

A RESOLUTION AUTHORIZING A CONDITIONAL USE FOR A CAR WASH AND A SELF-SERVICE STORAGE WAREHOUSE ON 2.09 ACRES ZONED "LC" LIMITED COMMERCIAL, AND "GO" GENERAL OFFICE LOCATED NORTH OF 53RD STREET NORTH AND EAST OF MERIDIAN 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. 44-975, 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 for a car wash and a self-service storage warehouse on 2.09 acres zoned "LC" Limited Commercial and "GO" General Office legally described below:

Case No. CON2003-00046

A Conditional Use for a car wash and a self-service storage warehouse, on 2.09 acres zoned "LC" Limited Commercial and "GO" General Office described as:

Lots 2 and 3, Block 1, Leewood Heights 3rd Addition, Sedgwick County, Kansas.
Generally located north of 53rd Street North and east of Meridian.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The subject property shall comply with the requirements of Section III-D.6.f. of the Unified Zoning Code.
2. The subject property shall comply with the requirements of Section III-D.6.y. of the Unified Zoning Code, except that compliance with Section III-D.6.y.(17) pertaining to a resident manager shall not be required.
3. A vacation application shall be submitted within 60-days of approval of the Conditional Use by the City Council, and approval of a vacation of the 40-foot building setback along Meridian for the south 145 feet of the subject property shall be received prior to issuance of any building permits.
4. A lot split application shall be submitted within 60-days of approval of the Conditional Use by the City Council, and approval of a lot split creating separate parcels for the car wash and self-service storage warehouse portions of the subject property shall be received prior to the issuance of any building permits. The lot split shall establish a cross-lot access agreement between the parcels and access control along Meridian except for one shared opening.

5. The site shall be developed in general conformance with a landscape plan approved by the Planning Director prior to the issuance of any building permits. The landscape plan shall comply with the requirements of the Landscape Ordinance and Section III-D.6.y.(4) of the Unified Zoning Code except as otherwise required by this condition. A minimum 6,775 square-foot landscaped street yard and 14 shade trees (or the equivalent) shall be provided along Meridian, which may be divided between the car wash and self-service storage warehouse in a manner that provides up to 450 square feet less landscaped street yard than required by the Landscaped Ordinance for the car wash as long as a like amount of additional landscaped street yard is provided for the self-service storage warehouse. A 25-foot deep landscape buffer shall be provided along the entire length of the north property line and for the north 50 feet of the east property line. A 10-foot deep landscape buffer shall be provided along the south 145 feet of the east property line.
6. A 6-8 foot high solid screening fence meeting the requirements of Section IV-B.3.e. of the Unified Zoning Code shall be provided along the entire length of the north and east property lines of the subject property.
7. Prior to consideration of the request by the City Council, the architectural design of all buildings shall be approved by the Planning Director. The architectural design of the car wash and self-service storage warehouse buildings shall be consistent and shall be compatible with surrounding residential development.
8. Unless connected to a municipal sewer system, the car wash shall utilize a VERwater Environmental Water Reclaim System or similar system approved by the Director of Environmental Health. No wastewater from the car wash shall be discharged into a septic system or other on-site sewage disposal system nor shall any wastewater from the car wash be used for irrigation.
9. Ground-mounted signage for the self-service storage warehouse shall be limited to 32 square feet in area and 20 feet in height. No ground-mounted signage shall be permitted for the car wash.
10. A revised site plan addressing the conditions of approval shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the City Council. The subject property shall be developed in general conformance with the approved site plan, and no building permits shall be issued prior to the approval of the site plan.
11. 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.

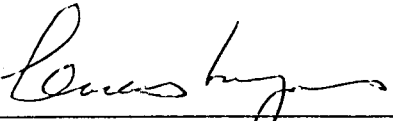
SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

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

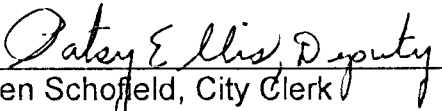
ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this
date MAR - 2 2004



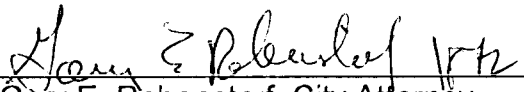
ATTEST:



Carlos Mayans, Mayor


for Karen Schofield, City Clerk

Approved as to form:



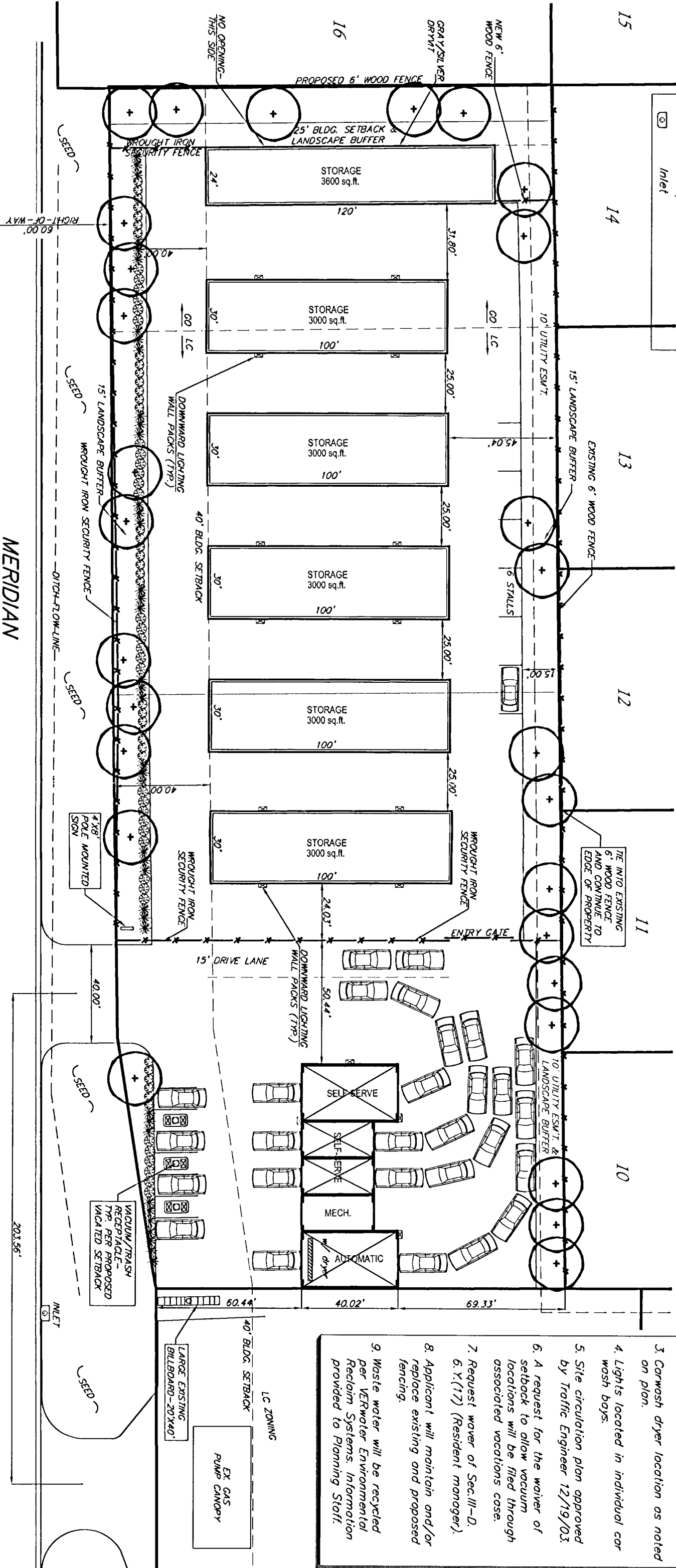
Gary E. Rebenstorf, City Attorney

LEWIS WOOD HEIGHTS 3RD ADDITION

CONDITIONAL USE CU-2003-00046

LEGEND	
	Downward Wall Pack Lighting
	Automatic Carwash Dryer
	Carwash Vacuum/Trash Receptacle
	Inlet

- ### GENERAL PROVISIONS
1. No trash dumpster needed.
 2. Lights shielded down.
 3. Carwash dryer location as noted on plan.
 4. Lights located in individual car wash bays.
 5. Site circulation plan approved by Traffic Engineer 12/19/03.
 6. A request for the waiver of setback to allow vacuum locations will be filed through associated vacations case.
 7. Request waiver of Sec. III-D, 6.Y.(17) (Resident manager).
 8. Applicant will maintain and/or replace existing and proposed fencing.
 9. Waste water will be recycled per VERwater Environmental Reclaim Systems. Information provided to Planning Staff.



SITE PLAN

APPROVED 4-16-04 BY *[Signature]*
MAPD Reduced Size/Copy



AGENDA ITEM NO. 8

STAFF REPORT

DAB VI January 21, 2004

MAPC January 22, 2004

CASE NUMBER: CON2003-00046

APPLICANT/AGENT: Steven C. & Cheryl A. Lee and Joe H. & Frieda E. Lee Trusts (Owners); Zach Woods (Contract Purchaser); Baughman Company c/o Terry Smythe (Agent)

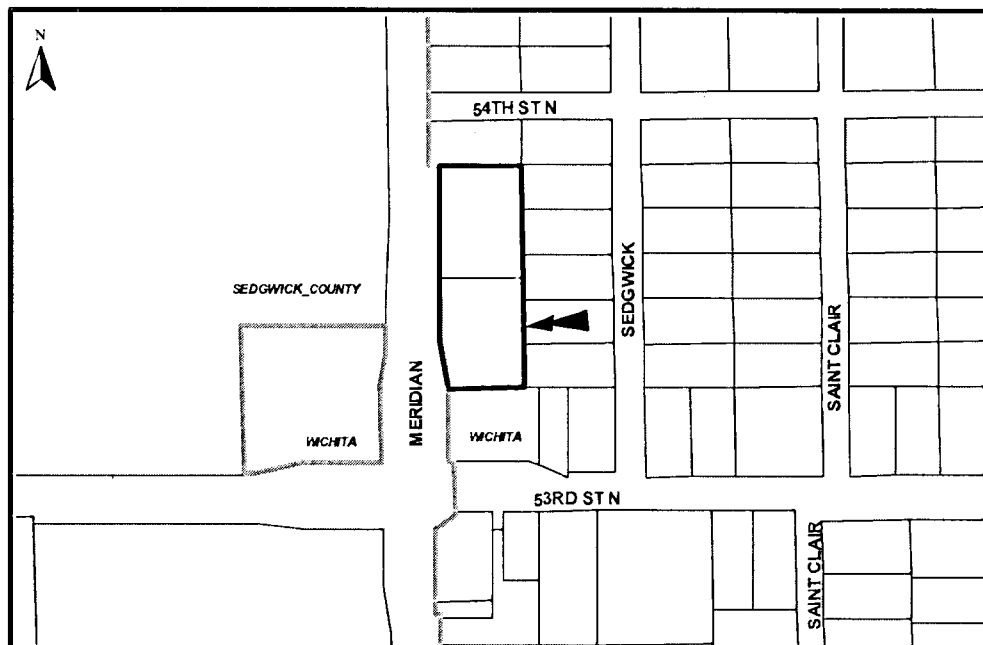
REQUEST: Conditional Use for a car wash and a self-service storage warehouse

CURRENT ZONING: "LC" Limited Commercial and "GO" General Office

SITE SIZE: 2.09 acres

LOCATION: North of 53rd Street North and east of Meridian

PROPOSED USE: Car wash and mini-storage



BACKGROUND: The applicant is requesting a Conditional Use to permit a car wash and self-service storage warehouses on a 2.09 acre platted tract located north of 53rd Street North and east of Meridian. The subject property is zoned "LC" Limited Commercial and "GO" General Office, and the proposed uses may be permitted by a Conditional Use.

The surrounding area is characterized primarily by residential development on the edge of the urbanized area. With the exception of the properties immediately at the corner of 53rd Street North and Meridian, all of the properties in the vicinity are zoned for single-family residential development and are predominately developed with residential uses. The properties to the west are predominately undeveloped. Two undeveloped residential lots are located immediately east of the subject property. The properties immediately at the corner of 53rd Street North and Meridian are zoned "LC" Limited Commercial and are mostly undeveloped but do contain a convenience store, which is located immediately south of the subject property.

The applicant submitted the attached site plan illustrating the proposed use of the subject property as a car wash and mini-storage facility. The proposed car wash would contain three self-serve bays and an automatic bay. The automatic bay is proposed to have a dryer. The applicant submitted the attached information regarding the noise to be emitted by the proposed dryer. The mini-storage facility is proposed to have five 3,000 square-foot storage buildings and one 3,600 square-foot storage building. The proposed site plan does not conform with several requirements of the Unified Zoning Code (UZC) and Landscape Ordinance.

Section III-D.6.y(17) of the UZC requires a resident manager for mini-storage facilities on property zoned "LC" or "GO"; however, the applicant proposes that no resident manager be provided. Since the UZC requirement for a resident manager is a Supplementary Use Regulation, the requirement can be waived by the City Council upon receiving a favorable recommendation from the MAPC. Planning staff recommends waiving the resident manager requirement due to the limited size of the mini-storage facility.

Section III-E.2.e. of the UZC does not permit the proposed vacuum/trash receptacles to be located within the required setback. The subject property has a 40-foot platted setback, which is 20 feet greater than required by the "LC" zoning district. Therefore, the applicant proposes to vacate the platting setback so that the vacuum/trash receptacles will not be located within the required setback. Planning staff will recommend approval of vacating the platted setback at the time such application is submitted.

Section III.D.6.y(5) of the UZC requires a 5,325 square-foot landscaped street yard along Meridian for the mini-storage facility and Section 10.32.030 of the Landscape Ordinance requires a 1,450 square-foot landscaped street yard along Meridian for the

car wash. As proposed, only a 1,006 square-foot landscaped street yard will be provided for the car wash, which is 444 square feet less than required. However, the applicant proposes a 5,950 square-foot landscaped street yard for the mini-storage facility, which is 625 square feet more than required. In order to provide less landscaped street yard than required for the car wash facility, a modification of the landscaping requirements will need to be approved by the planning director and zoning administrator. Since the overall landscaping provided exceeds the amount required, planning staff recommends that the modification landscaping requirements be approved as long as the required 14 shade trees (or the equivalent) are provided.

Section IV.B.3.a. of the UZC requires solid screening along all property lines where adjoining residential zoning. The applicant proposes a wrought iron security fence for a portion of the north property line; however, since the property to the north is zoned "SF-5", the fence along this portion of the property line is required to be a solid screening fence. Also, the applicant proposes to use adjoining property owners' fence along the east property line to meet the screening requirements; however, at least a portion of the adjoining property owners' fence does not meet the screening requirements since the wood slats are too far apart to meet the solid screening fence requirements of the UZC.

Section III-D.6.y.(5) of the UZC requires the planning director to review the architectural design of the mini-storage facility and make a recommendation to the planning commission as to whether or not the architecture is compatible with surrounding development. Planning staff finds the proposed "industrial style" storage units with low, almost flat metal roofs (see attached "Proposed Storage Units") to be incompatible with the architecture of the surrounding residential uses. Therefore, planning staff recommends that the architecture of the storage units include hipped or gabled roofs with roofing materials consistent with residential construction such as asphalt, wood, or tile. Planning staff also recommends that the siding of the storage units be consistent with residential construction such as stucco, brick, or wood (see attached "Recommended Storage Units"). The proposed "Dryvit" siding would meet this recommended requirement. Additionally, the proposed architecture of the car wash also is more of an industrial style that planning staff finds incompatible with surrounding residential uses. Therefore, planning recommends that the car wash also have a hipped or gabled roof with roofing materials consistent with residential construction such as asphalt, wood, or tile (see attached "Proposed Car Wash" and "Recommended Car Wash").

CASE HISTORY: The subject property was originally platted as part of the Anderson Acres Addition, a residential subdivision recorded on August 27, 1951. The subject property was rezoned (SCZ-0406) to "LC" Light Commercial and "BB" Office (now "GO") and replatted as part of Leewood Heights 3rd Addition on August 14, 1979. A request (ZON2000-00002) for "GC" General Commercial zoning to permit a body shop on the subject property was denied on May 9, 2000.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-family
SOUTH:	"LC"	Convenience Store
EAST:	"SF-5"	Single-family; undeveloped
WEST:	"SF-20" & "LC"	Undeveloped

PUBLIC SERVICES: The subject property has access to Meridian, a four lane arterial street with current traffic volumes of approximately 8,000 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on Meridian will increase to approximately 12,000 vehicles per day and recommends that Meridian remain a four lane arterial street. The proposed single point of access with cross lot access between the car wash and mini-storage facility complies with the Access Management Regulations. The site circulation plan has been approved by the Traffic Engineer. Municipal water but not municipal sewer is available to serve the subject property. The applicant proposes to use a water reclamation system for the car wash as described in the attached letter and brochure. The Environmental Health Department indicates that the water reclamation system is acceptable but indicates that wastewater from the car wash cannot be discharged into a septic system or used for irrigation.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend 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. If approved with the recommended conditions of approval, the request conforms with the Land Use Guide and Locational Guidelines.

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

1. The subject property shall comply with the requirements of Section III-D.6.f. of the Unified Zoning Code (see attached).
2. The subject property shall comply with the requirements of Section III-D.6.y. of the Unified Zoning Code (see attached), except that compliance with Section III-D.6.y.(17) pertaining to a resident manager shall not be required.
3. A vacation application shall be submitted within 60-days of approval of the Conditional Use by the City Council, and approval of a vacation of the 40-foot

building setback along Meridian for the south 145 feet of the subject property shall be received prior to issuance of any building permits.

4. A lot split application shall be submitted within 60-days of approval of the Conditional Use by the City Council, and approval of a lot split creating separate parcels for the car wash and self-service storage warehouse portions of the subject property shall be received prior to the issuance of any building permits. The lot split shall establish a cross-lot access agreement between the parcels and access control along Meridian except for one shared opening.
5. The site shall be developed in general conformance with a landscape plan approved by the Planning Director prior to the issuance of any building permits. The landscape plan shall comply with the requirements of the Landscape Ordinance and Section III-D.6.y.(4) of the Unified Zoning Code except as otherwise required by this condition. A minimum 6,775 square-foot landscaped street yard and 14 shade trees (or the equivalent) shall be provided along Meridian, which may be divided between the car wash and self-service storage warehouse in a manner that provides up to 450 square feet less landscaped street yard than required by the Landscaped Ordinance for the car wash as long as a like amount of additional landscaped street yard is provided for the self-service storage warehouse. A 25-foot deep landscape buffer shall be provided along the entire length of the north property line and for the north 50 feet of the east property line. A 10-foot deep landscape buffer shall be provided along the south 145 feet of the east property line.
6. A 6-8 foot high solid screening fence meeting the requirements of Section IV-B.3.e. of the Unified Zoning Code shall be provided along the entire length of the north and east property lines of the subject property.
7. The architectural design of all buildings shall be approved by the Planning Director prior to the issuance of any building permits. The architectural design of the car wash and self-service storage warehouse buildings shall contain hipped or gabled roofs with roofing materials consistent with residential construction such as asphalt, wood, or tile. The siding materials for the self-service storage warehouse buildings shall be consistent with residential construction such as stucco, brick, or wood. "Dryvit" or similar siding materials shall be permitted.
8. Unless connected to a municipal sewer system, the car wash shall utilize a VERwater Environmental Water Reclaim System or similar system approved by the Director of Environmental Health. No wastewater from the car wash shall be discharged into a septic system or other on-site sewage disposal system nor shall any wastewater from the car wash be used for irrigation.

9. Ground-mounted signage for the self-service storage warehouse shall be limited to 32 square feet in area and 20 feet in height. No ground-mounted signage shall be permitted for the car wash.
10. A revised site plan addressing the conditions of approval shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the City Council. The subject property shall be developed in general conformance with the approved site plan, and no building permits shall be issued prior to the approval of the site plan.
11. 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.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties at the corner of 53rd Street North and Meridian are zoned for and/or developed with commercial uses. Given its location near the corner of 53rd Street North and Meridian, the proposed car wash and self-service storage warehouse are consistent with the zoning, uses, and character of the area.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial and "GO" General Office. The proposed car wash and self-service storage warehouse may be permitted by a Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on nearby property should be minimized by the recommended conditions of approval, which include regulations on architectural design, building setbacks, signage, wastewater disposal, screening, and landscaping.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend 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. If approved with the recommended conditions of approval, the request conforms with the Land Use Guide and Locational Guidelines.

5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated if approved with the recommended conditions of approval, which include regulations pertaining to vehicular access and circulation.