

CONDITIONAL USE RESOLUTION NO. CU-504

WHEREAS, Larry K Wimp, 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 for a car wash on .98 acres zoned "LC" Limited Commercial described as:

Lot 15 Except the West 78 Feet of the south 210 feet and except the north 156 feet and except CC 78C 2366 for street, McComas acres addition, Wichita, Sedgwick County, Kansas. Generally located North of Maple and east of Anna.

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 January 14, 1999, 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 for a car wash on .98 acres zoned "LC" Limited Commercial described as

Lot 15 Except the West 78 Feet of the south 210 feet and except the north 156 feet and except CC 78C 2366 for street, McComas acres addition, Wichita, Sedgwick County, Kansas. Generally located North of Maple and east of Anna.

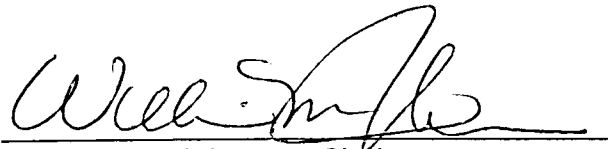
subject to the following conditions:

1. The site shall be developed and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code.
2. The applicant shall submit a landscape plan for approval by the Planning Director, prior to the issuance of a building permit, which includes a 6 foot solid fence and buffer trees along the north line.
3. The car wash facility shall be constructed substantially in compliance with the site plan as approved by the Planning Commission and attached as exhibit to this resolution, except that the westernmost exit to Maple Street, shall not be opened, and all improvements, including all landscaping and screening as required by City Code or this Conditional Use, shall be completed before the facility becomes operational.

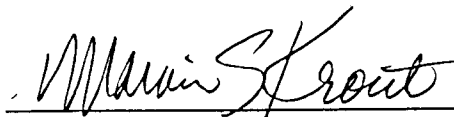
4. Outdoor lighting sources shall employ cut-off luminaries and shall be mounted at a height not exceeding one-half the distance from the neighboring lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded from the neighboring lot such that light trespass and glare are minimized.
5. Any violation of previously mentioned conditions shall declare the Conditional Use null and void.

Adopted this 14th day of January, 1999. 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


William M. Johnson, Chairman

ATTEST:


Marvin S. Krout, Secretary



AGENDA ITEM NO. 11

STAFF REPORT

CPO (4) January 14, 1999

MAPC January 14, 1999

CASE NUMBER: CU-504

APPLICANT/AGENT: Larry K. Wimp (Owner); Gene Razook (Agent) and Don Folger Jr. (Agent)

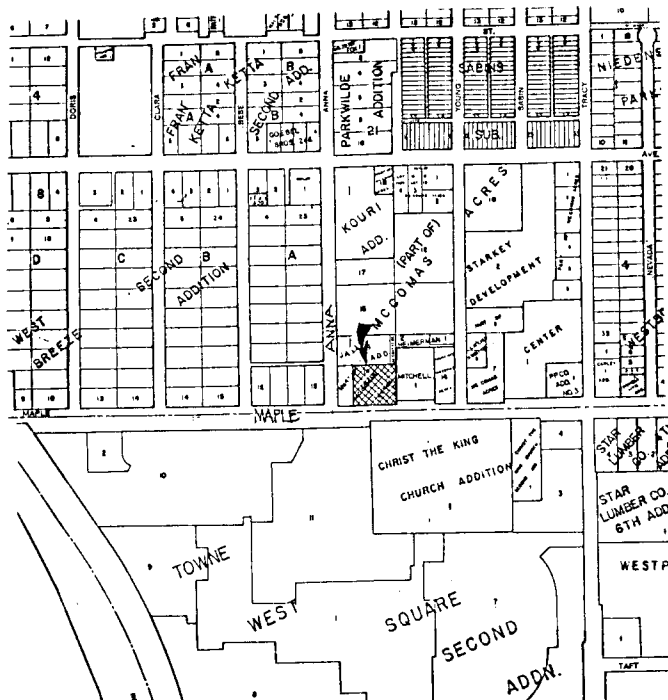
REQUEST: Conditional Use to allow for a car wash

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: .98 acre

LOCATION: North of Maple and east of Anna

PROPOSED USE: Car Wash



BACKGROUND: The applicant is requesting a Conditional Use to allow for a car wash on .98 acre of platted property located north of Maple and east of Anna. The Unified Zoning Code requires car washes to obtain a Conditional Use when located within 200 feet of residentially zoned property.

The applicant has submitted a site plan which shows an 8 bay car wash, with a possibility of one being an automatic car wash without a blower, located approximately 92 feet north of Maple. There will be four vacuum cleaners located south of the car wash, and 16 drying stalls will be located along the north line of the application area. The car wash will be constructed of split face block and will have a hipped roof. The site plan shows a thirty foot entrance approximately mid point of the application area and two exits are located at the east and west ends of this property. The Traffic Engineer and Planning staff are recommending the closure of the western most drive to allow for separation between drives and ease of traffic movement in this vicinity.

There is a lot to the north of the application area, not owned by the applicant, which is zoned "LC" and "SF-6." The southern 20 to 30 feet of this lot is zoned "LC" Limited Commercial. The "SF-6" zoned portion of the lot has a single family home located on it. Due to there being a 20 foot wide strip of land to the north of the application area being zoned "LC," the Landscape Ordinance and screening requirement of the Unified Zoning Code would not be triggered. However, due to the lot to the north being split zoned, but with little potential for commercial use, and having a single-family home located on it, staff is recommending that the applicant meet all the landscaping and screening requirements as if the entire lot to the north were zoned "SF-6." This would require buffer trees along the north property line, which will take more than a 2 foot planting strip, and also a screening fence. The applicant will also be required to provide street yard landscaping along Maple.

There are commercial developments located to the south, east and west on property zoned "LC." A single-family home is located to the north on property zoned "LC" and "SF-6."

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" and "SF-6"	Single-family home
SOUTH:	"LC"	Town West
EAST:	"LC"	Commercial Development
WEST:	"LC"	Fuel Outlet

PUBLIC SERVICES: This site has access to Maple, a four lane arterial. Maple has current traffic volumes of 22,489. The 2020 Transportation Plan estimates these

volumes will increase to 24,653. The 1998 City CIP does not project any improvements to Maple Street in this area. There are municipal services to serve this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for commercial uses. Although the Comprehensive Plan does not have guidelines specific to car wash operations, the plan's "Commercial Locational Guidelines" recommend the following:

1. Commercial sites should be located adjacent to arterials or major thoroughfares and should not feed directly onto local residential streets.
2. Commercial uses be located in "planned centers" with site design features which limit noise, lighting, and other activities so as to not adversely impact surrounding residential areas
3. Low-density residential uses should be separated from adverse surrounding land use types such as ... commercial areas. Appropriate buffering includes open space, bodies of water, abrupt changes in topography, and a combination of landscaping and walls.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year and the following conditions:

1. The site shall be developed and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code.
2. The applicant shall submit a landscape plan for approval by the Planning Director, prior to the issuance of a building permit, which includes a 6 foot solid fence and buffer trees along the north line.
3. The car wash facility shall be constructed substantially in compliance with the site plan as approved by the Planning Commission, with the removal of the western most exit to Maple Street, and all improvements, including all landscaping and screening as required by City Code or this Conditional Use, shall be completed before the facility becomes operational.
4. Outdoor lighting sources shall employ cut-off luminaries and shall be mounted at a height not exceeding one-half the distance from the neighboring lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded from the neighboring lot such that light trespass and glare are minimized.

5. Any violation of previously mentioned conditions shall declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property around the application area on three sides is zoned "LC" and is developed with commercial properties. There is one single-family home to the north of the application area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned "LC" but is developed with a single-family home. It seems inappropriate for this lot to be used as a residence due to the noise and traffic associated with the commercial developments which are on three side of this property.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The commercial properties located to the south, east and west should not be detrimentally impacted by this development. The single-family home to the north should not be significantly affected by this development since the car wash bays will be located approximately 65 feet south of the property line and the required screening and landscaping along the north property line.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: This area is identified by the Land Use Guide of the Comprehensive Plan as appropriate for commercial uses.
5. Impact of the proposed development on community facilities: Development of this site should have limited impact on the community facilities. If this site was developed with a retail shopping center the number of trips generated by this use would be considerably more than if developed with a car wash.