

6. A revised landscape plan, prepared by a landscape architect as required by General Provision #11 of DP-164, shall be submitted to the Secretary for review and approval within 60 days following BZA approval of the use exception and prior to release of the resolution. The plan shall include 16 shade trees along the south boundary, 6 shade trees along the east boundary and 8 shade trees along the north boundary. The landscaping shall be installed prior to this facility opening for business, unless weather prohibits, in which case a monetary guarantee shall be submitted to OCl. 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. A eight-foot-tall aesthetically pleasing textured concrete or masonry (excluding concrete block) wall shall be constructed along the south property line prior to completion and operation of the car wash.
11. Hours of operation shall be limited to 6:00 a.m. to 11 p.m. and shall be posted at the entrance to the site.
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 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.

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


Susan Osborne-Howes, Vice-President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 3-94

WHEREAS, Gray-Henry Corporation and J.D. Newman, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit a car wash on property zoned the "LC" Light Commercial District and legally described as follows:

The east 250 feet of Lot 5, Westwind 3rd Addition
Wichita, Sedgwick County Kansas. Generally located
1000' east of Tyler Road on the south side of 21st St.
North.

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 a car wash 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 a car wash on property zoned the "LC" Light Commercial District and legally described as follows:

The east 250 feet of Lot 5, Westwind 3rd Addition
Wichita, Sedgwick County Kansas. Generally located
1000' east of Tyler Road on the south side of 21st St.
North.

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. Full cut-off fixtures shall be used on the south side of the site. No pole light shall be higher than 20 feet.
3. Signs shall be limited to one monument type sign no larger than 100 square feet to be located in accordance with the sign code of the City of Wichita. No off-site, portable, or moving or flashing signs (except changing temperature and time 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 type and sizes of the car wash. The automatic car wash facility will require three holding spaces and two drying spaces per bay and the self service car wash component will require four holding and two drying spaces per bay.



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

June 2, 1994

Mr. Thomas R. Powell
Hinkle, Eberhart & Elkouri
301 N. Main, Suite 2000
Wichita, KS 67202

Re: BZA 3-94 - A request for an exception to permit a car wash on property zoned "LC" Light Commercial District and generally located 1,000 feet east of Tyler Road on the south side of 21st Street North.

Dear: Mr. Powell:

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 the landscape plan, as required by condition #6, has been submitted and approved.

Sincerely yours,

Louise Olivarez, Secretary
Board of Zoning Appeals

Enclosure
LO/hm

cc: Gray-Henry Corporation, 508 E. 13th St., Wichita, KS 67214
J. D. Newman, 8916 Winwood, Wichita, KS 67226
Phil Meyer, Baughman Co., 315 Ellis, Wichita, KS 67211
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
CAMA Files

10. A six-foot-tall aesthetically pleasing textured concrete or masonry (excluding concrete block) wall shall be constructed along the south property line prior to completion and operation of the car wash.
11. 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 car wash shall become null and void.
12. 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.

SECRETARY'S REPORT

CASE NUMBER: BZA 3-94

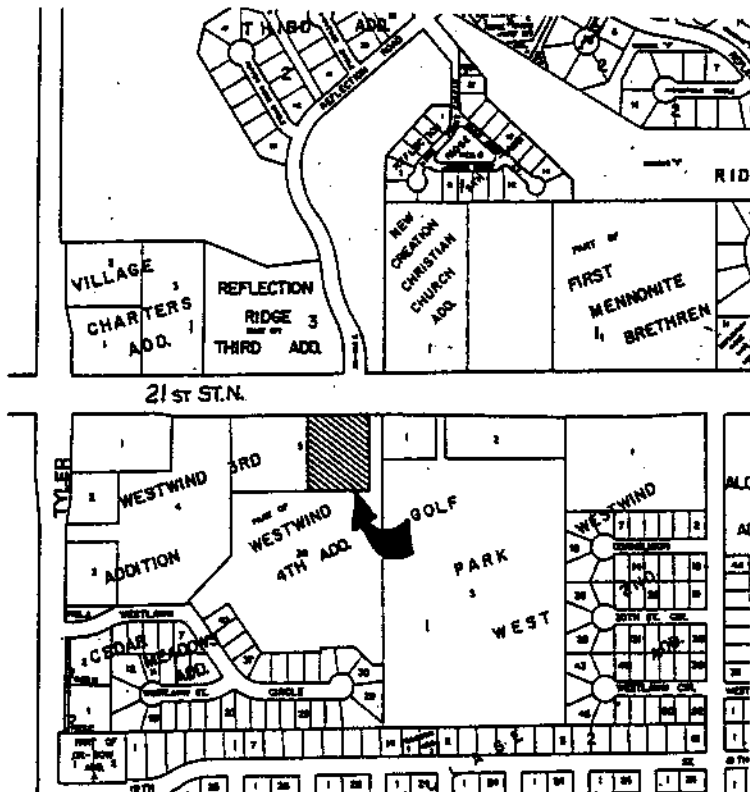
OWNER/APPLICANT: Gray-Henry Corporation/J.D. Newman
AGENT: Thomas R. Powell

REQUEST: Exception to permit a car wash.

CURRENT ZONING: "LC" Light Commercial District.

SITE SIZE: 1.5 Acres

LOCATION: 1000' east of Tyler Road on the south side of 21st St. North.



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, Gray-Henry Corporation and J.D. Newman are requesting an exception to allow a car wash on their property which is zoned "LC" Light Commercial District. The property, the east 250' of Lot 5, is part of the Westwind II Commercial Community Unit Plan (DP-164 parcel 5A). The applicants requested and received an amendment to the original Westwind II C.U.P. (DP-164) to allow a car wash on parcel 5A, subject to Board of Zoning Appeals approval.

Surrounding property to the north is zoned "LC" Light Commercial and is developed with a medical clinic. The Golf Park exists to the east on property zoned "C" Commercial. Property to the south is currently developed with an apartment complex that is zoned "A" Two-Family and part of DP-165. The Wichita City Council approved the amendment to the original Westwind II C.U.P. (DP-164) subject to the following conditions regarding the use of parcel 5A as a car wash: (1) The final landscape and signage requirements shall be determined by the Board of Zoning Appeals; (2) No metal walls for buildings shall be permitted in conjunction with a car wash facility; (3) A 6' masonry wall shall be constructed along the south property line; (4) No off-site, portable or moving or flashing signs (except changing time and temperature signs) are permitted.

At the MAPC discussion of the C.U.P. amendment, staff said that the landscaping is expected to provide a 15-20-foot buffer along 21st Street and a continuous screening effect along the south property line. Staff also said that 21st Street is considered one of the key corridors in the city and that attention should be paid to aesthetic treatment of development along that corridor. The C.U.P. requires that the landscape plan be prepared by a landscape architect. Staff has a few comments and questions about the preliminary plans submitted as part of the overall site plan and these will be addressed at the public hearing. With regard to the signs permitted, staff recommends the number be limited to one and that it be a monument sign with up to 100 square feet maximum size.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Medical clinic
SOUTH:	"A" (w/DP-165)	Apartments
EAST:	"A" (w/DP-165)	
EAST:	"C" (w/DP-172)	Apartment entrance drive and Golf Park
WEST:	"LC" (w/DP-164)	Vacant

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 one monument type sign no larger than 100 square feet to be located in accordance with the sign code of the City of Wichita. No off-site, portable, or moving or flashing signs (except changing temperature and time 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 type and sizes of the car wash. The automatic car wash facility will require three holding spaces and two drying spaces per bay and the self service car wash component will require four holding and two drying spaces per bay.
6. A revised landscape plan, prepared by a landscape architect as required by General Provision #11 of DP-164, shall be submitted to the Secretary for review and approval within 60 days following BZA approval of the use exception and prior to release of the resolution. The plan shall include all changes required by the Board. The landscaping 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.