



Wichita-Sedgwick County Metropolitan Area Planning Department

April 2, 2021

SPDR WEBB, LLC
PO Box 16944
Wichita, KS 67216

RE: CON2021-00007: City Conditional Use to amend PO #3 and to permit a retail car wash within 200 feet of residential zoning on LC Limited Commercial zoned lot; generally located one-half mile south of Kellogg/US-54 on the east side of South Webb Road.

Dear Applicant;

At its regular meeting on **March 18, 2021**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request subject to the conditions in the enclosed resolution.

No protest petitions were filed against this application. Therefore, the MAPC's decision is final.

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

Sincerely,

Philip Zevenbergen, AICP
Associate Planner

Copies to:

MABCD
Becky Tuttle, City Council District II
Cory Buchta, CSR District II
KE Miller Engineering, Kirk Miller, 117 E Lewis St., Wichita, KS 67202
Tracy Chamberlin, 1224 S Webb Rd., Wichita, KS 67207

CONDITIONAL USE RESOLUTION NO. CON2021-00007

WHEREAS, SPDR WEBB, LLC, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow Car Wash within 200 feet of Residential Zoning on property zoned LC Limited Commercial Zoning District described as:

All of Lot 2, together with the north 48.02 feet of the West 260 feet of Lot 1, Harrison Park 3rd Addition, Wichita, Sedgwick County, Kansas.

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 March 18, 2021, 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 allow a Conditional Use to allow a Car Wash within 200 feet of Residential Zoning on property zoned LC Limited Commercial Zoning District described as:

All of Lot 2, together with the north 48.02 feet of the West 260 feet of Lot 1, Harrison Park 3rd Addition, Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

1. The site plan shall be revised to show a right-in/right out driveway along South Webb Road. It shall depict all required screening and landscaping requirements.
2. The use shall comply with supplementary use regulations set forth in Section III-D.6.f of the Unified Zoning Code.
3. The site shall comply with all screening requirements of Section IV-B.1-3 of the Unified Zoning Code.
4. The site shall comply with all landscaping requirements of the Wichita Landscape Ordinance.
5. A revised site plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.
6. The site shall be development in substantial conformance to the approved site plan.
7. The site shall be developed in conformance with all applicable federal, state, and local regulations.
8. 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 hereof, may, with the concurrence of the Planning Director declare the Conditional Use null and void.

The site shall adhere to the following amended language of Protective Overlay District #3

1. Landscaping: Landscaping shall comply with the Landscape Ordinance of the City of Wichita, except as follows:
 - A. Street yard landscaping shall be calculated at 1.5 times the minimum ordinance requirements.
 - B. There shall be a 20-foot landscape buffer along the south and east property line of Lot 1, Harrison Park 3rd Addition. Buffer strip trees shall consist of pine trees spaced at a maximum of 20 feet and a minimum height of 8 feet.

- C. The applicant shall submit a Landscape Plan and install the required plantings prior to the issuance of building permits.
- D. Maintenance of the buffer strip shall be by the owner(s) of the land in which the buffer strip is required. Failure of the owner(s) to properly maintain any part of the buffer strip shall be considered a violation of the "P-O", and the City of Wichita may serve notice on the owner(s) of their failure to so maintain, setting out the manner in which they have failed to perform, and granting them twenty (20) days within which to all of the items designated in said notice. After said twenty (20) days, the City may enter upon the property to perform the work deemed in said notice of deficiency, and the cost of such work performed by the City assessed against the property in the same manner as provided by law for like assessments, and said assessment may be established as a lien upon the property.
2. Signs: Freestanding signage is limited to one monument type sign no taller than 12 feet with a maximum of 60 square feet of signage for Lot 2, Harrison Park 3rd Addition, and the monument type signs no taller than 8 feet with a maximum of 48 square feet of signage per sign for the Lot 1, Harrison Park 3rd Addition. No off-site signs or portable signs shall be permitted. All signs shall be turn off at 11 :00 p.m. No building advertising signs shall be permitted along the south or east face of the buildings located within Lot 1, Harrison Park 3rd Addition.
 3. Architectural Control: All buildings on the site shall be constructed of brick, brick and E.F.S. Stucco System, or decorative split-faced block. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas. All building elevations shall share the same architectural finish.
 4. Lighting: Light poles shall be of the same color and design, and shall have cut-off fixtures, which direct light away from the nearby residential area. Light poles must be limited to a maximum height of 14 feet. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings, as determined by the Director of Planning, is not permitted.
 5. Drainage: At the time of platting, a drainage plan will be submitted to the City for review and approval. The drainage plan will require the site to be graded to drain to Webb Road.
 6. Screening: Screening of all dumpsters, outside storage, and utilities, such as AC units, will be constructed of material to match and preferably be connected to the buildings they support. No dumpsters, outside storage and utilities, such as AC units, will be visible by the residents adjoining the property and this screening will not rely solely on trees within the buffer strip to block the view.
 7. Lot 1, Harrison Park 3rd Addition shall be limited to a maximum building coverage of 20% or 40,000 square feet.
 8. No buildings shall exceed one (1) story in height with a maximum height of 25 feet.
 9. Fencing: If the existing wood fence on the adjoining residential properties to the south and east of the application area is not properly maintained, the owner(s) of the commercial area shall be responsible for the replacement of the fence on their own property.
 10. On-Site Traffic Circulation: No traffic shall be permitted to circulate around the rear of the buildings adjacent to the residential properties to the south and east of the application area.
 11. Permitted uses: The following uses shall not be permitted on Lot 2, Harrison Park 3rd Addition: duplex, multi-family, manufactured/mobile home, group residence (limited or general), cemetery, college or university, day

care (limited or general), golf course, group home (limited, general or commercial), correctional placement residence (limited or general), hospital, parks and recreation, recycling collection station (private or commercial), reverse vending machine, school (elementary, middle and high); utility (minor), construction sales and service, hotel or motel, marine facility (recreation), night club, parking area (commercial), recreation, entertainment (indoor), service station, tavern and drinking establishment, asphalt and concrete plant (limited), agricultural research, and agricultural sales and service.

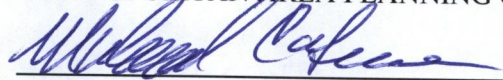
Car Wash (subject to Sec. III-D.6.f of the Zoning Code for Wichita-Sedgwick County regulations) shall be permitted on Lot 2, and the north 48.02 feet of Lot 1, Harrison Park 3rd

The following uses shall be permitted on Lot 1, Harrison Park 3rd Addition: all uses as permitted in the "NR" Neighborhood Retail zoning district with the addition of vocational school and excluding duplex, multi-family, group residence limited, day care (limited or general), group home (limited or general), correctional placement residence (limited or general), parks and recreation, school (elementary, middle and high); utility (minor), parking area (commercial), and asphalt and concrete plant (limited).

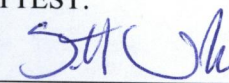
12. The Administrative Adjustment provision of the Wichita-Sedgwick County Unified Zoning Code, Section V-E 14 shall apply to the Protective Overlay.

Adopted this 1st Day of April 2021.

METROPOLITAN AREA PLANNING COMMISSION


Michael C. Greene, Chair MAPC

ATTEST:


Scott Wadle, Secretary

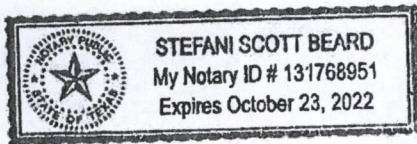


Victoria Rodela, being duly sworn, deposes and says: That he/she is the Principal Clerk of Wichita Eagle a daily newspaper printed and published in Sedgwick County, State of KS, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of six months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in Wichita Eagle, as amended, for:

PUBLISHED ON: 2-25-21/4878198

In Testimony Whereof I have hereunto set my hand and affixed my seal, the day and year aforesaid.

Notary: Stefani Beard
My commission expires 10/23/22



LEGAL PUBLICATION

OCA 150004
PUBLISHED IN THE WICHITA EAGLE
ON FEBRUARY 25, 2021 (4878198)
(One Time Only)
MAPC/BZA March 18, 2021
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, March 18, 2021 no earlier than 1:30 p.m.**, the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Century II - Room 1018 - 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2021-0006 City Conditional Use for a 125-foot tall wireless communication facility on property zoned SF-5 Single-Family Residential, located one-quarter mile west of South Seneca Street, 2300 feet North of West 31st Street South (1511 West 27th Street South)

CON2021-0007 City Conditional Use to amend PO #3 and to permit a retail car wash within 200 feet of residential zoning on LC Limited Commercial zoned lot; generally located one-half mile south of Kellogg/US Hwy 54 on the east side of South Webb Road.

ZON2021-0008 City Zone Change from Single-Family Residential (SF-5) to Limited Industrial (LI) to build a warehouse. Generally located within 1000 feet east of South Eisenhower Airport Parkway and within 700 feet north of West Harry Street (1515 S Yucca Pl).

ZON2021-0009 City Zone Change from Multi-Family Residential (M) and General Commercial (GC) to Limited Industrial. Generally located within 500 feet north of East Lincoln Street and within 1200 feet east of South Broadway Avenue (624 E Morris St).

ZON2021-0007 City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential to allow construction of a duplex; generally located 1,200 feet south of West Central Avenue and 500 feet west of I-235 at the northeast corner of N. Eisenhower and W. St. Louis (5820 W. St. Louis)

ZON2021-0008 City zone change request from B Multi-Family Residential, TF-3 Two-Family Residential, and SF-5 Single Family Residential to CBD Central Business District with Protective Overlay; generally located west of North Seneca Street and south of North McLean Boulevard (560 North Exposition).

VAC2021-0007 City Vacation of platter's text to allow a portion of Reserve E to be transferred to an adjacent property without Reserve E's restrictions; generally located south of East 21st Street and west of North Greenwich Road (northeast of property addressed 1802 East Glenside Circle).

VAC2021-0008 City Vacation of access control on South Webb Road to allow egress onto South Webb Road for a retail car wash on LC Limited Commercial zoned lot within 200 feet of residential zoning; generally located one-half mile south of Kellogg/US Hwy 54 on the east side of South Webb Road.

VAC2021-0009 City Vacation of part of a building setback on property zoned LC Limited Commercial; generally located on northeast corner of South Webb Road and East Harry Street (1544 South Webb).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time
You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	BPagan@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: Scott Wade 271 W. 3rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.587.764

Participate Remotely
Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/651544141>
You can also dial in using your phone.
United States: +1 (571) 317-2112
Access Code: 651-544-141
Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141
Or dial directly: 651544141@67.217.95.2 or 67.217.95.2#651544141
New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/651544141>

Attend a Virtual Connection Site In-Person
You may also participate in the hearing by going to meeting room 1018 at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on February 22, 2021
Scott Wade, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

1. PRIOR TO BEGINNING ANY WORK ON THE SITE, THE CONTRACTOR SHALL CONTACT THE OFFICE OF THE OWNER AND THE ARCHITECT/LANDSCAPE ARCHITECT FOR ANY SPECIFIC INSTRUCTIONS RELEVANT TO THE SEQUENCING OF WORK.
2. LANDSCAPE CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS AND SERVICE NECESSARY TO FURNISH AND INSTALL PLANTINGS AS SPECIFIED HEREIN AND AS SHOWN ON THESE PLANS.

3. NO MATERIAL SUBSTITUTIONS SHALL BE MADE WITHOUT THE OWNER'S APPROVAL. ALTERNATE MATERIALS OF SIMILAR SIZE AND CHARACTER MAY BE CONSIDERED IF SPECIFIED PLANT MATERIALS CANNOT BE OBTAINED. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REVISE PLANT LIST AS DEMAND NECESSARILY WARRANTS.
4. ALL PLANT LOCATIONS ARE APPROXIMATE, ADJUST AS NECESSARY TO AVOID CONFLICTS.
5. QUANTITIES OF MATERIALS SHOWN ON THE PLANTING PLAN TAKE PRECEDENCE OVER QUANTITIES SHOWN ON THE PLANT MATERIAL SCHEDULE. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL QUANTITIES ON THE PLANTING PLAN.
6. CONTRACTOR SHALL LOCATE ALL UTILITIES BEFORE WORK. LOCATE EXACT UTILITY LOCATIONS BY CONTACTING THE LOCAL UTILITY LOCATOR SERVICE. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE HE MAY CAUSE TO UTILITIES.
7. GENERAL CONTRACTOR SHALL PROVIDE 4" OF TOPSOIL AT ALL 500 AND PLANTING AREAS. GRADE SHALL BE ADJUSTED FOR 500 THICKNESS. ALL FINISH GRADING SHALL BE PERFORMED BY THE LANDSCAPE CONTRACTOR.
8. 500/SEED TYPE SHALL BE LOCALLY AVAILABLE TALL FESCUE BLEND OR OTHER TURF GRASS RECOMMENDED FOR THE SPECIFIC AREA.
9. BACKFILL FOR PLANT EXCAVATIONS TO BE CLEAN NATURAL SOIL, EXCAVATED FROM PLANTING PITS MIXED WITH COMPOST AND WELL-ROTTED MANURE AT A RATIO OF THREE (3) PARTS SOIL TO ONE (1) PART COMPOST AND WELL-ROTTED MANURE.
10. FERTILIZE ALL PLANTS WITH 6-10-4 COMMERCIAL FERTILIZER AS DIRECTED BY INSTRUCTIONS ON FERTILIZER.
11. AFTER PLANTING IS COMPLETED, REPAIR INJURIES TO ALL PLANTS AS REQUIRED. LIMIT AMOUNT OF PRUNING TO A MINIMUM NECESSARY TO REMOVE DEAD OR INJURED TWIGS AND BRANCHES. PRUNE IN SUCH A MANNER AS NOT TO CHANGE NATURAL HABIT OR SHAPE OF PLANT. MAKE CUTS FLUSH, LEAVING NO STUBS.
12. INSTALL 3"-4" SHREDDED HARDWOOD MULCH IN ALL TREE SAUCERS.
13. PLANTING BEDS RECEIVING MULCH ARE TO BE FREE OF WEEDS AND GRASS. TREAT BEDS WITH A PRE-EMERGENT HERBICIDE PRIOR TO MULCH PLACEMENT. APPLY IN ACCORDANCE WITH STANDARD TRADE PRACTICE.
14. THE CONTRACTOR SHALL PROVIDE ALL WATER, WATERING DEVICES AND LABOR NEEDED TO IRRIGATE PLANT MATERIALS UNTIL ACCEPTANCE OF THE PROJECT'S PLANT MATERIALS. THE CONTRACTOR SHALL SUPPLY ENOUGH WATER TO MAINTAIN THE PLANT'S HEALTHY CONDITION.
15. RE-ESTABLISH TURF IN AREAS DISTURBED BY GRADING OR UTILITY TRENCHING IN THE R.O.W.
16. REESTABLISH TURF IN ALL AREAS DISTURBED BY THE CONSTRUCTION PROCESS AND WITHIN THE LIMITS OF DISTURBANCE BY SEED, 500 OR PLANNED PLANTING AREAS, AS NOTED ON PLAN.
17. REPORT ANY DISCREPANCIES IN THE PLANTING PLAN TO THE OWNER'S REPRESENTATIVE PRIOR TO STARTING CONSTRUCTION.

0335/005

LANDSCAPED STREET YARD REQUIRED. **PARKING LOT SCREENING AND LANDSCAPING**

Landscaped Street Yard Required. None required

206 LF Webb Rd Parking Lot Trees Required

0 (per ft. section) none required

2,060 LF **BUFFERS**

1.3 Trees (per 20') None required

3,090 total landscaped street yard req'd

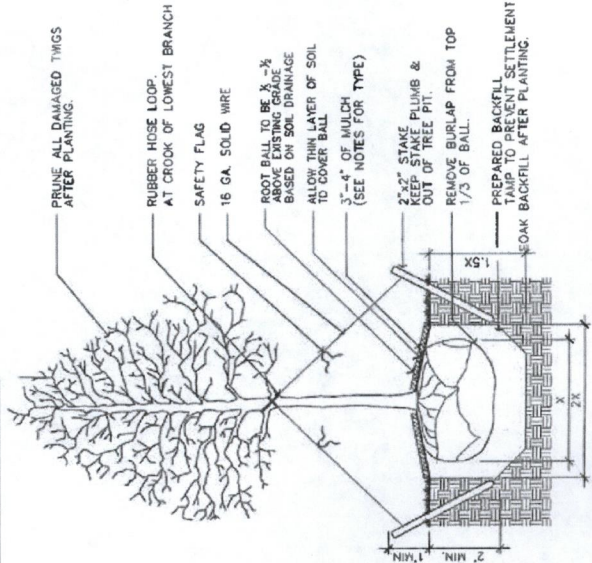
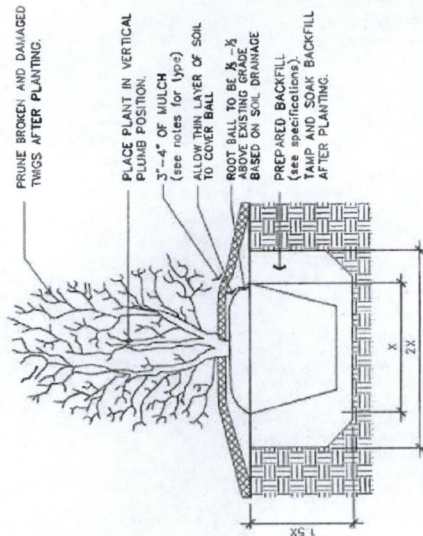
Landscaped Street Yard Provided: 13,302 Total LF. R. Graded

Street Yard Trees Required: 2,060 ÷ 500 = 4 trees x 1.5 (per 20') = 6 trees req'd

Street Yard Trees Provided: 4 trees x 20' widths = 6 trees provided

NO SCALE

IN FINE AREAS

[illegible]

LANDSCAPE PLANTING PLAN

RECEIVED
JUN 12 1963
12/30/21
10
S/N 165

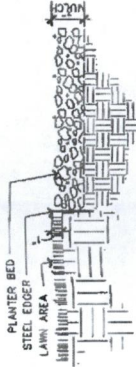
TAG	QTY.	COMMON NAME	BOTANICAL NAME	SIZE/REMARKS
		SHADE TREES		
RQ	4	Red Oak	<i>Quercus rubra</i>	2-1/2" CAL.
		EVERGREEN SHRUBS		
KE-J	20	Kelley Prizer Juniper	<i>Juniperus chinensis</i> "Kelley's Compact"	3 Gal

UTILITIES SHOWN REPRESENT THE BEST INFORMATION AVAILABLE FOR DESIGN. ADDITIONAL UTILITIES MAY BE PRESENT ON THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION, DEPTH, AND SIZE OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE LIABLE FOR ANY DAMAGE CAUSED BY THE FAILURE TO DO SO.

DATE
June 21, 2021
June 28, 2021

**TERI
ANDREAS
FARHA**
6212 Peach Tree Lane
Wichita, KS
67218
PH. 620-262-7268

NO SCALE



Wichita, KS

**TERI
ANDREAS
FARHA**
6212 Peach Tree Lane
Wichita, KS
67218
PH. 620-262-7268

DATE
June 21, 2021
June 28, 2021

LS1.0