

FILE COPY



Wichita-Sedgwick County Metropolitan Area Planning Department

March 5, 2007

Westlink Auto Service Center, Inc.
1455 N. Maize Road
Wichita, KS 67212

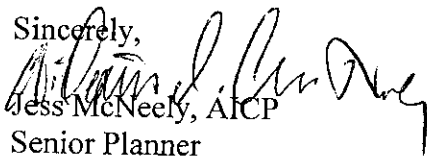
RE: CON2006-00059 - Conditional Use for Outdoor Vehicle Sales (Auto Leasing),
generally located West of Maize and north of 13th Street N (1455 N Maize)

Dear Ladies and Gentlemen:

At its regular meeting on January 18, 2007, 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, AICP
Senior Planner
Current Plans Division

JMC/mc
Enclosure

cc: Enterprise Leasing Company, SW, ATTN: Jay Randolph, 6300 E. 37th St., North,
Wichita, KS 67220-1999
Dana Brown, NA WCC V, Mail Stop #1-135
Vicky Huang, Engineering, Mail Stop #1-71
Kurt Schroeder, Office of Central Inspection, Mail Stop #1-72
Randy Sparkman, Office of Central Inspection, Mail Stop #1-72

CONDITIONAL USE RESOLUTION NO. CON2006-00059

WHEREAS, Westlink Auto Service Center, Inc. (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 Vehicle Sales (Auto Leasing), on 1 acre zoned "LC" Limited Commercial described as:

The North 200 feet of the East 217 feet of Lot 48, Block 2, Westlink Village Fourteenth Addition, Wichita, Sedgwick County, Kansas. Generally located west of Maize and north of 13th Street N (1455 N Maize).

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 January 18, 2007, 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 allow Outdoor Vehicle Sales (Auto Leasing) on 1 acre zoned "LC" Limited Commercial described as:

The North 200 feet of the East 217 feet of Lot 48, Block 2, Westlink Village Fourteenth Addition, Wichita, Sedgwick County, Kansas. Generally located west of Maize and north of 13th Street N (1455 N Maize).

Approved subject to the following conditions:

1. The Conditional Use shall be for automobile rental and leasing only. No vehicle sales shall be permitted on the site.
2. No outdoor speakers shall be used on the site.
3. The applicant shall comply with all provisions of Section III-D.6.x. of the Unified Zoning Code regarding supplementary use regulations of outdoor vehicle sales in the LC zoning district.
4. The site shall be developed in conformance with the approved site plan. Rental vehicles shall be located in the nine spaces designated on the site plan for display.
5. 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.

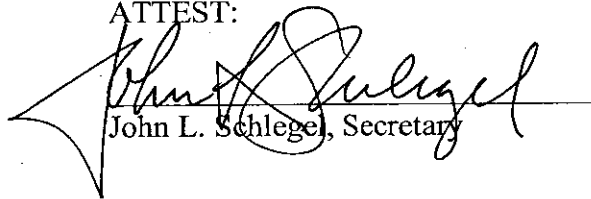
Adopted this 18th DAY of January 2007.

METROPOLITAN AREA PLANNING COMMISSION



Darrell Downing, Chair MAPC

ATTEST:



John L. Schlegel, Secretary

STAFF REPORT

MAPC January 18, 2007

DAB V January 8, 2007

CASE NUMBER: CON2006-59

OWNER/APPLICANT: Westlink Auto Service Center, Inc.

AGENT: Enterprise Leasing Company, c/o Jay Randolph

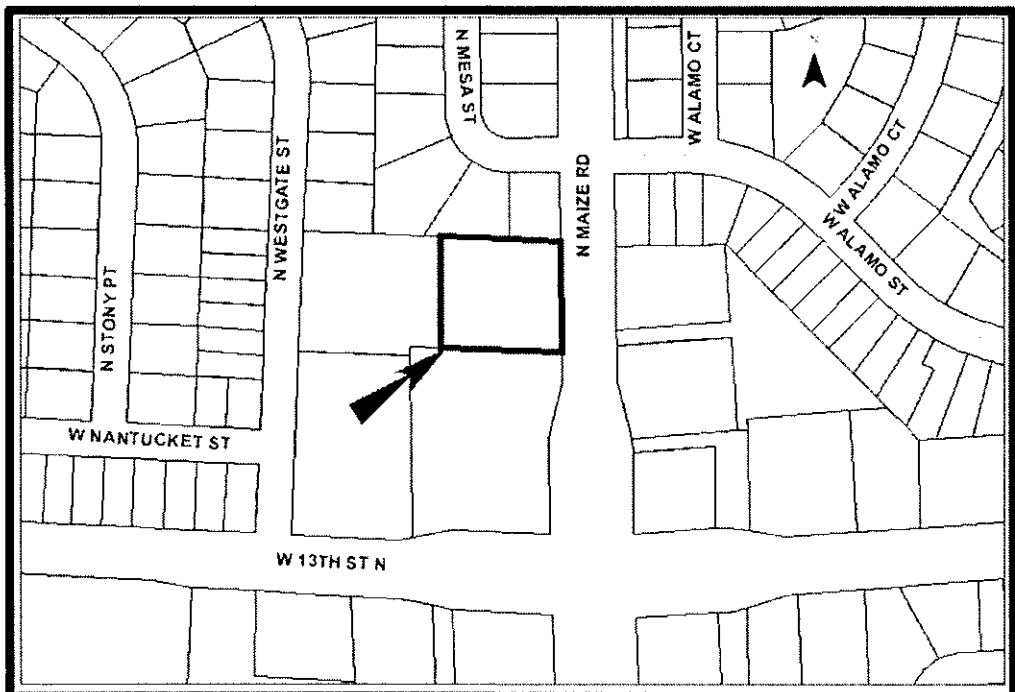
REQUEST: Conditional Use for Outdoor Vehicle Sales (Auto Leasing)

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 1 acre

LOCATION: West of Maize and north of 13th Street N (1455 N Maize)

PROPOSED USE: Auto rental and leasing



BACKGROUND: The applicants request a conditional use for outdoor vehicle and equipment sales on a site located west of Maize and north of 13th Street N. The applicants wish to restrict the conditional use to auto rental and leasing, as they have operated a car rental business on the site for several years. Auto leasing falls under the same land use as vehicle sales in the Uniform Zoning Code (UZC), which requires a conditional use permit in the “LC” Limited Commercial zoning district. The site is currently developed with an automobile service business and the Enterprise car rental business.

Property north of the site is zoned “SF-5” Single-family Residential and developed with single-family homes. Property south of the site is zoned LC and developed with a bank. West of the site is vacant LC zoned commercial property; further west is “TF-3” Two-family Residential zoned residences. Screening exists between the business site and residences to the north and west. East of the site, across Maize, is another LC zoned auto service business.

The applicant’s site plan reflects the current use of the site. The car rental business includes an office, six parking spaces, and nine display spaces.

CASE HISTORY: The site was platted as Lot 48, Block 2 of the West Link Village 14th Addition, the building on the site was built in 1978.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Mobile Home Park
SOUTH:	LC	Bank
EAST:	LC	Automotive service
WEST:	LC	Vacant

PUBLIC SERVICES: The subject property has access to the bank lot to the south, which has access to Maize. Maize is a four-lane arterial at this location with a south-bound right turn lane. The 2030 Transportation Plan shows this portion of Maize remaining a four-lane arterial. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for local commercial types of use. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

The Commercial Locational Guidelines of the Comprehensive Plan recommends 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 conditions attached to a Conditional Use can address site design issues. 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.

RECOMMENDATION: The Comprehensive Plan would not encourage vehicle sales at this commercial location, abutting single-family residential development. However, the applicant wishes to restrict the use to car rental, and the applicant has operated a car rental business at this site for several years. The car rental business at this site will be limited in size by the nine available display spaces. Staff is not aware of any complaints or land use conflicts with the current car rental business. The UZC supplementary use regulations for vehicle sales in LC requires screening, sound and light mitigation, and prohibits outdoor repair. Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED** subject to the following conditions:

- A. The Conditional Use shall be for automobile rental and leasing only. No vehicle sales shall be permitted on the site.
- B. No outdoor speakers shall be used on the site.
- C. The applicant shall comply with all provisions of Section III-D.6.x. of the Unified Zoning Code regarding supplementary use regulations of outdoor vehicle sales in the LC zoning district.
- D. The site shall be developed in conformance with the approved site plan. Rental vehicles shall be located in the nine spaces designated on the site plan for display.
- E. 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 this business location is that of a neighborhood commercial area. The limited scope of this car rental business should not be out of character with the zoning and land uses 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 and could be developed with a wide range of uses permitted by right. The property is suitable for the commercial uses to which it has been restricted.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Auto rental at this site, given the limited size and proposed conditions, should have minimal negative impacts on nearby property.
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. However, this conditional use requests only vehicle rental at a limited scale. There is no adopted neighborhood plan that would specifically discourage car rental at this site. The conditional use conditions should mitigate any potential negative effects on surrounding properties.
5. **Impact on Community Facilities:** All public facilities are available and existing road facilities are adequate.

TITLE:
CONDITIONAL USE FOR ENTERPRISE RENT-A-CAR

APPLICANT:
WESTLINK AUTO SERVICE

COAPPLICANT:
ENTERPRISE RENT-A-CAR

LEGAL DESCRIPTION:
THE NORTH 200 FEET OF THE EAST 217 FEET
OF LOT 48, BLOCK 2, WESTLINK VILLAGE
FOURTEENTH ADDITION, WICHITA, SEDGWICK
COUNTY, KANSAS!

CURRENT ZONING:
LC - light commercial

1455 .J. Maize road
Wichita, KS. 67212

APPROVED

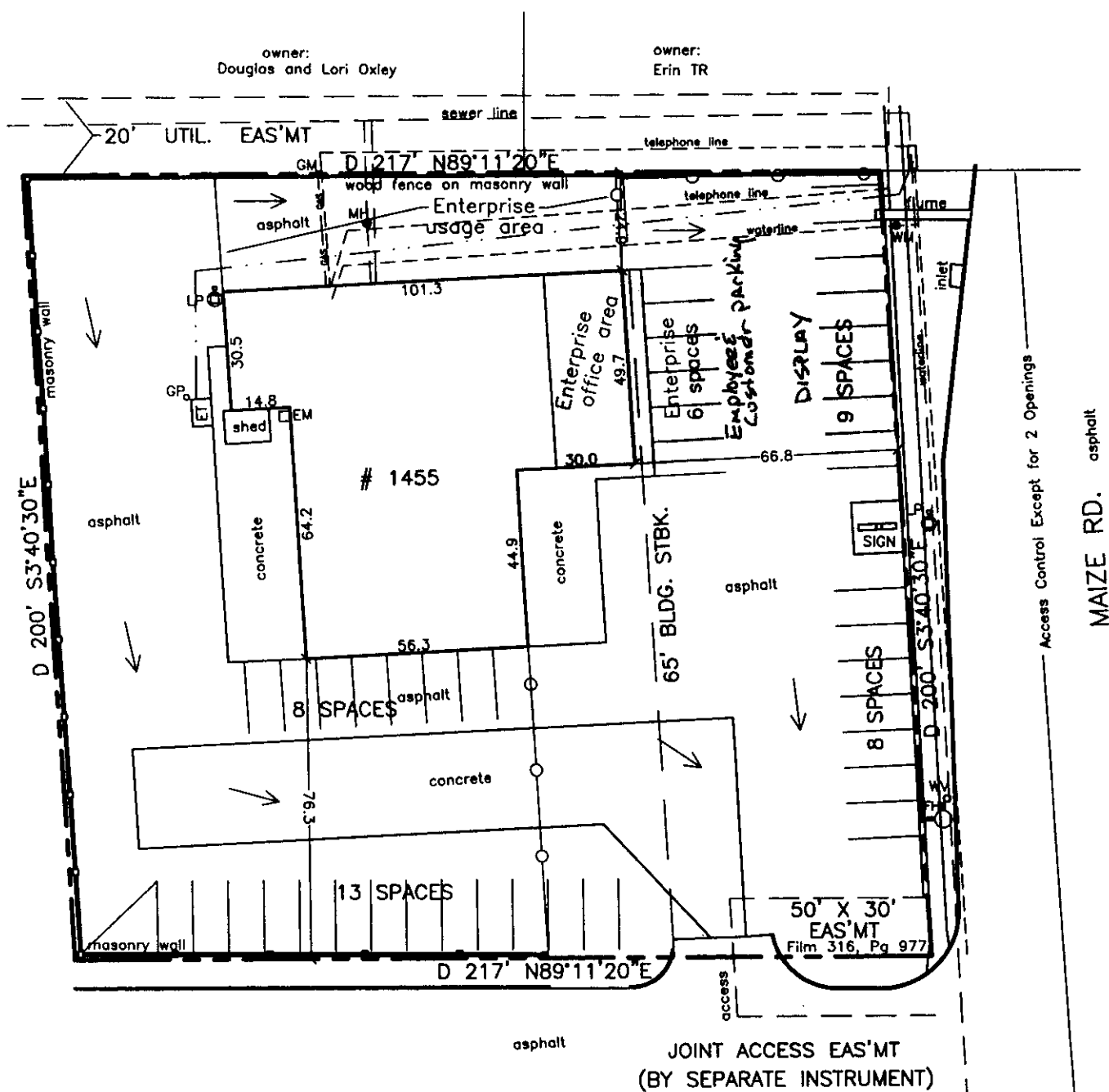
CON 2006-59 SITE PLAN

Adrian L. Gm Dwy

Date: 2-26-07

- | | | | |
|----|------------------|----|------------------------|
| WV | - water valve | GP | - guard post |
| SI | - sign | LP | - light pole |
| MH | - manhole | FH | - fire hydrant |
| GM | - gas meter | ET | - electric transformer |
| EM | - electric meter | WM | - water meter |

SCALE 1"=40'
W.O. #31856-1



CON 2006-59
SITE PLAN



ARMSTRONG
LAND SURVEY, P.A.

1801 E. HARRY
WICHITA, KS 67211
PH. (316) 263-0082
FX. (316) 263-0082