

REGULAR MEETING NOTICE ROSE HILL CITY PLANNING COMMISSION AGENDA

Eric Bollig—Chairperson, Presiding  
Matt Gouldsmith – Vice Chairperson  
Mike Sullivan — Member  
James Keller — Member  
Marion Futhey -- Member

TIME: 6:00 P.M.

DATE: TUESDAY, February 11, 2025

PLACE: CITY HALL COUNCIL CHAMBERS  
125 W. Rosewood

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes — September 10, 2024 Minutes
4. Committee and Staff Reports – none
5. Communications — none
6. Other Business.

**CLOSE REGULAR MEETING AND OPEN BOARD OF ZONING APPEALS**

7. Public Hearing-Conduct a Public Hearing on Case No. Z-2025-01, Proposed variance to allow a 0' side yard setback and a 42' rear yard setback in a B-1 Local Business Zoning District, General Location: 1015 N. Rose Hill Road, Rose Hill, KS.
8. Consider Case No. Z-2025-01, Proposed variance to allow a 0' side yard setback and a 42' rear yard setback in a B-1 Local Business Zoning District, General Location: 1015 N. Rose Hill Road, Rose Hill, KS.

**CLOSE BZA MEETING**

9. Adjournment.

**MINUTES OF  
THE REGULAR MEETING OF THE ROSE HILL PLANNING  
COMMISSION  
TUESDAY, SEPTEMBER 10, 2024**

**Call To Order**

The Regular Meeting of the Rose Hill Planning Commission was called to order at 6:00 p.m. by Chair Eric Bollig and held in City Hall Council Chambers. Members present Mike Sullivan and Marion Futhey. Matt. Members absent: Matt Gouldsmith and James Keller with notice. Staff present: Warren Porter-City Administrator/Planning Commission Secretary.

**Approval of Agenda**

With copies of the May 14, 2024, agenda previously distributed and before each member.

Motion by Commission Member Sullivan to approve the agenda with item 8, Case No. LS-2024-01 be removed from the agenda at the request of the applicant. Second by Commission Member Futhey to amend the agenda with motion passing 3-0.

**Approval of Minutes**

With copies of the May 10, 2024, Regular Planning Commission meeting minutes previously distributed and before each member.

Motion by Commission Member Sullivan to approve copies of the May 10, 2024, Regular Planning Commission minutes. Second by Commission Member Futhey with motion passing 3-0.

**Public Hearing on Case No. Z-2024-01.**

At 6:01 p.m., Chair Bollig opened the public hearing on Case No. Z-2024-01, a zoning request for the vacant lot north of 120 W. Showalter, for a request from R-1 to B-1. Applicant: Matt and Shelly Bates.

Mr. Bates, the applicant made a presentation on the property, its history of use and his plans for the property. Planning Commission members asked questions of the applicant.

No other members of the public made any comments.

At 6:05 p.m., Chair Bollig closed the public hearing.

**Consideration of Case No. Z-2024-01.**

Chair Bollig asked for discussion. Secretary Porter referred to information presented within the Planning Commission packet on utilities, access and the neighborhood. The information on the Golden Rules of Planning as it relates to this application was included and referenced during the discussion. Planning Commission asked questions of Secretary Porter.

Motion by Commission Member Futhey to approve Case No. Z-2024-01, a Zoning Request for the Vacant Lot North of 120 W. Showalter, to approve rezoning the property from R-1 to B-1, and send their recommendation to the Rose Hill City Council. Second by Commission Member Sullivan, with motion passing 3-0.

**Adjournment**

Member Sullivan made a motion to adjourn at 6:08 p.m. Second by Commission Member Futhey, with motion passing 3-0.

Respectfully submitted,

---

Warren Porter, Planning Commission Secretary

Case No. Z-2025-01

# City of Rose Hill, Kansas General Zoning Application



**Zoning Administrator**

Target date of completed request \_\_\_\_\_

- Interpretation of Zoning Regulation: *Article and section:* \_\_\_\_\_
- Land Use Determination: *Please describe in Section 3*
- Zoning Compliance Certificate: *Current Zoning* \_\_\_\_\_ *Land Use* \_\_\_\_\_
- Legal Nonconforming Use Certificate: *Current Zoning* \_\_\_\_\_ *Land Use* \_\_\_\_\_

BZA VARIANCE - SETBACK VARIANCE REQUEST

## **Section 2- Property Information**

*This section is not required for text amendments to the Zoning Regulations or Comprehensive Plan and Zoning Administrator interpretations of regulations that are not applicable to a specific property or appeals of such interpretations.*

- ❖ Street address of application area: 1015 N. Rose Hill Road
- ❖ The application area is general located N (N, S, E, W) of the intersection of the following streets: Walt and Primrose Lane
- ❖ The application area contains .495 acres (*round to the nearest hundredth of an acre*)
- ❖ Is the application area subdivided (platted)?  Yes  No

*Legal description of subdivided application area:*

*Lot(s) 43 Block(s) D of Primrose Addn. Addition.  
If the application area is not subdivided, please attach the metes and bounds description.*

Butler County Parcel ID Number(s) of lot(s) in the application area:

- Property #1 PIN 1439000 Property #5 PIN \_\_\_\_\_
- Property #2 PIN \_\_\_\_\_ Property #6 PIN \_\_\_\_\_
- Property #3 PIN \_\_\_\_\_ Property #7 PIN \_\_\_\_\_
- Property #4 PIN \_\_\_\_\_ Property #8 PIN \_\_\_\_\_

Case No. Z-2025-01

### City of Rose Hill, Kansas General Zoning Application



**Zoning Administrator**

Target date of completed request \_\_\_\_\_

- Interpretation of Zoning Regulation: *Article and section:* \_\_\_\_\_
- Land Use Determination: *Please describe in Section 3*
- Zoning Compliance Certificate: *Current Zoning* \_\_\_\_\_ *Land Use* \_\_\_\_\_
- Legal Nonconforming Use Certificate: *Current Zoning* \_\_\_\_\_ *Land Use* \_\_\_\_\_

### Section 2- Property Information

*This section is not required for text amendments to the Zoning Regulations or Comprehensive Plan and Zoning Administrator interpretations of regulations that are not applicable to a specific property or appeals of such interpretations.*

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- ❖ The application area is general located N (N, S, E, W) of the intersection of the following streets: Waith and Primrose Lane
- ❖ The application area contains .495 acres (*round to the nearest hundredth of an acre*)
- ❖ Is the application area subdivided (platted)?  Yes  No

*Legal description of subdivided application area:*  
Lot(s) 43 Block(s) D of Primrose Addn. Addition.  
*If the application area is not subdivided, please attach the metes and bounds description.*

- Butler County Parcel ID Number(s) of lot(s) in the application area:
  - Property #1 PIN 1439000 Property #5 PIN \_\_\_\_\_
  - Property #2 PIN \_\_\_\_\_ Property #6 PIN \_\_\_\_\_
  - Property #3 PIN \_\_\_\_\_ Property #7 PIN \_\_\_\_\_
  - Property #4 PIN \_\_\_\_\_ Property #8 PIN \_\_\_\_\_

Case No. \_\_\_\_\_

**City of Rose Hill, Kansas  
General Zoning Application**



**Section 3- Request Information**

○ Application area zoning: Current Zoning B-1 Requested Zoning (if applicable) N/A

○ Application area land use: Enter land use by the name and definition in Article 5 of the Zoning Regulations.

Existing land use Car Wash

Proposed land use (if applicable) CAR WASH

○ In the space below, please describe the nature of the request and reason for filing:

Rear Yard Variance - 42' request a variance of 8'  
Side Yard Variance - 0' request on Northside a variance of 5'

**Section 4- Applicant Information**

Contact information must be provided for applicants representing ALL property parcels in the application area, including authorized agents and other parties who wish to be notified of the proceedings, such as contract purchaser or lessees. Please attach additional copies of this sheet as necessary.

X Name: Sundroid Services Inc (Davy Chan)

Address: 1015 N. Rose Hill Rd. Rose Hill KS 67133

Phone: 316 821 7366 Email: sundroid.inc@gmail.com

Role:  Owner  Agent  Other of property # \_\_\_\_\_ listed in Section 2, Item 5

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Role:  Owner  Agent  Other of property # \_\_\_\_\_ listed in Section 2, Item 5

Case No. \_\_\_\_\_

**City of Rose Hill, Kansas  
General Zoning Application**



Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Role:  Owner     Agent     Other    of property # \_\_\_\_\_ listed in Section 2, Item 5

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Role:  Owner     Agent     Other    of property # \_\_\_\_\_ listed in Section 2, Item 5

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Role:  Owner     Agent     Other    of property # \_\_\_\_\_ listed in Section 2, Item 5

**Section 5- Attachment Checklist**

The following items are attached to this application

- No Attachments
- Certified Property Ownership List *(all property owners of record within the official notification area)*
- Metes and Bounds Legal Description *(if required, but not entered in Section 2)*
- Zoning Site Plan *(for zoning changes, conditional uses, PDOs, temporary uses, sign permits, variances)*
- Development Site Plan *(required only for Development Site Plan applications)*
- Proposed Text Amendments *(marked up original language and exact proposed language)*
- Additional Property Owner Information & Signature Sheets *(if provided space is sufficient)*
- Sign Permit Attachments:     Plans/drawings     Specifications     Insurance Certificate
- Supplemental Information *(optional drawings or documents attached to support the application)*

Case No. \_\_\_\_\_

### City of Rose Hill, Kansas General Zoning Application



### Section 6- Signatures & Acknowledgements

*By signature below: I (we) acknowledge that I (we) understand that the application will not be processed until it is completed in full, all required information is provided and the filing fee is paid. I (we) certify that the information provided herein and attached hereto is true and correct to the best of my (our) knowledge. I (we) acknowledge that the Planning Commission, Board of Zoning Appeals and Governing Body each has the authority to impose conditions on the approval of this application as deemed necessary to serve the public interest and community welfare. I (we) hereby authorize unannounced inspections of the subject property by City staff and/or its agents for the purpose of collecting information necessary to review and analyze this request.*

1. Signature: \_\_\_\_\_

Owner       Authorized Agent      of property # \_\_\_\_\_ listed in Section 2, Item 5

2. Signature: \_\_\_\_\_

Owner       Authorized Agent      of property # \_\_\_\_\_ listed in Section 2, Item 5

3. Signature: \_\_\_\_\_

Owner       Authorized Agent      of property # \_\_\_\_\_ listed in Section 2, Item 5

4. Signature: \_\_\_\_\_

Owner       Authorized Agent      of property # \_\_\_\_\_ listed in Section 2, Item 5

5. Signature: \_\_\_\_\_

Owner       Authorized Agent      of property # \_\_\_\_\_ listed in Section 2, Item 5

**FOR OFFICE USE ONLY**

Date Filed: 12/30/2024      Filing Fee Paid: \$ 75.00      Received By: KATE UPHAM

Application is:       Complete       Incomplete

Subject property is in \_\_\_\_\_ township.

Name of homeworner/property owner associated (if applicable) \_\_\_\_\_.



# Real Estate Information



This database was last updated on 1/2/2025 at 8:07 PM

[Return to County Website](#) | [Log Out](#)  
[New Search](#) | [Back to Results](#)

## Parcel Details for 008-319-31-0-10-09-057.00-0

Quick Reference #: R28171

[View GIS Map](#) | [View Tax Detail](#)

Page 1 of 1



Owner Information	Property Address
<b>Owner's Name (Primary):</b> SUNDROID SERVICES INC	<b>Address:</b> 1015 N Rose Hill Rd Rose Hill, KS 67133

General Property Information	Deed Information
<b>Property Class:</b> Commercial & Industrial - C <b>Living Units:</b> <b>Zoning:</b> <b>Neighborhood:</b> 506.0	<b>Document #</b>   <b>Document Link</b> 2023-3842   <a href="#">View Deed Information</a> 2013-15704   <a href="#">View Deed Information</a> 2006-4173   <a href="#">View Deed Information</a>

Neighborhood / Tract Information	
<b>Neighborhood:</b>	506.0 Block: D Lot: 43
<b>Tract:</b>	Section: 31 Township: 28 Range: 03E
<b>Tract Description:</b>	PRIMROSE ADD, S31, T28, R03E, BLOCK D, Lot 43

Land Based Classification System	
<b>Function:</b>	Automatic car wash
<b>Activity:</b>	Drive-in, drive through, stop-n-go, etc.
<b>Ownership:</b>	Private-fee simple
<b>Site:</b>	Developed site - with buildings

Property Factors			
<b>Topography:</b>	Level - 1	<b>Parking Type:</b>	Off Street - 1
<b>Utilities:</b>	All Underground - 2	<b>Parking Quantity:</b>	Adequate - 2
<b>Access:</b>	Paved Road - 1	<b>Parking Proximity:</b>	On Site - 3
<b>Fronting:</b>	Major Strip or CBD - 1	<b>Parking Covered:</b>	
<b>Location:</b>	Major Strip - 4	<b>Parking Uncovered:</b>	

Appraised Values				
Tax Year	Property Class	Land	Building	Total

2024	Commercial & Industrial -	27,880	168,260	196,140
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Market Land Information ⌕

Type	Method	Area or Acres	Eff. Frontage	Eff. Depth	Est. Value
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Regular Lot - 1	Sqft	20800.00			00
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Influence #1:                                  Influence #2:                                  Influence Override:  
 Factor:    Factor:    Depth Factor:

Residential Information [Information Not Available] ⌕

Commercial Information ⌕

**Building #: 1**

[View Sketch Vector](#)

**Building Information**

**Apartment Information**

LBCS Structure Code:

Units BR Type Baths

Car wash (automatic)

Building Name: SUPER WASH

Identical Units: 1

# of Units: 4

Unit Type: Bays

MS Mult:

MS Zip Code:

Apartment #1:

Apartment #2:

Apartment #3:

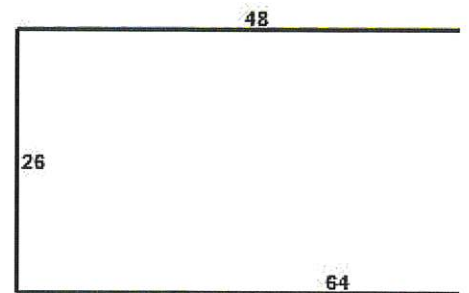
Apartment #4:

Apartment #5:

Apartment #6:

Apartment #7:

Apartment #8:



Black = Original  
 Gray = Addition 1

**Building Sections & Basements**

#	Occup	Class	Rank	MS	Year	Effective	Year	Levels	Stories	Area	Perim	Hgt	Phys	Cond	Func	Econ	Ovr	Ovr	Depr	%	MS

1	Car Wash - Self Serve	GD-2006	01		1,728	13811	AVAV						Car Wash Manual - 074	Commercial	169,310	63106,670					
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**Section Components**

Code	Description	Unit Type	Units	Pct	Other	Rank	Year	Comment
815	Concrete Block, Textured Face						100	
606	Space Heater Outdoor						480	
6605063	Floodlight, High Pressure Sodium						1	

2	Car Wash - Drive Thru	GD-2006	01		45090	12	AVAV						Car Wash Automatic - 075	Commercial	70,284	6344,280					
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**Section Components**

Code	Description	Unit Type	Units	Pct	Other	Rank	Year	Comment
815	Concrete Block, Textured Face						100	
649	No HVAC Outdoor							
6605063	Floodlight, High Pressure Sodium						1	

Other Building Improvement Information																	
MS	YearEffective	Dimensions			Phys			Ovr	Ovr	RCN	%	MS					
OccupClassRank	QuantityBuilt	Year	LBCS	Area	Perim	Hgt	(L x W)	Stories	Cond	Func	Econ	%	Reason	LD	Good	Value	
Site Improvements	A	GD	1	2006	10	8	1	AV	AV				72424	21	15210		
<b>Components</b>																	
<b>Code</b>	<b>Code Description</b>			<b>Units</b>	<b>Percentage %</b>	<b>Area</b>	<b>Other</b>	<b>Rank</b>	<b>Year</b>								
8350				13,168													
Site Improvements	B	GD	1	2006	10	8	1	AV	AV				10847	16	1740		
<b>Components</b>																	
<b>Code</b>	<b>Code Description</b>			<b>Units</b>	<b>Percentage %</b>	<b>Area</b>	<b>Other</b>	<b>Rank</b>	<b>Year</b>								
8355				1,405													
Site Improvements	D	GD	1	2006	10	8	20 x 6	1	AV	AV			696	9	60		
<b>Components</b>																	
<b>Code</b>	<b>Code Description</b>			<b>Units</b>	<b>Percentage %</b>	<b>Area</b>	<b>Other</b>	<b>Rank</b>	<b>Year</b>								
6605003				20													
Site Improvements	D	GD	1	2006	10	8	10 x 6	1	AV	AV			1119	9	100		
<b>Components</b>																	
<b>Code</b>	<b>Code Description</b>			<b>Units</b>	<b>Percentage %</b>	<b>Area</b>	<b>Other</b>	<b>Rank</b>	<b>Year</b>								
6605021				60													
Site Improvements	D	GD	1	2006	10	8	1	AV	AV				2191	9	200		
<b>Components</b>																	
<b>Code</b>	<b>Code Description</b>			<b>Units</b>	<b>Percentage %</b>	<b>Area</b>	<b>Other</b>	<b>Rank</b>	<b>Year</b>								
6605063				1													

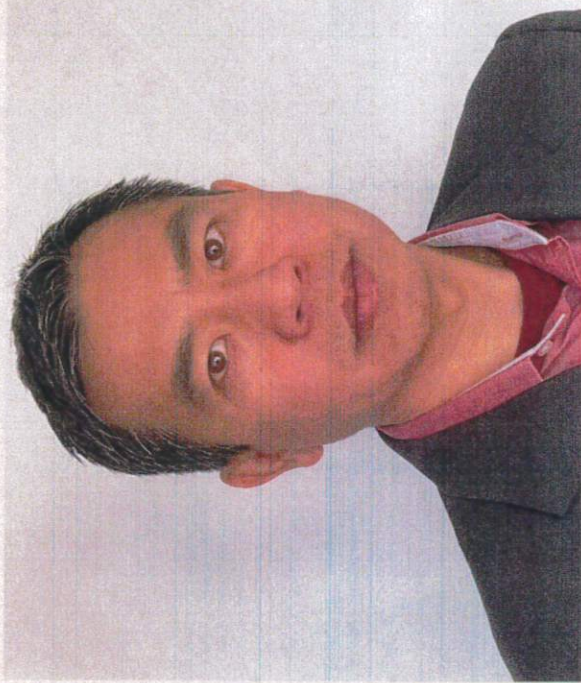
Agricultural Information [Information Not Available]

# SUNDRROID® SERVICES INC PRESENTATION

## AGENDA

- Introduction
- Requests
- Plan
- Commitments
- Final takeaways

# FAMILY & ME



## Family Live Styles:

- Chan Davy, Lina, Ethan and Donnie
- Cheeseburger + Orion ring
- Movies: The Avengers
- Vacation: Florida
- Dreams: Active & Peaceful life

\*Note: Automation is my best hobby

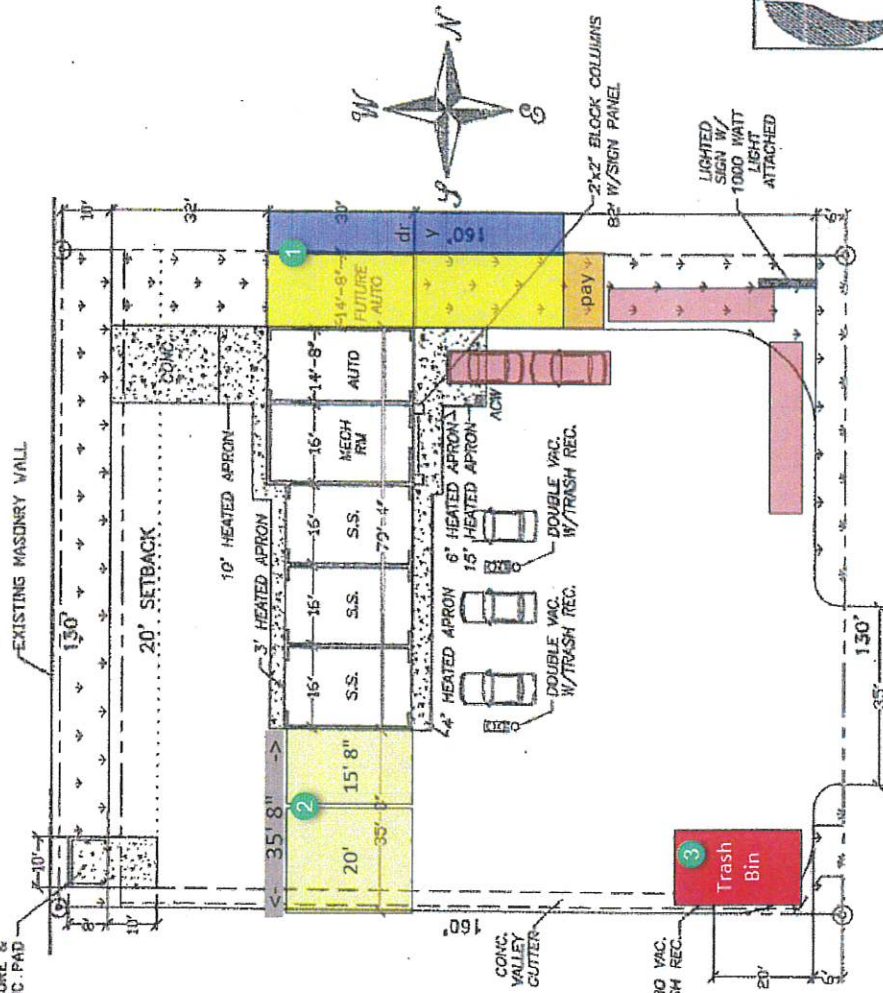


# REQUESTS

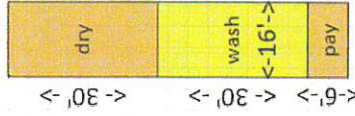
- Grandfather Property Setback
- Zero North / South boundary setback
- Allow landscape beyond surrounding boundary

# SITE PLAN

DUMPSTER 4'8" x 10'  
WOODEN ENCLOSURE &  
10' x 10' CONC. PAD



Future AutoBay



1. New Tunnel Wash
2. Expand East wall to another 15', and 8"
3. Move TrashBin from back to front to prevent paving damage from big/heavy Dump truck

MEMBER 2006  
INTERNATIONAL  
CARWASH  
ASSOCIATION  
*Back to the professional carwash industry*



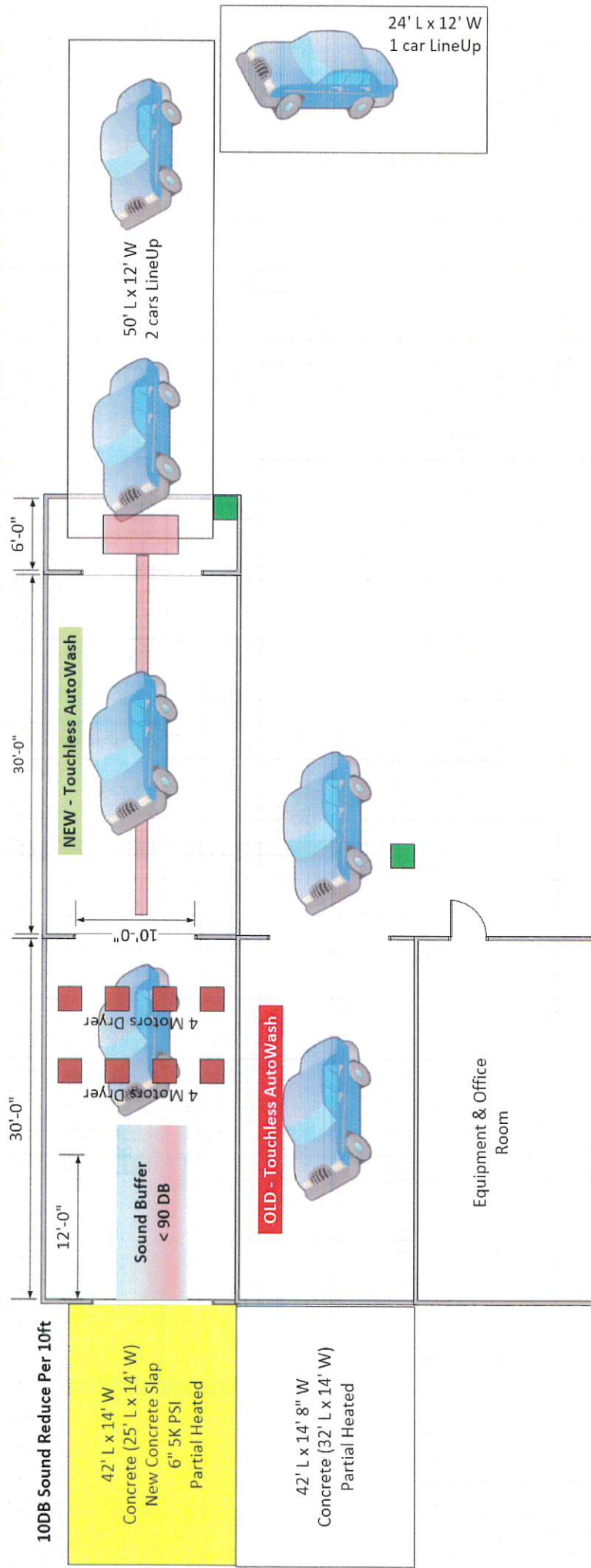
ROSE HILL, KS  
DATE: 11-17-08  
SCALE: 1"=20'  
REVISIONS: 3-8-08, 3-10-08, 4-3-08, 5-18-08

P.O. BOX 168 MORRISON, IL 61270  
BUSINESS PHONE: (618)772-2111

SITE APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
PROJECT APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

N ROSE HILL ROAD

# SITE PLAN - AUTO TOP VIEW

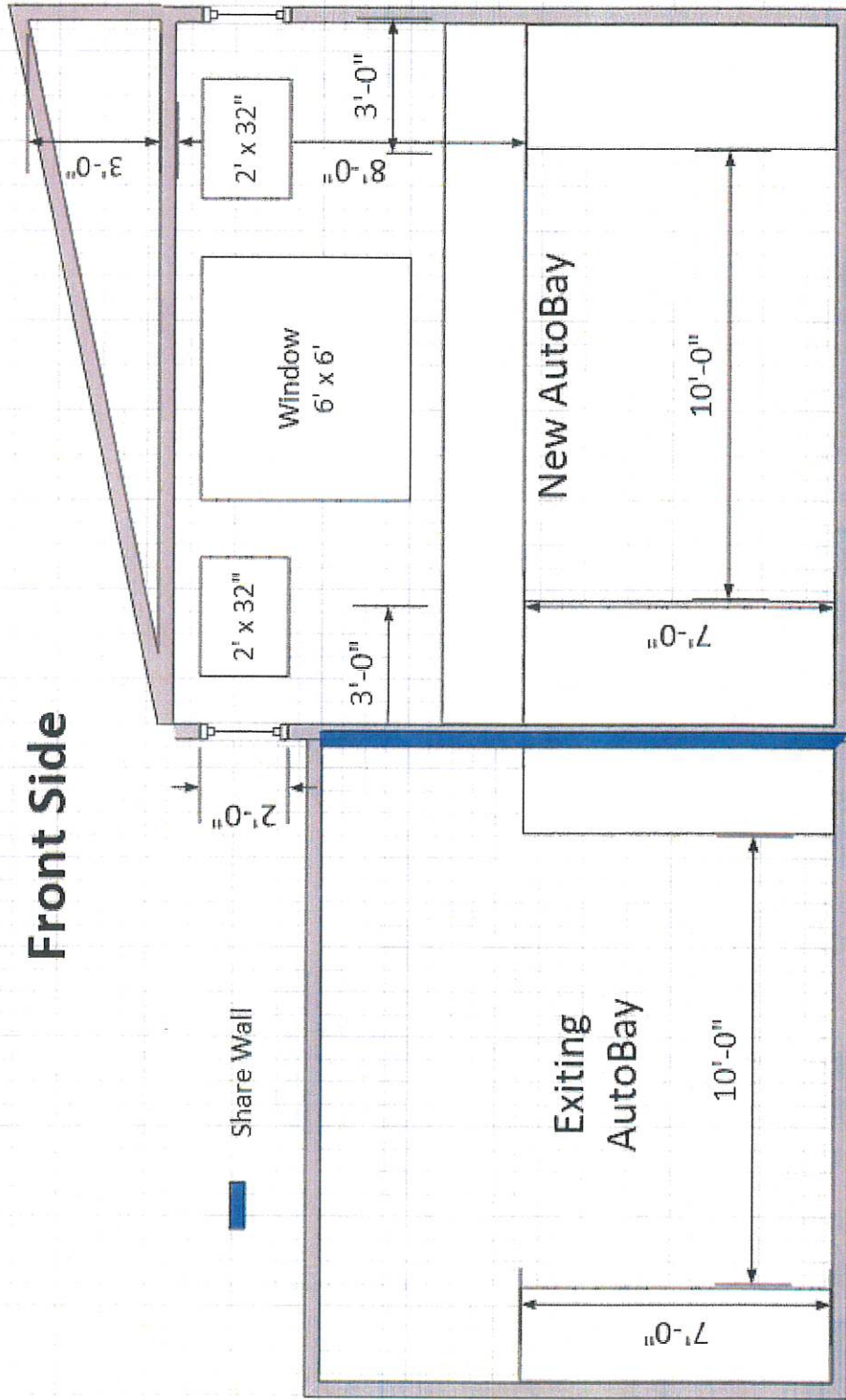




# SITE PLAN - FRONT VIEW

## EAST SIDE VIEW

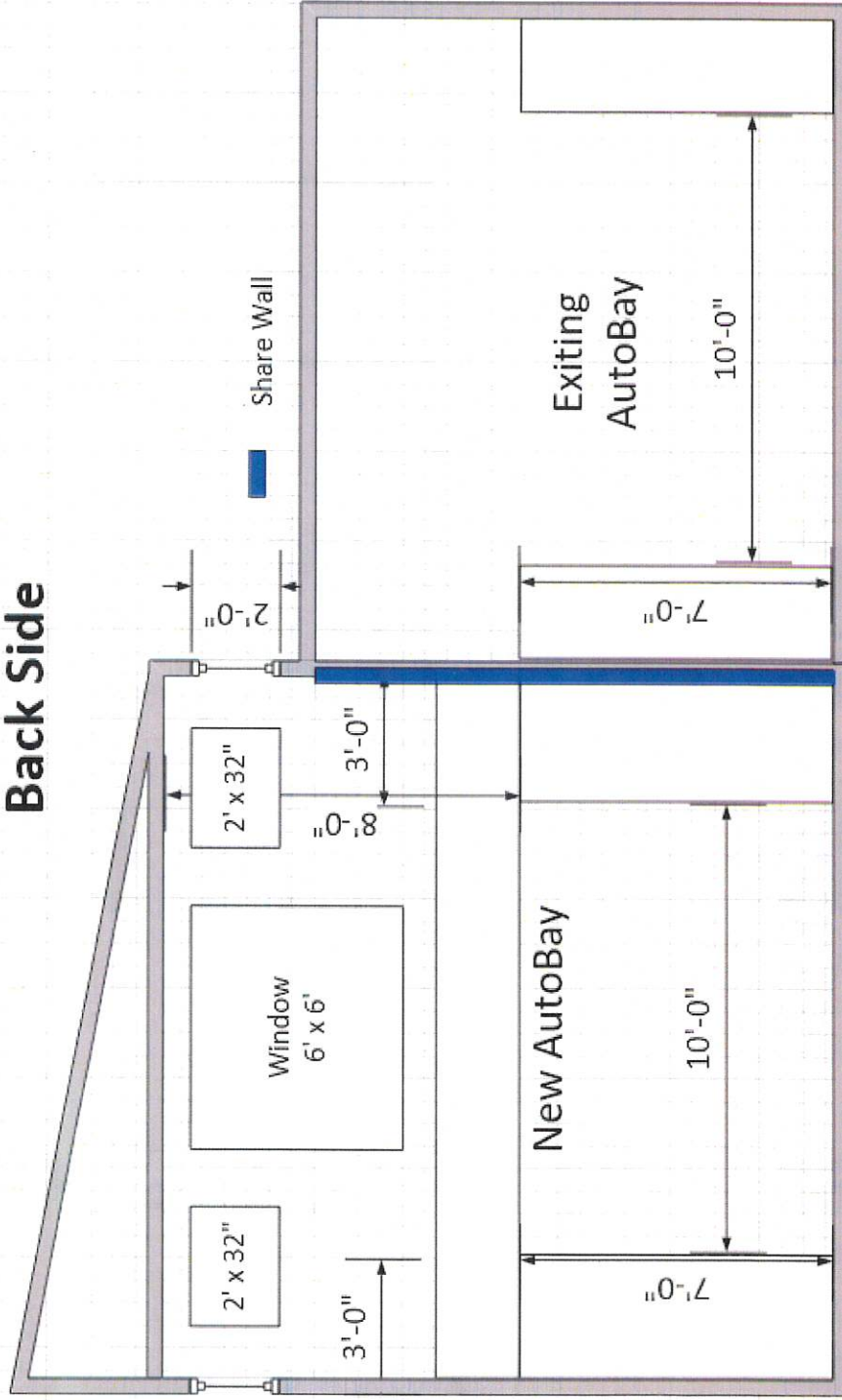
### Front Side



# SITE PLAN - BACK VIEW

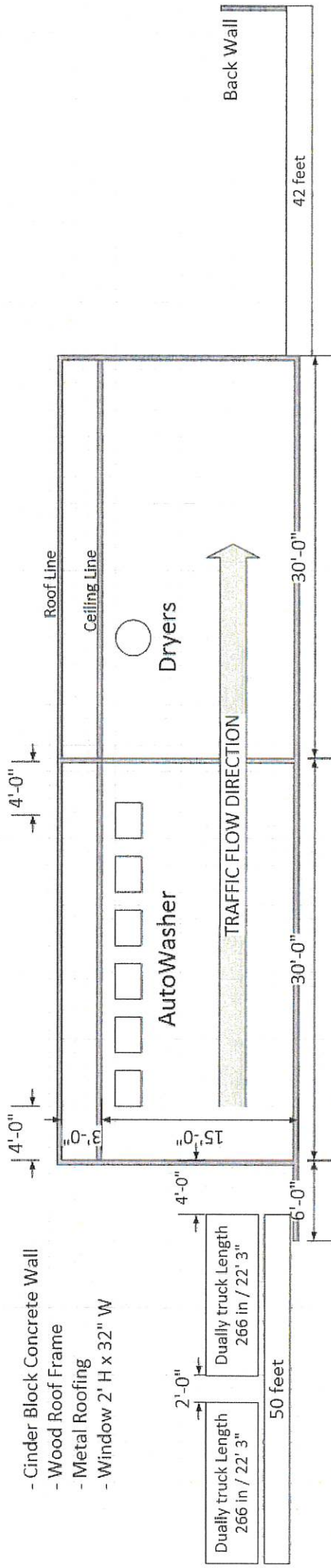
## WEST SIDE VIEW

### Back Side

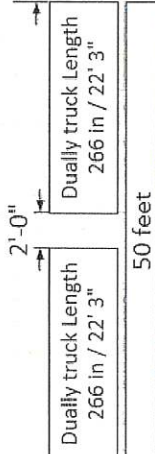


# SITE PLAN - NORTH VIEW

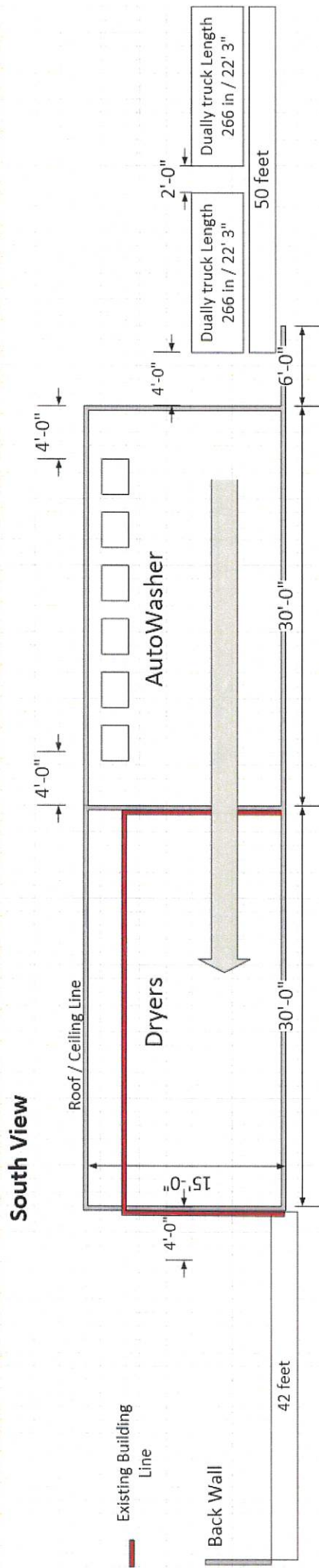
North View



- Cinder Block Concrete Wall
- Wood Roof Frame
- Metal Roofing
- Window 2' H x 32" W



# SITE PLAN - SOUTH VIEW



# COST & TIMELINE

- Initial Estimate cost is about \$500K
  - Building is \$125K
    - 100K for Tunnel with Heated Apron and Garage Door enclosed both ends
      - 200A 3-phase service with Solar integrated
      - 6" vs 4" drain line with outdoor service pitch
      - Moisture Resistance and heated bay
    - 25K for East Wall extend South without Heated Apron
  - Equipment is \$375K for 15 years life cycle
- Estimate for 2 years project with owner managed and served as General Contractor to ensure construction quality and reduce overhead cost

# OUR COMMITMENTS

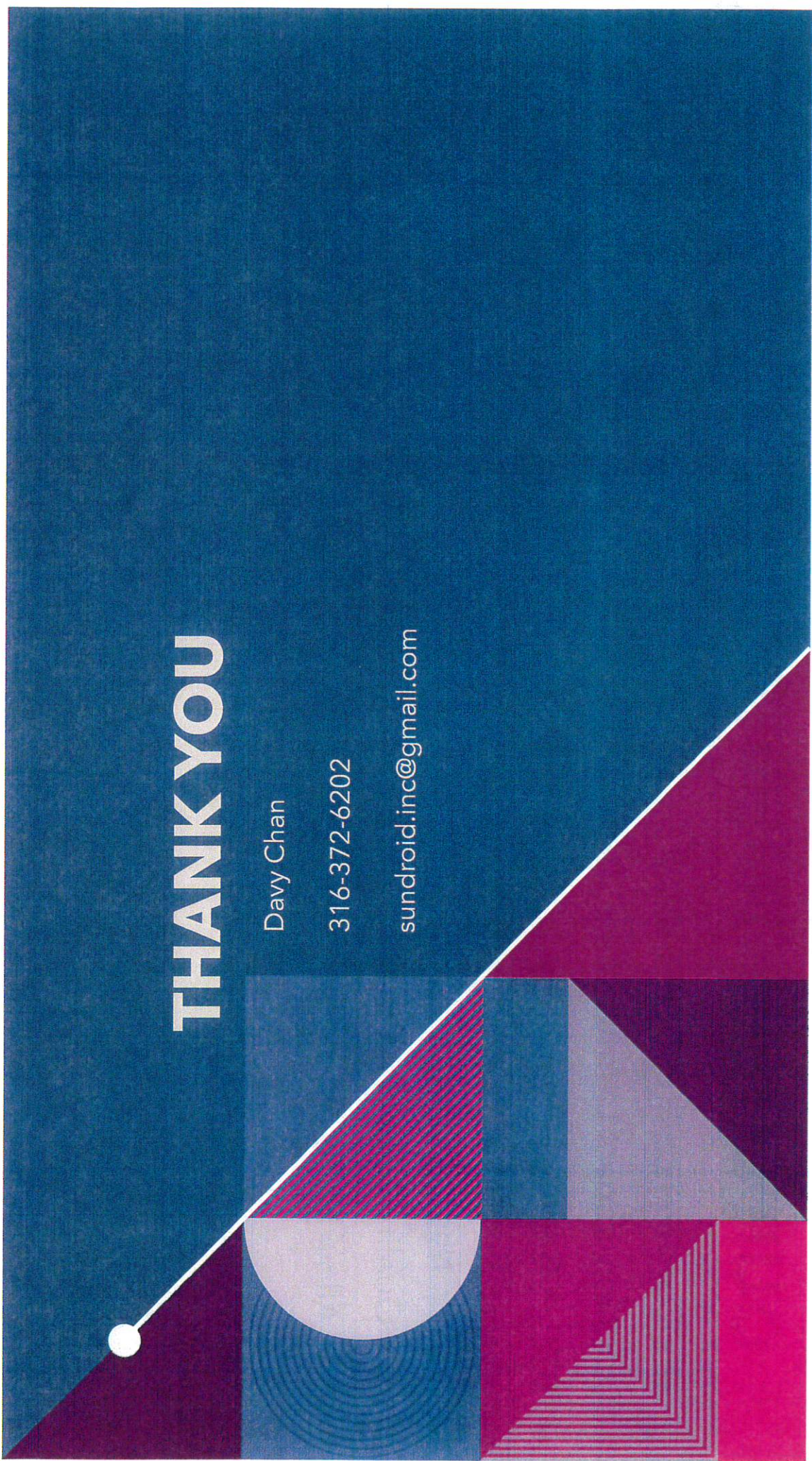
- Convience & Simple service
- Non-impact to immediate surrounding
  - Noise Reduction
  - Cleanliness
  - Non hazardous
- Quality by routine maintenance and upgrade
- Allow US to make Rose Hill better

# THANK YOU

Davy Chan

316-372-6202

[sundroid.inc@gmail.com](mailto:sundroid.inc@gmail.com)



To: Rose Hill Planning Commission

From: Warren Porter, Planning Commission Secretary

Subject: Staff Report

1015 N. Rose Hill Road – Car Wash

Proposed Variance for Side Yard and Rear Yard Setback Z2025-01

Request for variance for 0' Side Yard setback to the north and 42' Rear Yard setback.

Golden Rules Report

Date: January 27, 2025

Case No.: Z-2025-01

Applicant: Sun Droid Services, Inc. -Davy Chan

1015 N. Rose Hill Road

Rose Hill, KS 67144

Proposed Variance: For B-1 Zoning, a Side Yard setback states:

Zero, except five (5) feet where one is provided

Applicant requests: 0' on the north

For B-1 Zoning, a Rear Yard setback state:

20' But, Car Washes are required to have 50 feet from R-1, R-2 or R-3 zoning districts (Residential).

Location:

**Background:** The applicant has requested two variances for updating his car wash facilities. His application and plans are enclosed.

The applicant has verbally stated he desires to have 0' lot line setback to the north to allow electrical/mechanical appurtenances in the area.

The applicant has requested to have a 42' rear yard setback instead of a 50' rear yard setback as required for car washes. I recently measured from the property line/wall to the closest existing wall (north bay of car wash) and it is approximately 41' from wall to wall.

The Chair will need to open a public hearing on this issue. Generally, the applicant makes a presentation and then comments are heard from the floor. When the public hearing items are closed, this item will be considered under the items for consideration for potential action.

Since this is a Board of Zoning Appeals matter, the BZA has final authority on the request. It does not go to the City Council. District Court would be the appeal process for the matter.

**Golden Rules:** In 1978, the Supreme Court of Kansas handed down a decision in the Golden vs. City of Overland Park case that established the basis for considering and reaching a decision on zoning changes. The decision should be made based on the evidence submitted and the factors considered. The eight



Gold Factors emerged from this case and have become institutionalized in the consideration of zoning/variance changes in Kansas.

The factors must be considered by the Planning Commission and Governing Body in order to determine whether granting or denying a zoning change or variance was reasonable. It is not necessary that findings on all the factors be favorable to approve or be unfavorable to deny the zoning change or Variance. Also, not all the factors carry the same weight and the weight may vary from case to case.

- 1. The Character of the Neighborhood:** Factual description of the application area and surrounding property as to land uses, density, intensity, general condition, age of structure, etc.

The property is surrounded by single family residences to the West. The property to the north is a vacant lot, zoned B-1 owned by the owner/operator of the commercial building to adjacent to the north vacant lot. To the south is a commercial strip development, with a liquor store and a chain restaurant. That property is zoned B-1. To the east is Rose Hill Road, the main arterial street in Rose Hill, carrying the most traffic in the community. The property on the east side of Rose Hill Road is a Vet/Animal Clinic, a restaurant and a commercial strip mall, all zoned B-1.

There is currently a concrete block wall between the car wash and residential property.

- 2. The zoning and uses of property nearby:** Factual listing of zoning surround the property.

Adjoining properties are B-1 along Rose Hill Road and R-1 in the residential subdivision.

- 3. The suitability of the property for the uses to which it has been restricted under its existing zoning:** How is the property currently zoned and what uses are allowed on the property? Are these uses suitable given surrounding zoning and site criteria? Are the current allowed uses the only uses which might be appropriate for this property?

According to the tax records, the car wash was constructed in 2006. The property is within Primrose Addition, platted in 1997, as is the property adjacent to south and the residential property to the west. Uses are consistent with the original plat concept. The vacant property to the north is part of Primrose Addition Replat in 2000.

There will be no additional infrastructure costs for the city for water and sewer to the properties for this proposal.

- 4. Extent to which removal of the restrictions will detrimentally affect nearby property:** Can uses allowed in the requested district be good neighbors to existing development? This is a subjective question. The focus should be on facts, not fears, and should be based on issues that zoning can address (e.g., allowed uses, minimum lot sizes, height, setbacks, traffic, etc.)

Currently, the car wash has a total property tax bill of \$7,538.16 per year and was constructed in 2006. The commercial property to the south has a tax year 2024 bill of \$7,914.26 per year and the two adjoining residential properties to the west were

construction in 2009 and 2010 with current property taxes of \$4,584.38 and \$4,780.22 for tax year 2024. The vacant lot to the north has a 2024 property tax value of \$660.42.

It appears that the existing uses are compatible and have not restricted further development and is consistent with the original design. The proposed variance for rear yard setback offers no practical change from what has been in operation since construction of the facility.

The applicant has provided information that he desires to upgrade the facility and install more modern equipment and feels it is necessary to do so may require variances from city standards for rear and side yard.

The biggest concern for noise to adjoining property is generally vacuums. Current regulations would prohibit the installation of vacuums in the rear setback area.

- 5. Length of time of any vacancy of the property:** Factual information, but its importance can be somewhat subjective. A property might be vacant because the current zoning is unsuitable, but there may be other reasons not related to zoning. Some examples might be a glut of available property of the same zoning district, financing problems, speculation, lack of available services or other development problems.

The property is occupied and not vacant. It is being used for the proposed use, just not updated to proposed facility.

- 6. Relative gain to the public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners:** The protection of the public health, safety and welfare is the basis for zoning. The relationship between the property owner's right to use and obtain value from their property and the City's responsibility to its citizens should be weighed.

There is no proposed side yard setback on the plat. Generally, there are 0' setbacks in commercial districts where there are common walls (think traditional downtowns). It is questionable if a side yard setback is required, but it is unclear to the zoning administrator so I have required him to submit the request. Additionally, mechanical appurtenances such as air conditioning units in residential districts can be in the setbacks. The downside is if the electrical equipment is adjoining the property line, how can it be maintained without trespassing or if the adjoining property places a fence on the property line, how will the equipment be maintained?

The rear yard is much greater than the adjoining strip mall property to the south. It is much closer than proposed for the development. This development will have more daily vehicles during the car washing seasons.

- 7. Recommendation of professional staff:** Should be based on the evidence presented, the factors, adopted plans and policies, and other technical reports (e.g., Capital Improvement Programs, facility master plans, etc.) which speak to the topic and staff's best professional judgment.

Staff does not object to the rear yard setback variance. It is required to have property turning movement for the use of its customers. The use is the same as current, but there may be additional or longer uses of the property for consideration to the properties to the west. It does not appear to make the rear construction closer to the existing properties, as information provided by applicant has indicated.

My concern is 0' side yard setback and operation by the owner. This is more of an issue for him and his access. If the side yard setback is approved, it might be considered only for mechanical/electric uses and not structures.

The infrastructure will require no upgrading or cost for the proposal. It was planned in 2001 Comprehensive Plan for commercial development..

- 8. Conformance with the Comprehensive Plan:** Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?

The future use land plan adopted in 2001 called for this land to be Business/commercial property.

- 9. Public Input or sentiment regarding the proposed use as voiced in the public hearing or other communications.:** This is just one of the factors to be considered and by itself is not sufficient reason to approve or deny a request.

To date, we have received 5 calls/emails concerning the property from an owner within 200' of the property. There has been no stated opposition or support, just questions of what is being proposed.