



Wichita-Sedgwick County Metropolitan Area Planning Department

September 22, 2008

Cook Construction LLC
1829 W 13Th
Wichita, KS 67203

Budget Car Rental
Attn: Rob Durrett
1895 Midfield Rd.
Wichita, KS 67202

RE: CON2008-00030 - City conditional use for rental car (vehicle and equipment sales, outdoor) on property zoned LC Limited Commercial, generally located east of Seneca Street (1802 and 1806 South Seneca).

Dear Ladies and Gentlemen:

At its regular meeting on **July 10, 2008**, the Wichita - Sedgwick County 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 application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derrick K. Slocum'.

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS:mc
Attachment

Copies to: Poe & Associates, Attn: Tim Austin, 5940 E. Central Ste 200, Wichita, KS 67208
McCormick, Coletta Ricketts, 514 Hendryx St., Wichita, KS 67213
South Central Improvement Alliance, Vickie Adamson, 817 S. Oliver, Wichita, KS 67218

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CONDITIONAL USE RESOLUTION NO. CON2008-00030

WHEREAS, Cook Construction LLC (owner); Budget Car Rental (applicant); Poe and Associates, c/o Tim Austin (agent); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow car and truck rental on property zoned LC Limited Commercial ("LC") described as:

Lots 3, 5, 6 and 7, except the West 20 feet of Lot 6 for street, West Park Gardens Addition, Sedgwick County, Kansas; generally located northeast of the intersection of South Seneca Avenue and West Dora Avenue.

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 July 10, 2008, 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 a Conditional Use to allow car and truck rental on property zoned LC Limited Commercial ("LC") described as:

Lots 3, 5, 6 and 7, except the West 20 feet of Lot 6 for street, West Park Gardens Addition, Sedgwick County, Kansas; generally located northeast of the intersection of South Seneca Avenue and West Dora Avenue.

Approved subject to the following conditions:

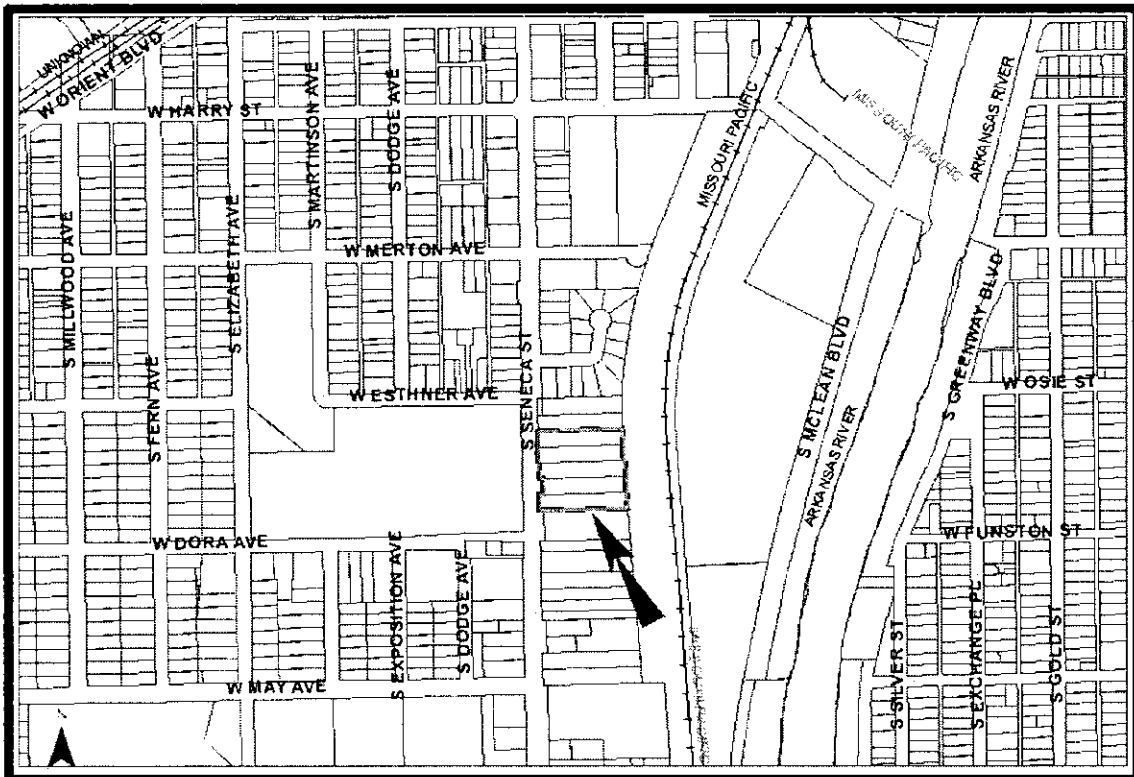
1. The Conditional Use shall be for automobile rental and leasing only. No vehicle sales shall be permitted on the site.
2. No outdoor speakers shall be used on the site.
3. The applicant shall comply with all provisions of Section III-D.6.x. of the Unified Zoning Code regarding supplementary use regulations of outdoor vehicle sales in the LC zoning district.
4. The site shall be developed in 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.
5. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

STAFF REPORT

MAPC July 10, 2008

DAB IV July 2, 2008

- CASE NUMBER:** CON2008-00030
- APPLICANT/AGENT:** Cook Construction LLC, Attn: Larry Cook (Owner)
Budget Car Rental, Attn: Rob Durrett (Applicant)
Poe & Associates, Attn: Tim Austin (Agent)
- REQUEST:** Conditional Use for vehicle and equipment sales
(Vehicle Rental)
- CURRENT ZONING:** LC Limited Commercial ("LC")
- SITE SIZE:** Total Area = 3.30
- LOCATION:** Generally located northwest of the intersection of
South Seneca Avenue and West Dora Avenue.
- PROPOSED USE:** Car and Truck Rental



BACKGROUND: The applicants request a conditional use for outdoor vehicle and equipment sales on a site located south of Harry Street, on the east side of Seneca Avenue. The applicants wish to restrict the Conditional Use to auto rental and leasing, for the renting of cars and trucks. 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 being developed with new businesses and the applicants Budget Car Rental business is just one of the new businesses being developed at this location.

Property north of the site is zoned GO General Office ("GO") and TF-3 Two-family Residential ("TF-3") and developed with a single-family home and office use. Property south of the site is zoned LC Limited Commercial ("LC") and is current vacant. Property west of the site, across Seneca, is zoned MF-29 Multi-family Residential ("MF-29") and is currently being use as a park with a public swimming pool. Property east of the site is zoned LI Limited Industrial ("LI") and is developed with a public works station for the City of Wichita. Currently, some screening does exist between the business site and the properties to the north, south and east.

The applicant's site plan reflects the current use of the site. The car rental business includes an office and between 28-32 parking spaces.

CASE HISTORY: The site was platted as Lots 3, 4, 5, 6 and 7 of the West Park Gardens Addition in 1923.

ADJACENT ZONING AND LAND USE:

NORTH:	"GO"	Single-family Residence
	"TF-3"	Office
SOUTH:	"LC"	Vacant Commercial Land
	"TF-3"	Single-family Residence
EAST:	"LI"	Public Works Station
WEST:	"MF-29"	Recreation/Park

PUBLIC SERVICES: This site has access to Seneca Avenue, a four-lane principal arterial with a center turn lane. The nearest traffic volume data available for Seneca Avenue at this location is at the intersection of Harry and Seneca, two blocks north of the subject site. The traffic volume at this intersection is approximately 44,000 average daily trips per day (ADT). Municipal water and sewer services are currently provided to this site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for urban residential types of use. The current zoning does not conform to the Land Use Guide (rezoned from GO and TF-3 to LC with a protective overlay in 2006) but the request for a Conditional Use is allowed under the current zoning. This particular use conforms more to the local commercial use type. 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: Based upon information available prior to the public hearing, planning staff recommends that the request be 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 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.
5. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
6. 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 recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north of the site is zoned GO General Office ("GO") and TF-3 Two-family Residential ("TF-3") and developed with a single-family home and office use. Property south of the site is zoned LC Limited Commercial ("LC") and is current vacant. Property west of the site, across Seneca, is zoned MF-29 Multi-family Residential ("MF-29") and is currently being use as a park with a public swimming pool. Property east of the site is zoned LI Limited Industrial ("LI") and is developed with a public works station for the City of Wichita. Currently, some screening does exist between the business site and the properties to the north, south and east.
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 will be developed with retail space and personal improvement services 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 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for urban residential types of use. The current zoning does not conform to the Land Use Guide (rezoned from GO and TF-3 to LC with a protective overlay in 2006) but the request for a Conditional Use is allowed under the current zoning. This particular use conforms more to the local commercial use type. 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.
5. **Impact of the proposed development on community facilities:** All public facilities are available and existing road facilities are adequate.

