



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Mohammad Zubair Khan
1012 W. 50th St. S.
Wichita, KS 67217

December 11, 2024

RE: CON2024-00240 –A Conditional Use request to allow a Car Wash within 200 feet of residential zoning, generally located on the southeast corner of East Kellogg Drive and South Glendale Avenue (4901 & 4925 East Kellogg Drive).

Dear Applicant:

At its regular meeting on **November 21, 2024**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request with the following conditions:

1. The use shall comply with Supplementary Use Regulations set forth in Section III-D.6.f of the Unified Zoning Code, with the exception of a waiver of Regulation #3.
2. Development of the site shall be in conformance with the approved site plan.
3. The site shall comply with all screening standards of Section IV-B.1-3 of the UZC and the landscaping standards of the Wichita Landscape Ordinance provided that a six-foot screening fence is required along the south property line where abutting residential uses.
4. 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.

No protests were filed against this case. Therefore, the decision of the MAPC is final. If you have any questions concerning this application, please contact our office at 352-4864.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Mike Hoheisel, Council Member District III
Rebecca Johnson, CSR, District III
MABCD



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Mohammad Zubair Khan
1012 W. 50th St. S.
Wichita, KS 67217

November 22, 2024

RE: CON2024-00240 –A Conditional Use request to allow a Car Wash within 200 feet of residential zoning, generally located on the southeast corner of East Kellogg Drive and South Glendale Avenue (4901 & 4925 East Kellogg Drive).

Dear Applicant,

At its regular meeting on **November 21, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the Conditional Use request for the Conditional Use.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on December 5, 2024. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **December 5, 2024, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) III on **Wednesday, December 4, 2024** beginning at 6:30 p.m. at the WATER Center (101 East Pawnee Street). For more information on this meeting, please contact Community Services Representative for District III, Becca Johnson at (316) 303-8030 or rejohnson@wichita.gov. This application will be presented to the Wichita City Council on **Tuesday, January 7, 2025**, beginning at 6:00 p.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Mike Hoheisel, Council Member District III
Rebecca Johnson, CSR, District III
MABCD

CONDITIONAL USE RESOLUTION NO. CON2024-00240

WHEREAS, Mohammad Zubair Khan, Owner, 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 Wash in the City within 200 feet of residentially zoned property, located at 4901 & 4925 East Kellogg Drive, legally described as:

The North 138 feet of Lot 2, Jim Burns Addition to Wichita, Sedgwick County, Kansas.

AND

Lot 1, Schmid Addition to Wichita, Sedgwick County, Kansas.

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 November 21, 2024, 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 Wash in the City within 200 feet of residentially zoned property, located at 4901 & 4925 East Kellogg Drive, legally described as:

The North 138 feet of Lot 2, Jim Burns Addition to Wichita, Sedgwick County, Kansas.

AND

Lot 1, Schmid Addition to Wichita, Sedgwick County, Kansas.

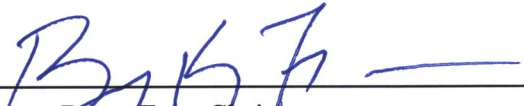
Approved subject to the following conditions:

1. The use shall comply with Supplementary Use Regulations set forth in Section III-D.6.f of the Unified Zoning Code, with the exception of a waiver of Regulation #3.
2. Development of the site shall be in conformance with the approved site plan.
3. The site shall comply with all screening standards of Section IV-B.1-3 of the UZC and the landscaping standards of the Wichita Landscape Ordinance provided that a six-foot screening fence is required along the south property line where abutting residential uses.
4. 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.

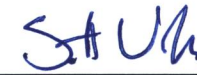
Adopted this 22 Day of November, 2024.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:



Bryan Frye, Chairman



Scott Wadle, Secretary

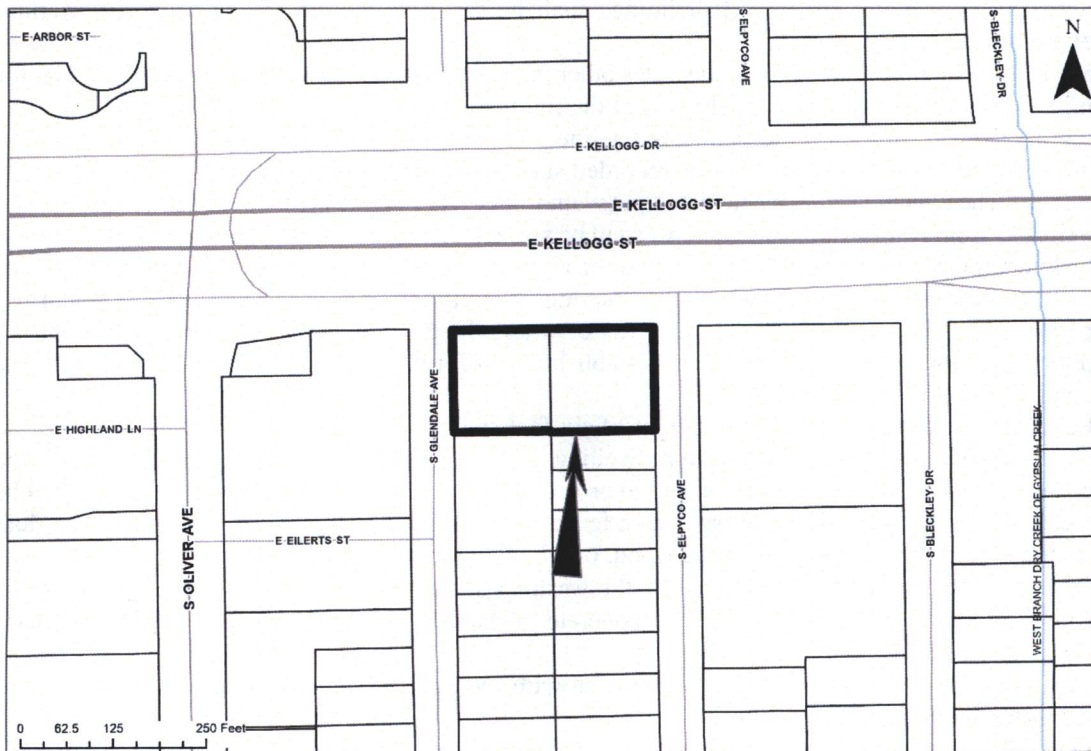


STAFF REPORT

MAPC: November 21, 2024

DAB III: December 4, 2024

<u>CASE NUMBER:</u>	CON2022-00240 (City)
<u>APPLICANT/AGENT:</u>	Mohammad Zubair Khan (Applicant)
<u>REQUEST:</u>	Conditional Use to permit a Car Wash within 200 feet of residential zoning
<u>CURRENT ZONING:</u>	LC Limited Commercial District
<u>SITE SIZE:</u>	0.4142 acres
<u>LOCATION:</u>	Generally located on the southeast corner of East Kellogg Drive and South Glendale Avenue (4901 & 4925 East Kellogg Drive).
<u>PROPOSED USE:</u>	Carwash/Detail Service
<u>RECOMMENDATION:</u>	Approve with conditions, with waiver to UZC Supplementary Use Regulations SecIII-D.6.f(3).



BACKGROUND: The applicant is requesting a Conditional Use to permit car washes/detailing services on properties zoned LC Limited Commercial District (LC) with a waiver to Supplementary Use Regulations found in Unified Zoning Case Sec. III-D.6.f(3). The 0.8665-acre combined properties are generally located on the south of East Kellogg Drive and bordered by South Glendale Avenue and South Elpyco Avenue (4901 & 4925 East Kellogg Drive).

The subject site is developed with building that have been used as Vehicle and Equipment Sales, Outdoor uses. The applicant will continue to use the properties as Vehicle and Equipment Sales, Outdoor, but is also requesting to permit auto detailing on the properties. The existing buildings were equipped with car wash bays that remain. The applicant is requesting to use the spaces as a vehicle detailing services which is defined as a Car Wash in the Unified Zoning Code. Car Wash is defined by the Unified Zoning Code as, "an establishment engaged in cleaning or detailing Motor Vehicles, whether self-service or automated. A Car Wash is subject to the special provisions of Sec. III-D.6.f whether it is a Principal Use or an Accessory Use." The applicant is not proposing to have a Car Wash that is open to the public at these locations. These bays would be used for detailing with occasional washing of vehicles intended for inventory. The detailing operation would be open to the public by appointment only.

Car Wash is a permitted use in the LC Limited Commercial District subject to the Supplementary Use Regulations outlined in Section III-D.6.f of the Unified Zoning Code. Section III-D.6.f of the UZC requires a Conditional Use for a Car Wash when it is within 200 feet of a residential zoning district. The subject site's proximity to the MF-29 Multi-Family Residential District to the south and southeast necessitates this conditional use.

Should this request be approved, the applicant would be required to comply with the following Supplementary Use Regulations:

- (1) Setbacks from major streets. All buildings shall be set back at least 35 feet from all arterials, expressways, or freeways.
- (2) Setbacks from other Streets. For all streets other than arterial streets, expressways, or freeways, the minimum street setback shall be the less of the following:
 - a. 20 feet from the street right-of-way line
 - b. The setback described on the recorded subdivision plat; or
 - c. The average setback calculated pursuant to Sec. III-E.2.e (5) (b).
- (3) Setbacks from residential. All structures shall be setback at least 60 feet (excluding any street, alley, or intervening public way) for the lot line of any lot located within a residential zoning district. This setback shall not apply where the abutting property is being used for a nonresidential use permitted by-right in the underlying district or where the governing body has formally adopted a policy of looking with favor on the establishment of LC or higher intensity zoning for the contiguous area.
- (4) Fences. A fence with a minimum height of six feet shall be provided along the interior side and rear property line, when adjacent to a dwelling unit, to protect the dwelling unit from light and noise and eliminate blowing debris, and to protect adjacent property values. When a fence shall be located in the required front setback, such fence shall not be high than three feet. The fence shall be constructed of masonry, concrete, wood, or other similar materials.
- (5) Paving. All of the area to be utilized by the washing and drying operations, including all ingress and egress areas, shall be paved with concrete, asphalt, or asphaltic concrete, or similar hard surfacing material
- (6) Lighting. The lighting shall be in compliance with the lighting requirements of Sec.IV-B.4. No string-type lighting shall be permitted.
- (7) Signs. Signs are limited to those permitted in the underlying district

- (8) Noise. The noise levels shall be in compliance with the noise standards of Sec. IV-C.6.
- (9) Circulation plan. A plot plan showing points of ingress and egress, width of driveways, off-street Parking and holding spaces and interior traffic circulation shall be submitted to the Traffic Engineer for the City for approval prior to the filing of the application. There shall be no ingress or egress from unpaved public ways.
- (10) Parking. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
- (11) Street access. There shall be no ingress or egress from minor or residential streets having 60 feet of right-of-way or less, unless there are two free-moving lanes at all times.
- (12) Drainage. All drainage, both natural and that created by the operation, shall be handled in a manner satisfactory to the Department of Public Works.
- (13) Maintenance. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

The applicant would like to request a waiver of Supplementary Use #3 of Sec. III-D.6.f. The existing building at 4925 East Kellogg is located approximately on the rear property line that abuts the MF-29 zoned property to the south, although the bay that is proposed to be used for detailing is approximately 50 feet to the north of said property line. The remaining bays are proposed to be used for Vehicle Repair, Limited, which is a permitted use in the LC District.

According to UZC Sec. IV-A.1.d, adherence to off-street parking requirements will only be applicable if the applicant remodels or alters the existing buildings such that the value of the remodeling exceeds 50 percent of the value of the structure being remodeled.

According to the City of Wichita Landscape Code, the sites will not be required to adhere to the code except as follows:

1. When the value of the new addition, renovation or redevelopment exceeds fifty (50) percent of the value of the existing development, as determined by the County Appraiser's office; or
2. When there is more than a thirty (30) percent increase of the gross floor area on the site.

A six (6)-foot screening fence currently exists on the south property lines of both properties, which satisfies the screening requirements of the UZC.

Properties to the north, across East Kellogg Drive and U.S. Highway 54/400, are zoned TF-3 Two-Family Residential District (TF-3) and are developed with single-family dwellings. Property to the east, across South Elpyco Avenue, is zoned LC and is developed with a strip office center. Property to the south of 4901 East Kellogg is zoned LC and is developed with a multi-family dwelling. Property to the south of 4925 East Kellogg is zoned MF-29 and is developed with a single-family dwelling. Property to the west, across South Glendale Avenue, is zoned LC and is developed with a gas station/convenience store.

CASE HISTORY: On January 31, 1971, the subject site at 4901 East Kellogg was platted as part of the Jim Burns Addition. On November 1, 1966, the subject site at 4925 East Kellogg was platted as part of the Schmid Addition. In 1988, the subject properties received a Use Variance (BZA6-88) to permit new and used car sales establishment. In 2006, the subject property was included in a request to establish a Planned Unit Development (PUD2006-00002). This request was denied by Wichita City Council.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Single-family dwellings
SOUTH:	LC/MF-29	Multi-family dwelling/single-family dwelling
EAST:	LC	Offices

WEST: LC

Gas Station/Convenience Store

PUBLIC SERVICES: The subject site has street frontage on three sides. East Kellogg Drive is a paved frontage street with sidewalk on the south side. East Kellogg Drive is a paved, one-way frontage road without sidewalks. South Glendale Avenue is a paved, two-way local street with sidewalk on the east side. South Elpyco Avenue is a paved, two-way, local street with sidewalk on the west side. Wichita Transit has both northbound and southbound service at the intersection of South Oliver Avenue and East Orne Street, approximately 0.15 miles from the subject site. All City services such as water and sanitary sewer currently serve the site.

CONFORMANCE TO PLANS/POLICIES: The following Wichita plans provide guidance regarding development/redevelopment of the subject site:

Community Investments Plan: The requested Conditional Use is in conformance with the Wichita-Sedgwick County Comprehensive Plan. The *Community Investments Plan* identifies the site as "New Residential" on the Future Growth Map Concept Map. This category is described as follows: *"Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed."* The location of the subject site would be inappropriate for residential along the frontage road to U.S. Highway 54/400. Additionally, the subject site is established as a commercial lot within a larger commercial corridor.

The proposed application is in conformance with the Locational Guidelines of the *Community Investments Plan*. Under the heading of "Development Pattern," Locational Guideline 2.a states, *"Encourage infill development that maximizes public investment in existing and planned infrastructure and services."* Also, under the heading "Development Pattern," Locational Guideline 1.a states, *"Development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with the development."* The subject sites have historically been used as a Vehicle and Equipment Sales, Outdoor use with an accessory use of Car Wash incorporated into the buildings' design.

Wichita Places for People Plan: The Wichita-Sedgwick County Comprehensive plan identifies the Established Central Area and recommends an Urban Infill Strategy for the Established Central Area. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area. The proposed Conditional Use is in conformance with the *Wichita: Places for People Plan*.

The proposed Conditional Use aligns with Strategy #6 of the *Plan*. Strategy #6, *"encourages infill and redevelopment that is contextual to the environment in which it is occurring."* The subject site has historically been used as a Vehicle and Equipment Sales, Outdoor use with Car Wash as an accessory use. The environment of the East Kellogg Drive corridor is commercial in nature and the proposed Conditional Use to permit detailing services is consistent with the area.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request, as well as the waiver to the Supplementary Use Regulation found in UZC Section III-D.6.f:

1. The use shall comply with Supplementary Use Regulations set forth in Section III-D.6.f of the Unified Zoning Code, with the exception of a waiver of Regulation #3.

2. Development of the site shall be in conformance with the approved site plan.
3. The site shall comply with all screening standards of Section IV-B.1-3 of the UZC and the landscaping standards of the Wichita Landscape Ordinance provided that a six-foot screening fence is required along the south property line where abutting residential uses.
4. 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:** Properties to the north, across East Kellogg Drive and U.S. Highway 54/400, are zoned TF-3 Two -Family Residential District (TF-3) and are developed with single-family dwellings. Property to the east, across South Elpyco Avenue, is zoned LC and is developed with a strip office center. Property to the south of 4901 East Kellogg is zoned LC and is developed with a multi-family dwelling. Property to the south of 4925 East Kellogg is zoned MF-29 and is developed with a single-family dwelling. Property to the west, across South Glendale Avenue, is zoned LC and is developed with a gas station/convenience store.
2. **The suitability of the subject property for the uses to which it has been restricted:** The properties are presently zoned LC Limited Commercial District and are suitable for a large array of residential, public and civic, and commercial uses.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The Supplementary Use Regulations set forth in Section III-D.6.f should minimize and mitigate any potential negative impacts. It is not anticipated to have significant negative impacts on surrounding properties.
4. **Length of time the property has been vacant as currently zoned:** The subject properties are not vacant. The subject sites have been developed with commercial buildings that have historically been used as Vehicle and Equipment Sales, Outdoor with car washes used as an accessory use on both properties
5. **Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request will allow development of the properties for an additional commercial use along a commercial corridor. Denial would presumably represent a loss of economic opportunity to the applicant and/or landowner.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zone change is in conformance with *The Community Investments Plan* and the *Wichita: Places for People Plan* as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** It is not anticipated that development of the property will have significant negative impacts on community facilities or resources.
8. **Opposition or support of neighborhood residents:** At the time of the publication of the staff

report, staff has not received any comments from the public.

Staff Report Attachments:

- 1) Supplementary Use Regulations, Section III-D.6.f
- 2) Aerial Map
- 3) Zoning Map
- 4) Land Use Map
- 5) Site Plan
- 6) Site Photos

SUPPLEMENTARY USE REGULATION SECTION III-D.6.f

f. Car Wash. The following standards shall apply to Car Wash facilities in all zoning Districts, whether the Car Wash facilities are Principal Uses or Accessory Uses:

(1) Conditional Use when near residential zoning. Although listed as permitted Uses in some zoning Districts, Car Washes shall always be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 200 feet of residential zoning Districts. This distance shall be measured from the nearest Lot Line of a zoning Lot with residential zoning to the nearest Lot Line of the zoning Lot containing the Car Wash.

(2) Setbacks from major Streets. All Buildings shall be set back at least 35 feet from all arterials, expressways or freeways.

(3) Setbacks from other Streets. For all Streets other than arterial Streets, expressways or freeways, the minimum Street Setback shall be the lesser of the following:

- (a) 20 feet from the Street Right-of-Way Line;
- (b) the Setback described on the recorded subdivision plat; or
- (c) the average Setback calculated pursuant to Sec. III-E.2.e(5)(b).

(4) Setbacks from residential. All Structures shall be set back at least 60 feet (excluding any Street, Alley or intervening public way) from the Lot Line of any Lot located within a residential zoning District. This Setback shall not apply where the Abutting property is being used for a nonresidential Use permitted by-right in the Underlying District or where the Governing Body has formally adopted a policy of looking with favor on the establishment of LC or higher intensity zoning for the Contiguous area.

(5) Fences. A Fence with a minimum height of six feet shall be provided along the interior side and rear property line, when Adjacent to a Dwelling Unit, to protect the Dwelling Unit from light and noise and eliminate blowing debris, and to protect Adjacent property values. Whenever a Fence shall be located in the required Front Setback, such Fence shall not be higher than three feet. The Fence shall be constructed of masonry, concrete, wood or other similar materials.

(6) Paving. All of the area to be utilized by the washing and drying operations, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete or similar hard surfacing material.

(7) Lighting. The lighting shall be in compliance with the lighting requirements of Sec. IV-B.4. No string-type lighting shall be permitted.

(8) Signs. Signs are limited to those permitted in the Underlying District.

(9) Noise. The noise levels shall be in compliance with the noise standards of Sec. IV-C.6

(10) Circulation plan. A plot plan showing points of ingress and egress, width of driveways, off-street Parking and holding spaces and interior traffic circulation shall be submitted to the County Engineer for the County or the Traffic Engineer for the City for approval prior to the filing of the application. There shall be no ingress or egress from unpaved public ways.

(11) Parking. All Parking Areas shall have adequate guards to prevent the extension or overhanging of Vehicles beyond property lines or Parking Spaces.

(12) Street access. There shall be no ingress or egress from minor or residential Streets having 60 feet of right-of-way or less, unless there are two free-moving lanes at all times. (Example: A 30-foot paved Street with Parking permitted on one side would provide two free-moving lanes.)

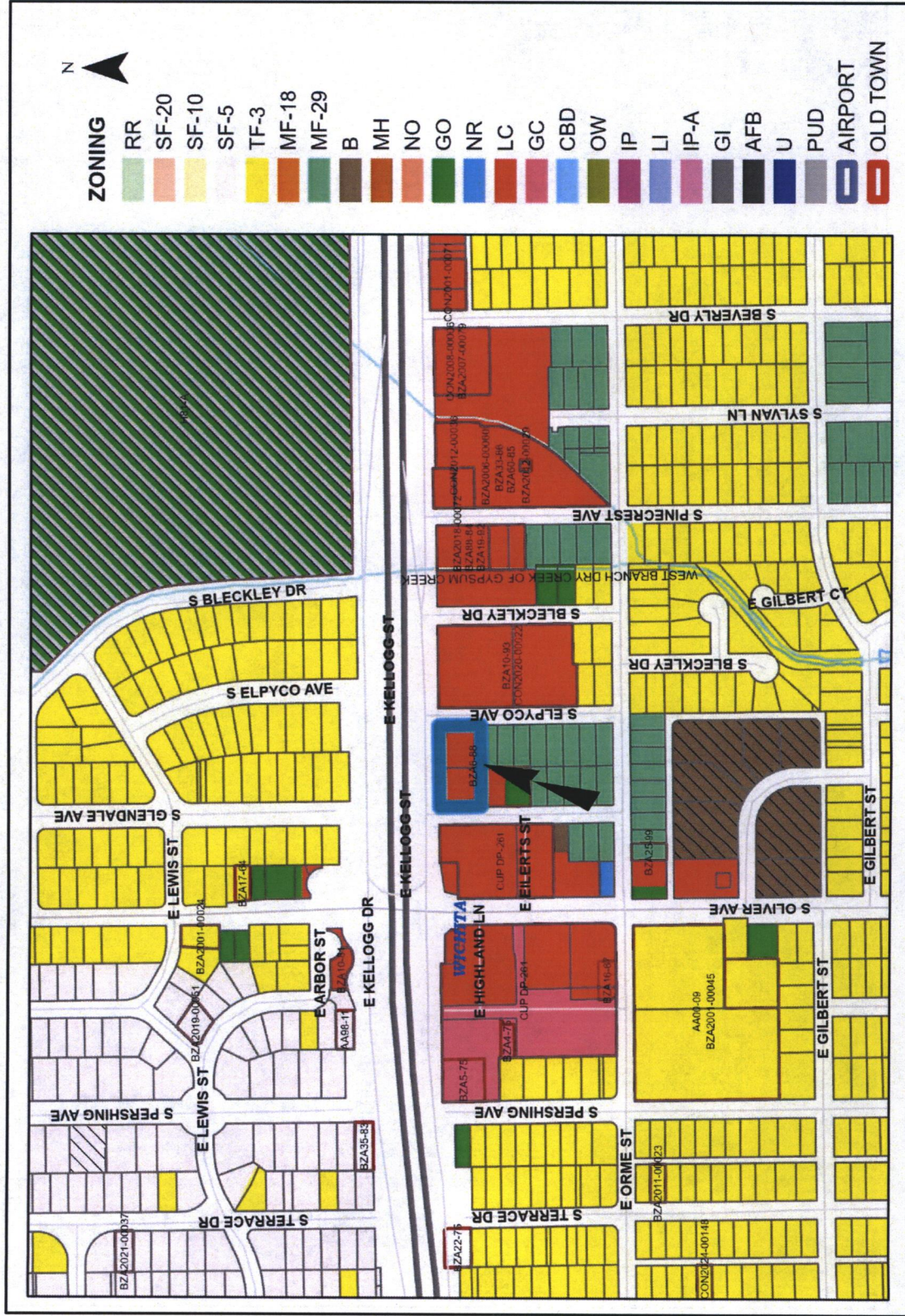
(13) Drainage. All drainage, both natural and that created by the operation, shall be handled in a manner satisfactory to the Department of Public Works.

(14) Maintenance. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

Attachment 1. Aerial Map

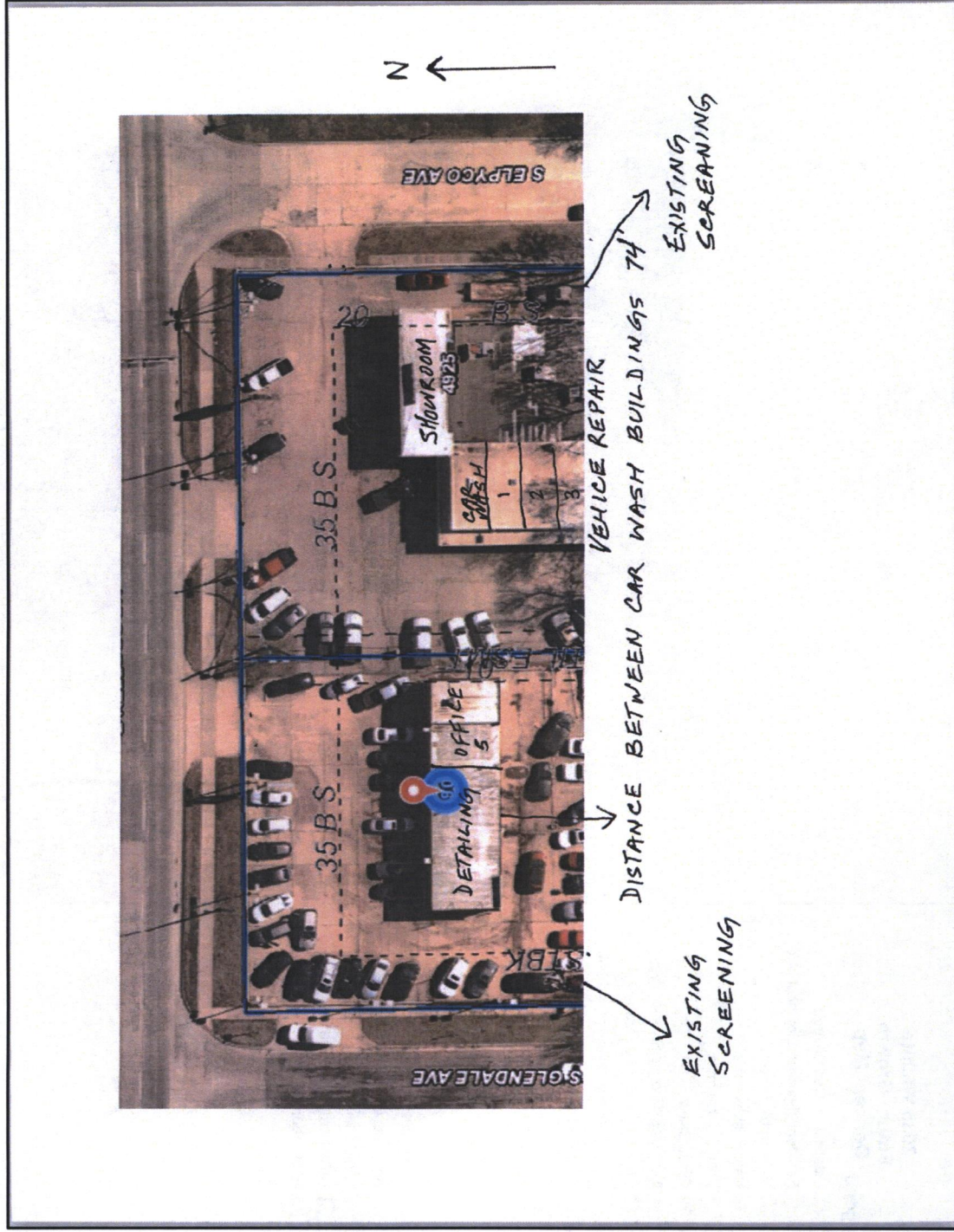


Attachment 2. Zoning Map

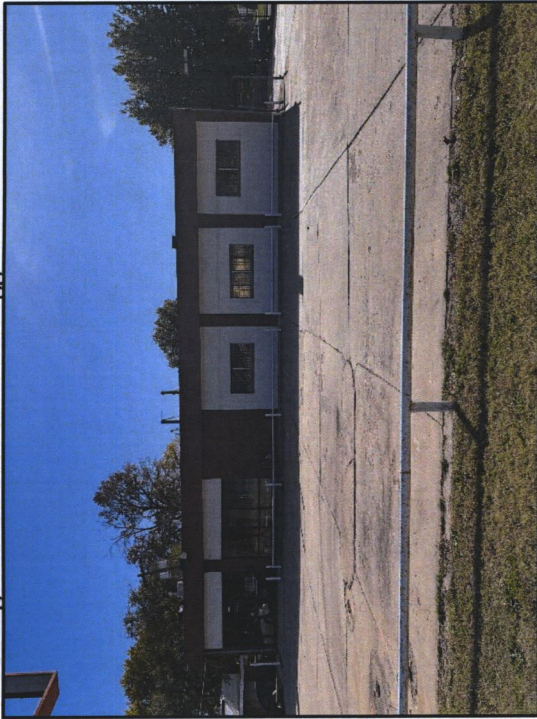




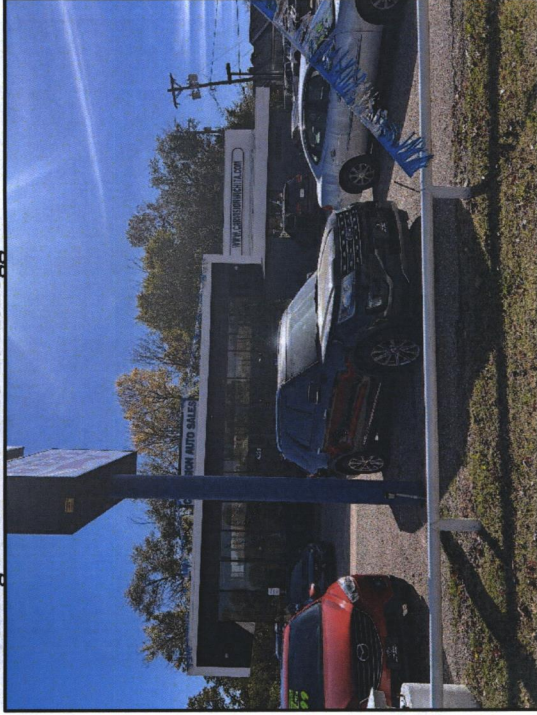
Attachment 4. Proposed Site Plan



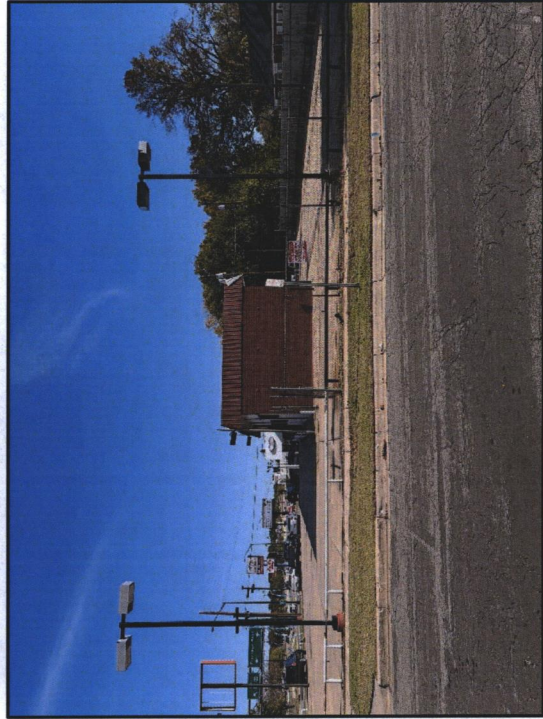
Looking south into 4901 E. Kellogg



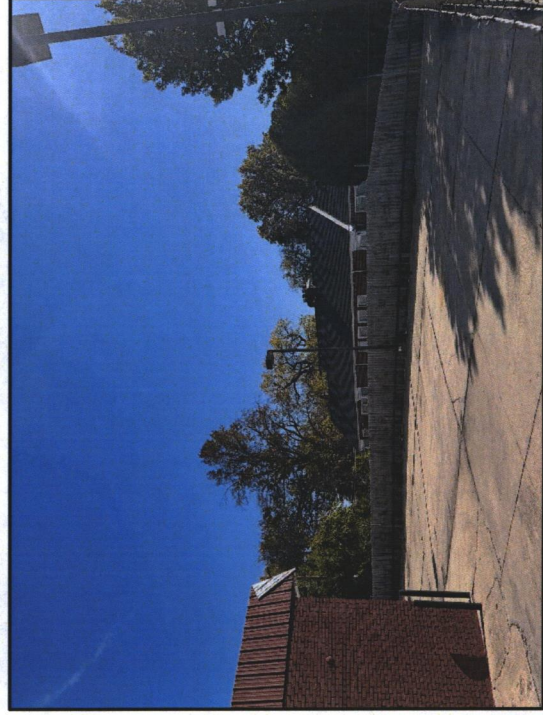
Looking south into 4925 E. Kellogg



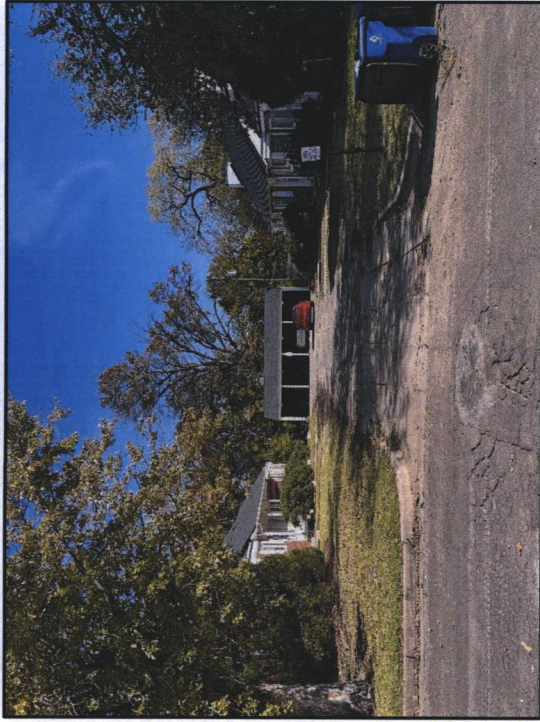
Looking east into 4901 E. Kellogg



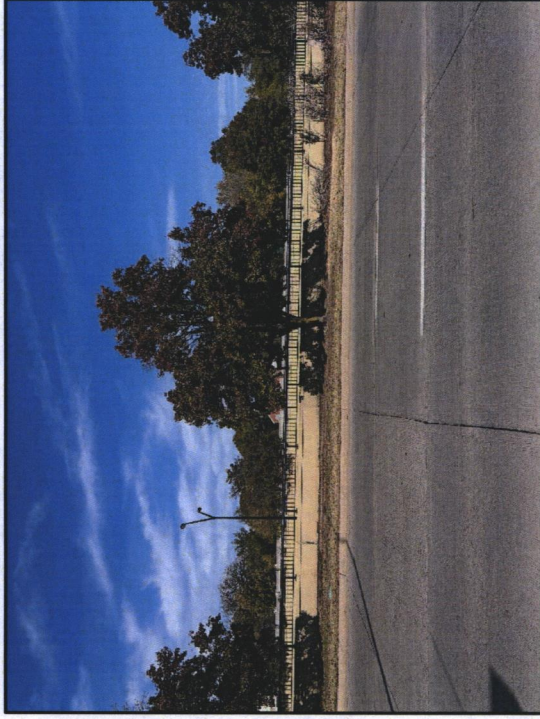
Looking south away from 4901 E. Kellogg



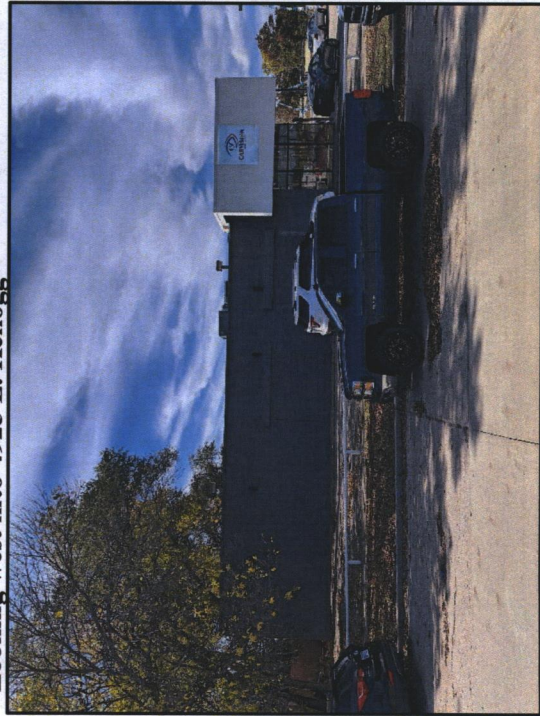
Looking east at property south of 4901 E. Kellogg



Looking north away from 4901 E. Kellogg



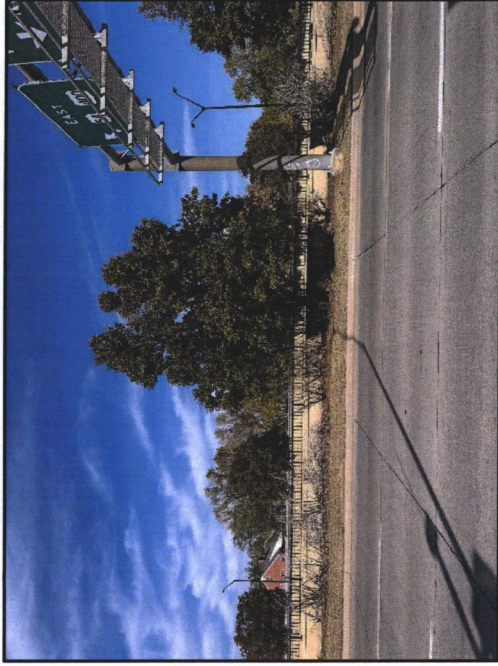
Looking west into 4925 E. Kellogg



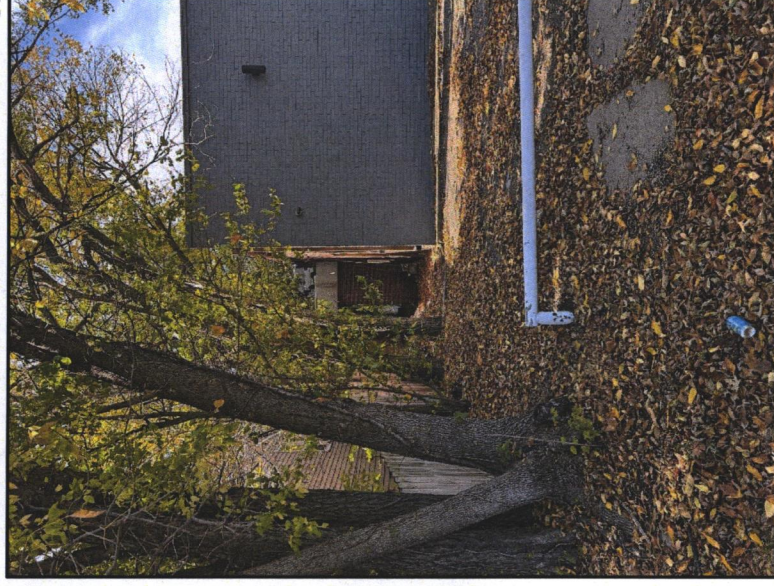
Looking east away from 4925 E. Kellogg



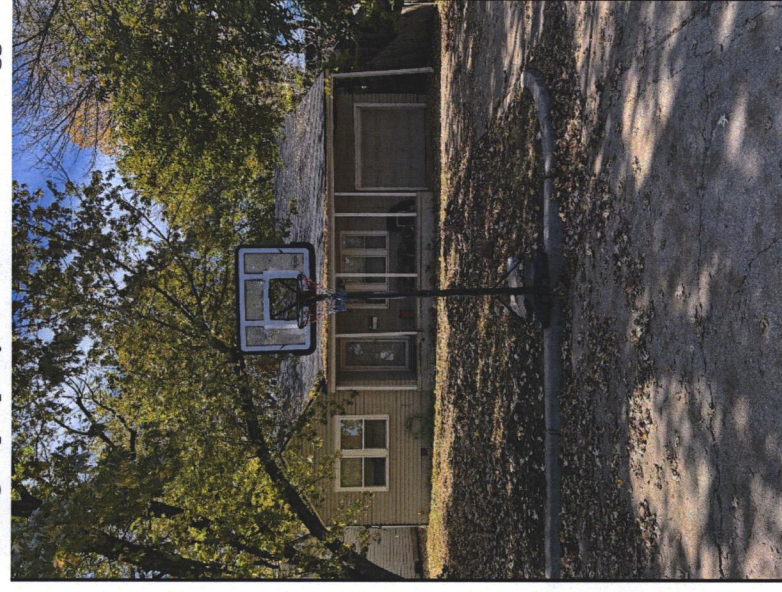
Looking north away from 4925 E. Kellogg

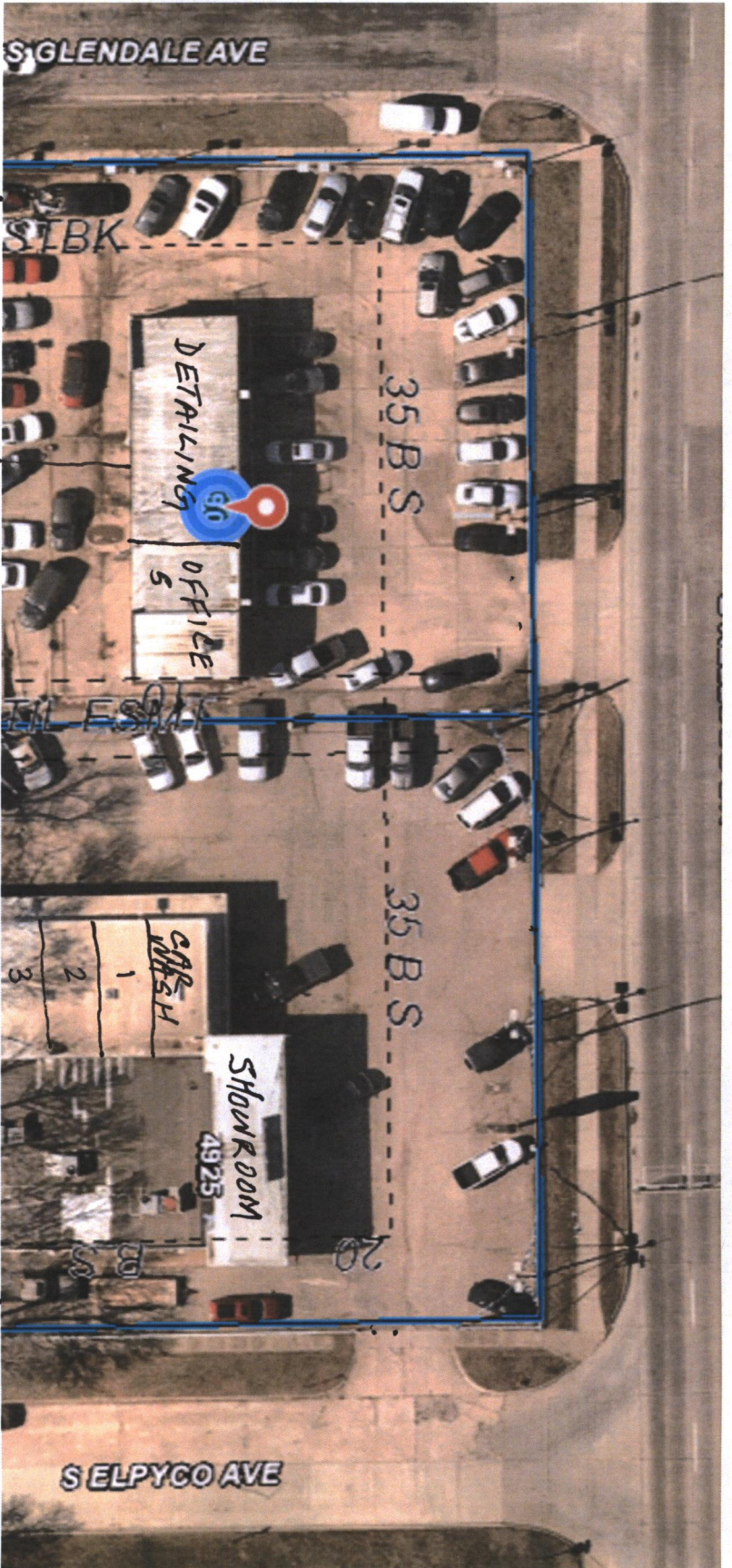


Looking at south property line of 4925 E. Kellogg



Looking at property south of 4925 E. Kellogg





N

EXISTING
SCREENING

DISTANCE BETWEEN CAR WASH BUILDINGS 74'

VEHICLE REPAIR

EXISTING
SCREENING

SITE PLAN

APPROVED 11/25/21 BY SSC