12. This facility shall be constructed substantially in compliance with the site plan as approved for this exception, and all improvements shall be completed within one year following BZA approval of the use exception, or the resolution authorizing this accessory car wash shall become null and void.

13. This resolution may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
March 22, 1994

## SECRETARY'S REPORT

CASE NUMBER: BZA 2-94

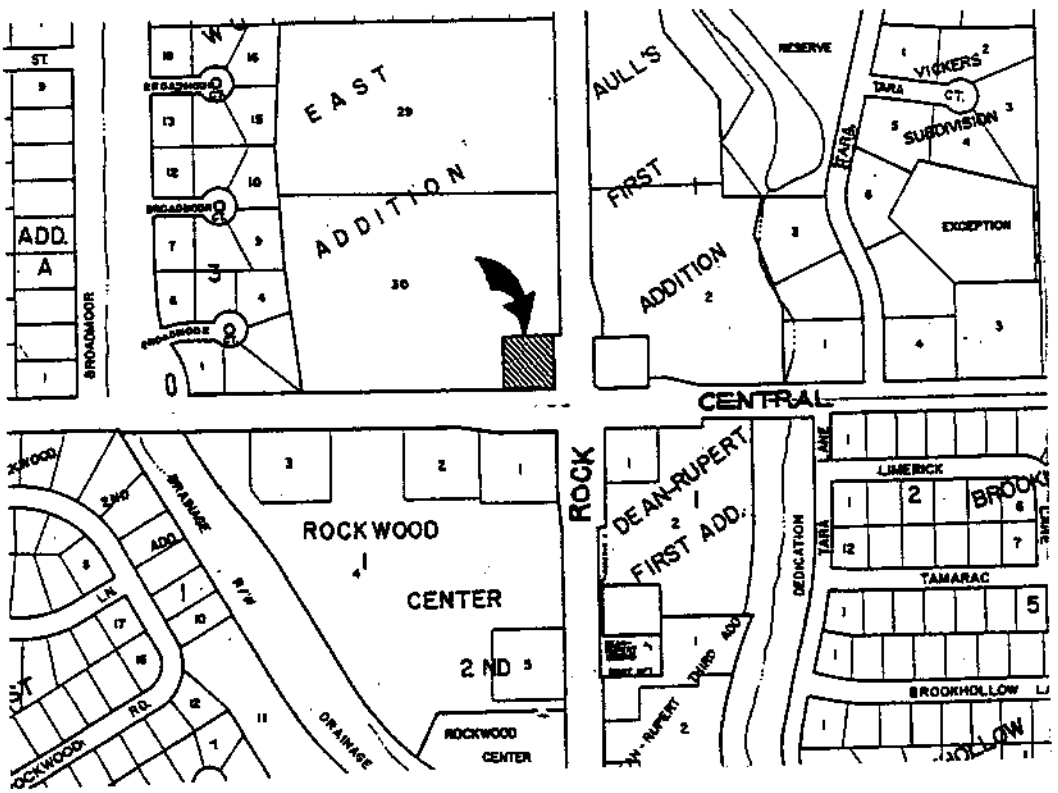
OWNER/APPLICANT: Walter Morris Investment Co. and Coastal Mart, Inc.
AGENT: James C. Mason, William A. Bell

REQUEST: Exception to permit an automatic car wash as an accessory use.

CURRENT ZONING: "LC" Light Commercial District.

SITE SIZE: .52 Acres

LOCATION: Northwest corner of Central and Rock Road.




**JURISDICTION:** The Board has jurisdiction to consider this request under the provisions outlined in Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception, provided the conditions set out in Section 28.04.183(4) can be complied with.

**BACKGROUND:** The applicants, Walter Morris Investment Co. and Coastal Mart, Inc., are requesting an exception to allow a car wash on their property which is zoned "LC" Light Commercial District. The property is 150' x 150' in size and is parcel 2 of the Morris Town Commercial C.U.P. (DP-5 Amendment 1). The property is located on the northwest corner of Central and Rock Road. A requirement of the C.U.P. is that if parcel 2 is to be developed with a service station/car wash it would require Board of Zoning Appeals approval. The site presently contains a Coastal Mart service station without a car wash. It is the desire of the applicants to replace the existing structure and pumps with a new C-Mart store and car wash and pumps.

A previous BZA exception was requested and granted (Case No. BZA 27-69) on November 25, 1969 by the Board of Zoning Appeals to permit an automatic car wash on this property. Because 15 feet was added to the west boundary of this parcel during the amendment to Morris Town Commercial C.U.P., it necessitates obtaining BZA approval to once again locate an automatic car wash on this site.

There presently exists a pole sign in the Rock Road R.O.W. Unless arrangements were made during the dedication of R.O.W. in 1990 the sign should be removed from R.O.W. or a minor street privilege obtained. At the present time there is 65 feet of street R.O.W. along Rock Road and 50 feet of street R.O.W. along Central adjacent to the site. The requirements relating to Morris Town Commercial C.U.P. (DP-5 Amendment 1) also required the closure of the south driveway on Rock Road to conform to access controls on the C.U.P.

The applicants have submitted a site plan that indicates the location of the car wash and C-Mart Store on the site. In order to comply with the parking space requirements it was necessary for the applicants to secure two off-site spaces which are adjacent to the property on the west side.

**ADJACENT ZONING AND LAND USE:**

| | | |
|---|---|---|
| NORTH: | "LC" | Bank |
| SOUTH: | "LC" | Food service |
| EAST: | "LC" | Service station |
| WEST: | "LC" | Shopping center |

**RECOMMENDATION:** Should the Board determine that a car wash is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. All of the area to be used for circulation, holding spaces, parking spaces and all ingress and egress drives shall be surfaced with asphalt, concrete or asphaltic concrete and be maintained in good condition.

2. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting shall be permitted.

3. Signs shall be limited to those permitted by the Morris Town Commercial C.U.P. and all signs shall be located in accordance with the sign code of the City of Wichita. No off site, portable, or moving or flashing signs are permitted. No string-type banners or pennants shall be permitted.

4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

5. Parking spaces shall be provided for the total facility as required by the zoning ordinance, based on sizes of the store and car wash. A store 30 feet by 80 feet will require a minimum of 10 spaces for employees and customers. The car wash facility will require three holding spaces per 20 lineal feet of car washing aisle plus two drying spaces.

6. Landscaping as required by Chapter 10.32 of the City Code shall be installed prior to this facility opening for business, unless weather prohibits, in which case a monetary guarantee shall be submitted to OCI. Once installed, the landscaping shall be maintained in good condition and replaced when necessary.

7. Grades and drains shall be established on the property satisfactory to the Superintendent of Sewer Maintenance to direct the wash water in the car wash to a mud trap and sanitary sewer, and to prevent the intrusion of stormwater runoff into the sanitary sewer. The car wash shall be roofed to prevent stormwater infiltration.

8. Grades and drains shall be established on the property satisfactory to the City Engineer to prevent the flow of excess water from washed cars exiting the car wash into the street.

9. The area shall be properly policed through daily inspection by the owner or operator to insure property maintenance and removal of trash or other debris.

10. The car wash shall not be operated without a dryer if the temperature is projected to drop below freezing within 12 hours.

11. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1686
(316) 268-4421

August 1, 1994

William A. Bell
Walter Morris Investment
128 S Dellrose
Wichita, KS 67218

**RE: BZA** 2-94 A request for an exception to permit an automatic car wash as an accessory use on property zoned "LC" Light Commercial District and generally located on the northwest corner of Central and Rock Road.

Dear Mr. Bell:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on March 22, 1994. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files now that an application for a minor street privilege, as required by condition twelve, has been submitted and denied by the City Engineer. The pole sign will therefore, have to be relocated within the property boundaries.

If you have any questions concerning this matter, please call our office.

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LO/prf

cc: James C. Mason, Coastal Mart, Inc. 110 S. Main, Suite 500, 67202
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

6. Landscaping as required by Chapter 10.32 of the City Code shall be installed prior to this facility opening for business, unless weather prohibits, in which case a monetary guarantee shall be submitted to OCI. Once installed, the landscaping shall be maintained in good condition and replaced when necessary.

7. Grades and drains shall be established on the property satisfactory to the Superintendent of Sewer Maintenance to direct the wash water in the car wash to a mud trap and sanitary sewer, and to prevent the intrusion of stormwater runoff into the sanitary sewer. The car wash shall be roofed to prevent stormwater infiltration.

8. Grades and drains shall be established on the property satisfactory to the City Engineer to prevent the flow of excess water from washed cars exiting the car wash into the street.

9. The area shall be properly policed through daily inspection by the owner or operator to insure proper maintenance and removal of trash or other debris.

10. The car wash shall not be operated without a dryer if the temperature is projected to drop below freezing within 12 hours.

11. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.

12. The applicant shall make an application for a minor street privilege within 90 days following approval of the use exception and prior to release of the resolution for the sign which is located in the street R.O.W.

13. This facility shall be constructed substantially in compliance with the site plan as approved for this exception, and all improvements shall be completed within one year following BZA approval of the use exception, or the resolution authorizing this accessory car wash shall become null and void.

14. This resolution may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 22nd day of March, 1994.

Susan Osborne-Howes, Vice-President

ATTEST:

Louise Olivarez, Secretary

## BZA RESOLUTION NO. 2-94

**WHEREAS**, Walter Morris Investment Co. and Coastal Mart, Inc., pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit an automatic car wash as an accessory use on property zoned the "LC" Light Commercial District and legally described as follows:

> The south 150 feet of the east 165 feet of Lot 30, Block 3, Woodlawn East, Wichita, Sedgwick County, Kansas, except the east 15 feet thereof dedicated for street. Generally located on the northwest corner of Central and Rock Road.

**WHEREAS**, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

**WHEREAS**, the Board of Zoning Appeals did, at the meeting of March 22, 1994, consider said application; and

**WHEREAS**, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

**WHEREAS**, the Board of Zoning Appeals has authority to permit an automatic car wash as an accessory use on property zoned the "LC" Light Commercial District, subject to the conditions outlined in Section 28.04.183(4), Code of the City of Wichita.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals of the City of Wichita that this application be approved to permit an automatic car wash as an accessory use on property zoned the "LC" Light Commercial District and legally described as follows:

> The south 150 feet of the east 165 feet of Lot 30, Block 3, Woodlawn East, Wichita, Sedgwick County, Kansas, except the east 15 feet thereof dedicated for street. Generally located on the northwest corner of Central and Rock Road.

subject to the following conditions:

1. All of the area to be used for circulation, holding spaces, parking spaces and all ingress and egress drives shall be surfaced with asphalt, concrete or asphaltic concrete and be maintained in good condition.

2. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting shall be permitted.

3. Signs shall be limited to those permitted by the Morris Town Commercial C.U.P. and all signs shall be located in accordance with the sign code of the City of Wichita. No off-site, portable, or moving or flashing signs are permitted. No string-type banners or pennants shall be permitted.

4. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

5. Parking spaces shall be provided for the total facility as required by the zoning ordinance, based on sizes of the store and car wash. A store 30 feet by 80 feet will require a minimum of 10 spaces for employees and customers. The car wash facility will require three holding spaces per 20 lineal feet of car washing aisle plus two drying spaces.