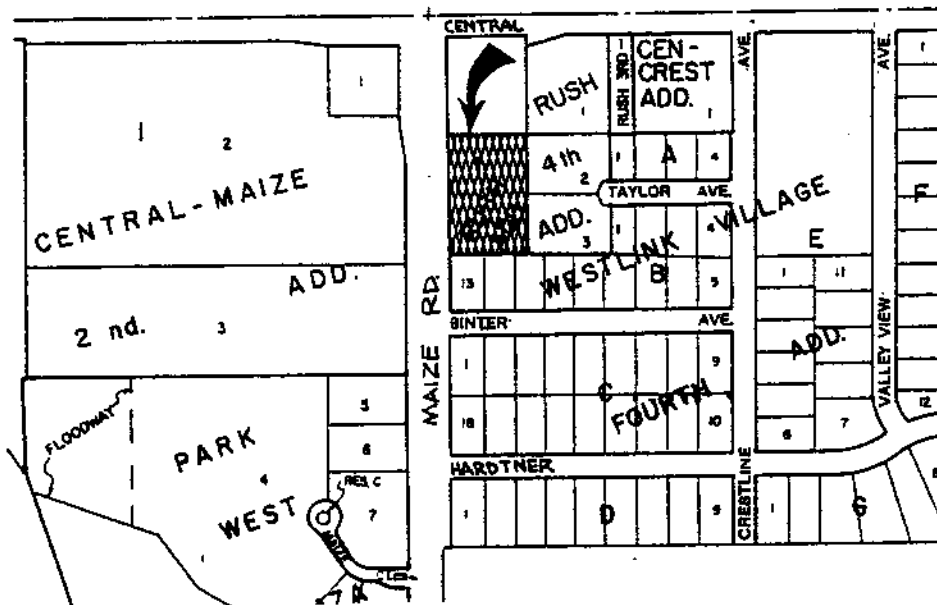


no sign shall exceed 25 feet in height. No string-type banners or pennants shall be permitted.

5. No sound projecting devices or loudspeakers shall be used so as to be heard outside any structure.
6. A minimum of three holding spaces per 20 lineal feet of automatic bay and four per self-service bay shall be provided and maintained on the site. A minimum of two drying spaces per car wash bay (automatic and self-service) shall be provided and maintained on the site.
7. All parking areas shall have adequate guards to prevent the extension of vehicles beyond the parking spaces.
8. 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 bays to a mud trap and sanitary sewer, and to prevent the intrusion of stormwater runoff into the sanitary sewer. The car wash bays shall be roofed to prevent stormwater infiltration.
9. The area shall be policed through inspections by the owner or operator for proper maintenance and removal of trash.
10. The applicant shall prepare a landscape plan in accordance with Chapter 10.32 of the City Code and shall submit the plan to the secretary for review and approval within 60 days following BZA approval of the use exception and prior to release of the resolution authorizing this land use.
11. The applicant shall within 60 days and prior to the release of the resolution authorizing this land use exception provide document(s) to the secretary for review and approval which will guarantee that the east five feet of the application area will be maintained once the 6-foot high concrete fence is installed.
12. The car wash facility shall be constructed substantially in compliance with the site plan as approved for this exception, and all improvements, including landscaping and screening as required by City code, shall be completed within one year after approval of this use exception by the Board of Zoning Appeal of this resolution authorizing this car wash facility in "LC" shall become null and void.
13. This resolution authorizing a car wash on this property may be declared null and void upon a finding by the Board that the applicant, or subsequent operator of the business, has failed to comply with any of the foregoing conditions.

AGENDA ITEM NO. _____
November 28, 1995

CASE NUMBER:	BZA 22-95
OWNER/APPLICANT:	John A. Rush (seller) and BRZ Investments, Inc., (purchaser)
AGENT:	Leonard Marotte
REQUEST:	Exception to permit a self-service and automatic car wash
CURRENT ZONING:	"LC" Light Commercial
SITE SIZE:	1.42 Acres
LOCATION:	East side of Maize Road in an area South of Central



JURISDICTION: The Board has jurisdiction to consider this request under the provisions outlined in Section 2.12.590.B, 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 are requesting approval of a six-bay car wash on a 1.42 acre light commercially zoned site on the east side of Maize Road approximately 300 feet south of Central. Five of the bays will be self-service and one bay will be automatic.

Section 28.04.183.(4) of the City Code, which authorizes car wash facilities in "LC" by use exception, requires a minimum lot area of 3,500 square feet for each self-service car washing stall and 2,500 square feet for each 20 lineal feet of the automatic car washing structure. It also requires a minimum number of holding spaces and drying spaces per bay (4 holding and 2 drying per self-service bay; 3 holding per 20 lineal feet and 2 drying per automatic bay). The site plan indicates compliance with the minimum requirements. The plan has been reviewed and approved by the Traffic Engineer as being in compliance with traffic engineering for turning radii, size of parking space, width of travel aisle, etc. The applicant's site is bordered on the east and south by property which is currently developed and zoned "AA" One Family Dwelling. The site is also bordered on the north with property which is developed and zoned "LC" Light Commercial. Property to the west of the application area is also developed and zoned "LC" Light Commercial and is separated from the site by Maize Road.

In accordance with the City's landscape/screening ordinance, 3100 square feet of "landscaped street yard" will be required. In addition, the parking (drying) spaces are within 150 feet of Maize Road and therefore must be screened to a minimum height of three feet. Perimeter buffer trees will be required within 15 feet of the east and south property lines adjacent to residential zoning. A landscape plan was not submitted with this application. It will be necessary for the applicant to develop the landscape plan as required per Chapter 10.32 of the City Code and have it approved before the requested use exception can be granted. It should also be noted that the site plan submitted by the applicant indicates that a 6 foot concrete fence is proposed to be constructed along the north and south property lines within a platted easement. Structures of this type are not permitted within easements. The applicant will be required to use different construction materials or relocate the concrete fence.

ADJACENT ZONING AND LAND USE:

NORTH	"LC" Switching Station (Southwestern Bell Telephone)
SOUTH	"AA" Single Family Dwelling
EAST	"AA" Single Family Dwelling
WEST	"LC" Retail Business (Dillons Super Store)

Staff Recommendation: Planning staff recommends that the exception be approved. This recommendation is based on the following findings:

1. The character of the neighborhood: The general area is characterized by a mixture of retail and residential uses and developing retail uses. Therefore, the proposed use should not negatively impact the neighborhood if all landscaping and screening requirements of City Codes are complied with.
2. The zoning and uses of properties nearby: Properties to the north and west of the site are also zoned "LC" Light Commercial. The west site is developed with retail and the area to the north is developed with a telephone switching facility. These activities will be adequately screened from the proposed use on the site. The one family zoning district the east and south are developed and will be protected by the screening to be provided on the site. Therefore, the zoning and the uses of nearby properties are compatible with the proposed use.
3. The suitability of the subject property for the use requested, and the appropriateness of the proposed use for the general area: The property is of adequate size to accommodate the proposed use as well as being adjacent to a 4-lane arterial street. The site will be screened from the adjacent neighborhood. Therefore, the site is suitable for the proposed use.
4. The extent to which the granting of the exception will detrimentally affect nearby property: Nearby properties should not be significantly impacted by the proposed use for this property. The screening to be provided on the site in compliance with the landscape and zoning ordinances should be adequate to lessen the impact of the proposed use on nearby properties.
5. Impact of the proposed development on community facilities: The proposed use will be located adjacent to an existing 4 lane arterial street and adequate municipal services are available to the site to serve the proposed use.

Should the Board determine that a 6-bay car wash is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. The number of car wash bays shall not exceed six.
2. All the area to be utilized by the washing and drying operations, including all ingress and egress areas, shall be paved with concrete, asphalt, or asphaltic concrete.
3. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting shall be permitted.
4. Signs shall be limited to those permitted in the "LC" district and all signs shall be located in accordance with the sign code of the City of Wichita, except that

Mr. B. J. Wood

Page 2

February 1, 1996

Randy Sparkman, OCI

Paul Hays, OCI

Ray Sledge, OCI

Pat Burnett, Deputy City Clerk

Yolanda Anderson, MAPD

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

February 1, 1996

Mr. B. J. Wood
BRZ Investments, Inc.
3540 W. Douglas Suite 3
Wichita, KS 67203

RE: BZA 22-95 - Exception to permit a car wash facility consisting of 5 self service bays and 1 automatic bay on property zoned "LC" Light Commercial.

Dear Mr. Wood:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on November 28, 1995. 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 a landscape plan has been submitted and approved by the secretary as required by condition ten, and you have recorded a covenant guaranteeing that the east and south portions of the application area will be properly maintained as required by condition eleven.

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

Sincerely yours,

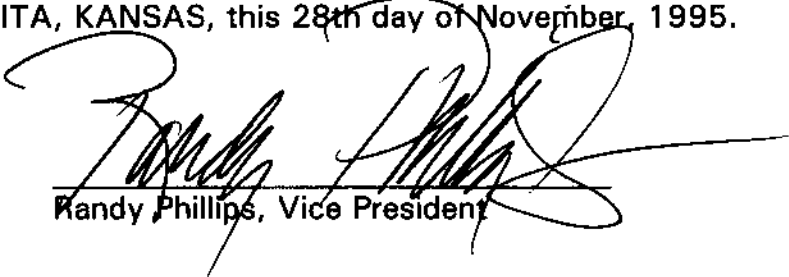
Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/hm

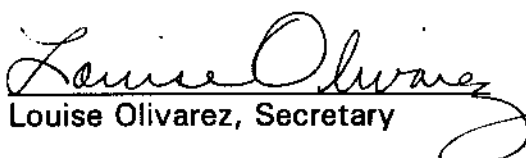
cc: John A. Rush, 636 N. Maize Road, Wichita, KS 67212
Leonard Marotte, Banner Realty, 221 S. Broadway, Suite 302, Wichita, KS 67202

8. 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 bays to a mud trap and sanitary sewer, and to prevent the intrusion of stormwater runoff into the sanitary sewer. The car wash bays shall be roofed to prevent stormwater infiltration.
9. The area shall be policed through inspections by the owner or operator for proper maintenance and removal of trash.
10. The applicant shall prepare a landscape plan in accordance with Chapter 10.32 of the City Code, except that the plan shall provide for a minimum of 15 trees along the east and south property lines with the trees along the south property line being conifers a minimum of 8-10 feet in height, and shall submit the plan to the secretary for review and approval within 60 days following BZA approval of the use exception and prior to release of the resolution authorizing this land use.
11. The applicant shall, within 60 days and prior to the release of the resolution authorizing this land use exception, provide document(s) to the secretary for review and approval which will guarantee that the east five feet and south eight feet of the application area will be maintained once the 6-foot high concrete fence is installed.
12. The car wash facility shall be constructed substantially in compliance with the site plan as approved for this exception, and all improvements, including landscaping and screening as required by City code, shall be completed within one year after approval of this use exception by the Board of Zoning Appeals or this resolution authorizing this car wash facility in "LC" shall become null and void.
13. This resolution authorizing a car wash on this property may be declared null and void upon a finding by the Board that the applicant, or subsequent operator of the business, has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 28th day of November, 1995.


Randy Phillips, Vice President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 22-95

WHEREAS, John A. Rush and BRZ Investments, Inc., pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit a car wash facility consisting of 5 self service bays and 1 automatic bay on property zoned "LC" Light Commercial and legally described as follows:

Lot 1, Rush Addition, Wichita, Kansas. Generally located on the east side of Maize Road in an area south of Central.

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 November 28, 1995, 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

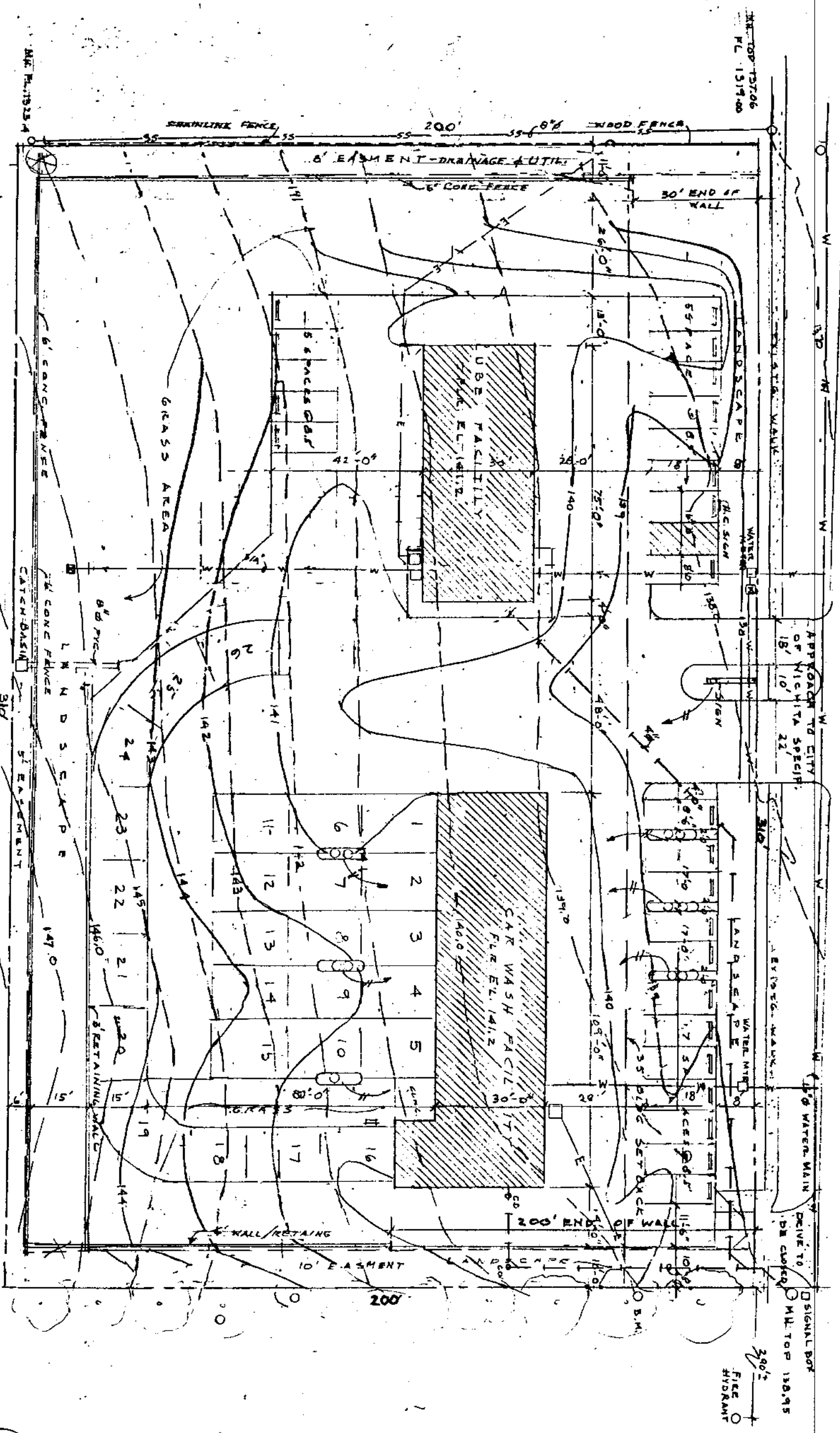
WHEREAS, the Board of Zoning Appeals has authority to permit a car wash facility on property zoned "LC" Light Commercial, subject to the conditions outlined in Section 28.04.183(4), Code of the City of Wichita.

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 facility consisting of not more than 5 self service bays and 1 automatic bay on property zoned "LC" Light Commercial and legally described as follows:

Lot 1, Rush Addition, Wichita, Kansas. Generally located on the east side of Maize Road in an area south of Central.

subject to the following conditions:

1. The number of car wash bays shall not exceed six.
2. All the area to be utilized by the washing and drying operations, including all ingress and egress areas, shall be paved with concrete, asphalt, or asphaltic concrete.
3. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting shall be permitted.
4. Signs shall be limited to those permitted in the "LC" district and all signs shall be located in accordance with the sign code of the City of Wichita, except that no sign shall exceed 25 feet in height. No string-type banners or pennants shall be permitted.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside any structure.
6. A minimum of three holding spaces per 20 lineal feet of automatic bay and four per self-service bay shall be provided and maintained on the site. A minimum of two drying spaces per car wash bay (automatic and self-service) shall be provided and maintained on the site.
7. All parking areas shall have adequate guards to prevent the extension of vehicles beyond the parking spaces.



SITE PLAN

1"=20' 0"

BENCH MARK

360° SPIKE IN UTIL. POLE
AT NW CORNER OF PROP.
REL. 1983 CITY DATUM

LEGAL DESCRIPTION

LOT 1, RUSH ADDITION TO
WICHITA, SEDGWICK
COUNTY, KANSAS

B2A 22-95

12-12-95