

DR 67-36 - Amendment to Section 28.04  
183.4 of the City Zoning Ordinance Re:  
Setback Requirements for self-service  
car wash operations

# ACTION

7

PAGE

COMMITTEE

M.A.P.C. Adv for public 2-28-67

*Hearing*

~~REC'D~~ Approved 10-26-67

*Map*

*See* Approved 11-14-67

*See* Adopted 11-21-67

ORDINANCE NO. 29-566

AN ORDINANCE AMENDING SUBSECTION 4 OF SECTION 28.04.183, TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO AUTOMATIC AND SELF-SERVICE CAR WASHES IN THE "LC" ZONING DISTRICT; AND REPEALING SAID SUBSECTION 4 OF SECTION 28.04.183, TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION I. That Subsection 4 of Section 28.04.183, Title 28, Code of the City of Wichita, Kansas, relating to automatic and self-service car washes in the "LC" zoning district, be amended to read as follows:

4. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize self-service and automatic car wash operations, whether attended or unattended and whether operated inside or outside a building, to be located in the "LC" Light Commercial District subject to the following conditions and requirements:

4.1 This use may be located in a district contiguous to a major street (as designated in the Pattern for Thoroughfares, Wichita, Kansas, 1955, or amendments thereto).

4.2 No structure shall be permitted closer than sixty (60) feet (excluding any street, alley or intervening public way), to the front and/or side of an "AA", "A", "RB", "B" or "G" residential zoning district. Provided, however, that the above shall not apply where the abutting or contiguous property is being used for a light commercial use permitted in the "LC" zoning district and/or where the governing body has formally adopted a policy of looking with favor on the establishment of "LC" zoning for the contiguous area.

4.3 There shall be a minimum lot area of three thousand five hundred (3,500) square feet for each self-service car-washing stall and/or two thousand five hundred (2,500) square feet for each twenty (20) lineal feet of the automatic car-washing structure; provided the minimum lot area shall be not less than seven thousand five hundred (7,500) square feet.

4.4 The car-washing building or facility shall maintain building setbacks as follows:

- a. Thirty-five (35) feet from all arterials, expressways or freeways; and
- b. For all other streets, one of the following which shall produce the lesser setback distance:
  1. Twenty (20) feet from right-of-way line;

2. A setback as may be described on a recorded subdivision plat;
3. A setback based on the following formula of  $\frac{20 + X}{2}$  where "X" is either the required setback in a residential district next adjacent to the site proposed for this use; or "X" is the setback of an existing residence in a residential district next adjacent to the use proposed;
4. The same setback as may be required on the lot next adjacent thereto if such lot is not located in a residential district.

4.5 A six-foot (6') high fence (such as a solid-wall masonry, architectural tile, louvered wood, or other similar materials when specified and approved by the Board of Zoning Appeals) shall be provided along the interior side and rear property line, when adjacent to a dwelling, to protect the dwelling from light and noise and eliminate blowing debris; and to protect adjacent property values. Whenever a fence shall be located in the required front yard setback, such fence shall not be higher than three feet (3').

4.6 All of the area to be utilized by the washing and drying operation, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.

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

4.8 No sign shall exceed twenty-five (25) feet in height or be placed so as to project over any public right-of-way.

4.9 No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

4.10 Off-street holding spaces shall be provided on the property in the following ratio:

Automatic Car Wash - not less than three (3) parking spaces for each twenty (20) lineal feet of the automatic car-washing aisle.

Self-Service Car Wash - not less than four (4) parking spaces for each self-service car-washing stall.

Off-street drying spaces shall be provided on the property in the following ratio:

Automatic Car Wash - not less than two (2) spaces for each automatic car-washing aisle.

Self-Service Car Wash - not less than two (2) parking spaces for each self-service car-washing stall.

One (1) off-street parking space shall be provided for each two (2) employees.

4.11 A plot plan showing points of ingress and egress, width of driveways, off-street parking and holding spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the filing of the application. There shall be no ingress or egress from unpaved public ways.

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

4.13 There shall be no ingress or egress from minor or residential streets having sixty (60) feet of right-of-way or less, unless there are two (2) free-moving lanes at all times. (Example: A thirty (30) foot paved street with parking permitted only on one (1) side would provide for two (2) free-moving lanes.)

4.14 All drainage, both natural and that created by the operation, shall be handled in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.

4.15 The Board of Zoning Appeals may establish operating hours if the operation is located in close proximity to a residential area.

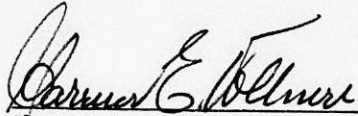
4.16 The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

4.17 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

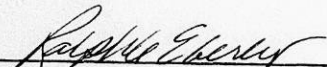
SECTION II. That Subsection 4 of Section 28.04.183, Title 28 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION III. That this Ordinance shall take effect and be in force on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this 21<sup>st</sup> day  
of November, 1967.

  
Clarence E. Vollmer, Mayor

ATTEST:

  
Ralph C. Eberly, City Clerk

(SEAL)

\_\_\_\_\_  
Approved as to form City Attorney

November 9, 1967

Board of City Commissioners  
City Building  
Wichita, Kansas

Gentlemen:

Re: DR 67-36 - Amendment to Section 28.04.183  
of the City Zoning Ordinance - Setback  
requirements for self-service car wash  
operations

The Planning Commission, at its regular meeting on September 14, 1967, considered a request from Mr. A. E. Danielson, Area Engineer for Standard Oil Corporation, requesting an amendment to the setback requirements for self-service and automatic car wash operations. The existing ordinance requires a setback of not less than thirty-five (35) feet from all street right-of-way lines. The action of the Commission was to instruct the Planning Department to prepare an amendment providing for lesser setbacks for side streets intersecting with major streets.

The Commission, at its regular meeting on October 26, 1967, recommended to the City Commission that the Zoning Ordinance be amended as advertised. Attached for your consideration is the proposed amendment to Section 28.04.183 relating to automatic and self-service car wash operations in the "LC" zoning district.

The Director of Law has prepared an ordinance effectuating the proposed amendment and, if the City Commission concurs with the proposed change, it is recommended that the ordinance be placed on its first reading.

Respectfully submitted,

C. Bickley Foster  
Secretary

CBF:JHG:ber  
Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SUBSECTION 4 OF SECTION 28.04.183, TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO AUTOMATIC AND SELF-SERVICE CAR WASHES IN THE "LC" ZONING DISTRICT; AND REPEALING SAID SUBSECTION 4 OF SECTION 28.04.183, TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION I. That Subsection 4 of Section 28.04.183, Title 28, Code of the City of Wichita, Kansas, relating to automatic and self-service car washes in the "LC" zoning district, be amended to read as follows:

4. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize self-service and automatic car wash operations, whether attended or unattended and whether operated inside or outside a building, to be located in the "LC" Light Commercial District subject to the following conditions and requirements:

4.1 This use may be located in a district contiguous to a major street (as designated in the Pattern for Thoroughfares, Wichita, Kansas, 1955, or amendments thereto).

4.2 No structure shall be permitted closer than sixty (60) feet (excluding any street, alley or intervening public way), to the front and/or side of an "AA", "A", "RB", "B" or "C" residential zoning district. Provided, however, that the above shall not apply where the abutting or contiguous property is being used for a light commercial use permitted in the "LC" zoning district and/or where the governing body has formally adopted a policy of looking with favor on the establishment of "LC" zoning for the contiguous area.

4.3 There shall be a minimum lot area of three thousand five hundred (3,500) square feet for each self-service car-washing stall and/or two thousand five hundred (2,500) square feet for each twenty (20) lineal feet of the automatic car-washing structure; provided the minimum lot area shall be not less than seven thousand five hundred (7,500) square feet.

4.4 The car-washing building or facility shall maintain building setbacks as follows:

- a. Thirty-five (35) feet from all arterials, expressways or freeways; and
- b. For all other streets, one of the following which shall produce the lesser setback distance:
  1. Twenty (20) feet from right-of-way line;

2. A setback as may be described on a recorded subdivision plat;
3. A setback based on the following formula of  $\frac{20 + X}{2}$  where "X" is either the required setback in a residential district next adjacent to the site proposed for this use; or "X" is the setback of an existing residence in a residential district next adjacent to the use proposed;
4. The same setback as may be required on the lot next adjacent thereto if such lot is not located in a residential district.

4.5 A six-foot (6') high fence (such as a solid-wall masonry, architectural tile, louvered wood, or other similar materials when specified and approved by the Board of Zoning Appeals) shall be provided along the interior side and rear property line, when adjacent to a dwelling, to protect the dwelling from light and noise and eliminate blowing debris; and to protect adjacent property values. Whenever a fence shall be located in the required front yard setback, such fence shall not be higher than three feet (3').

4.6 All of the area to be utilized by the washing and drying operation, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.

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

4.8 No sign shall exceed twenty-five (25) feet in height or be placed so as to project over any public right-of-way.

4.9 No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

4.10 Off-street holding spaces shall be provided on the property in the following ratio:

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One (1) off-street parking space shall be provided for each two (2) employees.

4.11 A plot plan showing points of ingress and egress, width of driveways, off-street parking and holding spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the filing of the application. There shall be no ingress or egress from unpaved public ways.

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

4.13 There shall be no ingress or egress from minor or residential streets having sixty (60) feet of right-of-way or less, unless there are two (2) free-moving lanes at all times. (Example: A thirty (30) foot paved street with parking permitted only on one (1) side would provide for two (2) free-moving lanes.)

4.14 All drainage, both natural and that created by the operation, shall be handled in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.

4.15 The Board of Zoning Appeals may establish operating hours if the operation is located in close proximity to a residential area.

4.16 The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

4.17 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

SECTION II. That Subsection 4 of Section 28.04.183, Title 28 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION III. That this Ordinance shall take effect and be in force on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Clarence E. Vollmer, Mayor

ATTEST:

\_\_\_\_\_  
Ralph C. Eberly, City Clerk

(SEAL)

\_\_\_\_\_  
Approved as to form City Attorney

( ) (Published in The Wichita Beacon on \_\_\_\_\_, 19\_\_)

ORDINANCE NO. \_\_\_\_\_

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- a. Thirty-five (35) feet from all arterials, expressways or freeways; and
- b. For all other streets, one of the following which shall produce the lesser setback distance:
  1. Twenty (20) feet from right-of-way line;
  2. A setback as may be described on a recorded subdivision plat;

3. A setback based on the following formula of  $\frac{20 + X}{2}$  where "X" is either the required setback in a residential district next adjacent to the site proposed for this use; or "X" is the setback of an existing residence in a residential district next adjacent to the use proposed.
4. The same setback as may be required on the lot next adjacent thereto if such lot is not located in a residential district.

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SECTION II. That Subsection 4 of Section 28.04.183, Title 28 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION III. That this Ordinance shall take effect and be in force on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1967.

\_\_\_\_\_  
Clarence E. Vollmer, Mayor

ATTEST:

\_\_\_\_\_  
Ralph C. Eberly, City Clerk

(SEAL)

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT  
CITY BUILDING ANNEX, 104 South Main  
Wichita, Kansas 67202

October 20, 1967

TO: Metropolitan Area Planning Commission  
FROM: Jack H. Galbraith, Senior Planner JHG  
SUBJECT: DR 67-36 - Proposed Setback Requirements for  
Self-Service Car Wash Operations

As you will recall, at your regular meeting on September 14, 1967, you considered a request from Mr. A. E. Danielson, Area Engineer for Standard Oil Corporation, requesting an amendment to the setback requirements for self-service and automatic car wash operations.

On September 28, 1967, you considered a draft of a proposed amendment and instructed the Department staff to advertise the amendment for a public hearing. Attached, for your review and comments, is a copy of the setback requirements which have been advertised for a public hearing for your regular meeting of October 26, 1967.

JHG:bgs

Attachment

DRAFT COPY

Amendment to Section 28.04.183.4.4 of the City Zoning Ordinance

4.4 The car-washing building or facility shall maintain building setbacks as follows:

- a. Thirty-five (35) feet from all arterials, expressways or freeways; and
- b. For all other streets, one of the following which shall produce the lesser setback distance:
  1. Twenty (20) feet from right-of-way line;
  2. A setback as may be described on a recorded subdivision plat;
  3. A setback based on the following formula of  $\frac{20 + X}{2}$  where "X" is either the required setback in a residential district next adjacent to the site proposed for this use; or "X" is the setback of an existing residence in a residential district next adjacent to the use proposed.
  4. The same setback as may be required on the lot next adjacent thereto if such lot is not located in a residential district.

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PAT. NO. 3,177,088

6 X

PAT. NO. 3,177,088

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT  
CITY BUILDING ANNEX, 104 South Main  
Wichita, Kansas 67202

October 20, 1967

TO: Metropolitan Area Planning Commission  
FROM: Jack H. Galbraith, Senior Planner JHG  
SUBJECT: DR 67-36 - Proposed Setback Requirements for  
Self-Service Car Wash Operations

As you will recall, at your regular meeting on September 14, 1967, you considered a request from Mr. A. E. Danielson, Area Engineer for Standard Oil Corporation, requesting an amendment to the setback requirements for self-service and automatic car wash operations.

On September 28, 1967, you considered a draft of a proposed amendment and instructed the Department staff to advertise the amendment for a public hearing. Attached, for your review and comments, is a copy of the setback requirements which have been advertised for a public hearing for your regular meeting of October 26, 1967.

JHG:bgs

Attachment

WICHITA DRAFT COPY COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT  
CITY BUILDING ANNEK, 104 South Main  
Wichita, Kansas 67202

Amendment to Section 28.04.183.4.4 of the City Zoning Ordinance

4.4 The car-washing building or facility shall maintain building setbacks as follows:

TO: a. ~~Thirty-five~~ (35) feet from all arterials, expressways

FROM: or ~~freeways~~; and, Senior Planner *JHG*.

SUBJECT: For all other streets, one of the following which Self-Service Car Wash Operations shall produce the lesser setback distance:

As you will rec Twenty (20) feet from right-of-way line; 14, 1967, you considered a request from Mr. A. E. Danielson, Area Engineer for Standard. A setback as may be described on a recorded setback requirements for self-service and automatic car wash operations subdivision plat;

On September 3, 1967, a setback based on the following formula of amendment and instructed the Department staff to advertise the amendment for a public hearing where "X" is either the required setbacks, is a copy of the setback requirements which have been advertised for a public hearing in a residential district next adjacent, 1967.

JHG:bgs

Attachment

to the site proposed for this use; or "X" is the setback of the existing residence in a residential district next adjacent to the use proposed.

4. The same setback as may be required on the lot next adjacent thereto if such lot is not located in a residential district.

( ) (Published in The Wichita Beacon on October 6, 1967)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, October 26, 1967, at 1:45 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, will consider the following change to Title 28, Code of the City of Wichita, Kansas:

Section 28.04.183 Same - Use Regulations Continued.

- 4.4 The car-washing building or facility shall maintain building setbacks as follows:
- a. Thirty-five (35) feet from all arterials, expressways or freeways; and
  - b. For all other streets, one of the following which shall produce the lesser setback distance:
    - 1) Twenty (20) feet from right-of-way line;
    - 2) A setback as may be described on a recorded subdivision plat;
    - 3) A setback based on the following formula of  $\frac{20 + X}{2}$  where "X" is either the required setback in a residential district next adjacent to the site proposed for this use; or "X" is the setback of an existing residence in a residential district next adjacent to the use proposed; or
    - 4) The same setback as may be required on the lot next adjacent thereto if such lot is not located in a residential district.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at that time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the revised Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS MY HAND AND SEAL this 3rd day of October,  
1967.

C. Bickley Foster, Secretary  
Wichita-Sedgwick County Metro-  
politan Area Planning Commis-  
sion

(SEAL)

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT  
CITY BUILDING ANNEX, 104 South Main  
Wichita, Kansas 67202

September 22, 1967

TO: Metropolitan Area Planning Commission  
FROM: Jack H. Galbraith, Senior Planner *J.H.G.*  
SUBJECT: DR 67-36 - Proposed Setback Requirements for Self-  
Service Car Wash Operations

As you will recall, at your regular meeting on September 14, 1967, you considered a request from Mr. A. E. Danielson, Area Engineer for Standard Oil Corporation, requesting an amendment to the setback requirements for self-service and automatic car wash operations.

The action of the Metropolitan Area Planning Commission was to instruct the Planning Department to prepare an amendment for your review prior to advertising the amendment for public hearing. Attached for your review and comments is a draft copy of the setback requirements which could be amended into the City Zoning Ordinance.

This matter is scheduled as Item No. 4 on your agenda for the meeting of September 28, 1967.

JHG:bgs

DRAFT COPY

Amendment to Section 28.04.183.4.4 of the City Zoning Ordinance

4.4 The car-washing building or facility shall maintain building setbacks as follows:

- a. Thirty-five (35) feet from all arterials, expressways or freeways; and
- b. For all other streets one of the following which shall produce the lesser setback distance:
  1. Twenty (20) feet from right-of-way line;
  2. A setback as may be described on a recorded subdivision plat;
  3. A setback based on the following formula of  $\frac{20 + X}{2}$  where "X" is either the required setback in a residential district next adjacent to the site proposed for this use; or "X" is the setback of an existing residence in a residential district next adjacent to the use proposed.
  4. The same setback as may be required on the lot next adjacent thereto if such lot is not located in a residential district.

PLANNING COMMISSION

MEMORANDUM FOR THE PLANNING COMMISSION  
SUBJECT: [Illegible]  
DATE: [Illegible]  
TO: [Illegible]  
FROM: [Illegible]

CASE NO. Z-0821

Zone change from "AA" to "E"

Lots 1 thru 10, odd and even inclusive, Block 3; and Lots 37 thru 52, Block 3, Orienta Park Second Addition to the City of Wichita, Sedgwick County, Kansas.

Zone change from "C" to "E"

All of Baker Machine Company Addition to the City of Wichita, Sedgwick County, Kansas.

Generally located on the south side of Pawnee in an area between St. Paul Avenue and Hagar Boulevard.

SUGGESTED AMENDMENT TO SECTION 28.04.183.4.4 OF THE CITY ZONING  
ORDINANCE

4.4 The car-washing building or facilities shall be set back a distance of not less than thirty-five (35) feet from all section line roads and from all major streets (as designated in the Pattern For Thorofares, Wichita, <sup>Kansas</sup> 1955, or amendments thereto); and a distance of not less than twenty (20) feet from all other intersecting streets.

September 15, 1967

Mr. A. E. Danielson  
Area Engineer  
Standard Oil  
810 West Douglas, Suite C  
Wichita, Kansas 67202

Dear Mr. Danielson:

The Planning Commission, at its regular meeting on September 14, 1967, considered your letter requesting an amendment to Section 28.04.183.4 of the Zoning Ordinance regarding setback requirements for self-service car wash operations.

The action of the Planning Commission was to instruct the Planning Department to prepare an amendment and schedule it for their consideration prior to advertising the amendment for a public hearing. We will prepare a proposal and submit it to the Planning Commission for its consideration at its next meeting on September 28, 1967.

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

Sincerely,

Jack H. Galbraith  
Senior Planner

JHG:ber



**STANDARD OIL**  
DIVISION OF AMERICAN OIL COMPANY

810 W. DOUGLAS, SUITE C WICHITA 1, KANSAS

C. L. LaCasse  
District Manager

September 13, 1967

Mr. C. Bickley Foster  
Director of Planning  
Wichita-Sedgwick County  
Metropolitan Area Planning Department  
City Building Annex  
104 South Main  
Wichita, Kansas 67202


Dear Mr. Foster:

In reviewing the property that we own on the intersection of St. Paul and Thirteenth Street in attempting to plat an automatic car wash on the site, we found that the 35 ft. required pertaining to the automatic car wash, Section 28.04.183.4.4, Code of the City of Wichita, is extremely restrictive and is more restrictive than what is normally required in platting. Therefore, we would like the planning commission to review it amending the order to reduce this set back of 35 ft. to 15 ft.

The present lot dimension is 247' X 164', and by requiring a 60 ft. set back at the rear and a 35 ft. set back adjacent to St. Paul the site is comparatively unusable.

We would like to set this on the City Planning Commission as soon as possible as we are anxious to obtain a building permit.

Yours truly,

  
A. E. Danielson  
Area Engineer

AEDanielson:cs

cc: Planning Commission members

