



Wichita-Sedgwick County Metropolitan Area Planning Department

September 30, 2019

Zips Hydraulic
Attn: Stan Cox
1400 W. Markham Street, Suite 100
Little Rock, AR 72201

Baughman Company, P.A.
Attn: Russ Ewy
315 Ellis
Wichita, KS 67211

Re: BZA2019-00041: Administrative Adjustment to reduce the front setback by 20% from 35-feet to 28-feet on property zoned LC Limited Commercial; generally located at the southeast corner of East 47th Street South and South Hydraulic Avenue (4808 S. Hydraulic).

Legal Description: That portion of Lot 1, Block A, South Hydraulic Park Second Addition, Sedgwick County, Kansas, beginning at the northwest corner of said Lot 1, thence east 300 feet; thence south 165 feet; thence west to the west line of said Lot 1; thence north along said west line to the point of beginning, EXCEPT that part dedicated for street.

Dear Applicants,

We have reviewed your request for a Zoning Adjustment to reduce the front setback on the aforementioned property. From reviewing the application, we understand that you desire to reduce the front setback from 35-feet to 28-feet so that you may redevelop the site with a carwash as per the submitted site plan. Sec.III-D.6.f(2) requires that setbacks from all arterials, expressways or freeways be at least 35 feet.

Section V-1.2.a of the Unified Zoning Code ("UZC") allows reducing minimum front setbacks (required by the property development standards of the zoning district) by up to 20 percent. These adjustments are permissible when the provisions of those sections and the Zoning Adjustment Criteria of Section V-1.6 are met. We find that the reduction of the front setback as proposed meets the provisions of Section V-1.2.a and the four criteria required by Section V-1.6 as set out below:

- 1) **Impact on safety and convenience of vehicular and pedestrian circulation**: The requested adjustment has no bearing on vehicular or pedestrian circulation, therefore should have no negative affect on the surrounding area in that regard. The car wash is designed to flow its traffic to the access opening on 47th Street with a dedicated drive that will not interact with other vehicles.
- 2) **Impact on existing uses in surrounding areas**: The subject property has been a convenience store for decades, and the establishment of a car wash is unlikely to create any significant increase in impacts to surrounding property owners.

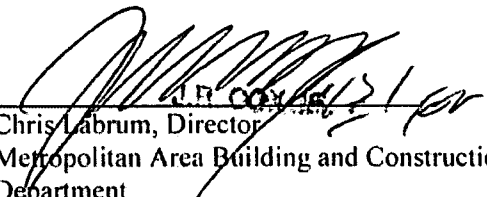
- 3) Compatibility with existing or permitted uses on abutting sites: The land use pattern in this area is a well-established mix of commercial uses, and nothing in this request should lessen the existing compatibility between these uses.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. There will be no negative impact on the public health, safety or welfare, nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to reduce the front setback for the aforementioned property to 28-feet is hereby **GRANTED**, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The applicant shall obtain a building permit and complete construction within one year of the Administrative Adjustment approval. The site shall conform to all codes including but not limited to building, health and fire.
- 3) The setback reduction shall apply only to the front setback as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
- 4) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.


Dale Miller, Director
Metropolitan Area Planning Department


Chris Labrum, Director
Metropolitan Area Building and Construction
Department

cc: MABCD
James Clendenin, CM District III
Maddy Campbell, Community Service Representative, District III

