WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

February 21, 1996

Mr. John Leeker
6100 N. Broadway
Wichita, KS 67219

RE: CU-388 - Conditional Use Permit to allow a car wash on property zoned "LC" Light Commercial and generally located at the northwest corner of Hoover and MacArthur Road

Dear Mr. Leeker:

At its regular meeting on February 15, 1996, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to recommend denial.

This matter will be forwarded to the Board of County Commissioners for consideration at their regular meeting on March 13, 1996. This meeting will be held in Room 320, Sedgwick County Courthouse, 525 N. Main, Wichita, Kansas, beginning at 9:00 a.m.

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,

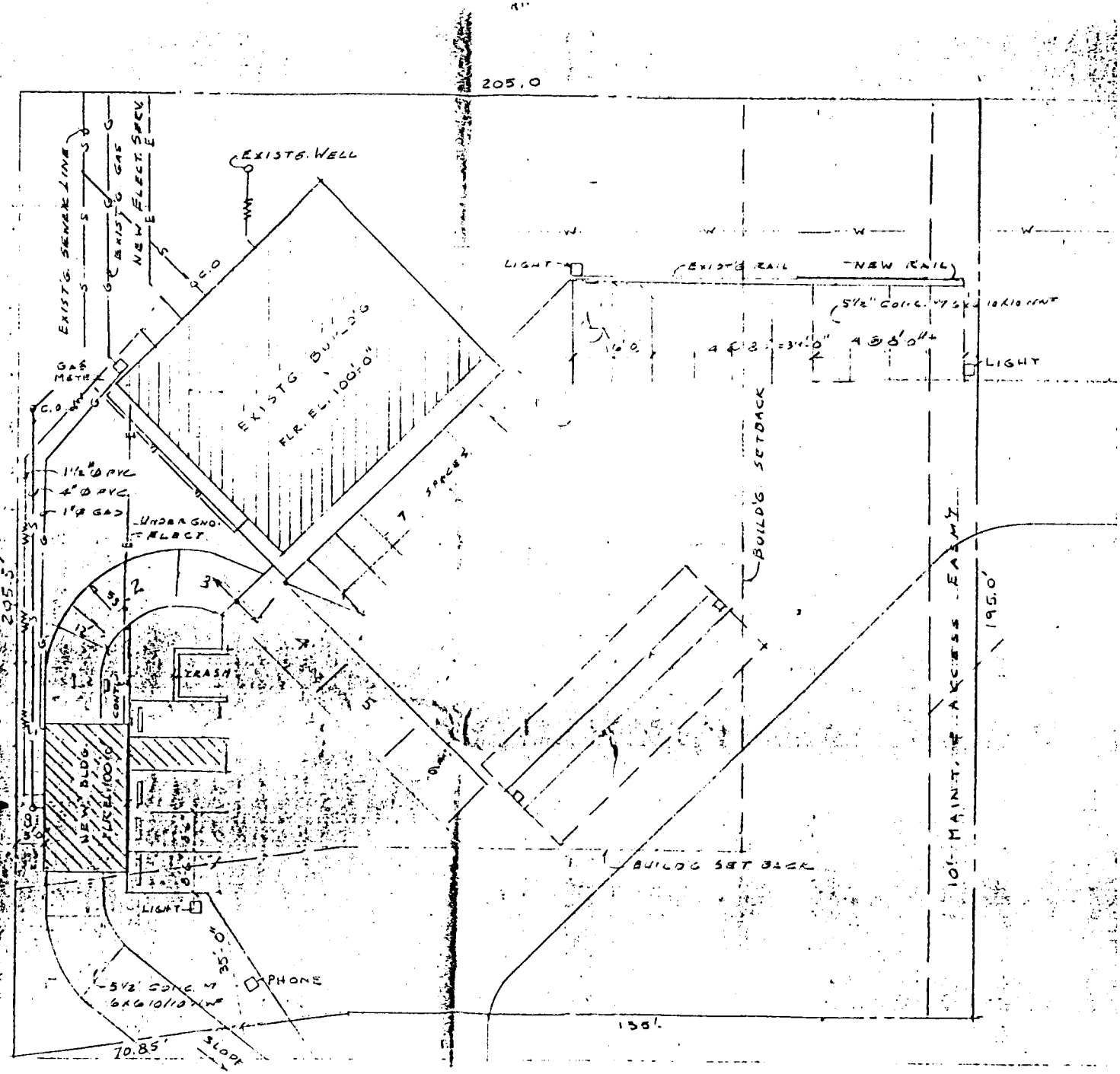
Kevin Kokes

Kevin Kokes
Senior Planner

cc: Jim Steindler; 5600 W MacArthur Rd; Wichita, KS 67215
Scott McIntosh; 3916 S. Gilda Cir; Wichita, KS 67215
Randy Roberts; 677 Oak Forest; Derby, KS 67037
Ernest L. Evans; 3958 Gilda Cir.; Wichita, KS 67215
Michael Branson; 3900 S. Gilda Cir.; Wichita, KS 67215
Bernard Flax; 3950 Gilda Cir. Wichita, KS 67215
Tracy Winnett; 3966 S. Gilda Cir, Wichita, KS 67215
Cheryl & R. G. Reser; 3933 S. Eisenhower Ct.; Wichita, KS 67215
Sedgwick County Code Enforcement

NORTH

CU-388
SITE PLAN



WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT

February 15, 1996

CASE NUMBER: CU-388

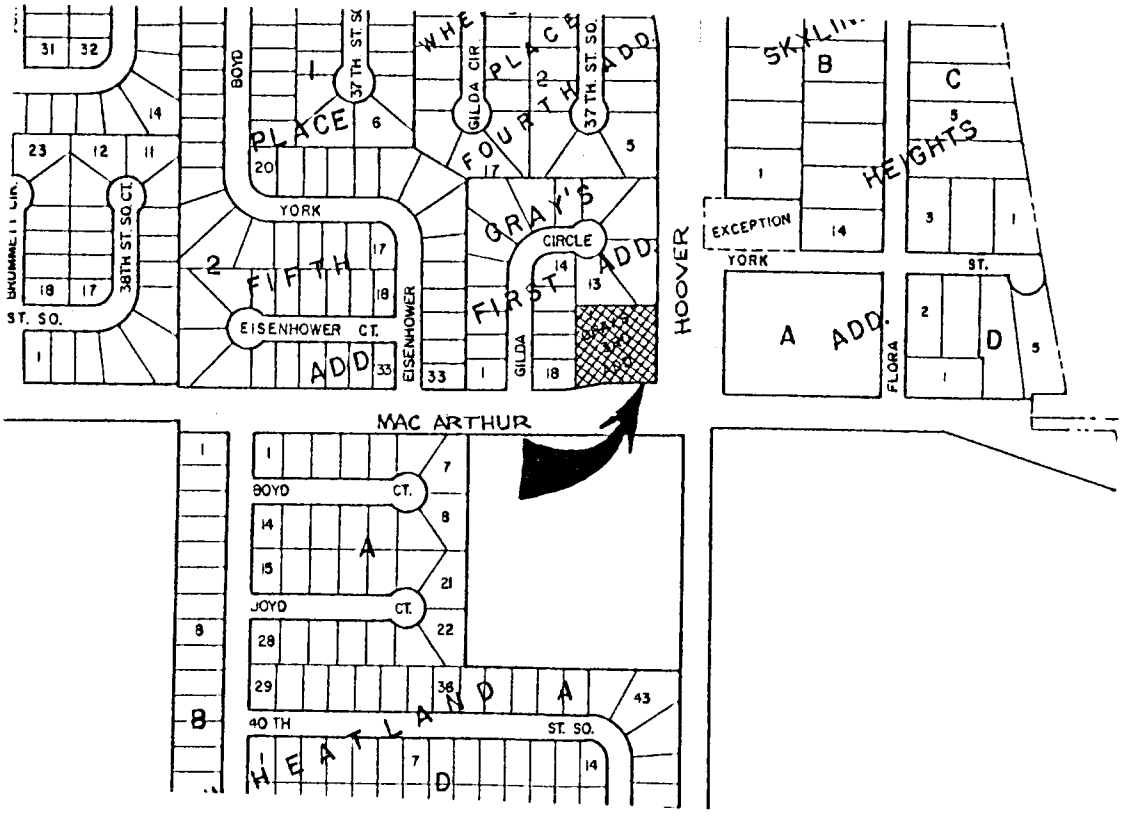
APPLICANT/AGENT: Leiker Family Foods (property owner) c/o: John Leeker and Jim Steindler

REQUEST: Conditional Use Permit to allow an automatic car wash on property zoned "LC" Light Commercial

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: Approximately 41,000 square feet

LOCATION: Northwest corner of Hoover and MacArthur Road



BACKGROUND: The applicant requests a Conditional Use for an automatic car wash on a lot currently zoned "LC" Light Commercial located on the northwest corner of the intersection of Hoover and MacArthur. The car wash is located on a lot that also contains a convenience store with gasoline sales. In October 1995, the owner, through his contractor, requested and was issued a building permit from the Sedgwick County Department of Code Enforcement to construct a car wash on a lot containing the convenience store. Upon issuance of the permit, the car wash was constructed. However, the "Zoning Regulations ... of Sedgwick County" allow car washes in the "LC" district only as a "conditional use," subject to the site meeting 19 specific conditions. After receiving a phone call from an adjacent property owner, Code Enforcement officials learned that the building permit was issued in error and the car wash is in violation of the zoning code. The County Zoning Code state the following requirements for car washes located on properties zoned "LC"(the applicant's situation is noted in italics following the condition):

a. The site is located in a commercial district contiguous to an arterial.

   Both Hoover and MacArthur are designated as two-lane arterials.

b. No structure shall be permitted closer than 60 feet to the front or side of an "R", "R-1", or "AA" zoned district.

   The applicant's site plan indicates the car wash has been constructed within 5 feet of the applicant's western property line. The property located west of the application area is zoned "AA". (Neither the MAPC nor the County Commission can waive this requirement. Only the Board of Zoning Appeals can grant a variance, provided the applicant can meet the required criteria.) If the conditional use is approved, the applicant will need to obtain a "variance" from the Board of Zoning Appeals to reduce the setback requirement.

c. The site shall have a minimum lot area of 7,500 square feet; 3,500 square feet for each self service stall or 2,500 square feet of area for each 20 lineal feet of car washing structure.

   The facility is a single-bay automated facility located on approximately 41,000 square feet.

d. The car washing facility shall be set back 35 feet from all street right-of-way.

   The applicant's site plan indicates the facility is located behind the 35 foot building setback line.

e. A six foot high solid or semi-solid fence constructed of material ordinarily used for fencing shall be provided along the interior side and rear property line when adjacent to a dwelling or dwelling district.

A six foot wood fence has been built along the west and north property lines, adjacent to residential zoning.

f. The area utilized for washing and drying operations as well as all drives shall be paved.

All drives and drying areas are paved.

g. Lighting shall be shielded to direct light away from adjacent property and no string type lights or banners are permitted.

h. No signs shall exceed 25 feet in height or be placed over public right-of-way.

i. No sound projecting devices or loudspeakers shall be used so as to be heard outside any structure.

j. Three off-street holding spaces shall be provided.

The site plan indicates 6 holding or queuing spaces leading to the wash facility. However, it is questionable if more than three cars can fit in the space before the fourth car would block the drive between the store and the pump islands.

k. Two off-street drying spaces shall be provided.

l. One off-street parking space for each two employees.

The applicant has provided 4 parking spaces just east of the car wash facility.

m. The applicant shall submit a site plan.

A site plan has been submitted.

n. Parking spaces will be designed to insure that parked cars will not have any portion of the car overhanging beyond property lines.

None of the parking spaces appear to be situated so as to allow cars to overhang adjacent property.

o. No access to minor or residential streets.

The site plan indicates access only to arterials.

p. Drainage shall be handled in a manner satisfactory to the County Engineer.

A County Public Services' official indicates he has not seen a drainage plan as of the date of this staff report. However, the car washing facilities are located inside a building where water should not flow out of the building. Water in the form of mist could escape if the facilty were operated with the doors open.

q. Hours of operation may be established if located close to residential uses.

The applicant indicates the facility is open from 5:30 a.m. to 11:00 p.m. Sunday through Thursday, and 5:30 a.m. to 12:00 midnight on Friday and Saturday.

r. The area shall be properly policed for maintenance of the improvements and trash removal.

Staff received a letter from a Mr. Shipman indicating the property is "..maintained in good repair."

s. Such other conditions as the governing body deems necessary for orderly development.

County legal staff have advised that even though a building permit may have been issued in error, that situation should not be used as a justification for approval of the request. Approval or denial should be on based upon findings as they relate to the nine factors the Commission ordinarily considers in all of its land use cases.

CASE HISTORY: The 'LC' zoning was granted in 1958 as part of county-wide zoning within three miles of the City of Wichita. This site is platted as a one lot addition known as Gray's Third Addition. The plat was completed in 1987.

ADJACENT ZONING AND LAND USE:

NORTH:	"AA"	Single-family residential
SOUTH:	"LC"	Undeveloped
EAST:	"LC"	Undeveloped
WEST:	"AA"	Single-family residential

PUBLIC SERVICES: Municipal water service is available from a 16 inch line in Hoover or a 12 inch line in MacArthur. Sanitary sewer is available from an 8 inch lateral. MacArthur and Hoover Roads are two-lane paved arterials.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this site as suitable for low density residential uses. Although the Comprehensive Plan does not have guidelines specific to cars wash operations, the plan's "Commercial Locational Guidelines" indicate the following:

1. Commercial sites should be located adjacent to arterials or major thoroughfares and should not feed directly onto local residential streets.

2. Commercial development should have required site design features which limit noise, lighting, and other activity so as to not adversely impact surrounding residential areas.

3. Low-density residential uses should be separated from adverse surrounding land use types such as ... commercial areas. Appropriate buffering includes open space, bodies of water, abrupt changes in topography, and a combination of landscaping and walls.

RECOMMENDATION: Planning staff has strong concerns about granting approval of a proposed use that could have significant impact upon adjacent residential properties, and which is in violation of the required 60 foot setback from residential zoning. A use permitted as a conditional use does not have to be approved just because it meets the listed conditions. Conditional uses are uses that may be appropriate in a given zoning district if the situation is right. The key question is: Does this conditional use represent a logical land use on this site with respect to adjoining land uses, adopted policies, guidelines and standards.

Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED. Should the planning commission determine that the request is appropriate, the commission should, in addition to the conditions listed in the zoning code, address the following: hours of operation, lighting, outdoor speakers / intercom system, landscaping / screening, noise, etc. Also, the Commission will need to cite findings in support of that recommendation.

This recommendation for denial is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is a mixture of residential and commercial zoning and land use, along with significant amounts of vacant land on the southwest and northeast corners of the intersection. The properties closest to the car wash are "AA" One Family Dwelling zoned lots, developed with single-family homes which share a common property line with the

convenience store and the car wash. The car wash is located five feet from the joint property line, and approximately 55 feet from the rear of the closest residence. A six foot wooden fence is located along the joint property line between the "AA" zoned property and the "LC" zoned property.

2. The suitability of the subject property for the uses to which it has been restricted: Development of a "LC" corner lot with a convenience store is generally a suitable use. However, there are many "LC" corners with convenience stores that do not have car wash operations. Approval of a car wash should be dependent on meeting all the required conditions, plus having an adequate on-site lay out and circulation plan in addition to providing appropriate perimeter buffering.

This site might work with a convenience store, pump islands and a car wash. But as the buildings are located today, the car wash is located too close to single-family residential uses to make a good neighbor. The site works with the convenience store and the pump islands. The activity centers (parking and entrance) of the store face away from adjoining residential uses and are located 55 feet away from the western property line. Further the gas pumps are located 100 feet away from adjoin residential uses, with the store's location with respect to the pumps and residences, acting as a buffer. The addition of the car wash places an activity center within 5 feet of a residentially zoned lot.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The properties most affected are the residential lots to the west of the facility. The existing 5 feet of setback is nowhere near the required 60 feet of separation. Nor does the 5 feet leave room on the applicant's property to install plant materials likely to grow tall enough to provide an effective buffer. Even though the washing equipment is enclosed within a building, there will be noise when the equipment is in operation, not to mention the noise produced by cars and patrons using the facility. There may also be fugitive water spray from the facility on to adjoining properties. With the car wash situated as it is today, it is likely that the closest residential properties will be seen as less desirable for residential use than if the car wash facility were not there.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Standards for locating a car wash on "LC" zoned land have been incorporated into the zoning code to protect the public from siting such uses in inappropriate locations. The public's welfare, in the form of the residential property owners use and enjoyment of their land, would be negatively compromised to approve this use in this location even though the facility is already built. The applicant may well experience an economic hardship if the request is denied. This site may well work with a car wash (if it had been included in an initial site plan so as to fit the car wash and the convenience store on the site while paying proper respect to adjoining residences). It just does not work the way it is situated now, and the public expects adopted codes to be followed, irrespective of potential hardships.

6. Conformance of the requested change to adopted or recognized Plans/Policies: Although the Comprehensive Plan does not have specific guidelines for the locations of car washes, the plan does have Locational guidelines for commercial uses, and this request is not in conformance with the guidelines for site design features which limit noise, lighting, and other activity so as to not adversely impact surrounding residential areas. The site does not have adequate landscaping or distance separation from the adjacent single family homes for this use to be in conformance with the locational guidelines. Nor are the proposed hours of operation compatible with quality residential living.