



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

September 16, 2002

Ten Main Co., LC
Applicant
P O Box 1176
Independence, KS 67301

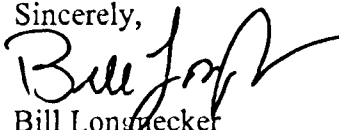
RE: CON2002-34 – Conditional Use to permit a car wash on property zoned “LC” Limited Commercial. Generally located on the southeast corner of 21st Street North and West Street.

Dear Ladies and Gentlemen:

At its regular meeting on September 10, 2002, the Wichita City Council considered the above-captioned request. The action of the City Council was to DENY the request.

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

Sincerely,


Bill Longacker
Senior Planner

WL/rs

CC: Property Owners
Shilbi Mukherjee, Management Intern, Mail Stop 1-135
Terri Dozal, D.A.B. VI, Mail Stop 1-135
Sharon Fearey, City Council, District IV, Mail Stop 1-13

STAFF REPORT

DAB VI July 17, 2002

MAPC July 25, 2002

CASE NUMBER: CON2002-00034

APPLICANT/OWNER: Ten Main Co. c/o (Owner)
Zach Wood (Contract Purchaser)

AGENT: Austin Miller c/o Kim Edgington

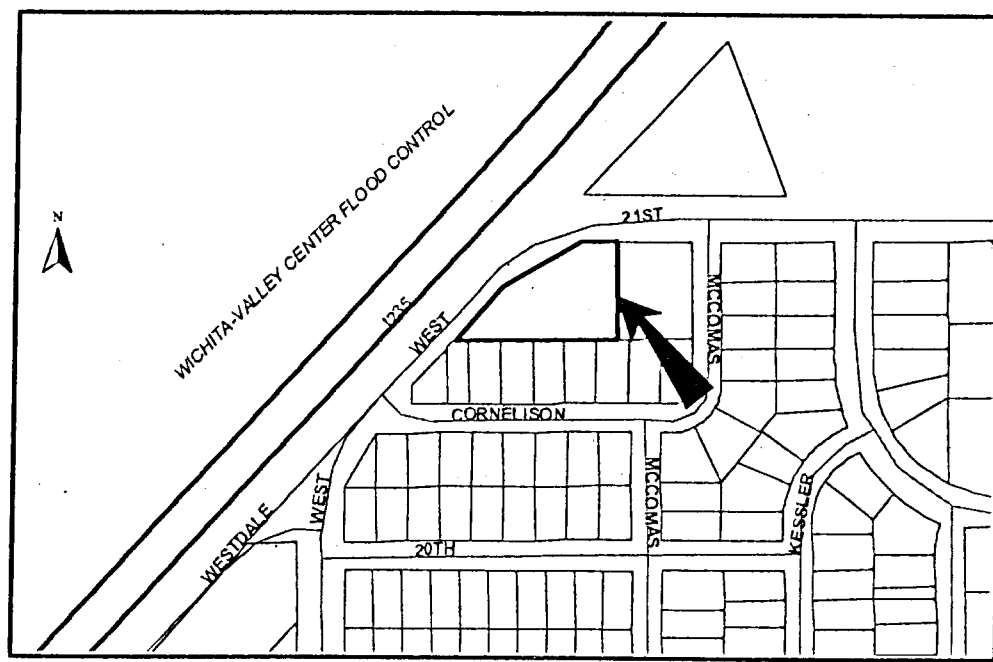
REQUEST: Conditional Use to allow a car wash is the "LC" Limited Commercial zoning district

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 0.95 acres

LOCATION: Southeast corner of 21st Street North & West Street.

PROPOSED USE: Car wash



BACKGROUND: The applicant is requesting a Conditional Use to allow a car wash to be located in the "LC" Limited Commercial zoning district. The application area is the western half of Lot 11 Block 1, Sunset Heights 5th Addition, and is approximately 0.95 acres of the total 1.79 acres. The site is located on the southeast corner of 21st Street North and West Street. The eastern half of the lot is developed as a convenience store and the western half (the proposed site) is undeveloped.

I-235, the Wichita - Valley Center Flood Control easement (the Flood Control easement) and the Big Arkansas River forms the peak of this triangular shaped area and is its northern boundary. These three features spread from this intersection and form barriers that prevent access into the area along its north and west sides. 21st Street North provides access from the east where it crosses the Big Arkansas River. Aside from this crossing, the river forms a barrier that prevents any other access from the east. On the northwest side of the site, 21st Street ends as it bends into West Street. From there West Street runs parallel to I-235 for a block before it separates from North Westdale Drive and goes south. Both West Street and North Westdale provide access into the area from the south.

The site has "SF-5" zoning on its north, east and south sides, with the exceptions being 4 lots zoned "TF-3", 7 lots zoned "B", a lot on 21st Street zoned "GO" and another lot between West Street and Westdale zoned "LC". The area north of the site, across 21st Street, is a small triangle shaped City Park. The area abutting on the south and the adjacent area east of the site are developed as single family residential. There is a platted 20-foot alley located between the site and the residences/lots south of it. This alley has been developed as an extension of each of the 8 residential lots south of the site, with fences on the rear yards of the lots joining the wooden fence on the south side of the site. There are utilities in this alley. Staff has found no record of this alley being vacated. West of the site is West Street and I-235, and the Flood Control Easement. The site is approximately 90-feet from I-235 with no access to it. The eastern half of the site that is developed as a convenience store has access onto 21st Street on the north and McComas Street on the east. There is no platted access control for the site.

The applicant's Site Plan depicts a 6-bay car wash with the open ends facing east to west. Parking and drying stalls are to be located along the eastern boundary of the site. Access to the site would have to be a joint access point shared with the convenience store located to the east. Vacuums are shown both east and west of the washing bays. Because of the triangular shape of the lot, queuing spaces are awkwardly located. In fact, there is not enough space for vehicles to properly queue up for three of the washer bays. The proposed queuing backs into the entrance of the site, interfering with circulation. The applicant was requested to submit a revised plan.

CASE HISTORY: The site is platted as Lot 11 Block 1, Sunset Heights 5th Addition, which was recorded February 2, 1956. A triangular portion of the northwest portion lot was condemned in Case A-77197 for I-235 and a smaller portion by Warranty Deed to the City, Book 1501, Page 50. Case No. BZA 11-71 was a request to waive the screening requirement along the south portion of Lot 11, which was denied.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5" Single Family Residential	City Park
SOUTH:	"SF-5" Single Family Residential	Single family
	"TF-3" Duplex	Single family
EAST:	"SF-5" Single Family Residential	Single Family
	"LC" Limited Commercial	Convenience Store
WEST:	Dedicated Public ROW	West Street, I-235

PUBLIC SERVICES: The site has frontage on both West Street & 21st Street North, both four-lane principal arterials. The 2030 Transportation Plan indicates no change for these streets. There are no ATD's at the West Street – 21st Street interchange. There are no traffic lights or stop signs at this interchange. Municipal water will have to be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the Wichita-Sedgwick County Comprehensive Plan identifies this property as being "commercial". The Unified Zoning Code requires a Conditional Use for a car wash when it is located in "LC" zoning or within 200 feet of residential zoning. The Unified Zoning Code lists 14 conditions that a car wash must comply with. Any modifications recommended by the MAPC to these conditions would require the request to be forwarded to the Wichita City Council for a final decision.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED. Based on the submitted Site Plan, the site's size, shape and location the proposed car wash does meet the conditions of the UZC. The car wash structure would be within 40-feet of the residential zoning/development to the south of the site. The 40-foot distance does not include the 20-foot alley that runs between the site and these residences. As stated in the conditions of the UZC (#4), an alley, street or intervening public way cannot be included in the 60-foot distance. The Site plan does not have the dimensional detail for approval of a circulation plan by the Traffic Engineer. The area to the south and east is overwhelming developed as single-family residential and the few non-residential developments in this area are all indoor based do not generate the outside activity that a car wash does. A car wash would be out of character with the current development in the area.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is predominately single family residential, with "SF-5" zoning on its north, south and east sides. The non-residential exceptions are the site itself, with its east half developed as a small convenience store, the "GO" zoned small office development east of the site on 21st Street and the "LC" zoned small strip center southwest of the site on West Street. The north side is developed as a small park with a trail that crosses 21st Street and follows the river south. The area west of the site is public ROW (West Street), I-235, to which there is no direct connection to area, and the Flood Easement.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "LC" Limited Commercial, which accommodates office, retail, commercial and complementary land use. Given the site's location on the two arterials and the residential character of the area, it could be developed for retail, office, commercial or complementary land uses that would be less intense than a car wash.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Because of the site's size, its shape and its proximity to the "SF-5" Single Family residential zoning and development, the detrimental affects of lighting, traffic, noise, hours of operation and other activities that typically accompany car washes would adversely impacting the surrounding residential areas.
4. 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. "Commercial" accommodates office, retail, commercial and complementary land use. A car wash would not be considered a 'complementary' land use and in fact is a more intensive use than most other uses permitted in the "LC" zoning district.
5. Impact of the proposed development on community facilities: Water would have to be extended to the site, and drainage from the facility would have to be approved by the City Engineer. Circulation and access of traffic onto the site would have to be approved by the City Engineer; the site plan as submittd is unacceptable.

If, however, the Planning Commission believes this is an appropriate use, staff recommends approval be 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 meets the requirements of Section III-D.6.f. of the Unified Zoning Code. The revised site plan will also include dimensional control and a landscaping plan, which would include trees planted every 15-foot between the existing wooden fence on the south side of the site and the 60-foot distance between the car wash structures and the residential zoning.
 - C. The materials and design of the facilities shall be residential in character in consideration of the residential zoning and development adjacent to it.
 - D. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
 - E. Provide a lot split between existing convenience store and proposed car lot to be recorded with the Register of Deeds.
 - F. Dedicate joint access between existing convenience store and proposed car lot, to be recorded with the Register of Deeds.
 - 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.