



Wichita-Sedgwick County Metropolitan Area Planning Department

April 20, 2001

David Allen
10817 W. Kellogg
Wichita, KS 67209

FILE COPY

RE: CON2001-00009 – Conditional Use to allow a Car Wash within 200 feet of residential development on property zoned “GC” General Commercial. Generally located on the southwest corner of the Lark and Harry Drive Intersection.

Dear Mr. Allen:

At its regular meeting on April 17, 2001, the Wichita City Council considered the above-captioned request. The action of the WCC was to APPROVE subject to the following conditions:

- A. The applicant shall submit a revised site plan giving dimension control of proposed building, wash stalls, vehicle circulation, solid screening, ingress and egress, parking areas, queuing areas, dumpsters, landscaping, signs, lighting and showing all easements and set backs for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards. In order to meet the landscaping code requirements the depth of the carwash will probably need to be increased.
- B. No automatic car wash allowed.
- C. The site of the car wash shall be developed and maintained in compliance with the adopted site plan, and Section III-D.6.f of the Unified Zoning Code. The permit plans shall be reviewed and approved by the Public works Department in regards to drainage.
- D. The applicant has one year from the time of approval to begin construction on the project.
- E. Any violation of the conditions of approval shall declare the Conditional Use null and void.

If you have any questions concerning this case, please contact our office.

Sincerely,



Bill Longnecker
Senior Planner

WL/rs

cc: Sandy Roberts, 667 Oak Forest Ln., Derby, KS 67037
Brian G. and Lisa R. Schawe, 1611 S. Lark Ct., Wichita, KS 67209
Christopher and Michele L. Reavi's, 1665 S. Lark Ct., Wichita, KS 67209
Michael E. Smith, 1633 S. Lark Ct., Wichita, KS 67209
Victoria M. Kelley, and Theresa L. Dush, 1637 S. Lark Ct., Wichita, KS 67209
Vernon L. and Deedra F. Pyles, 1661 S. Lark, Ct., Wichita, KS 67209
Cory L. and Aimee Tourville, 1673 S. Lark, Ct., Wichita, KS 67209
Angelo M. and Joyce L. 1603 S. Lark Ct., Wichita, KS 67209
Shawn and Lori Perkins, 1623 S. Lark Ct., Wichita, KS 67209
Timothy C. and Deborah J. Stoughton, 1607 S. Lark Ct., Wichita, KS 67209
Mike and Fui Dies, 1615 S. Lark Ct., Wichita, KS 67209
Paul Weigand, 1141 Denker, Wichita, KS 67216
Scott M. Rogers, 1641 S. Lark Ct., Wichita, KS 67209
Steve and Karla Slinkard, 1657 S. Lark St., Wichita, KS 67209
Dana L. Brown, D.A.B. IV, Mail Stop 1-135
Bob Martz, City Council Member, District III, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J. R. Cox, Office of Central Inspection, Mail Stop 1-72



Wichita-Sedgwick County Metropolitan Area Planning Department

March 21, 2001

REVISED LETTER WITH D.A.B. DATE AND TIME

David Allen
10817 W. Kellogg
Wichita, KS 67209

FILE COPY

RE: CON2001-00009 – Conditional Use to allow a Car Wash within 200 feet of residential development on property zoned “GC” General Commercial. Generally located on the southwest corner of the Lark and Harry Drive Intersection.

Dear Mr. Allen:

At its regular meeting on March 8, 2001, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **APPROVE** subject to the following conditions:

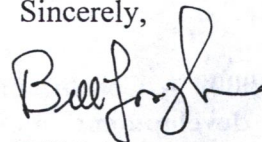
- A. The applicant shall submit a revised site plan giving dimension control of proposed building, wash stalls, vehicle circulation, solid screening, ingress and egress, parking areas, queuing areas, dumpsters, landscaping, signs, lighting and showing all easements and set backs for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards. In order to meet the landscaping code requirements the depth of the carwash will probably need to be increased.
- B. No automatic car wash allowed.
- C. The site of the car wash shall be developed and maintained in compliance with the adopted site plan, and Section III-D.6.f of the Unified Zoning Code. The permit plans shall be reviewed and approved by the Public works Department in regards to drainage.
- D. The applicant has one year from the time of approval to begin construction on the project.
- E. Any violation of the conditions of approval shall declare the Conditional Use null and void.

NOTE: District Advisory Board (V) will consider this case at their meeting to be held at 7 p.m. on Monday, April 2, 2001, at the Sedgwick County Extension Education Center, 7001 W. 21st Street and Ridge Road), Wichita, KS. Additional information regarding the DAB meeting may be obtained by calling the Neighborhood Assistant, Dana L. Brown at 268-4516.

Protest petitions have been filed by property owners within the legal notification area. Therefore, the case will be heard by the Wichita, City Council for consideration at their regular meeting on Tuesday, April 3, 2001. This meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, KS beginning at 9:00 a.m.

The zoning adjustment sign(s) should now be removed from the property. If you have any questions concerning this case, please contact our office.

Sincerely,



Bill Longnecker
Senior Planner

WL/rs

cc: Sandy Roberts, 667 Oak Forest Ln., Derby, KS 67037
Brian G. and Lisa R. Schawe, 1611 S. Lark Ct., Wichita, KS 67209
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Paul Hays, Office of Central Inspection, Mail Stop 1-72
J. R. Cox, Office of Central Inspection, Mail Stop 1-72

RESOLUTION No. 01-148

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO ALLOW A CAR WASH, ON 1.04 ACRES ZONED "GC" GENERAL COMMERCIAL, LOCATED ON THE SOUTHWEST CORNER OF THE LARK AND HARRY DRIVE INTERSECTION IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-427, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to allow a car wash on 1.04 acres zoned "GC" General Commercial, described below:

Case No. CON200-00009

A Conditional Use Permit to allow a car wash described as:

Lots 1 and 2, Block A, Lofland Addition, generally located on the southwest corner of the Lark and Harry Drive Intersection.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The applicant shall submit a revised site plan giving dimension control of proposed building, wash stalls, vehicle circulation, solid screening, ingress and egress, parking areas, queuing areas, dumpsters, landscaping, signs, lighting and showing all easements and set backs for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards. In order to meet the landscaping code requirements the depth of the carwash will probably need to be increased.
- B. No automatic car wash is allowed.
- C. The site of the car wash shall be developed and maintained in compliance with the adopted site plan, and Section III-D.6.f of the Unified Zoning Code. The permit plans shall be reviewed and approved by the Public Works Department in regards to drainage.

- D. The applicant has one year from the time of approval to begin construction on the project.
- E. Any violation of the conditions of approval shall declare the Conditional Use null and void.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

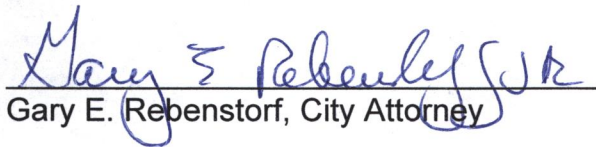
SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS,
this date APR 17 2001



Pat Burnett, City Clerk

Approved as to form:



Gary E. Rebenstorf, City Attorney



Bob Knight, Mayor



1. Any person who is not a resident of the City of Wichita shall be ineligible to hold office as Mayor, City Clerk, City Engineer, City Auditor, City Treasurer, or any other office of the City of Wichita.

2. Any person who is not a resident of the City of Wichita shall be ineligible to hold office as Mayor, City Clerk, City Engineer, City Auditor, City Treasurer, or any other office of the City of Wichita.

3. Any person who is not a resident of the City of Wichita shall be ineligible to hold office as Mayor, City Clerk, City Engineer, City Auditor, City Treasurer, or any other office of the City of Wichita.

WITNESSED BY THE CLERK OF THE CITY OF WICHITA, KANSAS
this 17th day of May, 1907

[Signature]



[Signature]
F. B. Baker, City Clerk

Attest:
City Engineer

RESOLUTION No. 01-148

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO ALLOW A CAR WASH, ON 1.04 ACRES ZONED "GC" GENERAL COMMERCIAL, LOCATED ON THE SOUTHWEST CORNER OF THE LARK AND HARRY DRIVE INTERSECTION IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-427, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to allow a car wash on 1.04 acres zoned "GC" General Commercial, described below:

Case No. CON200-00009

A Conditional Use Permit to allow a car wash described as:

Lots 1 and 2, Block A, Lofland Addition, generally located on the southwest corner of the Lark and Harry Drive Intersection.

SUBJECT TO THE FOLLOWING CONDITIONS:

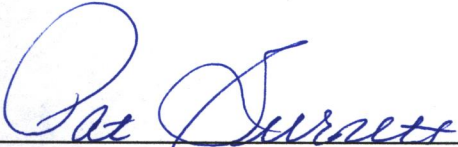
- A. The applicant shall submit a revised site plan giving dimension control of proposed building, wash stalls, vehicle circulation, solid screening, ingress and egress, parking areas, queuing areas, dumpsters, landscaping, signs, lighting and showing all easements and set backs for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards. In order to meet the landscaping code requirements the depth of the carwash will probably need to be increased.
- B. No automatic car wash is allowed.
- C. The site of the car wash shall be developed and maintained in compliance with the adopted site plan, and Section III-D.6.f of the Unified Zoning Code. The permit plans shall be reviewed and approved by the Public Works Department in regards to drainage.

- D. The applicant has one year from the time of approval to begin construction on the project.
- E. Any violation of the conditions of approval shall declare the Conditional Use null and void.

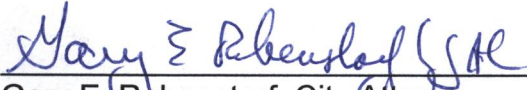
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SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS,
this date APR 17 2001


Pat Burnett, City Clerk

Approved as to form:


Gary E. Rebenstorf, City Attorney


Bob Knight, Mayor



RECORDED
1005 8 3 2001
CITY CLERK'S OFFICE
WICHITA, KANSAS

SECTION 2. That upon the basis of the information furnished by the Planning Commission, the Board of Directors of the Metropolitan Planning Council, do hereby approve the proposed project as shown on the attached map and report, and the same shall be subject to the approval of the Board of Directors of the Metropolitan Planning Council.

APR 23 2001

[Handwritten signature]

[Handwritten signature]
Metropolitan City Clerk



[Handwritten signature]
City Engineer

RECEIVED

APR 23 2001

METROPOLITAN PLANNING
ROUTE ☐ _____

Bill

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Milt Mounts, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for 1 consecutive issues weeks, that the first publication of said notice was

made as aforesaid on the 16th day, of

February A.D. 2001, with

subsequent publications being made on the following dates:

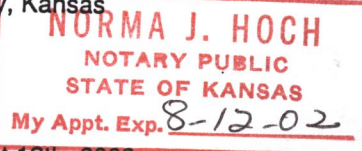
And affiant further says that _____ she has personal knowledge of the statements above set forth and that they are true.

[Signature]

Subscribed and sworn to before me this

16 Day of February, 2001

Norma J. Hoch
Notary Public Sedgwick County, Kansas



My Appointment Expires August 12th, 2002

Printer's Fee \$ 23.12

LEGAL PUBLICATION

CW

Published in The Wichita Eagle
February 16, 2001 (#1315405)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on MARCH 9, 2001, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the Planning Department Conference Room, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, beginning at 1:30 p.m. The following item will be heard no earlier than 1:30 p.m.:

CON2001-00009 - Conditional Use to allow a car wash on property in the "GC" General Commercial zoning district. A complete legal description is available for public inspection at the Metropolitan Area Planning Department, 10th Floor, City Hall, 455 North Main Street, Wichita, Kansas. Generally located at Lark Lane and Kellogg Drive.

As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

WITNESS MY HAND this 13TH DAY OF FEBRUARY, 2001.

Marvin S. Krout, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

RECEIVED

MAR 5 2001

METROPOLITAN PLANNING

ROUTE ☐ ☐

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986 9AM

METROPOLITAN PLANNING

OUT

AGENDA ITEM NO. 5
STAFF REPORT
MAPC March 8, 2001

CASE NUMBER: CON2001-00009

OWNER/APPLICANT: David Allen

AGENT: Sandy Roberts

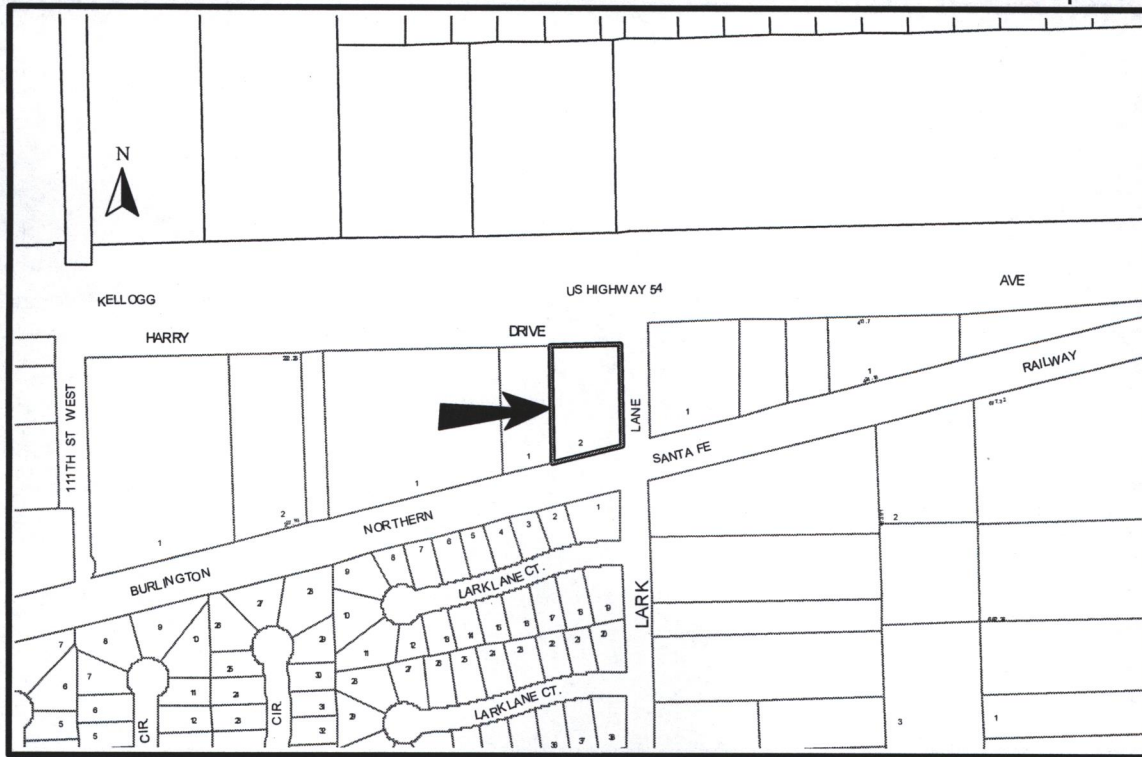
REQUEST: Conditional Use to allow a Car Wash

CURRENT ZONING: "GC" General Commercial

SITE SIZE: 1.04 acres

LOCATION: Southwest corner of the Lark and Harry Drive intersection. Lot 2, Block A, Lofland Addition.

PROPOSED USE: Car wash within 200 feet of residential development.



BACKGROUND: The applicant, David Allen, is requesting consideration and recommendation for a Conditional Use to allow a car wash on property zoned "GC" General Commercial. The property (1.04 acres) is described as Lot 2, Block A, Lofland Addition, located southwest of the Lark – US Highway 54 (Kellogg) intersection. Harry Drive fronts the north side of the property and separates it from US 54. The Burlington Northern – Santa Fe RR ROW (BN-SF RR ROW) borders the property on the south and separates it from residential (zoned SF-6 Single Family Residential) development. The Unified Zoning Code permits car washes in zoning districts "LC" Limited Commercial, "GC" General Commercial, "CBD" Central Business District, "IP" Industrial Park, "LI" Limited Industrial, & "GI" General Industrial, but requires a Conditional Use when the car wash is located within 200-foot of residential zoning.

David Allen is requesting consideration of the car wash to be used by his car lot (adjacent to the west on Lot 1, Block A, Lofland Addition) and the surrounding area. The proposed car wash will have 6 self-service wash bays (16-foot wide x 30-foot long), 4 vacuum cleaner units and 10 drying stalls along the front of the property and another 3 drying stalls on the east side. The self-service wash bays are shown to be 101-foot behind the property line. The applicant proposes to use masonry blocks for the walls of the car wash with metal trim around the top of it.

Currently the proposed site, Lot 2, is partially occupied by David Allen's car sales on the west side. This business also entirely occupies Lot 1, Blk A, Lofland Add., There is an outdoor storage area on north side of the proposed site, that has car parts on it. The section of the site that has the car lot on it has an asphalt surface. The eastern section and the northern section of the proposed site have no all weather surface on them. The northern section, with outdoor storage, has a 6-foot chain link fence around it on the south and east sides, with a 6-foot stockade fence on its north side. This section also has a double gate facing east onto Lark, with an unimproved ingress - egress. There is no curb and gutter along the northern and eastern edge of Lots 2 & 1. A ditch runs along the northern section of proposed site (Lot 2), where the outdoor storage area currently is located. The property from the northern end of the outdoor storage area to the Lark – Harry Drive Intersection is level with those roads. Lots 2 & 1, where adjacent to Harry Drive (their north border), are level with the road. There is a ditch between Harry Drive and US 54. There is no existing access onto the proposed site from Harry Drive. Harry Drive is confined to the area between Horton's Furniture (adjacent to David Allen's car lot, on the west side) to Lark. The applicant proposes to do a Lot Split of Lot 2, contingent upon recommendation of the Conditional Use.

The neighborhood to the west is zoned "GC" General Commercial and contains David Allen's (applicant's) car lot and next to it Horton's Furniture. The

neighborhood to the northwest (across US 54) is zoned GC General Commercial and contains several car sales lots (Auto Worth & and Dodge Dealership) and is zoned "SF-6" and developed single family residential on the northeast side. On the east side (across Lark) it is zoned "GC" General Commercial and contains a Coastal Convenience store and a film processing shop. To the south it is zoned "SF-6" Single Family Residential and is developed residentially.

CASE HISTORY: There was a street name change from Harry Drive to Kellogg Drive on June 12, 1984. The change is not reflected on the current maps or the street sign at the location, thus the continued reference to Harry Drive. The City is negotiating with the applicant in acquiring ROW for the future redesign and reconstruction of US 54. The City needs to acquire a 25-ft x 25-ft triangle of land on the northeast corner of the proposed site, this would be a landscape area, as shown on the current site plan.

ADJACENT ZONING AND LAND USE:

NORTH: "GC" General Commercial & "SF-6" Single Family Residential: Several car sales lots & developed single family residential

SOUTH: "SF-6" Single Family Residential: Developed single family residential.

EAST: "GC" General Commercial: Convenience store and photo development business

WEST: "GC" General Commercial: Auto sales lot and a furniture sales store

PUBLIC SERVICES: The Lark – US 54 intersection lies approximately half way between two nearest intersections that have traffic counts. To the west is the 119th – US 54 intersection that has 21,027 average trips daily (ADT) on the east side of the intersection. To the east is the Maize – US 54 intersection that has 27,041 ADTs on the west side of the intersection. Traffic is increasing as it heads towards the Lark – US 54 intersection. Lark will not have access to US 54 after the redesign and reconstruction of US 54. There is no storm drainage in place at the applicant's site and the applicant will have to satisfy the Public Works Department in the manner that this is managed. The applicant proposes to use a well on the property for water; this must be reviewed by Public Works.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide of the 1999 update to the Wichita – Sedgwick County Comprehensive Plan identifies this property as industrial. The current zoning of the site is "GC" General Commercial. The Unified Zoning Code permits car washes in zoning districts "LC" Limited

Commercial, "GC" General Commercial, "CBD" Central Business District, "IP" Industrial Park, "LI" Limited Industrial, & "GI" General Industrial, but requires a Conditional Use when the car wash is located within 200-foot of residential zoning.

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

- A. The applicant shall submit a revised site plan giving dimension control of proposed building, wash stalls, vehicle circulation, solid screening, ingress and egress, parking areas, queuing areas, dumpsters, landscaping, signs, lighting and showing all easements and set backs for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards. In order to meet the landscaping code requirements the depth of the carwash will probably need to be increased
- B. The site of the car wash shall be developed and maintained in compliance with the adopted site plan, and Section III-D.6.f of the Unified Zoning Code. The permit plans shall be reviewed and approved by the Public works Department in regards to drainage.
- C. The applicant has one year from the time of approval to begin construction on the project.
- D. Any violation of the conditions of approval shall declare the Conditional Use null and void.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood. The area around the Lark – US 54 intersection is zoned "GC" General Commercial when adjacent to US 54 and the development reflects this. However, behind this commercial development on both the north and south sides of US 54 there is some recent single-family residential development, as reflected in the zoning. The RR ROW to the south of the applicant's proposed site lies between the residential development and the applicant's proposed site.
- 2. The suitability of the subject property for the uses to which it has been restricted. The applicant's proposal for a car wash, to be used by his car lot and drive in business is appropriate, if the applicant can meet Staff recommendations.
- 3. Extent to which removal of the restrictions will detrimentally affect nearby

property: Staff could find only one other car wash in the area, that being a single enclosed bay located at a Phillips 66 convenience store on the northeast corner of the Tyler – US 54 intersection. The proposed car wash could be used by the surrounding residential neighborhoods. In particular would be the ability of the applicant to meet the requirements of the review by the Public works Department in regards to drainage and street access

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The plan indicates this site is appropriate for “industrial” uses. Given the land uses, zoning and roadways adjoining this site, the request is in conformance with adopted location guidelines for commercial uses.
5. Impact of the proposed development on community facilities: Traffic generated by the proposed car wash and the site’s proximity to the Lark – US 54 intersection must be reviewed by Public Works. Drainage is also a concern that must be addressed by the applicant according to comments from Public Works.



