are not allowed in LC.

The Applicant’s site plan shows the existing retail structure, maintenance building and office building. The site has two existing drives onto North Ridge Road. The site plan also indicates the drive access to the self-service storage units and the parking for vehicle display, customer and employee parking.

Property north and east of the site is zoned Multi-Family Residential (MF-29) and developed with an apartment complex. Property south of the site is zoned LC and developed with a federally subsidized apartment complex. Property west of the site is zoned Two-Family Residential (TF-3) and Single-Family Residential (SF-5) and is developed with residential use. Ridge Road, a five-lane arterial separates the residential use from the project site.

There are similar uses in the area. Two small outdoor vehicle sales and vehicle repair limited establishments are located approximately one mile east of the site on the east side of I-235 at West Central and North Hoover Road. Just over a mile to the west at the northwest corner of West Central and North Tyler Road is a large lot (six acres) used car sales business adjacent to a large lot (4.67 acres) new car sales business. One-half mile south of the subject site is a warehouse/self-storage facility with boat and recreational vehicle storage on a 3.5 acre General Commercial (GC) zoned lot.

Outdoor vehicle and equipment sales and self-service warehouse uses are subject to supplementary use regulations control in UZC Article III, Section III-E.6. x and y (respectively).

Analysis: On June 4, 2015, the Metropolitan Area Planning Commission (MAPC) reviewed the application. The MAPC approved the application by consent (9-0).

On June 15, 2015, District Advisory Board (DAB) V heard the case and voted to approve the conditional use (3-0). No comments from the public were recorded.

Planning staff has received a valid protest representing 3.25 percent of the net land area located with the protest area. The protest represents less than 20 percent of the net land area located within the protest area.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the resolution as to form.

Recommendation/Actions: It is recommended that the City Council: 1) Concur with the findings of the MAPC and approve the conditional use subject to the conditions enumerated and adopt the findings of the MAPC (requires a simple majority vote); 2) Deny the conditional use request by making alternative findings, and override the MAPC’s recommendation (requires a two-third majority vote to override the MAPC’s recommendation); 3) Return the case to MAPC for further consideration with a statement specifying the basis for Council’s failure to approve or deny the application (requires a simple majority vote).

Attachments: Site Plan, MAPC minutes, DAB memo, Protest Map and Resolution.

