

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2006-19

Zone change request from "SF-5" Single-Family Residential District to "LC" Limited Commercial District, described as: That part of Lot 1, Block A, Quiktrip 9th Addition, Wichita, Sedgwick County, Kansas described as follows: Commencing at the NW corner of said Lot 1; thence S00°15'34"W along the west line of said Lot 1, 115.11 feet to a corner in said west line, and for a point of beginning; thence continuing S00°15'34"W along the west line of said Lot 1, 15.00 feet to a deflection corner in said west line; thence S00°14'12"W along the west line of said Lot 1, 105.04 feet to the SW corner of said Lot 1; thence S89°55'34"E along the south line of said Lot 1, 139.46 feet to the most southerly SE corner of said Lot 1; thence N00°06'22"E along the east line of said Lot 1, 120.02 feet to a deflection corner in said east line; thence N89°55'09"W, 139.18 feet to the point of beginning.

Generally located east of West Street and on the south side of Maple Street.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this _____ day of _____ 2006.

ATTEST:

Karen Sublett, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

**City of Wichita
City Council Meeting
June 6, 2006**

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2006-19 (Associated with CON2006-17) Zone change from SF-5 Single-family Residential to LC Limited Commercial and a Conditional Use to allow a car wash within 200 feet of a residential zoning district. Generally located at the southeast corner of West Maple Street and South Illinois Avenue. (District IV)

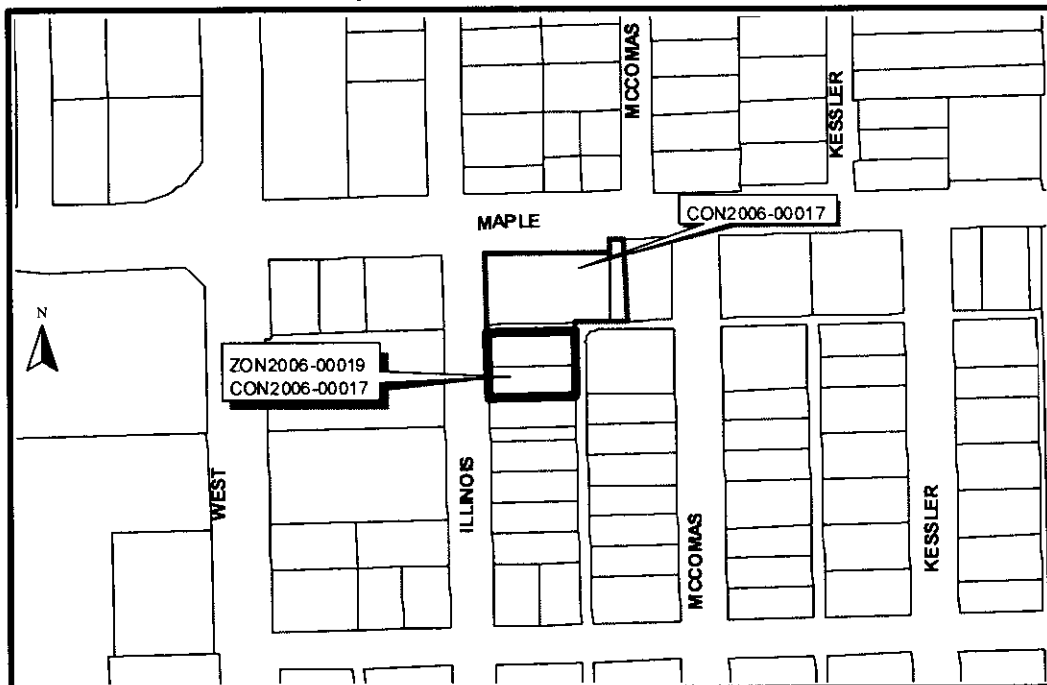
INITIATED BY: Metropolitan Area Planning Department *JS*

AGENDA: Planning (consent)

MAPC Recommendation: Approve, (11-0) subject to staff recommendations except the following: (1) Change condition "C" of the Conditional Use to "All proposed lighting shall comply with Art. IV, Sec. IV-B.4 of the UZC. Plus, no proposed pole lights (including base, standard, and fixtures) shall be taller than 14 feet south of the vacuum stations." (2) Change condition "D" of the Conditional Use to "The site shall comply with all provisions of the Landscape Ordinance and the applicant shall submit a landscape plan for approval by the Planning Director, which shall include evergreens planted every 15 feet in the south landscape buffer between Lot 20 and Lot 22, Block 3, Quincy Addition."

Staff Recommendation: Approve, subject to replatting within one-year and conditions.

D.A.B. Recommendation: Approve, (8-0) subject to staff recommendations and adding the following as condition "H" of the Conditional Use: "The applicant shall provide a security gate at the main drive, which shall be locked when the facility is closed for business."



Background: The applicant is requesting a zone change from SF-5 Single-family Residential to LC Limited Commercial and a conditional use to allow a 24-hour car wash to be located within 200 feet of residential zoning in the LC Limited Commercial zoning district. The approximately one acre site is located on the southeast corner of the intersection of West Maple Street and South Illinois Avenue, one block east of West Street. The site is currently zoned LC Limited Commercial on the north nine lots and SF-5 Single-family Residential on the south four lots. The north nine lots (LC) are currently vacant, but appear to have been used as a parking lot at some point in the past. The two center lots (SF-5) are vacant and the two southernmost lots (SF-5) are developed with one single-family residence. Quik Trip Corporation, owner of the property immediately west of Illinois Avenue from the subject property, is proposing the car wash as an ancillary use to their existing convenience store.

A mix of commercial and industrial zoning with predominately neighborhood retail/commercial uses typifies the land use pattern along the West Street and Maple Avenue frontages. Single-family zoning and development interspersed with multi-family and two-family zoning and development characterizes the area south of Maple Avenue between West Street and Friends University. Immediately across Maple Avenue from the subject property is developed with a small strip retail center, which includes hair salon and automotive services. Immediately east of the subject property is a small neighborhood bar/drinking establishment. Southeast of the site is a small pocket of multi-family use zoned MF-29 Multi-family Residential. A single-family residence zoned SF-5 abuts the site to the south.

The applicant has submitted a site plan that illustrates three major changes to the existing site that will require replatting as a remedy. First, two existing points of access onto Maple Avenue will be closed and replaced with one large drive onto Illinois Avenue. This will include dedication of complete access control on Maple Avenue. Second, the site plan shows the closing of the existing alley between the north nine lots and four south lots. Third, the existing setback along Maple Avenue is being reduced from 20 feet, as required by the Unified Zoning Code (UZC), to 15 feet. Also at platting, the applicant will be asked to dedicate right-of way on the northern 20 feet of Lot 4, which fronts on Maple Avenue, to match the existing right-of-way along the rest of the subject property.

Analysis: At the DAB IV hearing on May 3, 2006, the DAB voted (8-0) to recommend approval of the zoning change and the Conditional Use, subject to replatting within one year and subject to the conditions recommended by staff and adding the following as condition "H" of the Conditional Use: "The applicant shall provide a security gate at the main drive, which shall be locked when the facility is closed for business."

At the MAPC hearing on May 4, 2006, the MAPC voted (11-0) to recommend approval of the zoning change and the Conditional Use, subject to replatting within one year and subject to conditions recommended by staff, except: (1) Change condition "C" of the Conditional Use to "All proposed lighting shall comply with Art. IV, Sec. IV-B.4 of the UZC. Plus, no proposed pole lights (including base, standard, and fixtures) shall be taller than 14 feet south of the vacuum stations." (2) Change condition "D" of the Conditional Use to "The site shall comply with all provisions of the Landscape Ordinance and the applicant shall submit a landscape plan for approval by the Planning Director, which shall include evergreens planted every 15 feet in the south landscape buffer between Lot 20 and Lot 22, Block 3, Quincy Addition." The original staff recommendation for condition "C" was to prohibit lighting taller than 14 feet throughout the site and for condition "D" was to use evergreens, rather than shade trees. The conditions of approval recommended by the MAPC are:

- 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 UZC regarding supplementary use regulations for car washes.
- B. The site shall comply with all provisions of Section IV-C of the UZC, pertaining to compatibility standards.
- C. All proposed lighting shall comply with Art. IV, Sec. IV-B.4 of the UZC. Plus, no proposed pole lights (including base, standard, and fixtures) shall be taller than 14 feet south of the vacuum stations.

- D. The site shall comply with the provisions of the Landscape Ordinance and the applicant shall submit a landscape plan for approval by the Planning Director, which shall include shade trees planted every 15 feet in the south landscape buffer between Lot 20 and Lot 22, Block 3, Quincy Addition.
- E. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
- F. At platting, the applicant shall dedicate complete access control to Maple Street and shall dedicate 20 feet of right-of-way to Maple Street from Lot 4, Block 3, Quincy Addition.
- G. 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.

Financial Considerations: None

Goal Impact: Promote Economic Vitality and Affordable Living

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendations/Actions:

1. Adopt the findings of the MAPC and approve the zoning change and the Conditional Use to permit a car wash, subject to replatting within one year and subject to the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3-majority vote of the membership of the governing body on the first consideration.)

Attachments: MAPC Excerpt Minutes
DAB IV Summary
Draft Ordinance (ZON2006-00019)
Draft Resolution (CON2006-00017)
Site Plan