



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 13, 2005

Shanan D. Burke
M. Elizabeth Burke
2105 S. Broadway
Wichita, KS 67211

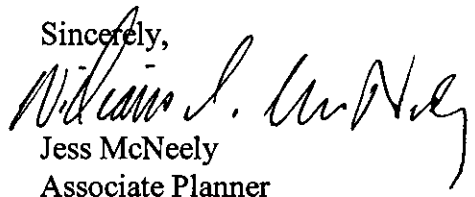
**RE: CON2005-12 – Conditional Use for Outdoor Vehicle Sales on property zoned “LC”
Limited Commercial. Generally located south of Clark and West of Broadway
(2119 S. Broadway). (District III)**

Dear Ladies and Gentlemen:

At its regular meeting on April 28, 2005, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

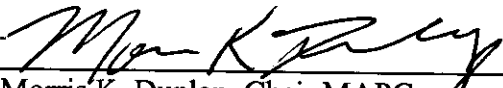

Jess McNeely
Associate Planner

JMC/rms

Cc: Jim Skelton, WCC III, 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

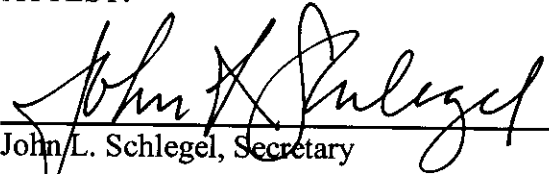
Adopted this 28th DAY of APRIL, 2005. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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



Morris K. Dunlap, Chair MAPC

ATTEST:



John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2005-00012

WHEREAS, Shanan and Elizabeth Burke (Owner/Applicant); 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 outdoor sales of used cars on .24 acres zoned "LC" Limited Commercial described as:

Lots 98, 100, & 102, Lawrence Avenue, now Broadway, English's 9th Addition, Wichita, Sedgwick County, Kansas. Generally located south of Clark and west of Broadway. (2119 S. Broadway)

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 28, 2005, 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 for outdoor sales of used cars on .24 acres zoned "LC" Limited Commercial described as:

Lots 98, 100, & 102, Lawrence Avenue, now Broadway, English's 9th Addition, Wichita, Sedgwick County, Kansas. Generally located south of Clark and west of Broadway. (2119 S. Broadway)

APPROVED, subject to the following conditions:

1. The subject property shall comply with the requirements of Section III-D.6.x. of the Unified Zoning Code.
2. The subject property shall be developed in general conformance with the approved site plan.
3. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

LOTS 98, 100 & 102
LAWRENCE AVENUE
ENGLISH'S NINTH ADDITION
SEDGWICK COUNTY, KANSAS

Guidelines. The Commercial Locational Guidelines of the Comprehensive Plan also recommend that auto sales lots and other types of infrequent purchases or non-neighborhood serving commercial uses be guided to areas containing similar uses, and away from neighborhood commercial areas.

5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

STAFF REPORT

MAPC April 28, 2005

CASE NUMBER: CON2005-00012

APPLICANT/AGENT: Shanan and Elizabeth Burke (Owner/Applicant)

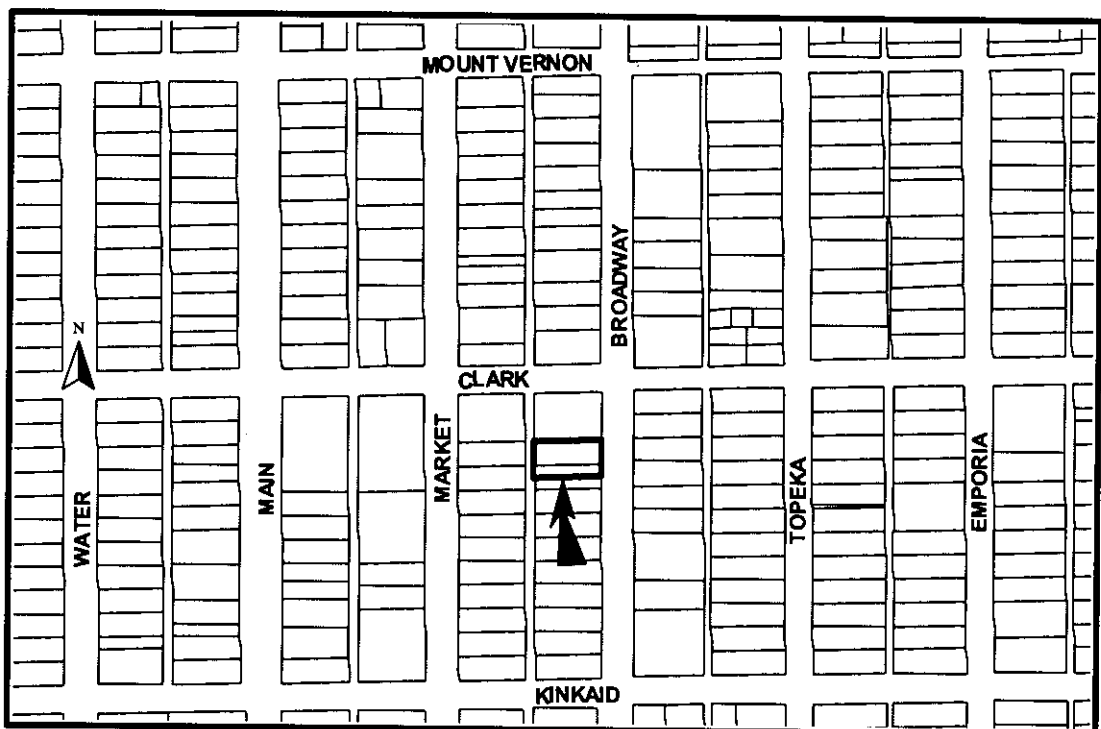
REQUEST: Conditional Use for Outdoor Vehicle Sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: .24 acres

LOCATION: South of Clark and West of Broadway (2119 S. Broadway)

PROPOSED USE: Outdoor sales of used cars



BACKGROUND: The applicant requests a Conditional Use to permit vehicle sales on a .24-acre “LC” zoned property, located south of Clark and West of Broadway. The applicant currently owns and operates a vehicle sales lot immediately north of the application area. This request would expand an existing vehicle sales use. The subject property is zoned “LC” Limited Commercial, requiring a Conditional Use for vehicle sales. The applicant submitted the attached site plan illustrating the proposed use of the subject property as a vehicle sales lot.

“LC” Limited Commercial zoning along both sides of Broadway Avenue characterizes the immediate area. North of the application area are two existing vehicle sales lots and south of the site is a restaurant. East of the site, across Broadway are a mixture of multi-family residences, single-family residences, retail stores, and hotels. West of the application area, across the alley, is a TF-3 Two-family residential zoned street with a mixture of single-family and duplex homes.

CASE HISTORY: The subject property is platted as English’s 9th Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	“LC”	Auto sales
SOUTH:	“LC”	Restaurant
EAST:	“LC”	Multi and single-family residences, retail, hotels
WEST:	“TF-3”	Single-family and duplex residences

PUBLIC SERVICES: The subject property has one point of access to Broadway, which is a four-lane arterial with a 70-foot right-of-way at this location, and a daily traffic count of 12,875. The *2030 Transportation Plan* recommends that this portion of Broadway remain a four-lane arterial; likewise, the CIP does not propose any projects at this location. Municipal water and sewer is available to serve the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the subject property 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 that limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

The Commercial Locational Guidelines of the Comprehensive Plan also recommend that auto sales lots and other types of infrequent purchases or non-neighborhood serving commercial uses be guided to areas containing similar uses, and away from neighborhood commercial areas.

The Unified Zoning Code gives specific requirements for outdoor vehicle sales in “LC”; Section III-D.6.x. of the UZC is attached.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The subject property shall comply with the requirements of Section III-D.6.x. of the Unified Zoning Code.
2. The subject property shall be developed in general conformance with the approved site plan.
3. 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 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: Commercial zoning and uses along the Broadway corridor, including existing vehicle sales, characterize the surrounding area. While outdoor vehicle sales is not in character with the "TF-3" zoned single-family residences west of the application area (across the alley); the provisions of the Unified Zoning Code Section III-D.6.x. requires screening, and mitigates potential negative impacts on nearby residences.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial and is currently used for restaurant parking. The property could continue to be used without the Conditional Use for vehicle sales.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Expansion of vehicle sales could have negative effects on residential properties west of the site. However, the screening, lighting, and compatibility standards of the Unified Zoning Code should limit noise, lighting, and other activity from adversely impacting surrounding residential areas.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the subject property 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 that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The request conforms to the Land Use Guide and Locational