CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 7, 2010

ICT, LLC
1103 E Kansas Ave
Garden City, KS 67846

RE: **CON2010-00003** - City Conditional Use request to amend CON2003-37 (a car wash) to allow a dryer for the automatic bay, generally located on the southeast corner of 21st Street North and Arkansas Avenue.

Dear Ladies and Gentlemen:

At its regular meeting on **April 6, 2010**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request for the amendment to condition #1 of Conditional Use, CON2003-37, subject to the following conditions:

A. The car wash shall be developed according to a revised site plan showing the location of the automatic car wash bays with the automatic dryers. The automatic car wash bays with the automatic dryers shall have automatic bay doors at their entrance that close when the automatic car wash bays with the automatic dryers are in use. The site shall be maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code, plus on site pole lights no higher than 14-foot with no lighting located south of the entrance off of Arkansas Avenue, hooded and directed onto the site, a 20-foot tall monument sign 138-square foot in size.

B. The materials and design of the facilities shall be as proposed by the applicant, including arched Spanish mission type of roof or pitched gabled roofs with outside walls constructed with a combination of concrete block, synthetic stucco or similar materials.

C. The applicant shall turn in a landscape plan, including evergreens every 15 feet in the south landscape buffer for approval by the Planning Director.

D. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.

E. Access onto Arkansas will be per approval of the Traffic Engineer. The applicant will use the alley onto 21st Street North as access to the site.

F. The circulation and queuing will pattern shall be approved by the Traffic Engineer prior to construction on the site.

RE: CON2010-00003 - City Conditional Use request to amend CON2003-37 (a car wash) to allow a dryer for the automatic bay, generally located on the southeast corner of 21st Street North and Arkansas Avenue.

G. The applicant shall provide guarantee for the paving the length and entire width of the alley where it abuts the site's west side or the entire length of the alley if the Public Works Engineer requires it. Improvements will be to City Standards, as approved by the Public Works Engineer.

H. Dedicate 10-foot of ROW to 21st Street North, 10-foot of sidewalk and utility easement to 21st Street North and 10-foot of ROW to Arkansas. Dedication to be at the time of the replatting of the site.

I. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared null and void.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Bill Longnecker
Senior Planner
Current Plans Division

WL:mc

Copies to: Baughman Company, PA, Attn: Russ Ewy, 315 Ellis, Wichita, KS 67211
El Pueblo, Alejandro Calderon, 1623 S. Emporia, Wichita, KS 67211
Historic Midtown Citizens Assoc., Dan Fitzgerald, 1150 N. Broadway, Wichita, KS 67214
North Riverside, Delora Donovan, 1559 N. Ferrell Dr., Wichita, KS 67203
WCC VI, Janet Miller, Mail Stop 1-13
N.A. VI, Terri Dozal, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71
Joe Pajor, Asst. Director of Public Works/Environmental Services Administrator, Mail Stop 1-82

RESOLUTION No. ID-084-DAB

A RESOLUTION AUTHORIZING AMENDMENT #1 TO CON2003-37, A CONDITIONAL USE TO ALLOW A CAR WASH, WHICH DELETES THE CURRENT RESTRICTION PROHIBITNG DRYERS ON THE AUTOMATIC CAR WASH BAYS, ON THE APPROXIMATELY 0.97-ACRES ZONED LC LIMITED COMMERCIAL ("LC"), GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 21ST STREET NORTH AND ARKANSAS AVENUE, IN THE CITY OF WICHITA, SEDGWICK COUNTY, 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, SEDGWICK COUNTY, 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, amendment #1 to CON2003-00037, a Conditional Use to allow a car wash, which deletes the current restriction prohibiting dryers on the automatic car wash bays, on approximately 0.97-acres zoned LC Limited Commercial ("LC") legally described below:

Case No. CON2010-00003

Amendment #1 to CON2003-00037, a Conditional Use to allow a car wash, which deletes the current restriction prohibiting dryers on the automatic car wash bays, on approximately 0.97-acres zoned LC Limited Commercial ("LC") described as:

Lot 1, Block A, Buff Car Wash Addition, Wichita, Sedgwick County, Kansas; generally located on the southeast corner of 21st Street North and Arkansas Avenue.

SUBJECT TO THE FOLLOWING CONDITIONS:

A. The car wash shall be developed according to a revised site plan showing the location of the automatic car wash bays with the automatic dryers. The automatic car wash bays with the automatic dryers shall have automatic bay doors at their entrance that close when the automatic car wash bays with the automatic dryers are in use. The site shall be maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code, plus on site pole lights no higher than 14-foot with no lighting located south of the entrance off of Arkansas Avenue, hooded and directed onto the site, a 20-foot tall monument sign 138-square foot in size.

B. The materials and design of the facilities shall be as proposed by the applicant, including arched Spanish mission type of roof or pitched gabled roofs with outside walls constructed with a combination of concrete block, synthetic stucco or similar materials.

C. The applicant shall turn in a landscape plan, including evergreens every 15 feet in the south landscape buffer for approval by the Planning Director.

D. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.

E. Access onto Arkansas will be per approval of the Traffic Engineer. The applicant will use the alley onto 21st Street North as access to the site.

F. The circulation and queuing will pattern shall be approved by the Traffic Engineer prior to construction on the site.

G. The applicant shall provide guarantee for the paving the length and entire width of the alley where it abuts the site's west side or the entire length of the alley if the Public Works Engineer requires it. Improvements will be to City Standards, as approved by the Public Works Engineer.

H. Dedicate 10-foot of ROW to 21st Street North, 10-foot of sidewalk and utility easement to 21st Street North and 10-foot of ROW to Arkansas. Dedication to be at the time of the replatting of the site.

I. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared 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 April 6, 2010

Carl Brewer, Mayor

ATTEST:

Karen Sublett, MMC

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

AGENDA ITEM NO. _____

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

DAB VI October 6, 2003
MAPC October 9, 2003

CASE NUMBER: CON2003-00037 - ZON2003-00047

APPLICANT/OWNERS: Rosetta B Presley (Owner)
Builder Development Inc, c/o Elton Parsons
Larry Qualls (contract purchaser)

AGENT: Gene Razook (agent)
Baughman Company c/o Russ Ewy

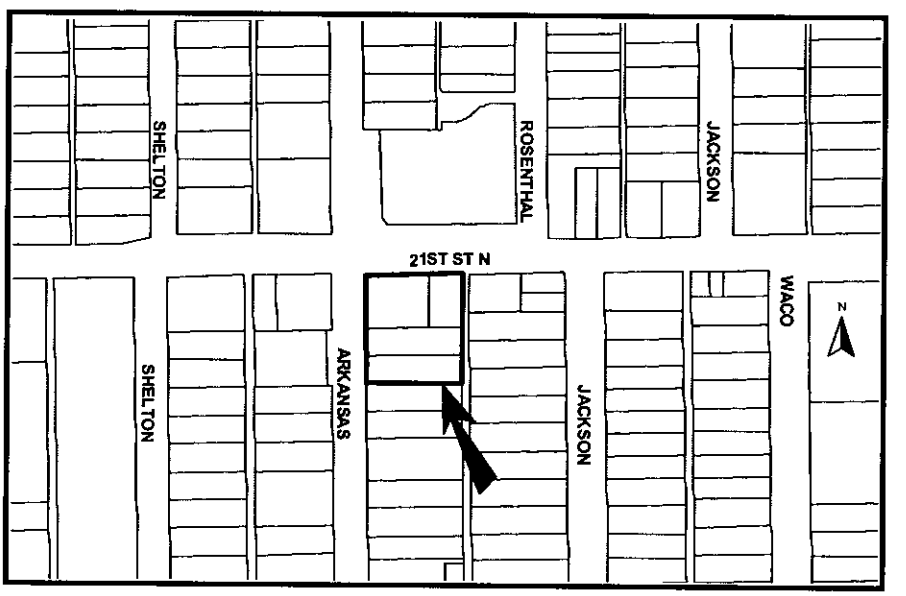
REQUEST: Conditional Use to allow a car wash within 200 feet of a residential zoning district and a zone change of "TF-3" to "LC"

CURRENT ZONING: "LC" Limited Commercial and "TF-3" Duplex zoning

SITE SIZE: 0.97 acres

LOCATION: Southeast corner of the 21st Street North – Arkansas Avenue intersection, 2146 North Arkansas.

PROPOSED USE: Car wash



70-75 feet from sour 20-ft [illegible]
200 Ft for West
60 Ft for East

BACKGROUND: The applicant is requesting a Conditional Use to allow a 24-hour car wash to be located within 200-ft of residential zoning in the "LC" Limited Commercial zoning district. The 0.97-acre site is located on the southeast corner of the 21st Street North – Arkansas Avenue intersection. The site is currently zoned "LC" Limited Commercial on the north six (6) lots and "TF-3" two-family residential on the south four (4) lots. The applicant also requests a zoning change for the site's four "TF-3" lots to "LC" on this agenda: ZON2003-00029. The zone change will facilitate the redevelopment of the site. The north six lots ("LC") are developed as a tire repair garage. The two most southern lots ("TF-3") are developed with one single-family residence on them, with the two remaining lots ("TF-3"), between the residence and the tire store not developed.

The 21st Street – Arkansas Avenue intersection, where the site is located, marks the end of extensive unbroken commercial zoning strips along both the 21st Street and the Arkansas frontages. The commercial zoning and the predominately neighborhood retail/commercial development on 21st extends from the intersection, east to Broadway, broken infrequently by scattered single-family housing and several churches. Although the Arkansas frontage north of the intersection is zoned commercial up to 25th Street North, it is developed more as single-family residential with churches, a post office and not infrequent neighborhood retail and office mixed in. South of the intersection, Arkansas is a residential road, zoned two-family residential on both its sides, developed predominately as single family residential. There is a church and an elementary school along this portion of Arkansas on its west side. Behind these two street's commercial zoning strips, there is a mixture of single-family, two-family residential and multi-family zoning, which have been developed predominately as single-family residential.

The site (with the exception of its four "TF-3" zoned lots) is one of four "LC" zoned sites on the 21st Street – Arkansas intersection. The other three sites are developed as a Kentucky Fired Chicken fast food restaurant (a national franchise, west side), an O'Reilly's auto supply store (regional franchise, northwest side) and a Quick Trip convenience store (regional franchise northeast side). These three developments are a more intense commercial activity (size of stores, hours of operation, services provided) than the predominately neighborhood retail in the area. These three sites are also probably among the most recent developments in the area, where older development prevails. The KFC has approximately 30-feet of landscape buffer between its parking and the abutting single-family residence on its south side. The proposed site has "TF-3" zoning on its south, southeast and southwest sides, with both sides developed as single-family residential and a duplex. There is a single-family residence abutting the site's south side, approximately 8-10-feet separate the residence from the site's south property line. The site has an older freestanding building used for retail and a restaurant on its east side.

The applicant has submitted a site plan. Dedication of 10-foot of ROW to 21st Street North, a 10-foot sidewalk and utility easement along 21st Street North, 10-foot of ROW to Arkansas and the extent the alley needs to be paved are issues that have been brought to the applicant's attention. The extent of the paving of the alley will be determined by the drainage plan, during replatting.

CASE HISTORY: The site is platted as Lots 2 – 20 (even), Brooks and Oldham Addition, which was recorded in 1902. An exception, BZA 1-63, with conditions for a car sales lot on the east 70-feet of Lots 2, 4, 6, 8, 10, & 12 was approved by the BZA 02-26-1963. July 16, 2003 DAB VI considered CON03-20 & ZON03-29, request for a car wash with an associated zoning change of "TF-3" to "LC", at their July 16, 2003 meeting. The property owners abutting the south side of the car wash site protested the car wash, noting that the car wash property would be 8 feet from their bedroom window. They protested that a 24-hour car wash was not a compatible use next to residential as presented with a 5-foot buffer and that the car wash would cause their property to decrease in value as residential. The DAB recommended approval of the conditional use and the zone change (9-0) per staff's recommendation, with additional recommendations; (1) the buffer on the south side be increased to a minimum of 10-feet, (2) no parking on the south side of the car wash site and (3) approval of the ingress – egress to the site be given careful consideration by the Traffic Engineer, in regards to full movement and right in – right out. The applicant withdraw the CON03-20 & ZON03-29 prior to the July 24, 2003 MAPC meeting. The current conditional use for a car wash and the associated zoning change of "TF-3" to "LC", is essentially the same request for this site, the difference being that the applicant has bought the south property. The south property, with a house on it, was the protesting neighbor. The additional lots bring an additional 50-feet (along Arkansas) x 173-feet to the site.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial "B" Multi-Family	Convenience store, auto supply fast food, restaurant
SOUTH:	"TF-3" Duplex	Single-family residential
EAST:	"LC" Limited Commercial "TF-3" Duplex	Free standing retail, duplex
WEST:	"LC" Limited Commercial "TF-3" Duplex	Fast food, single-family residential

PUBLIC SERVICES: The north side of the site has frontage on 21st Street North, a four-lane arterial with left-turn lanes. Arkansas Avenue, on the site's west frontage is a residential road. North of the intersection Arkansas is a three lane arterial. There are approximately 12,349 ATD north of the intersection, approximately 5,149 ATD south of the intersection, approximately 14,587 ATD west of the intersection and approximately 17,411 ATD east of the intersection. Recent improvements to the intersection include left turn lanes for traffic going north, east and west, plus brick laid in the pedestrian crosswalk areas. There are no other CIP projects scheduled. Municipal water and sewer services are currently provided to this site.

CONFORMANCE TO PLANS/POLICIES: Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property, including the two undeveloped "TF-3" lots as being "commercial". The Unified Zoning Code requires a Conditional Use for a car wash when it is located in "LC" zoning or within 200 feet of residential zoning. The Unified Zoning Code lists 14 conditions that a car wash must

comply with. Any modifications recommended by the MAPC to these conditions would require the request to be forwarded to the Wichita City Council for a final decision.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for the Conditional use and the zoning change be APPROVED, subject to replatting within a year and the following conditions:

A. The car wash shall be developed according to the site plan and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code, plus on site pole lights no higher than 14-foot with no lighting located south of the entrance off of Arkansas Avenue, hooded and directed onto the site, a 20-foot tall monument sign 138-square foot in size and no dryer allowed on the automatic wash bay.
B. The materials and design of the facilities shall be as proposed by the applicant, including pitched gabled roofs with outside walls constructed with a combination of concrete block, synthetic stucco or similar materials.
C. The applicant shall turn in a landscape plan, including evergreens every 15-feet in the south landscape buffer for approval by the Planning Director.
D. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
E. Access onto Arkansas will be per approval of the Traffic Engineer. The applicant will use the alley onto 21st Street North as access to the site.
F. The circulation and queuing will pattern shall be approved by the Traffic Engineer prior to construction on the site.
G. The applicant shall provide guarantee for the paving the length and entire width of the alley where it abuts the site's west side or the entire length of the alley if the Public Works Engineer requires it. Improvements will be to City Standards, as approved by the Public Works Engineer.
H. Dedicate 10-foot of ROW to 21st Street North, 10-foot of sidewalk and utility easement to 21st Street North and 10-foot of ROW to Arkansas.
I. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area has extensive unbroken commercial ("LC" and some "GC" zoning) zoning strips along the 21st Street and Arkansas frontages, north and east of their intersection. The 21st Street frontage is almost exclusively neighborhood retail and commercial. The Arkansas frontage is more single family with not infrequent neighborhood retail and office mixed in. The nearest properties zoned residential are immediately behind the commercial zoned strips and are developed predominately single-family residential. This residential development - neighborhoods are extensive behind the commercial strips. The 21st - Arkansas intersection, where the site is located, has probably the most recent development in the area (the other probably being a restaurant just

north of the intersection) and the development is more commercial in its character, rather than neighborhood retail.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "LC" Limited Commercial, which accommodates office, retail, commercial and complementary land use. Given the site's location on the two arterials and the retail /commercial character of the Arkansas and 21st strips with the abutting residential, it could be developed for retail, office, commercial or complementary land uses. The rezoning of the "TF-3" lots to "LC" would facilitate redevelopment of the site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting abutting residential zoning and developments.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "commercial" uses. "Commercial" accommodates office, retail, and commercial and complementary land use. The existing three developments on the 21st – Arkansas intersection all share similar intensity of uses with the proposed car wash, all which are less neighborhood retail and more commercial in character. The Quick Trip regional convenience store across 21st Street and north of the site has supervised 24-hour indoor-outdoor activity, with most of it involving autos as a means of getting to it or using it for fueling. The O'Reilley's regional auto supply retail store across 21st and northwest of the site is developed exclusively for auto maintenance. The KFC national fast food restaurant across Arkansas and west of the site has extensive auto traffic going through it, while customers place their orders from their autos into an outdoor speaker. The KFC also has an approximately 30-foot landscape buffer and solid screening between its parking and the abutting single-family residence on its south side, to minimize commercial traffic intrusion. The car wash would be considered a complimentary land use (although it would represent the most intense use of the intersection) to these uses and will not have the amount of outside parking/display of autos waiting service or any of the mechanical activity as the existing tire repair store.

5. Impact of the proposed development on community facilities: Probable increase in traffic at the site including 24-hour traffic, increase in on site drainage.