



107 Layton Street, Suite A
 Dodge City, Kansas 67801

February 21, 2018

VIA E-MAIL ONLY

Lawrence-Douglas County Planning Commission

Re: Wild Pines Ventures LLC (the “**Applicant**”)
 Tommy’s Express Car Wash (the “**Project**”)
 Z-17-00688 and SUP-17-00690

Dear Planning Commissioners:

I am writing on behalf of the Applicant in response to several recent communications expressing concern about the Project’s potential impact on nearby properties. One reason why we decided to explore a Tommy Car Wash System franchise is because its car washes are very well engineered and efficient. As a result, the proposed Tommy’s Express does a number of things to reduce its physical impact on adjacent properties.

Noise

Several individuals have recently expressed concerns about noise. Please refer to the current noise study (the “**2018 Noise Study**”) attached to the agenda packet in Item 4A, dated January 18, 2018. That study found that a person standing 40 feet outside the car wash tunnel exit will hear 64dB of sound, the equivalent of ambient noise. You received a communication from Ms. Alice Bean dated February 18, 2018 that cites to and references an older 2008 study. The 2018 Noise Study notes that “the volume levels created by [the current] system appear to be somewhat lower than the older style blower system studied in 2008.” Unlike the old 2008 systems, which are 87dB at 45 feet, the new systems are 23dB quieter at 40 feet. Below is a comparison of the decibel readings from 2008 versus 2018:

	<u>2018 Noise Study</u>		<u>2008 Noise Study</u>	
Increasing distance from blowers ↓	At Nozzle	86 dB	At the nozzle	104 dB
	5’ Inside	85 dB	5’	103 dB
	10’ Inside	82 dB	10’	102 dB
	Exit Door	74 dB	At the exit door	102 dB
			5’ out the door	101 dB
	5’ Outside	74 dB	10’ out the door	97 dB
	10’ Outside	75 dB	15’ out the door	94 dB
	20’ Outside	66 dB	20’ out the door	93 dB
	40’ Outside (Ambient)	64 dB	25’ out the door	92 dB
			35’ out the door	90 dB
		45’ out the door	87 dB	
		55’ out the door	66 dB	

Two neighbors to the South who expressed concern about noise live approximately 750 to 800 feet away from the entrance of the tunnel on the South side of the building. The ambient noise at the intersection of West 6th Street and Monterey Way, as recorded by Ms. Bean (which indicated a range from 54dB to 90.7dB, with an average of 75dB), supports the conclusion of the 2018 Noise Study that the

sound levels in the proximity of a car wash “are not substantially louder than many other everyday sounds.”

Water

- The Project will not have an impact on storm water systems. If approved, the Project will result in a net increase in green space and a decrease of impervious surfaces, thereby reducing runoff. The operation of the car wash itself does not materially contribute to the storm sewer system.
- The impact on the sanitary sewer system is also expected to be minimal. The average car wash uses between 45 and 55 gallons of water per car. This Project uses 35 gallons per car, and reclaims approximately 8 to 10 gallons with each car, for a net of 25 to 27 gallons per car. Based on the Project’s water reclamation systems and reduced indoor fixtures, the Planning Staff and the City Utility Engineer have not required a downstream sanitary sewer analysis.
- Water conservation, in general, is a corporate priority for Tommy’s Express, which makes a donation to Water Mission for every car washed, to help advance sustainable clean water solutions in developing countries and disaster areas. See <https://tommys-express.com/giving-back>.

Traffic

The Applicant hired George Butler Associates, Inc. to conduct a traffic impact study (the “**Traffic Study**”) in accordance with City Code. The Traffic Study concludes that the range of potential increases in vehicle trips during peak hours is between 5 and 27 cars per peak hour. This increase is below the City’s threshold to require further traffic impact evaluation. The Project has frontage on a Principal Arterial and a Collector Street, and is not expected to generate much more traffic than the current use.

Staff Conclusions – Special Use Permit

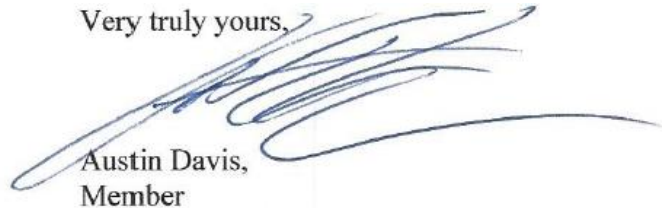
The Applicant concurs with the Staff’s conclusions in recommending approval of a special use permit for Project. For your convenience, those conclusions are set forth below.

- This use complies with the applicable provisions of the Development Code as an allowed use in the CN2 District subject to a Special Use Permit, as conditioned.
- The use should be compatible with surrounding land uses as it is located in an area with commercial and office land uses. The car wash will utilize a water reclamation system to reduce their water demand and discharge level to minimize their impact on the City Utility System. The maximum increase in traffic expected with this project is expected to be an additional 27 vehicles during a peak hour, which is not expected to impact the existing road network. The car wash use is compatible with other uses in the area and is expected to have little impact to the surrounding area.
- There is no evidence to support a finding that the proposed use would cause a diminution of other property values in the area.

- This project is redeveloping an established commercial property. The Public Safety, transportation and utility facilities in the area are adequate to continue service to the subject property.
- The site plan will function as the enforcement document to assure that the maintenance and use of the property is consistent with the approval.
- The proposed use should not adversely impact the natural environment.

We are fortunate to have the opportunity to work with Tommy's to bring a top notch product to the Lawrence community. We are a family owned business, and we are native Kansans. I hope you are able to better understand how this Project is quieter and cleaner than the stereotypical car wash. Please adopt the findings of the Staff and recommend approval of the Project.

Very truly yours,



Austin Davis,
Member

cc: Mary Miller (via e-mail only)



Commercial Ventures, Inc.

Real Estate Investments • Brokerage • Leasing • Management

February 21, 2018

Ms. Mary Miller
City of Lawrence, Planning Division
P.O. Box 708
Lawrence, KS 66044

Re: Rezoning and Special Use Permit
Tommy's Car Wash - 6th & Monterey

Dear Mary,

As we discussed in our phone conversation yesterday, I had planned to be at this evening's Planning Commission meeting, but an unexpected case of the flu has me sidelined for a couple of days. Since I will be unable to attend as owner of the property, please convey my situation to the planning commission and let them know that we fully support the rezoning and special use permit for a Tommy's Car Wash at this site. Please bear in mind that we have a multi-million dollar investment in our shopping center directly north of the subject property, and we are very prudent in deciding what types of uses would and would not be good for our center as we plan to hold it for the long term.

Tommy's Car Wash first came to our attention when they built a beautiful facility in a very prestigious part of southern Johnson County at 107th and Roe in Overland Park, Kansas. They have a first class building from an aesthetic standpoint, and they run a first class business as well. We feel that they would be a very nice compliment to the rest of our center and that they would bring in additional business for the tenants that we currently have in the center. At the same time, they are segregated from the remainder of our center so that their traffic pattern will not adversely affect any other portions of the development. They are also compatible with other commercial uses in the immediate area. Their location on the southeast corner of our development is right at the intersection of the street which leaves them far enough away from any residential areas so they will not create problems for residents.

The addition of a car wash to this area will be an asset to nearby residents and to those who frequent our shopping center as it will provide a service-based business that everyone needs and uses. We believe that Tommy's Car Wash at this location creates a win/win situation for everyone, and we ask for the support of the City Planning Commission in this rezoning and special use request.

Kindest Regards,

COMMERCIAL VENTURES, LLC



Steve Choikhit

Mary Miller

From: Charles Derby <charlesd@firststateks.com>
Sent: Tuesday, February 20, 2018 2:38 PM
To: Mary Miller
Subject: RE: comments for Planning Commission meeting

Ms. Miller –

As an immediate neighbor to the proposed site I have a few comments / questions I hope the planning commission considers as it takes up the requests for the site at 3900 W. 6th Street. As I understand it, it is a rezoning and a special use permit request – so I would ask what is the compelling reason to change the current allowed zoning? What is the overwhelming reason to allow the Special Use Permit? Is the corner of 6th and Monterey Way's best use really that of a car wash? I find it hard to believe that tearing down a viable restaurant structure to replace it with a tunnel car wash is in the best interest of the citizens and taxpayers. I believe in free enterprise, but also believe there are a number of other car washes on 6th street and again I don't see a compelling reason to change the current zoning and intent for the intersection. There are residential homes in close proximity to the intersection and imo the restaurant is a better buffer than a car wash. If approved, I would hope there would be some expectations to control water runoff, noise, trash, and lighting to not adversely affect the neighborhood.

Thank you.

Charles Derby
EVP / Lawrence Market President
First State Bank & Trust
3901 West 6th Street
Lawrence, KS 66049
Main Line: 785-749-0400
Direct Line: 785-312-6801
Toll Free: 800-463-7782
Fax: 785-843-3581
charlesd@firststateks.com
www.firststateks.com
NMLS #876444



From: Mary Miller [mailto:mmiller@lawrenceks.org]
Sent: Friday, February 16, 2018 8:51 AM
To: Charles Derby <charlesd@firststateks.com>
Subject: comments for Planning Commission meeting

Charles,

Please feel free to email your comments to me. I will see that they are included with the Planning Commission online agenda if received before 10AM on Tuesday February 20th. Comments can also be hand delivered to the Planning Office at City Hall, 1st Floor, 6 E 6th Street or faxed to 785-832-3160.

Thanks,
Mary

Mary K Miller, AICP City/County Planner II - mmiller@lawrenceks.org

Planning Division / www.lawrenceks.org/pds

P.O. Box 708 Lawrence, KS 66044

Office (785)-832-3147 / Fax (785) 832-3160

"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey: <http://lawrenceks.org/pds/survey/satisfaction>

From: Lori Lampe [mailto:llampe@sunflower.com]
Sent: Tuesday, February 20, 2018 9:34 AM
To: PlanningEmail <PlanningEmail@lawrenceks.org>
Subject: 2/21/18 meeting

re: agenda items 3 and 4

To the Lawrence Planning Commission:

I live on the corner of 8th Street and Monterey Way, just south of the proposed development (Tommy's Car Wash) at 3900 W. 6th Street. I have several concerns about the potential rezoning and use of this property.

My first concern is drainage. When Hy-Vee was built on the property, there were concerns about the drainage that would result from paving over such a large area. To address these concerns, significant changes were made downstream to accommodate this plan. My back yard was completely restructured to accommodate the increased run-off. While the solution was less than ideal, the final plan to keep the increased run-off from affecting my home has thus far been successful. While the proposed car wash will not increase the amount of impervious surface up stream, the nature of this business causes me great concern. The alterations to my yard were based on drainage from expected natural sources (e.g. rain, snow) and did not include significant additional manmade sources of water.

I am also concerned about the noise resulting from this business. As I write this, I can hear cars passing on 6th Street. This noise is unobtrusive. I can usually hear traffic sounds, but they are, by nature, transient. The apartment complex just east of my house regularly cleans the carpets of many of the units each summer. While this is going on, I can hear the loud, continuous noise of the vacuums being used. This goes on for hours at a time. I try to leave my house if I can during that time, but if there is perpetual noise close to my house every day from a nearby carwash, I can't escape that. You may find the information in this article useful: <https://www.sciencedirect.com/science/article/pii/S014067361361613X>

In addition to these two primary concerns, I'm also a little apprehensive about changes to the traffic in the area. I walk near my home multiple times each day and see many others doing the same. I see people walking to and from the grocery store almost every day, as well as people walking to utilize the bus stops near that intersection. Additional traffic, or significant changes in the type of traffic, can make our neighborhood less pedestrian-friendly.

Thank you for your consideration,
Lori Lampe
3900 W. 8th St.
Lawrence, KS

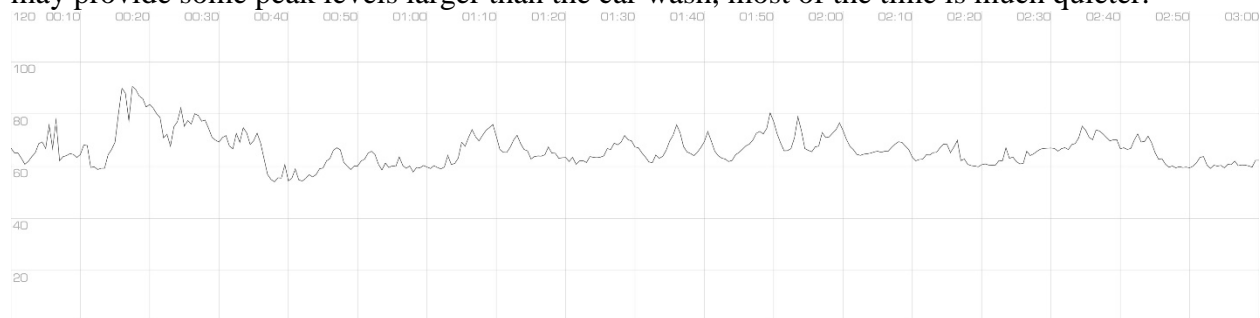
Scott McCullough
Director of Planning and Development Services
City of Lawrence
smccullough@lawrenceks.org
Mary Miller mmiller@lawrenceks.org

February 18, 2018

To Whom It May Concern:

I am writing about rezoning and special use permits for the property located at 3900 W. 6th St to develop it as a Tommy's Car Wash by Wild Pines Ventures LLC for Lawrence Monterey Investors LLC. I am in opposition to Z-17-00688, a request to rezone from CN2 & PCD to CN2 as well as SUP-17-00690 which asks for the Tommy's Car Wash permit. Aside from being unconvinced that another car wash is needed in this area, I have two more specific concerns: noise and water issues.

I live within a ¼ mile of the intended site and I walk regularly across the Monterey and 6th intersection both to shop in the HyVee shopping center as well as for exercise as do many of my neighbors who I see there. In searching for the noise impact on the neighborhood, I came across a noise study done by the Tommy's Car Wash franchise itself at <http://tommycarwash.com/support/wp-content/uploads/2015/11/Noise-Study.pdf> In this study they found that at 5 feet outside the door the sound level was 101dB and at 45 feet outside of the door the noise level was still 87 dB. Earlier in the report they say "Sounds louder than 80 decibels are considered potentially hazardous." This gives me great concern for the workers in the car wash, patrons of the car wash, and people walking around the area of the car wash even if newer blowers are to be installed in this building with reduced sound output. I'm also concerned that this noise will be at all of their hours of operation from 8am until 9pm. It is clear to me that before the rezoning request and special use permit are granted, there should be a reasonable study to address the noise issue. As a physics professor at KU and having a vestibular issue that limits my ability to be around loud areas I have acquired a sound measuring app on my iphone (Decibel x) so that I can keep track of noise. One could ask whether it is already noisy at that intersection due to car traffic. I measured for 3 minutes the sound levels at the SW corner of Monterey and 6th on 2/13/18 during rush hour at 6:05 pm which should be the loudest that the intersection becomes. I attach the graph here and note that the average level was 75 dB with the minimum level of 54.1 dB and maximum level at 90.7 dB so while traffic may provide some peak levels larger than the car wash, most of the time is much quieter.

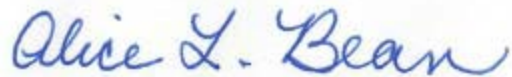


I'm also very concerned about the water and drainage issues. While I understand that there may be less storm water drain off as there will be less blacktop, I hope that some questions can be

answered about the operation with respect to water use. How much water will they use? Is it consistent with the City's planning on water use? Will they be recycling their water? At some point their water will I assume go to the sewer system. Are they treating their water before it leaves the premises? Will there be any possibility of their normal use water draining down the drainage ditch that passes in my backyard?

I hope that you will consider all kinds of impacts and study this proposal carefully.

Sincerely yours,

A handwritten signature in blue ink that reads "Alice L. Bean". The signature is written in a cursive style with a light blue background behind the text.

Alice Bean
3904 W. 8th St
Lawrence, KS 66049

From: Leslie Soden
Sent: Saturday, December 30, 2017 6:42 AM
To: Shirley Pollom Brandt <sbrandt68@gmail.com>
Cc: Bobbie Walthall <bjwalthall@lawrenceks.org>; Tom Markus <tmarkus@lawrenceks.org>; Scott McCullough <smccullough@lawrenceks.org>
Subject: Re: Car wash

Thank you Shirley. I will share your comments with the other commissioners.

Mayor Leslie Soden
913-890-3647

On Dec 30, 2017, at 12:26 AM, Shirley Pollom Brandt <sbrandt68@gmail.com> wrote:

Hello, I am writing to say that I believe another car wash at the previous Applebees site is a terrible idea. I feel it would make a mess of that intersection and there are plenty of car washes in this part of town. Please consider not allowing this.

Thank you,
Shirley Brandt

Sent from [Mail](#) for Windows 10

From: Leslie Soden
Sent: Saturday, December 30, 2017 3:44 PM
To: Ronald Christ <ronaldchrist49@gmail.com>
Cc: Scott McCullough <smccullough@lawrenceks.org>
Subject: Re: Proposed Carwash at 6th and Monterey Way

Thank you for your input Ronald.

Mayor Leslie Soden
913-890-3647

On Dec 30, 2017, at 1:11 PM, Ronald Christ <ronaldchrist49@gmail.com> wrote:

Dear City of Lawrence Officials .. We are fairly new residents of Lawrence, moving here after retiring from Wichita State University. One of the things that attracted us to Lawrence was the overall visual appearance, including land use, planning, etc. While not perfect, it is far better than many locations. With that in mind, please do not approve the proposed carwash at 6th and Monterey Way. It would be terrible. The empty Applebee's is not ideal either. But the proposed carwash would be far worse. If we were one of the businesses at that intersection, we would also be contacting you in opposition. Please don't let this happen. .. Ronald Christ and Barbara Mason. 825 April Rain Road, Lawrence, KS 66049

From: [Denny Ewert](#)
To: [Mary Miller](#)
Cc: [Caitlyn Dolar](#)
Subject: Fw: POD.
Date: Saturday, February 03, 2018 7:08:29 AM

From: Tom Girard <tomchief51@att.net>
Sent: Friday, February 2, 2018 11:34:27 PM
To: PlanningEmail
Subject: POD.

I had some questions and concerns about proposed development at 6th and Monterey. I been told by city staff in the past problems exist with waste water system south of the proposed development of a carwash . Traffic is also very heavy at this intersection now when is the planning board meeting on this issue . Thanks

Contact information. Tom Girard 785 220.3005

Sent from my iPad