

May 24, 2002

KBCC
%Mike Boyd
128 S. Dellrose
Wichita, KS 67218

RE: CON2002-16 – Conditional Use to allow a car wash within 200 feet of a residential zoning district on property zoned “LI” Limited Industrial. Generally located northeast of I-135 and South Hydraulic.

Dear Mr. Boyd:

At its regular meeting on May 9, 2002, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to conditions stated in the enclosed resolution.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution. If you have any questions concerning this case, please contact our office.

Sincerely,



Bill Longnecker
Senior Planner

WL/rs

Cc: Ruggles, Bohm, %Thomas C. Ruggles, 924 N. Main, Wichita, KS 67203
Phil Lambke, City Council, District III, Mail Stop 1-13
Vicki Mork, District III, D.A.B., Mail Stop 1-135
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

CONDITIONAL USE RESOLUTION NO. CON-2002-00016

WHEREAS, KBCC Inc., %Mike Boyd (owner), Thomas G. Ruggles, (agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow a car wash within 200 feet of a residential zoning district, on 0.94 acres zoned "LI" Limited Industrial Residential described as:

Lot 3, Block 1, I-135 Power Center, an Addition to the City of Wichita, Kansas, Sedgwick County, Kansas. Generally located northeast of I-135 and south Hydraulic.

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 May 9, 2002, 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 permit a Conditional Use to allow a car wash within 200 feet of a residential district, on 0.94 acres zoned "LI" Limited Industrial described as:

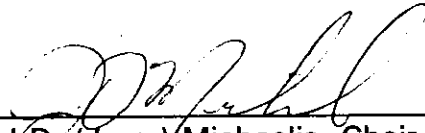
Lot 3, Block 1, I-135 Power Center, an Addition to the City of Wichita, Kansas, Sedgwick County, Kansas. Generally located northeast of I-135 and south Hydraulic.

subject to the following conditions:

- A. The car wash shall be developed and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code.
- B. The applicant shall submit a revised site plan for approval by the Planning Director, prior to the issuance of the Conditional Use resolution. The revised site plan will include a landscaping plan.
- C. The materials and design of the facilities shall be residential in character in consideration of the residential zoning and development adjacent to it.
- 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. 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.

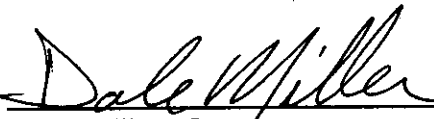
Adopted this 9th day of MAY, 2002. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION



J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:



Dale Miller, Secretary

STAFF REPORT

DAB III May 1, 2002

MAPC May 9, 2002

CASE NUMBER: CON2002-00016

APPLICANT/OWNER: KBCC, Inc c/o Mike Boyd (Owner)

AGENT: Thomas G. Ruggles

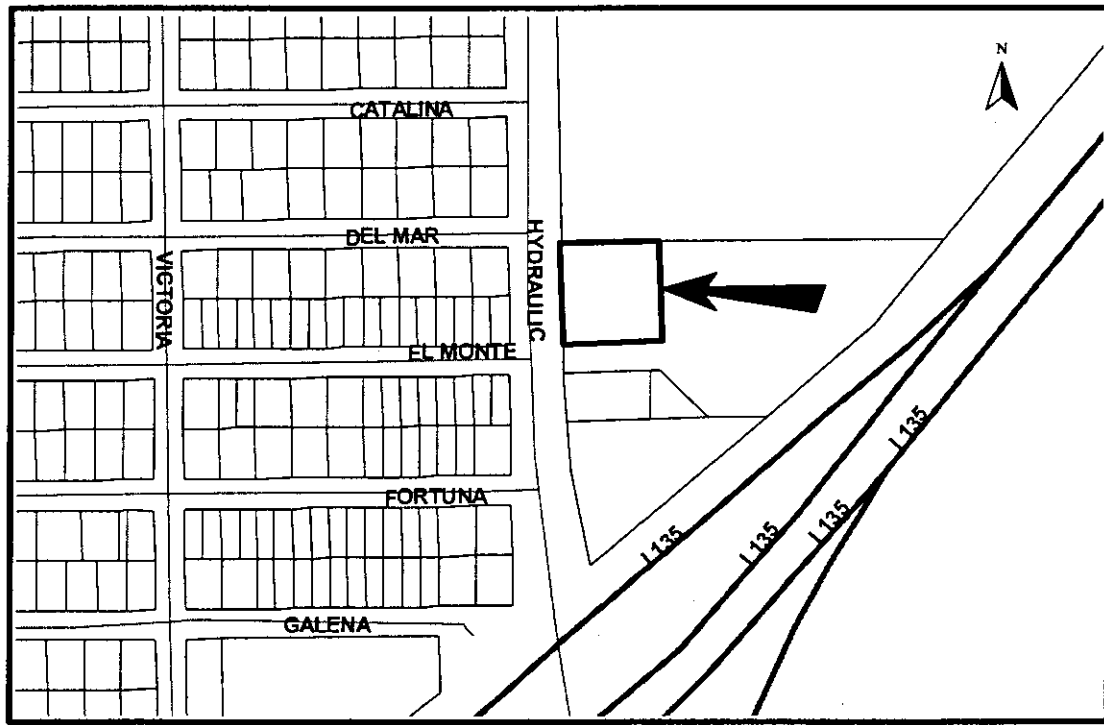
REQUEST: Conditional Use to allow a car wash within 200 feet of a residential zoning district

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 0.94 acres

LOCATION: Northeast of I-135 & South Hydraulic.

PROPOSED USE: Car wash



BACKGROUND: The applicant is requesting a Conditional Use to allow a car wash to be located within 200 feet of a residential zoning district. The application area is a 0.94 acre platted tract (Lot 3, Block 1, I-135 Power Center) located northeast of the 31st Street South – Hydraulic intersection. The site is currently zoned “LI” Limited Industrial and is vacant.

The character and zoning of the surrounding area is basically residential west of Hydraulic and industrial east of Hydraulic. The industrial area is defined, without interruption, by Hydraulic on the west, I-135 on the south and east, and north to within a block south of Wassall. The uses in this industrial area are warehouses, shipping and receiving, manufacturing, contractor’s yards, a sandpit and a non-conforming concrete plant. These uses are concentrated in the northern 2/3rd of the area with the southern 1/3rd, where the site is located, being vacant except for two fast food restaurants immediately south of the site. The residential area west of Hydraulic is developed as predominantly single family residential with some duplexes. The residential development is broken by a post office and church northwest of the site and another church southwest of the site. The Wassall – Hydraulic intersection north of the site is largely local retail in character.

The site has “LI” zoning on its north, east and south sides. The north and east sides are undeveloped. The south side has a McDonalds and a Subway fast food restaurant. South of the two fast food restaurants is I-135. Hydraulic’s 110-ft ROW separates the “MF-29” zoning and the duplex and single-family development to the west of the site. The applicant had submitted a site plan and is currently revising it per Staff comments.

CASE HISTORY: The site is platted as Lot 3, Block 1, I-135 Power Center, which was recorded September 21, 1994. Within this subdivision on Lots 1&2 there was a request for a Conditional Use for a concrete, asphalt, asphalt recycling plant, CU-444. This request was recommended for denial by CPO 3 at their 07-10-97 meeting. The applicant withdrew CU-444 before the scheduled 09-11-97 MAPC hearing.

ADJACENT ZONING AND LAND USE:

NORTH:	“LI” Limited Industrial	Undeveloped
SOUTH:	“LI” Limited Industrial	Fast food
EAST:	“LI” Limited Industrial	Undeveloped
WEST:	“MF-29” Multi-Family Residential	Duplex, public housing

PUBLIC SERVICES: The site has frontage to Hydraulic, a four-lane arterial. Complete access control has been platted along the Hydraulic frontage, except for joint access, as dedicated by separate instrument, abutting the south side of the site. This joint access is also used by the south and east lots. There are approximately 11864 ATD’s

along this section of Hydraulic, which lies just north of Hydraulic & I-135. 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 as being "industrial, transportation, utility, communication". The area is primarily developed as industrial with some undeveloped properties. A Conditional Use for a car wash is required when located within 200 feet of residential zoning. The residential zoning and development is located across Hydraulic approximately 110 feet west of the site.

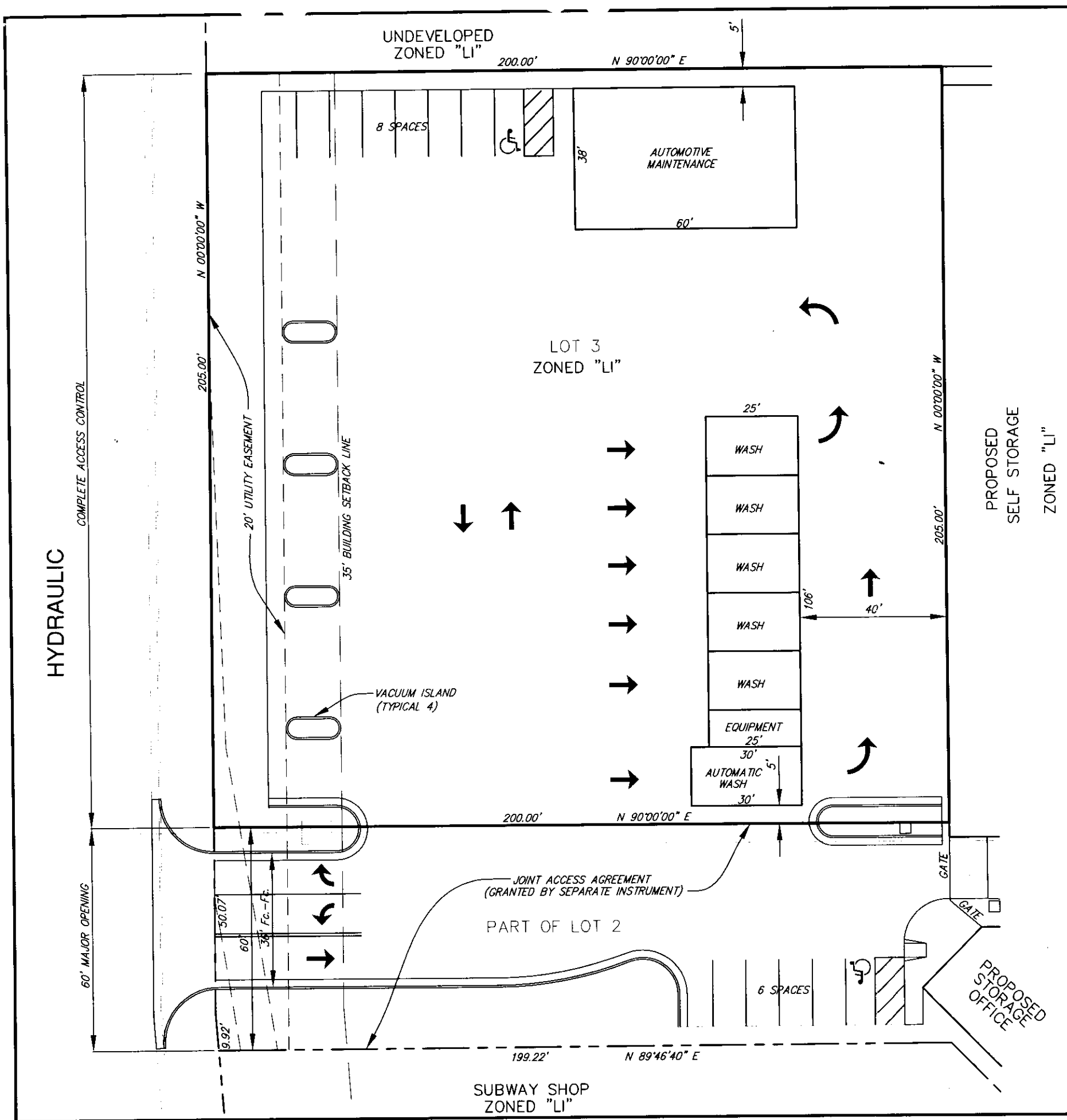
RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. The car wash shall be developed and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code.
- B. The applicant shall submit a revised site plan for approval by the Planning Director, prior to the issuance of the Conditional Use resolution. The revised site plan will include a landscaping plan.
- C. The materials and design of the facilities shall be residential in character in consideration of the residential zoning and development adjacent to it.
- 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. 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 - site has "LI" zoning on its north, east and south sides, east of Hydraulic. The immediate north and east sides are undeveloped. Existing industrial uses are in the north section beyond the undeveloped properties. The south side has fast food restaurants. The nearest properties zoned residential and developed with residential uses are located approximately 110 feet to the west across Hydraulic.
- 2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "LI" Limited Industrial, which accommodates moderate intensity manufacturing, industrial, commercial and complementary land use. Given the site's location at an arterial, its proximity to I-135 and the "LI" zoning on 3 sides of it, it could be developed for moderate intensity manufacturing, industrial, commercial and complementary land uses.

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 surrounding residential areas. Additionally, the subject property is separated from existing residential properties by a busy arterial street, which should further limit detrimental affects on nearby properties.
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 "Industrial" uses. "Industrial" can accommodate moderate intensity manufacturing, industrial, commercial and complementary land use. The area east of Hydraulic is primarily developed as industrial with some undeveloped properties. A car wash can be considered a 'complementary' land use, providing a neighborhood service and a less intensive use in some other uses permitted in the "LI" zoning district.
5. Impact of the proposed development on community facilities: Community facilities should not be adversely impacted.



Applicant: R.D. Wood
BRZ Investments
3540 W. Douglas, Suite 3
Wichita, Kansas 67203
316-5375

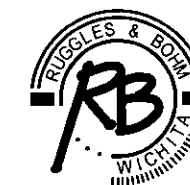
Agent: Thomas C. Ruggles
924 N. Main
Wichita, Kansas 67203
316-264-8008

LOT AREA: 0.94 ACRES



SCALE: 1"=30'

SITE PLAN FOR CAR WASH CONDITIONAL USE IN "LI" ZONING LOT 3, BLOCK 1, I-135 POWER CENTER WICHITA, KANSAS



Ruggles & Bohm, P.A.

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