

CONDITIONAL USE RESOLUTION NO. CON-2001-00071

WHEREAS, Bonanza Inc., c/o Jack Hunt (Owner); Enterprise Rent-A-Car c/o Kristin Pate (Applicant), 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 allow for Outdoor Vehicle and Equipment Sales on 0.42 acre zoned "LC" Limited Commercial described as:

Lots 5 through 11, inclusive, Block 2, Beverley Manor, Sedgwick County, Kansas. Generally located south of Kellogg and west of Edgemoor.

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 24, 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 allow for Outdoor Vehicle and Equipment Sales on 0.42 acre zoned "LC" Limited Commercial described as:

Lots 5 through 11, inclusive, Block 2, Beverley Manor, Sedgwick County, Kansas. Generally located south of Kellogg and west of Edgemoor.

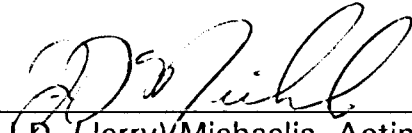
subject to the following conditions:

1. All requirements of Section III.D.6.x. of the Unified Zoning Code shall be met.
2. Access drives shall be limited to those shown on the approved site plan.
3. A gate is permitted in the solid screening fence along the south property line, but it shall remain closed unless in use.
4. Light poles shall be limited to a height of 14 feet, and limited to the locations shown on the approved site plan.

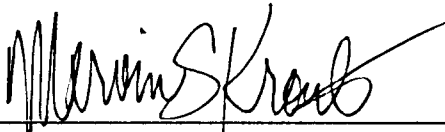
5. The buffer landscaping requirement shall not be waived as requested; rather, the buffer landscaping requirement shall be reduced to two shade trees (or the equivalent), which shall be provided within 15 feet of the south property line and west of the rental car office. No buffer landscaping shall be required east of the rental car office.
6. Sufficient spacing shall be provided between trees in the landscaped street yard to ensure that they grow to maturity. Trees shall be spaced apart a minimum distance equal to the mature spread of the species planted. Three shade trees (or the equivalent) shall be provided in the landscaped street yard.
7. The location of the trash receptacle and the method of screening it in conformance with the requirements of the Unified Zoning Code shall be shown on the revised site plan.
8. Ground-mounted signage for the subject property shall be limited to a maximum area of 136 square feet, a maximum height of 20 feet, and the location shown on the approved site plan.
9. A revised site plan reflecting the conditions of approval shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
10. The site shall be developed in general conformance with the approved site plan. All improvements shown on the approved site plan shall be completed within one year of approval the revised site plan by the Planning Director.
11. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
12. Any violation of the conditions of approval shall render the Conditional Use null and void.

Adopted this 24th day of January, 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, Acting Chair MAPC

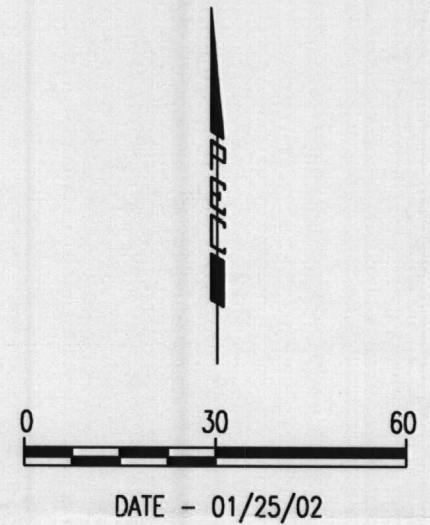
ATTEST:


Marvin S. Krout, Secretary

ENTERPRISE RENT-A-CAR

CONDITIONAL USE SITE PLAN

PREPARED FOR:
ENTERPRISE RENT-A-CAR
6300 E. 37TH STREET NORTH
WICHITA, KS 67220



LEGAL DESCRIPTION:
LOTS 5 THRU 11, BLOCK 2,
BEVERLY MANOR, SEDGWICK COUNTY, KANSAS.

EXISTING ZONING - "LC"
PROPOSED ZONING - "LC"

PARKING REQUIRED - 10 SPACES
PARKING PROVIDED - 17 SPACES (1-HDCP)

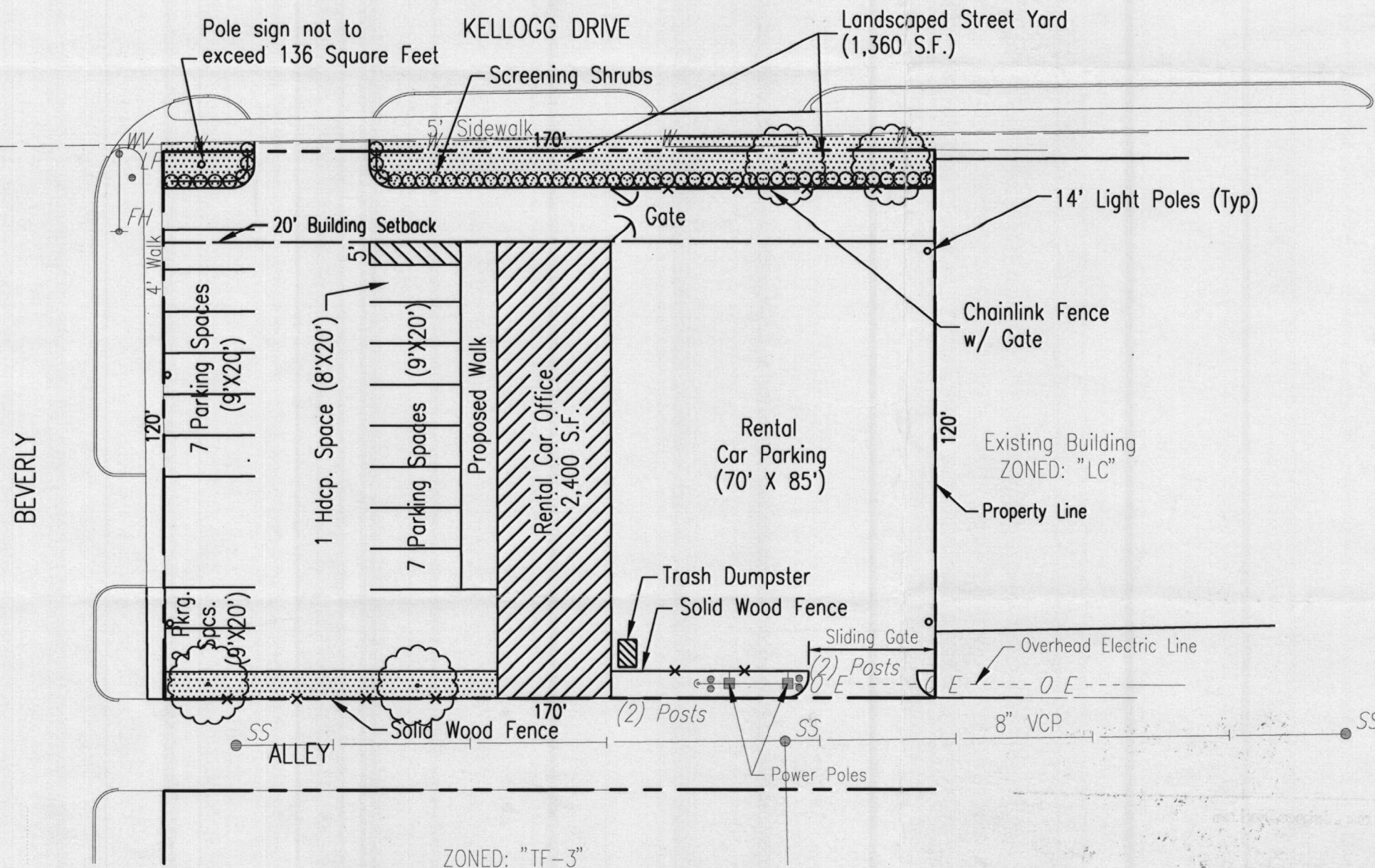
LANDSCAPE STREET YARD REQUIRED - 1360 S.F.
LANDSCAPE STREET YARD PROVIDED - 1360 S.F.

REAR YARD BUFFER SCREENING - SOLID WOOD FENCE

REAR YARD BUFFER LANDSCAPING - 2 TREES

PROPOSED USES:
RENTAL CAR OFFICE AND STORAGE
OFFICE SPACE

SCREENING:
LANDSCAPING TO COMPLY WITH CITY OF WICHITA
LANDSCAPING CODE.



CON2001-00071
SITE PLAN

APPROVED 1-28-02 BY SK

STAFF REPORT

MAPC January 24, 2002

CASE NUMBER: CON2001-00071

APPLICANT/AGENT: Bonanza Inc. c/o Jack Hunt (Owner); Enterprise Rent-A-Car
c/o Kristin Pate (Applicant)

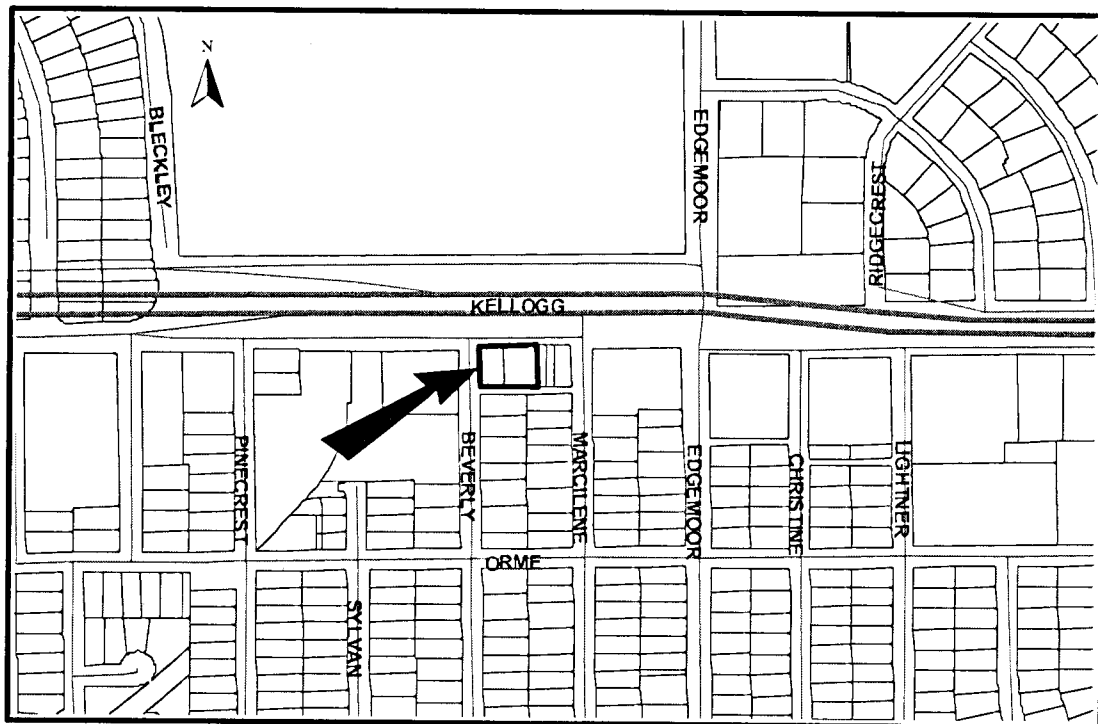
REQUEST: Conditional Use for Outdoor Vehicle and Equipment Sales

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 0.42 acre

LOCATION: South of Kellogg and west of Edgemoor (5401 E. Kellogg)

PROPOSED USE: Enterprise Rent-A-Car



BACKGROUND: The applicant is requesting a Conditional Use to allow a rental car business on a 0.42 acre platted tract zoned "LC" Limited Commercial and located south of Kellogg and west of Edgemoor (5401 E. Kellogg). A rental car business is defined by the Unified Zoning Code as "outdoor vehicle and equipment sales," which requires a Conditional Use when located in the "LC" district. The subject property is the proposed new location of the Enterprise Rent-A-Car that is currently located at 7300 E. Kellogg and needs to relocate due to the expansion of the Kellogg freeway.

The character of the neighborhood is that of regional commercial and institutional uses along the Kellogg freeway, including numerous vehicle sales lots within one-half mile both east and west of the site along Kellogg. The zoning of the property to the north across Kellogg is "GO" General Office, and the property is developed with the Veteran's Administration hospital. The zoning of the properties to the south across the alley is "TF-3" Two-Family Residential, and the properties are developed with duplexes. The zoning of the property to the east is "LC" Limited Commercial, and the property is developed with a vehicle repair shop. The zoning of the property to the west across Beverly is "LC" Limited Commercial, and the property is developed with a tuxedo rental shop.

The applicant submitted the two attached site plans. The first site plan is entitled "Conditional Use Existing Conditions" and shows the property as it is currently developed. The second site plan is entitled "Conditional Use Site Plan" and shows the proposed use of the subject property.

The applicant proposes to redevelop the subject property by demolishing approximately 4,900 square feet of existing retail space and leaving 2,400 square feet of office space for the rental car business in the existing building. A 5,950 square foot lot for the storage of rental cars is proposed to be located east of the rental car office, and a 19 space parking lot is proposed to be located west of the rental car office. One access drive to Beverly is proposed to be closed, and an access drive to Kellogg Drive and another access drive to the alley are proposed to be added. A landscaped street yard is proposed to be added along the north property line. A solid screening fence for a portion of the south property line is proposed to replace an existing chain link fence. The applicant is requesting a waiver of the buffer landscaping requirement along the south property line.

To limit the impact of the proposal and to bring the proposal into compliance with existing regulations, planning staff recommends conditions of approval regarding access, screening, lighting, landscaping, and signage. These conditions are described in detail in the "Recommendation" section of this report.

CASE HISTORY: The property is platted as part of the Beverly Manor Addition, which was recorded September 19, 1929.

ADJACENT ZONING AND LAND USE:

NORTH:	"GO"	Veteran's Administration Hospital
SOUTH:	"TF-3"	Duplexes
EAST:	"LC"	Vehicle repair shop
WEST:	"LC"	Tuxedo rental shop

PUBLIC SERVICES: This site has access to Kellogg Drive, a one-way, two-lane access road to the Kellogg freeway, and Beverly, a paved, local street. There is no traffic volume data available for Kellogg Drive or Beverly. Traffic volumes on the Kellogg freeway at this location are currently approximately 44,000 vehicles per day, and the 2030 Transportation Plan estimates the traffic volumes will increase to approximately 90,000 vehicles per day. Municipal water and sewer services are currently provided to this 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 sales lots should be guided to areas containing similar uses, and away from neighborhood commercial areas.

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

1. All requirements of Section III.D.6.x. of the Unified Zoning Code (attached) shall be met.
2. The proposed western-most access drives to Kellogg Drive and the alley shall not be permitted and shall be removed from the revised site plan. Access drives shall be limited to those shown on the approved site plan.
3. A solid screening fence shall be provided along the entire length of the southern property line except where the building is located on the property line. A gate is permitted in the solid screening fence, but it shall remain closed unless in use.
4. Light poles shall be limited to a height of 14 feet, and the location of light poles shall be shown on the revised site plan.
5. The buffer landscaping requirement shall not be waived as requested; rather, the buffer landscaping requirement shall be reduced to two shade trees (or the

equivalent), which shall be provided within 15 feet of the south property line and west of the rental car office. No buffer landscaping shall be required east of the rental car office.

6. Sufficient spacing shall be provided between trees in the landscaped street yard to ensure that they grow to maturity. Trees shall be spaced apart a minimum distance equal to the mature spread of the species planted. Three shade trees (or the equivalent) shall be provided in the landscaped street yard.
7. The location of the trash receptacle and the method of screening it in conformance with the requirements of the Unified Zoning Code shall be shown on the revised site plan.
8. Ground-mounted signage for the subject property shall be limited to the re-use of the existing sign on the property on January 24, 2002, or to a new sign limited to the size and height of the existing sign or the size and height permitted by the sign code, whichever is less. The location, size, and height of ground-mounted signage shall be shown on the revised site plan.
9. A revised site plan reflecting the conditions of approval shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
10. The site shall be developed in general conformance with the approved site plan. All improvements shown on the approved site plan shall be completed within one year of approval the revised site plan by the Planning Director.
11. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
12. Any violation of the conditions of approval shall render the Conditional Use 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 that of regional commercial and institutional uses along the Kellogg freeway, including numerous vehicle sales lots within one-half mile both east and west of the site along Kellogg. Zoning along the south side of the Kellogg frontage in this neighborhood is "LC" Limited Commercial. The proposed rental car facility is consistent with the commercial zoning, vehicle sales uses, and regional-serving character of the 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 developed with retail space and is apparently suitable for the commercial uses to which it has been restricted. Outdoor vehicle and equipment sales uses may be permitted in the "LC" district with a Conditional Use and should be guided to areas, such as the location of the subject property, where similar uses exist.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code; the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance; and the recommended conditions of approval should limit noise, lighting, and other activity from adversely impacting residential areas to the south and should ensure attractive and orderly redevelopment along a major community thoroughfare.
4. Conformance of the requested change to adopted or recognized 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. This site is located along Kellogg, and the recommended conditions of approval have provisions which limit noise, lighting, and other adverse impacts. The Commercial Locational Guidelines also recommend that auto sales lots should be guided to areas containing similar uses, and away from neighborhood commercial areas. This site is located along Kellogg in an area where auto sales uses already exist and commercial enterprises are regional serving.
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities if the requested additional access drives along Kellogg Drive and the alley are not permitted. If the requested additional access drives are permitted, the City Traffic Engineer indicates that traffic hazards would be created due to insufficient separation among access drives and street openings.