RESOLUTION No. 01-321

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO ALLOW A CONVENIENCE STORE WITH AN AUTOMATIC CAR WASH WITHIN 200 FEET OF A RESIDENTIAL ZONING DISTRICT, ON 1.4 ACRES ZONED "LC" LIMITED COMMERCIAL, LOCATED ON THE NORTHWEST CORNER OF 37TH STREET NORTH AND MERIDIAN IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to allow a convenience store with an automatic car wash on 1.4 acres zoned "LC" Limited Commercial legally described below:

Case No. CON2001-00032

A Conditional Use Permit to allow a car wash within 200 feet of a residential zoning district, on 1.4 acres zoned "LC" Limited Commercial described as:

> That part of Lot 1, Block 1, Cherokee Sunrise West, an Addition to Wichita, Sedgwick County, Kansas described as follows: Beginning at the Southeast corner of said Lot 1; thence North 00 degrees 10'38" East along the East line of said Lot 1, 45.00 feet to a deflection corner in said East line; thence North 36 degrees 01'38" East as platted, (North 35 degrees 54'31" East as calculated), along the East line of said Lot 1, 54.51 feet as platted (54.43 feet as calculated), to a deflection corner in said East line; thence North 03 degrees 56'31" West along the East line of said Lot 1, 220.00 feet; thence North 90 degrees 00'00" West, 200.15 feet to a point 100.00 feet normally distant East of the East right-of-way line of Meridian Circle as dedicated in said Cherokee Sunrise West, as extended North; thence South 00 degrees 00'00" West parallel with said extended East right-of-way line, 308.00 feet to a point on the South line of said Lot 1; thence South 89 degrees 49'22" East along the South line of said Lot 1, 183.21 feet to the point of beginning. Located on the northwest corner of 37th Street North and Meridian.

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 site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.

C. Any violation of the conditions of approval shall declare the Conditional Use null and void.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITYOF WICHITA, KANSAS, this date JUL 17 2001

Bob Knight, Mayor

ATTEST:

Pat Burnett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

CON2001-00032

SITE PLAN

APPROVED 7-17-01 BY

0 40 80

OWNER:

WORD OF LIFE MINISTRIES, INC.
ATTN. ROBERT RATOLLA
3811. MERIDIAN
WICHITA, KANSAS 67217

CONTRACT PURCHASER:

KWIK SHOP
ATTN. ED SOPER
P.O. BOX 1927
HUTCHINSON, KANSAS 67504

LEGAL DESCRIPTION:

That part of Lot 1, Block 1, Cherokee Sunrise West, an Addition to Wichita, Sedgwick County, Kansas described as follows: Beginning at the SE corner of said Lot 1; thence N00°10'38"E along the east line of said Lot 1, 45.00 feet to a deflection corner in said east line; thence N36°01'38"E as platted, (N35°54'31"E as calculated), along the east line of said Lot 1, 54.51 feet as platted (54.43 feet as calculated), to a deflection corner in said east line; thence N03°56'31"W along the east line of said Lot 1, 220.00 feet; thence N90°00'00"W, 200.15 feet to a point 100.00 feet normally distant east of the east right-of-way line of Meridian Circle as dedicated in said Cherokee Sunrise West, as extended north; thence S00°00'00"W parallel with said extended east right-of-way line, 308.00 feet to a point on the south line of said Lot 1; thence S89°49'22"E along the south line of said Lot 1, 183.21 feet to the point of beginning.

SITE INFORMATION:

Total Site Area:	Site Area: 1.44± acres 62,570± Sq. Ft.
Building Size:	3,440 Sq. Ft.
Parking stalls shown:	21 Stalls with 1 Handicap

KWIKSHOP – 37TH ST. N. & MERIDIAN
CONCEPTUAL SITE PLAN

Revised June 14, 2001
May 14, 2001

BAUGHMAN COMPANY P. A.

WICHITA–SEDGWICK COUNTY
W.SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 12A 12B

STAFF REPORT

DAB VI June 20, 2001
MAPC June 21, 2001

CASE NUMBER: ZON2001-00028 associated with CON2001-00032

APPLICANT/AGENT: Word of Life Ministries c/o Rob Rotola (Owner); Kwik Shop c/o Ed Soper (Contract Purchaser/Applicant); Baughman Company PA c/o Terry Smythe and Classic Real Estate c/o Dick Elliott (Agents)

REQUEST: "LC" Limited Commercial and a Conditional Use to allow a car wash within 200 feet of a residential zoning district

CURRENT ZONING: "MF-18" Multi-Family Residential

SITE SIZE: 1.4 acres

LOCATION: Northwest corner of 37th Street North and Meridian

PROPOSED USE: Convenience store with an automatic car wash

BACKGROUND: The applicant is requesting a zone change to "LC" Limited Commercial and a Conditional Use to allow a car wash to be located within 200 feet of a residential zoning district. The application area is a 1.4 acre platted tract located at the northwest corner of 37th Street North and Meridian. The site is currently zoned "MF-18" Multi-Family Residential and is vacant.

The character of the surrounding area is mixed, with the K-96/I-235 interchange the predominate feature of the area. Institutional uses are to the north, west, and southeast. Undeveloped commercial property is to the south, and residential uses are to the east and southwest. The current owner (Word of Life Ministries) of the subject property also owns the property to the north and west of the site of the proposed convenience store and car wash to be constructed by the contract purchaser (Kwik Shop). The property north and west of the site is zoned "MF-18" Multi-Family Residential and "LC" Limited Commercial and is developed with church and school buildings. The property to the southeast is zoned "SF-5" Single-Family Residential and is developed with a law enforcement training center. The property south of the site is zoned "LC" Limited Commercial and is undeveloped. The nearest properties developed with residential uses are located approximately 150 feet to the southwest and 175 feet to the east and are zoned "SF-5" Single-Family Residential. The properties developed with residential uses are separated from the subject property by arterial streets.

The attached site plan shows a 3,440 square foot convenience store with 5 gasoline islands and an automatic car wash with dryer. The site plan shows a landscaped buffer along with a screening fence on the north and west property lines and a landscaped street yard along the south and east property lines. The site plan shows the car wash located in the northeast corner of the site with the dryer facing to the east where properties developed with residential uses are located. Therefore, planning staff recommends that approval of the Conditional Use be subject to approval of a final site plan by the Planning Director that relocates the car wash further from properties developed with residential uses and reorients the car wash and convience store such that the dryer faces to the north toward the freeway interchange. alternative site plans

CASE HISTORY: The site is platted as part of the Cherokee Sunrise West Addition, which was recorded April 16, 1982. The zoning of the site was changed (Z-2369) from "AA" One-Family to "R-5" General Residence (now "MF-18" Multi-Family) on April 27, 1982. A request for "C" Commercial zoning (Z-2589) along with a Community Unit Plan (DP-137) was denied on May 15, 1984. A variance (BZA 19-99) was granted August 24, 1999 to permit a 96 square foot sign for the church and school that owns the subject property.

ADJACENT ZONING AND LAND USE:

NORTH:	"MF-18"	School
SOUTH:	"LC"	Undeveloped
EAST:	"SF-5"	Single-Family
WEST:	"LC"	Church

PUBLIC SERVICES: The site has frontage to Meridian, a five-lane arterial; however, complete access control has been platted along the Meridian frontage. The site also has access to 37th Street North, a two-lane arterial the ends ½ block to the west of the site. The Traffic Engineer has indicated agreement with the two access drives proposed for 37th Street North. Along the site's frontage, 37th Street North currently carries approximately 1,500 vehicles per day. The 2030 Transportation Plan does not estimate the traffic volume for 37th Street North west of Meridian. East of Meridian, 37th Street North currently carries approximately 5,000 vehicles per day and is projected by the 2030 Transportation Plan to increase to 10,000 vehicles per day. Meridian currently carries approximately 10,000 vehicles per day and is projected by the 2030 Transportation Plan to increase to 18,000 vehicles per day. The 2030 Transportation Plan assumed the subject property would develop with commercial uses in calculating these projected traffic increases. Municipal water and sewer services are currently provided to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Commercial" uses. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

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, that relocates the car wash + convenience store further from properties developed with residential uses and reorients the car wash such that the dryer faces to the north toward the freeway interchange.

C. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.

D. Any violation of the conditions of approval 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 character of the surrounding area is mixed, with the K-96/I-235 interchange the predominate feature of the area. Institutional uses are to the north, west, and southeast. Undeveloped commercial property is to the south, and residential uses are to the east and southwest. The area currently has "LC" Limited Commercial zoning both south and west of the subject property. The nearest properties developed with residential uses are located approximately 150 feet to the southwest and 175 feet to the east.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "MF-18" Multi-Family Residential, which accommodates moderate density, multi-family residential development. Given the site's location at an arterial intersection and its limited size, it is unlikely that the site will develop with a multi-family residential use.

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 arterial streets, which should further limit detrimental affects on nearby properties.

4. The length of time the subject property has remained vacant as zoned: The subject property has remained vacant as zoned for almost 20 years.

5. 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 "Commercial" uses. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials. This site has frontage along Meridian and 37th Street North, which are both arterial streets. The Commercial Locational Guidelines also recommend that commercial sites should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The various setbacks, screening, and landscaping requirements should minimize any adverse impacts on surrounding residential areas.

6. Impact of the proposed development on community facilities: The arterial streets in the area currently have the number of lanes recommended by the 2030 Transportation Plan, which assumed the site would be developed with

commercial uses when calculating future projections of traffic volume. Other community facilities should not be adversely impacted.