

ORDINANCE NO. 47-305

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 2006-22

Request for zone change from "SF-5" Single-family Residential District to "LC" Limited Commercial District, on property described as:

Lot 1, Block A, Quiktrip 10th Addition, Wichita, Sedgwick County, Kansas.

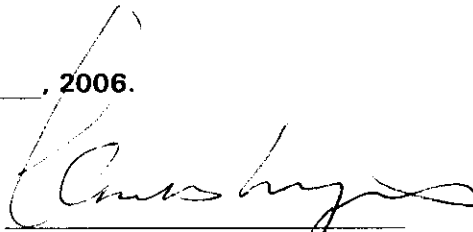
Generally located on the north side of Kellogg and east of Maize Road.

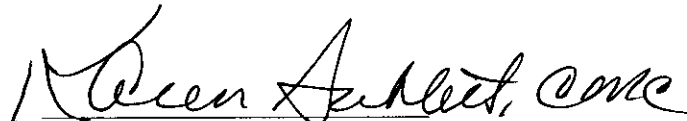
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

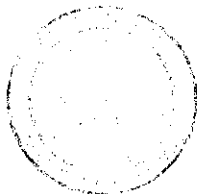
ADOPTED this 12th day of December, 2006.

ATTEST:



Carlos Mayans - Mayor


Karen Sublett, City Clerk

(SEAL)



Approved as to form:


Gary E. Rebenstorff, City Attorney

City of Wichita
City Council Meeting
June 20, 2006

Agenda Report No. 06-0672

TO: Mayor and City Council

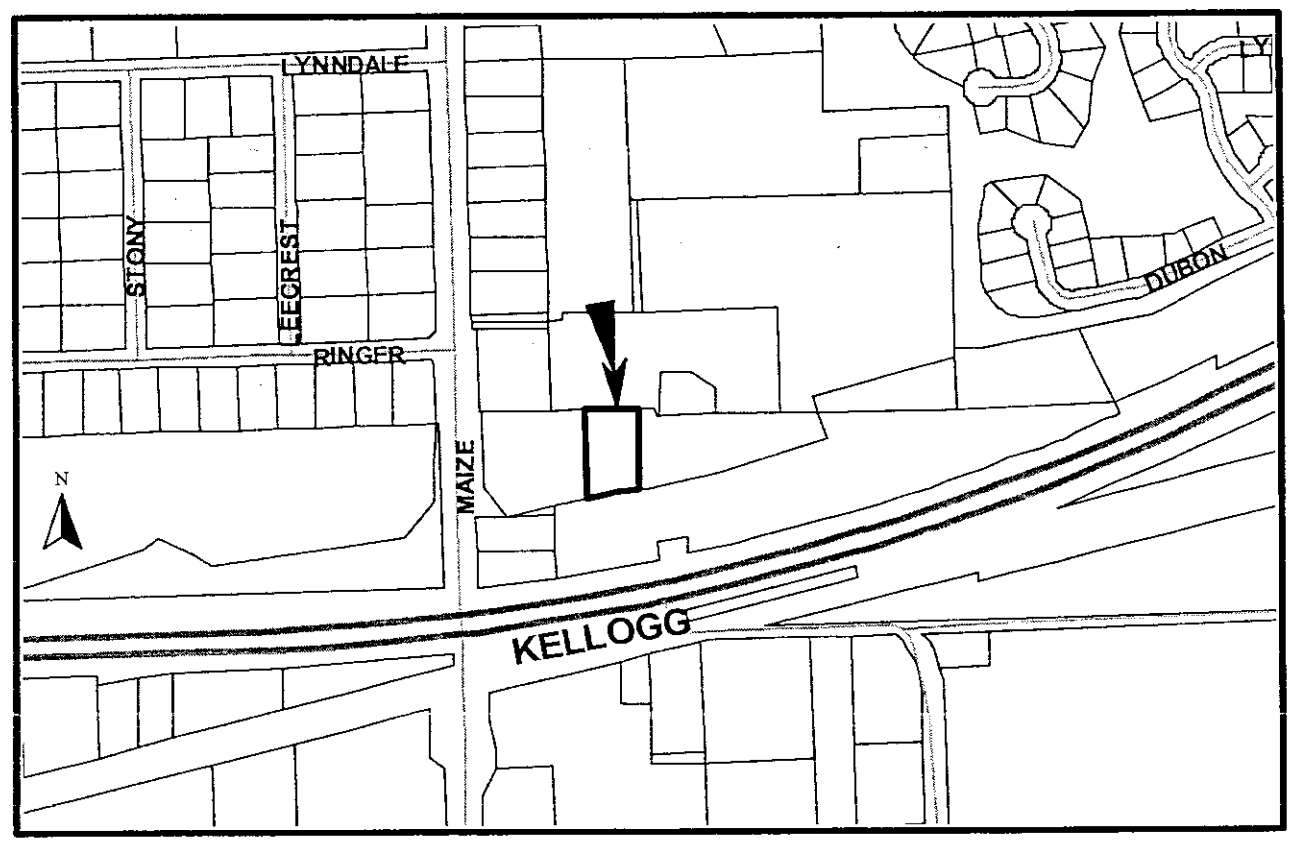
SUBJECT: ZON2006-22 and CON2006-20 Zone change from SF-5 Single-family Residential to LC Limited Commercial and a Conditional Use to allow a car wash within 200 feet of a residential zoning district. Generally located at the northeast corner of West Kellogg Drive and South Maize Road. (District V)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (consent)

MAPC Recommendation: Approve (12-0), subject to staff recommendations.

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



*No Resolution
See Recommendation
action*

Background: The applicant is requesting a zone change from SF- Single-family Residential to LC Limited Commercial and a conditional use to allow a car wash to be located within 200 feet of residential zoning in the LC Limited Commercial zoning district. The 0.81-acre site is located on the northeast corner of the intersection of Maize Road and Kellogg Drive. All but the north 43 feet of the site, which is zoned SF-5 Single-family Residential, is currently zoned LC Limited Commercial. The rezoning is applicable to the north 43 feet, while the conditional use would cover the entire tract. The entire subject parcel is currently vacant. Quik Trip Corporation, owner of the property immediately west of the subject property, is proposing the car wash as an ancillary use to their existing convenience store.

A mix of commercial and residential zoning and land uses exists on both sides of the Maize Road/Kellogg Drive intersection. The commercial zoning and uses are concentrated on the road frontages, while single-family residential zoning and uses exist northwest and northeast of this commercial node. The SF-5 zoning continues about 2,100 feet east of the site to Seville Avenue, where the highway frontage transitions back to commercial. Given the recent improvements to Kellogg Drive/US 54, it would be expected that the area east of the site would begin being developed with commercial uses consistent with the Functional Land Use Guide of the Comprehensive Plan. South of the site is the Kellogg Drive/US 54 right-of-way. A single-family residence zoned SF-5 abuts the site to the north.

Analysis: Due to timing issues, DAB V did not hear this case. The date of the DAB V hearing would have exceeded the fourteen-day protest period from the date MAPC heard the case.

At the MAPC hearing on May 18, 2006, the MAPC voted (12-0) to recommend approval of the zoning change and the Conditional Use, subject to platting within one year and subject to conditions recommended by staff. The conditions of approval recommended by the MAPC are:

- A. The site 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. All improvements shall be completed before the facility becomes operational.
- B. The site shall comply with all provisions of Section IV-C of the UZC, pertaining to compatibility standards.
- C. 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.
- D. 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 platting within one year and subject to the recommended conditions; instruct the Planning Department to forward the ordinance and resolution 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
Site Plan