Agenda Item #_____

City of Wichita
City Council Meeting
March 7, 2000

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **Z-3349 – ZONE CHANGE FROM "MF-29", MULTI-FAMILY TO "LC" LIMITED COMMERCIAL ; AND**

CU-551 – CONDITIONAL USE TO PERMIT A CAR WASH, LOCATED EAST OF MERIDIAN AND SOUTH OF ORIENT BOULEVARD. (District #IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Unfinished Business

MAPC Recommendation: Approve, subject to conditions.(8-2-1).

Staff Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to conditions

Background: The applicant is requesting a Conditional Use permit to allow a car wash to be located within 200 feet of residential zoning. The applicant is also seeking a zone change from "MF-29", Multi-Family Residential to "LC", Limited Commercial. A car wash is first permitted in the "LC" district with a Conditional Use. The application area is a one-acre platted tract of land located at the southeast corner of Meridian and Orient.

The attached site plan shows a seven-bay car wash. All seven of the car wash bays are depicted as self-service. These wash bays are located approximately 48 feet west of the east property line. The plan also depicts four vacuums located east of the wash bays, on the eastern property line. Fourteen parking spaces are also shown along the east property line. These parking spaces are to be used for drying or vacuuming. The facility would have one access to Orient, located 120 feet east of the intersection of Orient and Meridian; and one to Meridian, located 60 feet south of the intersection of Orient and Meridian.

The site plan indicates that the southern most 125 feet of the application area will not be used by the car wash. No use has been identified for this vacant strip at this point in time. The applicant had to buy the whole parcel and the code requires the 60-foot separation distance from residential zoning used for permitted uses. Single-family homes are

located south and southeast of the applicant's ownership. To the east is located an Eagles Lodge, a baseball diamond and vacant land. Railroad tracks are located north of the site.

Key Unified Zoning Code car wash "supplementary use requirements" include: buildings to be located at least 35 feet from arterials and 20 feet from other street right-of-way; 60 from the lot line of any residentially zoned lot, unless the property is being used for a nonresidential use permitted by-right in the underlying district; fencing, a minimum of six feet in height shall be provided along the interior side and rear property line, when adjacent to a dwelling; all area utilized for washing or drying, including ingress and egress, shall be paved; lighting shall comply with lighting standards in the code; no string-type lighting shall be permitted and signage as per the sign code.

Compatibility setbacks are required along side and rear lot lines adjacent to property zoned TF-3 or more restrictive. The minimum setback is 15 feet plus one foot for each five feet of lot width over 50 feet, up to a maximum of 25 feet.

Landscaping will be required per the "landscape ordinance".

The project complies with compatibility setback and supplemental requirements. A screening fence will have to be built along the perimeter where the "LC" zoning is adjacent to residential zoning, part of the east and the south property lines; and landscaping will have to be provided.

The CPO heard these requests and recommended approval. One person, a competitor of the applicants, spoke in opposition. No adjoining property owners spoke. The MAPC heard this case on December 16, 1999. The Commission recommended approval of the requests, except for the south 100 feet, subject to recommended conditions. The application area 100 feet had been previously approved for "NR" Neighborhood Retail zoning, subject to platting. The Commission felt it was appropriate to retain the "NR" zoning on the south 100 feet, and waived re-platting requirements.

On January 13, 2000, the City Council voted 6-0 to return the case back to the MAPC for further consideration since there were protests exceeding 20%. The MAPC heard the case again on January 27, 2000. By a vote of 8-2-1 the Commission recommended approval, subject to conditions. Protestors were represented by an attorney who indicated the reason for the protests were the car wash would: increase the amount of trash and debris; increase the amount of noise in the neighborhood; increase vandalism; lighting from the facility would interfere with the pleasure and use of adjoining property; and new development would increase runoff which would make an existing drainage problem along Meridian worse. The protest percentage was re-calculated after the MAPC re-hearing as a result of a clarification regarding ownership for an original protest petition that was not included in the initial protest petition. The re-calculated protest percentage is 26.6%.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and conditional use, subject to the recommended conditions of the conditional use; place the ordinance establishing the zone change on first reading; or

2. Return the application to the MAPC for reconsideration

FINAL
CORRECTED
COPY

WICHITA – SEDGWICK COUNTY

WSC

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL – TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

March 8, 2000

FILE COPY

Albert H. Gibson
Helen L. Gibson
2718 Irving
Wichita, KS 67213

RE: **Z-3349 – Zone change from "MF-29" Multi-Family Residential to "LC" Limited Commercial.**

CU-551 – Conditional Use to allow a car wash. General location east of Meridian and south of Orient Blvd.

Dear Ladies and Gentlemen:

At its regular meeting March 7, 2000, the Wichita City Council considered the above-captioned request. The action of the Council was to DENY the request.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this matter, please contact our office at 268-4421.

Sincerely,

Dale Miller

Dale Miller
Chief Planner

DM/rs

cc: C. C. Lawson, 930 Terradyne Circle, Andover, KS 67002
Don Folger, Jr. and Assoc., 234 S. Topeka, Wichita, KS 67202
David Holmes, 300 W. Douglas #430, Wichita, KS 67201
City Council Member, Bill Gale
Kurt Schroeder, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection

Mrs Sitgler