

Case No. BZA 25-80 - Rodney L. Steven requests an exception to permit the establishment of a self-service car wash, particularly to amend previously established condition of no ingress or egress from Glendale.

*Posted
5-29-80*

*NY
6-23-80
7-23-80
7-23-80*

ACTION

DATE 6-24-80

COMMITTEE APPROVED

*BZA
25-80*

M.A.P.C. _____

B.C.C./B. CO. C. _____

*Approved
6-8-80
BZA*

Map No. 5846
 Sec. 35
 Twp. 27
 Range 1E

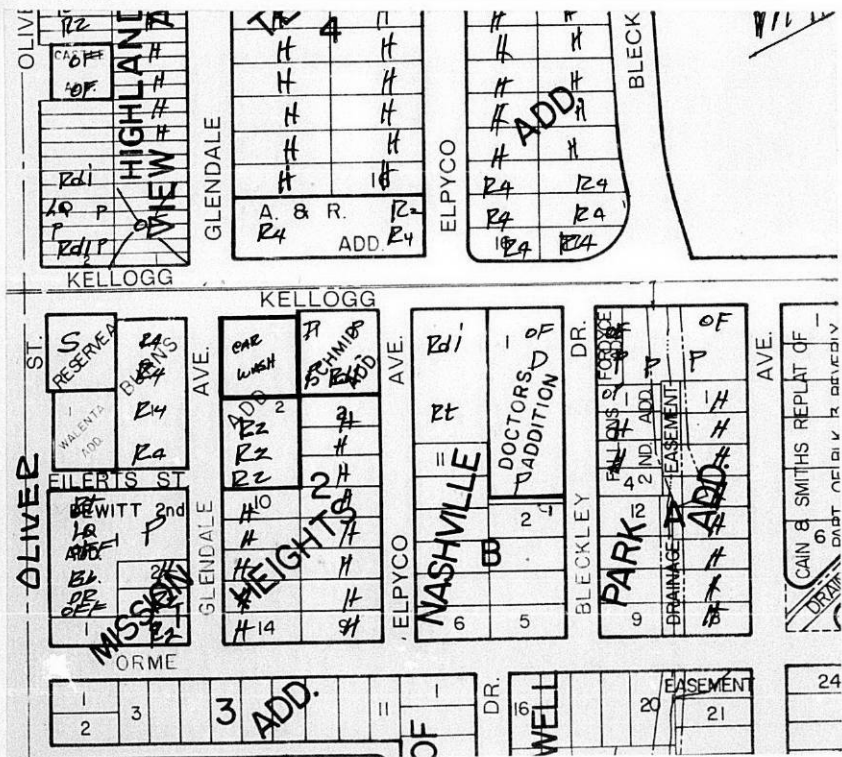
BZA- 25-80
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.43 (135 ft. by 140 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East DRIVE-IN RESTAURANT South TWO FARM
 West MULTI-FARM North KELLOGG
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: CAR WASH
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



Smith
 No. 2-153C
 MASTERING - LOS ANGELES
 LOGAN - MADISON, U.S.A.

January 8, 1981

Mr. Rodney L. Steven
2333 McLean Blvd., N.W.
Wichita, Kansas 67203

Re: BZA Case No. 25-80
Request for Exception

Dear Mr. Steven:

This letter is to inform you that on January 7, 1981, Central Inspection has advised this office that you have finally completed the conditions of the carwash approval at the southeast corner of Glendale and Kellogg as set forth in Resolution BZA 25-80. It will therefore not be necessary for you or your representative to be present at the BZA meeting of January 27, 1981, as we will inform the Board on that date of your compliance.

Your failure to comply with the conditions set by the Board within 60 days of the release of the resolution last July has caused undue concern and work on the part of the Board and the City staff. I do, however, feel that your belated compliance was in everyone's best interest so that further proceedings before the Board are not necessary. I would point out that you are required to maintain your property in compliance with the conditions as set forth in the Resolution.

As you are probably aware, your contractor relocated two of the required drying spaces away from the east property line, and Central Inspection has accepted these amendments as being in compliance with the approved plan. Central Inspection will be monitoring your site from time to time and failure on your part to maintain your property in compliance will result in action to assure continuous compliance.

If we can be of any assistance in the future, please feel free to contact our office. We do appreciate your final efforts in seeing that your operation meets the conditions of approval.

Sincerely,

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Jack H. Galbraith
Secretary of Board of Zoning Appeals

JHG:GEL:sad

cc: Harry Najim, Attorney, 300 West Douglas, Wichita 67202
Robert Feldner, Superintendent of Central Inspection
Sam Mobley, Central Inspection

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

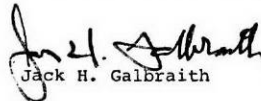
December 16, 1980

TO: City of Wichita Board of Zoning Appeals
FROM: Jack H. Galbraith, Secretary
SUBJECT: BZA 25-80 - Car wash on southeast corner of Kellogg & Glendale

At your meeting of November 25, 1980 you requested that this matter be placed on the December 23, 1980 agenda for possible consideration of voiding the Resolution for failure to comply with the conditions as set forth by the Board.

The owner and his attorney were notified by mail on November 26, 1980. A copy of that letter is attached for your information. I have received a call from Mr. Najim but have not received any response from Central Inspection as to compliance with the conditions of the Resolution.

Should the applicant complete the carwash in compliance with the Resolution it will not be necessary to take further action on this case.


Jack H. Galbraith

JHG:GEL:sad

Attachment

November 26, 1980

Mr. Rodney L. Steven
2333 McLean Blvd., N.W.
Wichita, Kansas 67203

Re: BZA Case No. 23-80
Request for Exception

Dear Mr. Steven:

At the Board of Zoning Appeals meeting of November 23, 1980, the Board discussed your failure to comply with the conditions of the Resolution approving your application for an exception to establish a carwash on the southeast corner of Kellogg and Glendale. After receiving comments from Central Inspection, it was the action to place this item on the December 23, 1980 agenda for consideration for revocation and voiding the Resolution.

I am certain this is a matter that can be resolved by you taking immediate steps to bring your property into compliance with all conditions established by the Board and set forth in the Resolution dated June 24, 1980. In conferring with Mr. Mobley of Central Inspection the following should be resolved:

1. All parking barriers shall be provided as indicated by your approved development plan. This is particularly lacking along the west property line when patrons continue to drive over the barriers, or remove them for their convenience. As indicated by condition number 10 of the Resolution, the barriers shall be of sufficient height to prevent vehicular traffic from driving over the sidewalk and parking area. Obviously the barriers you have provided have not accomplished this.
2. You have failed to provide adequate signs to indicate the direction of circulation on the property so that your customers will comply with the approved plan. This should also include striping of the lot to indicate the parking and drying spaces and arrows to indicate direction of travel in the holding spaces. (See item number 13 of the Resolution.) It would be helpful if you would place signs on the north side of the carwash structure noting exit only.
3. It has been noted that you have installed a driveway connecting your property to the east. In accordance with the approved plan submitted by you, this driveway interferes with the required drying spaces.

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I would point out that condition number 16 of the Resolution states that all conditions of approval must be complied with within 60 days of the release of the Resolution which was July 14, 1980.

The Board has requested that you or your representative be present at the Board of Zoning Appeals meeting of December 23, 1980 in order that an explanation can be obtained of your failure to comply with the Resolution.

If you have any questions on this matter, please give us a call.

Sincerely,

Jack H. Galbraith
Secretary

JHG:CEL:sad

cc: Harry L. Hajim, 300 West Douglas, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection
Sam Mobley, Central Inspection
Joe Bogle, Assistant City Attorney

WICHITA-SEDGWICK COUNTY

DATE
October 31, 1980

METROPOLITAN AREA PLANNING DEPARTMENT

TO Robert Feldner, Superintendent of Central Inspection
FROM Jack H. Galbraith, Secretary of Board of Zoning Appeals
SUBJECT BZA 25-80 - Compliance with conditions

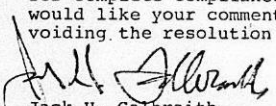
At the regular meeting of the Board of Zoning Appeals on October 28, 1980, the Board requested a report on the status of compliance with the conditions of approval of the exception. Apparently the applicant has not complied with all of the conditions to this date.

As you will note in the resolution, all of the conditions were to be complied with within 60 days of the release of the resolution. This resolution was released and forwarded to your office on July 14, 1980.

It is my understanding that the applicant has never provided any type of signage or striping to indicate direction of circulation on the property so that the customers will comply with the approved plan. This should also include arrows as shown on the approved plan.

It is also noted that the applicant has installed a driveway to the property to the east that is located in the area of the required off-street drying spaces. Also the barriers along the west property are not anchored in place and apparently some have been removed.

I would appreciate you contacting the owner and get a definite date for complete compliance. After your review with the owner I would like your comments on whether action by the Board to consider voiding the resolution would help in securing compliance.


Jack H. Galbraith
Secretary of Board of Zoning Appeals

JHG:GEL:sad

July 14, 1980

Rodney L. Steven
2333 McLean Blvd., N.W.
Wichita, Kansas

Re: BZA Case No. 25-80
Request for Exception

Dear Mr. Steven:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 24, 1980, in connection with your request for an exception to permit the establishment of a self-service car wash, particularly to amend a previously established condition of no ingress or egress from Glendale, (BZA 46-79), on property zoned "LC" Light Commercial District and generally located on the south-east corner of Glendale and Kellogg.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions of approval. It is forwarded to you for your information and files.

This is to advise you and those receiving copies of this memo that Bill McKinley, Assistant Traffic Engineer, has approved the enclosed plan which he emphasizes by marking the plan where bumper blocks are to be placed and where striping and directional arrows are to be painted. Bill McKinley also advised that he will have the "no parking signs" on Glendale installed.

Based on his approval of the revised plan and with the understanding that you will install the blocks and paint the arrows and striping where indicated, this authorizes the issuance of the curb cut permit for the one approach on Glendale which is to be located just south of Kellogg. We have forwarded a copy of the approved plan to Mr. Feldner.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:sad

Encl:

cc: Harry Najim, 300 West Douglas, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection
Don Gisick, City Clerk
William McKinley, Assistant Traffic Engineer
Roberta Mendenhall, Administrative Assistant Public Works

RESOLUTION NO. BZA 25-80

WHEREAS, Rodney L. Steven, 2333 McLean Blvd., Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a self-service car wash, particularly to amend a previously established condition of no ingress or egress to Glendale Avenue (BZA 46-79) on property zoned the "LC" Light Commercial District, and legally described as follows:

The north 138 feet of Lot 2, Jim Burns Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Kellogg and Glendale.

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 June 24, 1980, 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 the establishment of a self-service 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 the establishment of a self-service car wash on property zoned the "LC" Light Commercial District and legally described as follows:


The north 138 feet of Lot 2, Jim Burns Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Kellogg and Glendale.

subject to the following conditions:


1. A six to eight foot high solid fence of masonry, metal, cedar or redwood shall be installed along the south property line. Said fence shall be reduced to 3 feet in height within 25 feet of the east right-of-way line of Glendale and extended to the property line.
2. All of the area to be used for circulation, holding spaces, parking spaces and all ingress and egress drives, including common access drives, shall be surfaced with asphalt, concrete or asphaltic concrete and be maintained in good condition.
3. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
4. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. Off-street holding spaces shall be provided on the property at the ratio of not less than four holding spaces for each self-service car washing stall.

7. Off-street drying spaces shall be provided on the property at the ratio of not less than two parking spaces for each self-service car washing stall.
8. One off-street parking space shall be provided for each two employees.
9. All parking spaces and drying spaces shall have adequate guards or curbs to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
10. All circulation drives adjacent to public right-of-way shall be provided with adequate guards to prevent vehicles from driving over the adjacent sidewalks. This shall include a physical barrier of sufficient height adjacent to the west property line for the south 70' and maintained to prevent vehicular traffic from driving over the sidewalk and the parking area.
11. Grades shall be established on the property to prevent the intrusion of surface drainage from entering the sanitary sewer. This shall include a roof over the car wash bays and the installation of the mud trap at a location under roof or at a grade satisfactory to the Superintendent of Sewer Maintenance.
12. 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.
13. The applicant shall provide adequate signs to indicate direction of circulation on the property so that the customers will comply with the approved plan. This should also include striping of the lot to indicate parking and drying spaces and arrows to indicate direction for travel in the holding spaces.
14. Two copies of a revised site plan, approved by the Traffic Engineer, showing all physical improvements as indicated above, shall be submitted to the Secretary of the Board prior to the release of this Resolution.
15. Prior to the release of the Resolution, and the construction of the opening to Glendale, "no parking" signs shall be installed on the east side of Glendale in accordance with the action of the Traffic Commission.
16. All of the above conditions of approval must be complied with within 60 days of the release of the Resolution or the Resolution shall become null and void.
17. Resolution No. BZA 46-79 shall become null and void upon the approval of this Resolution.

ADOPTED AT WICHITA, KANSAS, this 24th day of June, 1960.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

June 26, 1980

Rodney L. Steven
2333 McLean Blvd., N.W.
Wichita, Kansas

Re: Case No. BZA 25-80
Request for Exception

Dear Mr. Steven:

At the regular meeting of the Board of Zoning Appeals on June 24, 1980, your request for an exception to permit the establishment of a self-service carwash, particularly to amend a previously established condition of no ingress or egress from Glendale, (BZA 46-79), on property zoned the "LC" Light Commercial District and generally located on the southeast corner of Glendale and Kellogg was considered.

It was the action of the Board to approve the request subject to the following conditions:

1. A six to eight foot high solid fence of masonry, metal, cedar or redwood shall be installed along the south property line. Said fence shall be reduced to 3 feet in height within 25 feet of the east right-of-way line of Glendale and extended to the property line.
2. All of the area to be used for circulation, holding spaces, parking spaces and all ingress and egress drives, including common access drives, shall be surfaced with asphalt, concrete or asphaltic concrete and be maintained in good condition.
3. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
4. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.

5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. Off-street holding spaces shall be provided on the property at the ratio of not less than four holding spaces for each self-service car washing stall.
7. Off-street drying spaces shall be provided on the property at the ratio of not less than two parking spaces for each self-service car washing stall.
8. One off-street parking space shall be provided for each two employees.
9. All parking spaces and drying spaces shall have adequate guards or curbs to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
- ✓ 10. All circulation drives adjacent to public right-of-way shall be provided with adequate guards to prevent vehicles from driving over the adjacent sidewalks. This shall include a physical barrier of sufficient height adjacent to the west property line for the south 70' and maintained to prevent vehicular traffic from driving over the sidewalk and the parking area.
11. Grades shall be established on the property to prevent the intrusion of surface drainage from entering the sanitary sewer. This shall include a roof over the car wash bays and the installation of the mud trap at a location under roof or at a grade satisfactory to the Superintendent of Sewer Maintenance.
12. 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.
- ✓ 13. The applicant shall provide adequate signs to indicate direction of circulation on the property so that the customers will comply with the approved plan. This should also include striping of the lot to indicate parking and drying spaces and arrows to indicate direction for travel in the holding spaces.
- ✓ 14. Two copies of a revised site plan, approved by the Traffic Engineer, showing all physical improvements as indicated above, shall be submitted to the Secretary of the Board prior to the release of this Resolution.
- ✓ 15. Prior to the release of the Resolution, and the construction of the opening to Glendale, "no parking" signs shall be installed on the east side of Glendale in accordance with the action of the Traffic Commission.

16. All of the above conditions of approval must be complied with within 60 days of the release of the Resolution or the Resolution shall become null and void.
17. Resolution No. BZA 46-79 shall become null and void upon the approval of this Resolution.

A resolution setting forth the official action of the Board is being prepared and you will be furnished a copy when the site plans have been revised reflecting compliance with the conditions established by the Board of Zoning Appeals. The permit for the construction of the approach to Glendale will be withheld pending release of the resolution.

If you have any questions, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Harry Najim, 300 West Douglas, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection
Don Gisick, City Clerk
William McKinley, Assistant Traffic Engineer
Roberta Mendenhall, Administrative Assistant Public Works

SECRETARY'S REPORT
CASE NO. BZA 25-80

APPLICANT: Rodney L. Steven, 2333 McLean Blvd. N.W.,
Wichita, Kansas.

AGENT: Harry Najim, 300 West Douglas, Wichita,
Kansas.

REQUEST: Exception pursuant to Section 28.04.183.4,
Code of the City of Wichita to permit the
location of a self-service car wash in the
"LC" Light Commercial District. (This
application is to amend a previous condition
of BZA 46-79, to permit ingress and egress
from Glendale).

GENERAL LOCATION: Subject property is located on the southeast
corner of Kellogg and Glendale.

ZONING: Subject property is zoned "LC" Light Commercial
as are all the surrounding properties.

LAND USE: Subject property is presently occupied by a
self-service car wash. Properties to the
south, west and north are residential. Property
to the east is occupied by a restaurant.

JURISDICTION:

The Board has jurisdiction to consider this request under
the provisions outlined under 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.

COMMENTS BY THE SECRETARY:

The applicant has filed a new application for an exception to
permit a self-service car wash on property zoned the "LC" Light
Commercial District at the southeast corner of Kellogg and Glendale.
This request is primarily to amend the previous condition established
by the Board of Zoning Appeals on October 23, 1979 (BZA Case No. 46-7
that did not permit ingress or egress to Glendale.

Since the approval of the original application (BZA 46-79) in
October 1979, the applicant has constructed a car wash on the subject
property. The approved site plan required the removal of the two
existing approaches to Glendale which were finally removed about the
end of March, several months after the opening of the car wash. The
Board discussed several violations, including the driveway approaches
which existed on the property in violation of the previously approved
Resolution and asked that the Secretary notify Mr. Steven of the
violations. In addition to the closing of the approaches, Mr.
Steven was asked to make some provisions for striping or signs to

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indicate to the public the traffic flow as shown on the applicant's site plan as approved. To this date, nothing has been done to direct the use of the car wash in the manner that was designed and approved.

The applicant recently appeared before the Traffic Commission requesting that parking be prohibited on the east side of Glendale from Kellogg to Eilerts. This was not approved, but an additional motion was approved to remove the parking on the east side of Glendale adjacent to the applicant's property. This will be acted on by the City Commission prior to the BZA hearing of June 24, 1980. Joe Donnelly, of Central Inspection, has also furnished an opinion that, with the parking removed from one side of the street adjacent to the applicant's property, this would comply with the provision of the ordinance requiring two free-moving lanes of traffic, thereby permitting ingress or egress to a residential street.

The applicant is now requesting that a driveway approach be permitted to Glendale so that patrons to the car wash may enter and exit onto Glendale. At the present time patrons to the business are exiting to Glendale without benefit of a driveway approach. This is accomplished by driving over the barriers and the curb, or by driving out onto Kellogg and proceeding west in the east bound lane to Glendale in order to return to the west or south.

As you will recall, when the request for an exception was first submitted to the Board in October 1979, the staff recommended against the approval of a car wash at this location. This was based on the fact that the general area is still residential even though zoned "LC", and that the site is situated on Kellogg where it is accessible only by eastbound Kellogg traffic. Also, the access to Glendale, on the plan originally submitted by the applicant, would encourage traffic thru the residential area to the south. It should also be noted that the CPO Council "G" recommended by a 7-0 vote that the application be denied.

It is now very apparent, since the installation of the car wash, that the customers are using Glendale to exit back to the west, whether legal or not. The applicant feels that a driveway approach on Glendale will alleviate, to some degree, the traffic hazard of his customers having to enter Kellogg traffic in exiting from the car wash. He also feels that, with the opportunity to exit to Glendale, the customers will be more inclined to go the short block to Eilerts and turn west to Oliver which is only a short distance on a residential street. At the present time, when a customer wishes to go back to the west, it requires a right turn onto Kellogg, then a right on Elpyco, travel one long block south, a right on Orme and two blocks west to Oliver, all through a residential area.

It is now the opinion of the Secretary that, since the car wash has been established at this location, the permission to allow a driveway approach on Glendale would reduce the potential hazards of forcing all customers to enter and exit on Kellogg,

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and would also reduce the distance the customers are now forced to drive thru the residential streets to return to the west. It is also the opinion of the Secretary that the applicant must provide directional arrows and signs to indicate the traffic flow for use of the car wash in order to minimize on site congestion.

RECOMMENDATION:

Should the Board determine that the applicant's request be granted, the approval of the exception shall be subject to the following conditions:

1. A six to eight foot high solid fence of masonry, metal, cedar or redwood shall be installed along the south property line. Said fence shall be reduced to 3 feet in height within 25 feet of the east right-of-way line of Glendale and extended to the property line.
2. All of the area to be used for circulation, holding spaces, parking spaces and all ingress and egress drives, including common access drives, shall be surfaced with asphalt, concrete or asphaltic concrete and be maintained in good condition.
3. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
4. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. Off-street holding spaces shall be provided on the property at the ratio of not less than four parking spaces for each self-service car washing stall.
7. Off-street drying spaces shall be provided on the property at the ratio of not less than two parking spaces for each self-service car washing stall.
8. One off-street parking space shall be provided for each two employees.
9. All parking spaces and drying spaces shall have adequate guards or curbs to prevent the encroachment or overhanging of vehicles beyond property lines or parking spaces.
10. All circulation drives adjacent to public right-of-way shall be provided with adequate guards to prevent vehicles from driving over the adjacent sidewalks. This shall include a continuous reinforced concrete curb not less than 8" in height adjacent to the west property line for the south 70'.

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6-24-80

11. Grades shall be established on the property to prevent the intrusion of surface drainage from entering the sanitary sewer. This shall include a roof over the car wash bays and the installation of the mud trap at a location under roof or at a grade satisfactory to the Superintendent of Sewer Maintenance.
12. 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.
13. The applicant shall provide adequate signs to indicate direction of circulation on the property so that the customers will comply with the approved plan. This should also include striping of the lot to indicate parking and drying spaces and arrows to indicate direction for travel in the holding spaces.
14. Two copies of a revised site plan, approved by the Traffic Engineer, showing all physical improvements as indicated above, shall be submitted to the Secretary of the Board prior to the release of this Resolution.
15. Prior to the release of the Resolution, and the construction of the opening to Glendale, "no parking" signs shall be installed on the east side of Glendale in accordance with the action of the Traffic Commission.
16. All of the above conditions of approval must be complied with within 60 days of the release of the Resolution or the Resolution shall become null and void.
17. Resolution No. BZA 46-79 shall become null and void upon the approval of this Resolution.

June 9, 1980

To: Mr. Jack Galbraith
Secretary, Board of Zoning Appeals
City of Wichita, Kansas

Subject: Case No. BZA 25-80

Reference: Your letter dated 6-4-80, same subject

RECEIVED

JUN 10 1980

METROPOLITAN PLANNING

ROUTE Lytle

Thank you for the letter informing me of the subject proceedings. I attended the Traffic Commission meeting in May where this subject was on the agenda and heard your comments. Mr. Galbraith, I appreciate those comments as they very well expressed my position. I remain very concerned and oppose any action which could eventually result in eliminating parking on Glendale. As you are well aware, the parking is a very valuable asset to my property (and to the 4-plexes across the street west). There are a total of six 4-plexes (my two plus the four on the west side of Glendale) with a total of twelve garages for off-street parking. This means twelve residents need street parking. Therefore virtually all the street parking, except possibly the part adjacent to the car wash property, is needed by the residents. I feel sure that the property was developed depending on street parking. That is the way it has always been and I believe should remain. It does not seem fair to relinquish this in favor of the car wash which can certainly continue to operate without Glendale access.

When the car wash zoning was granted it was clearly stated that there would be no entrance or exit to Glendale. This did not deter establishment of the car wash. I would like to express my appreciation to the Board for taking that position, believe it should stand as is, and will appreciate any efforts you exercise in that direction.

Sincerely,

Memphis Hixson

Memphis Hixson

BZA CASE NO. 25-80

2 NOTICES SENT TO APPLICANT/AGENT

18⁹ NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

15 NOTICES SENT TO ADJOINING PROPERTY OWNERS

28²⁷ TOTAL NOTICES SENT 6-4-80

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

June 4, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 25-80

An application has been filed by Rodney L. Steven, 2333 McLean Boulevard, N.W., Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a self-service car wash, particularly to amend previously established condition of no ingress or egress from Glendale, (BZA 46-79), on property zoned the "IC" Light Commercial and legally described as follows:

The north 138 feet of Lot 2, Jim Burns Addition to Wichita, Sedgwick County, Kansas. Generally located at the south-east corner of Kellogg and Glendale.

This application has been assigned case No. BZA 25-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 24, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 25-80
FILED 5-28-80

APPLICATION FOR EXCEPTION

I. Name of Applicant Rodney L. Steven
Mailing Address 2333 McLean Blvd. N.W. Phone 838-5672
Name of Authorized Agent Harry L. Najim
R. H. Garvey Bldg., Suite 615
Mailing Address Wichita, Kansas 67202 Phone 263-7228
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section

*It is a self service car wash, particularly to
amend previously established condition of no
ingress or egress from Standa. (BZA 446-79)*

permit
fically,
f approval
ith respect
ing ingress

date
§ 2.

ownership list coming.

Wichita.
wledges:
urning

- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
- d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant Rodney L. Steven

Authorized Agent Harry L. Najim
Harry L. Najim

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 12:05 (a.m. - p.m.), May 23, 1980, together with appropriate fee of 200.00.

Signed G. Lynn Shirley

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 25-80
FILED 5-28-80

APPLICATION FOR EXCEPTION

I. Name of Applicant Rodney L. Steven
Mailing Address 2333 McLean Blvd. N.W. Phone 838-5672
Name of Authorized Agent Harry L. Najim
R. H. Garvey Bldg., Suite 615
Mailing Address Wichita, Kansas 67202 Phone 263-7228
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of a self-service car wash. Specifically,
note attach
Applicant seeks reconsideration of BZA's condition of approval in Resolution No. BZA 46-79 dated October 23, 1979 with respect to the closure of curb cuts to Glendale Street, denying ingress or egress to Glendale.
on property zoned "LC" Light Commercial,
located at the Southeast corner of Kellogg and Glendale
and legally described as: The North 138 feet of Lot 2,
Jim Burns Addition to Wichita

III. The applicant herein, or his authorized agent, acknowledges:
a. That he has received an instruction sheet concerning the filing and hearing of this matter;
b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant Rodney L. Steven

Authorized Agent Harry L. Najim
Harry L. Najim

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 12:05 (a.m./p.m.), May 23, 1980, together with appropriate fee of 200.00.

Signed G. Lynn Shirley

OWNERSHIP LIST

Lot	Addition	Property Owner
lot 1	Jim Burns Addition	✓ J. Ernest Talley 437 North Hydraulic 67214 <i>returned to account 6-6-80</i>
north 138 feet lot 2	Same	✓ D Rodney L. Steven 2333 McLean Blvd. 67204
lot 2 except North 138 feet	Same	✓ ✓ Memphis S. Hixson and Janice L. Hixson 6503 Oneida 67206
Block 1	A & R Addition	✓ Alfred A. Caro 356 North Rock Road 67206
Reserve A	Eilerts Addition	✓ ✓ H. M. Williams, Keith R. Eilerts and Lydia Eilerts, Richard Eilerts Samson 2210 East Douglas 67211
lot 1	Walenta Addition	✓ ✓ Lynn Lowry and Myrtle 115 South Rutan 67218
lot 1	Dewitt 2nd Addition	✓ ✓ S. J. Graves & Norman R. Stewart 900 Olive W. Garvey Bldg. 67202
lot 1	Schmid Addition	✓ ✓ Nita S. Miller 4620 East Douglas, Suite A 67208
north 21 feet lot 1, all of lots 3,5,7 & 9, Glendale	Highland View Addition	✓ ✓ Bradley Eugene Dopps and John B. Dopps 4211 East Kellogg 67218
lot 2, Block 2	Mission Heights	✓ ✓ Michael J. Spurlock and Modena L. Spurlock 517 Elpyco 67218
lot 3, Block 2	Same	John A. Hale Jr. 711 Huntington 67206 <i>6-6-80 returned to account</i>
lot 4, Block 2	Same	✓ ✓ 1441 N. Rock Rd. 67206 Opal R. Hulén 1322 Farmstead 67208
lot 5, Block 2	Same	✓ ✓ Howard A. Jacob & L. Irene 535 Elpyco 67218
lot 10, Block 2	Same	✓ ✓ Reese A. Denniston & Wilma L. 536 South Glendale 67218

Tract

A tract in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25-27-1E, beginning 495 feet west of the NE corner of said quarter section, thence west 138 feet, thence south 280 feet, thence east 138 feet, thence north 280 feet to point of beginning, except the north 40 feet for street

Property Owner

✓ Kean Tilford
✓ 1545 Willow Road 67208

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: the north
138 feet of lot 2, Jim Burns Addition
to Wichita

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 10th day of July, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Hable
Vice President

Order No. 278851
wh

We hereby extend the foregoing ownership list
from the 10th day of July, 1979 at 7:00 o'clock A.M. to this 23rd
day of May, 1980 at 7:00 o'clock A.M., without change except:

lot 4, Block 2 Mission Heights

Judith A. Shaw,
Elmer V. Renken
Esther A. Renken
406 S. Holyoke
67218

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Doble

Vice President

Order No. 288189
wh

ATTACHMENT

Applicant, Rodney L. Steven, by and through his attorney of record, Harry L. Najim, files the instant Application seeking reconsideration of a condition of approval established by the Board of Zoning Appeals in Resolution No. BZA 46-79, issued October 23, 1979, with respect to the closure of curb cuts to Glendale Street, denying ingress or egress to Glendale Street. The Board of Zoning Appeals has jurisdiction to consider this request pursuant to the provisions of Section 2.12.590.C, Code of the City of Wichita.

On May 21, 1980, Applicant appeared before the Traffic Commission of the City of Wichita requesting restriction of parking along the East side of Glendale Street from Kellogg to Eilerts, or in the alternative along the East side of Glendale Street from Kellogg to the South edge of Applicant's property. The Traffic Commission passed a Motion to restrict parking along the East side of Glendale South, to the South edge of Applicant's property. This determination of the Traffic Commission, presently awaits final approval of the City Commission, which is anticipated to be scheduled for the City Commission's consideration before the hearing date on the instant application.

Section 28.04.183 (4.13) of the Code of the City of Wichita provides, with respect to self-service car washes, that "there shall be no ingress or egress from minor or residential streets having 60 feet of right-of-way or less, unless there are two free moving lanes at all times." In light of the recent determination by the Traffic Commission, the City Central Inspection Office has determined that the parking restrictions along the length of Applicant's property fulfills the requirements of this ordinance that there be two free moving lanes, so as to allow ingress and egress onto Glendale Street.

Briefly stated, the justification for reconsideration of this condition in Resolution No. BZA 46-79, is for the following reasons:

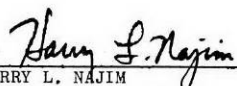
1. Traffic congestion in residential areas will be minimized by permitting Applicant to install curb cuts to permit ingress and egress onto Glendale Street.

2. Traffic safety considerations justify the granting of this request.

3. The installation of curb cuts so as to permit ingress and egress onto Glendale Street, will enable the Applicant to preserve the appearance of the facility and maintain aesthetic compatibility with the surrounding area. This will alleviate the problem that has surfaced wherein patrons of the car wash are entering and exiting the car wash from and onto Glendale Street by driving over street curbing, without the benefit of a driveway approach.

Applicant respectfully requests that the Board of Zoning Appeals reconsider the conditions set forth in Resolution No. BZA 46-79, so as to reopen curb cuts to Glendale Street and permit ingress and egress onto Glendale.

Respectfully Submitted,



HARRY L. NAJIM
Attorney for Applicant

THE CITY OF WICHITA



DEPARTMENT OF PUBLIC WORKS
CENTRAL INSPECTION DIVISION
CITY HALL - SEVENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

May 23, 1980

To Whom It May Concern:

It appears that the decision of the Traffic Commission to restrict parking (subject to City Commission approval) on the East Side of Glendale Ave. from Kellogg South to the property line of the Rod Steven Car Wash would fulfill the ordinance requirement for two free-moving lanes as provided in 28.04.183 413, for ingress or egress on residential streets.

Joe Donnelly
Housing Code Administrator

JD:bg

SUPERINTENDENT OF CENTRAL INSPECTION 268-4460
BUILDING CODE ENGINEER 268-4468
PLAN EXAMINATION 268-4477

HOUSING 268-4481
ZONING 268-4479
SIGNS 268-4475

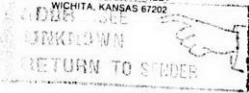
BUILDING & CONSTRUCTION 268-4461
PLUMBING & MECHANICAL 268-4476
ELECTRICAL & ELEVATOR 268-4471

WICHITA - SEDGWICK COUNTY

W.S.C.

BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



6-6-80
resent to:
1441 N. Rock Road
67206

John A. Hale Jr.
7711 Huntington
Wichita, Kansas 67206



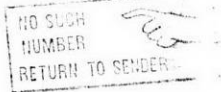
6-5-80
06012

WICHITA - SEDGWICK COUNTY

W.S.C.

BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



resent to
725 # 437
South Hydr.
67211

J. Ernest Talley
437 North Hydraulic
Wichita, Kansas 67214



FORM 021

PAYMENT NOTICE
City of Wichita

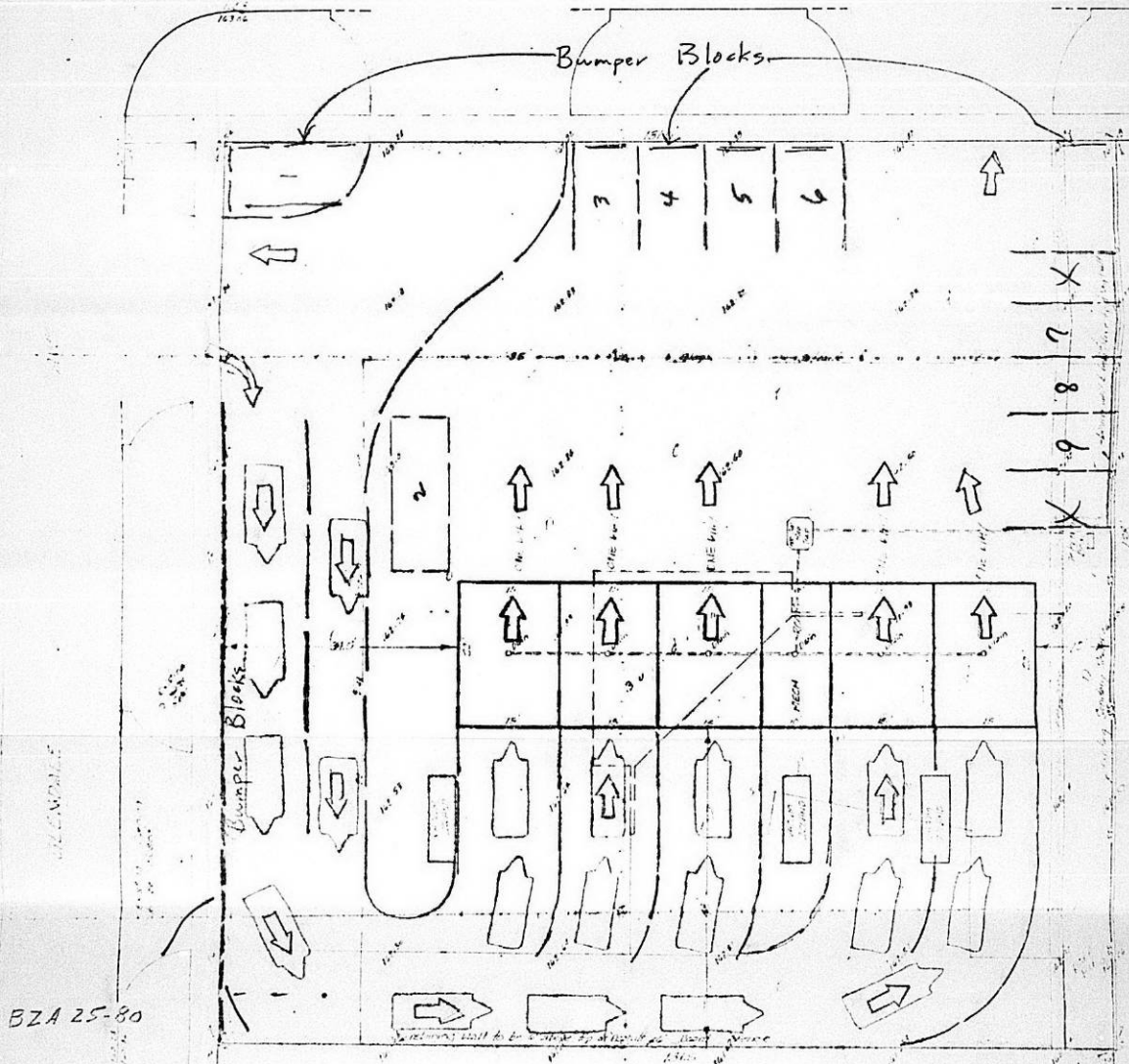
Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
628	200-

NAME _____
ADDRESS _____
FUND _____ DUE DATE _____
COMMENTS _____
DATE 1/22/80 BY _____

KELLOGG

ST



BZA 25-80

Bumper Blocks are to be installed as shown.
Stripes and directional arrows are to be painted
as indicated

LOT GRADINGS PLANS:
THE ...

PLOT PLAN

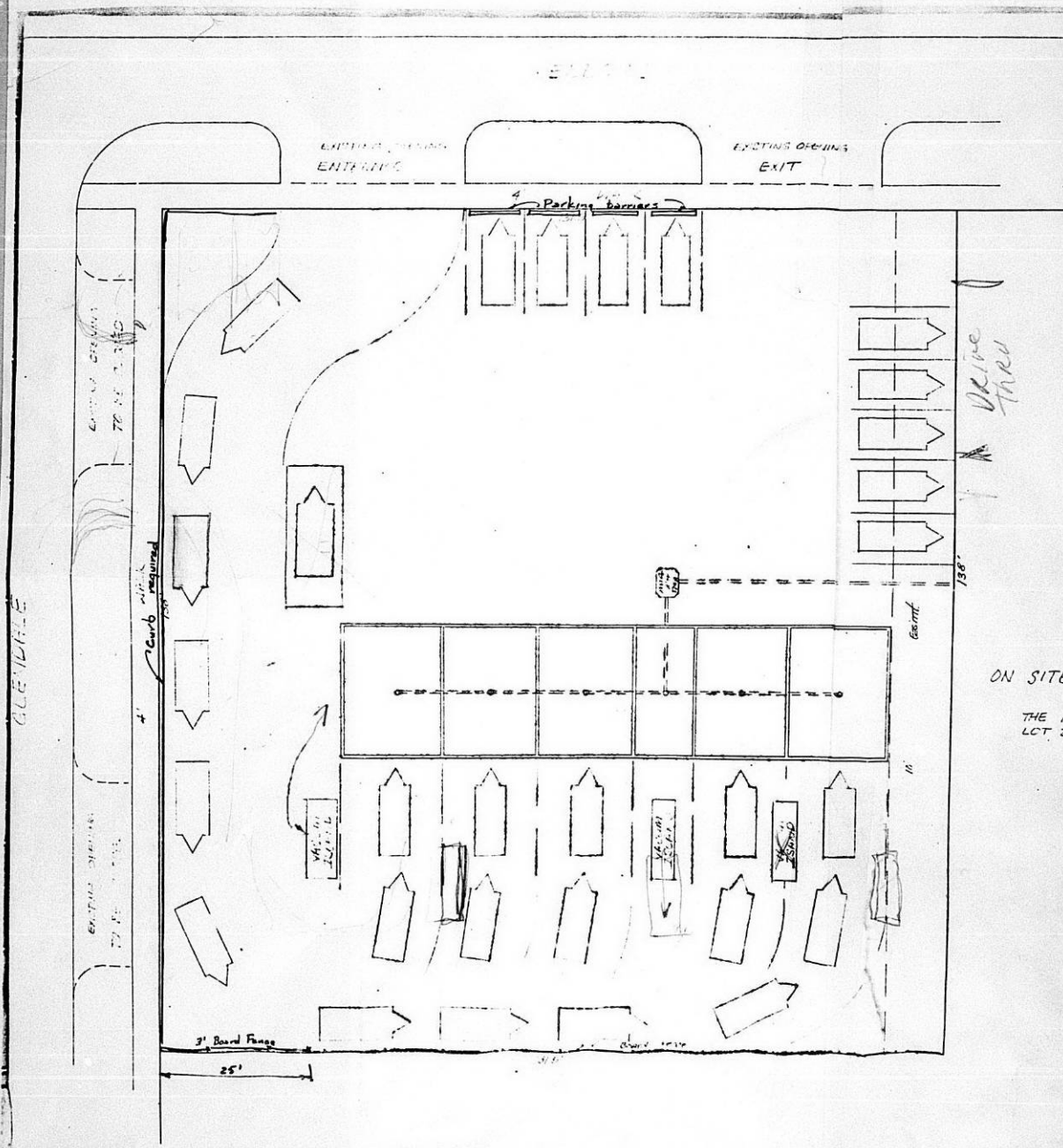
PROPOSED FOR THE WISHTON OF KELLOGG & OLENDORF

LEAD: N. 138' of Lot 2, Jim Burns Addition

OWNER: Raf Steven

BZA 25-80

W. J. K. J.



ON SITE TRAIL
 THE NORTH 1/4
 LCT 2, JIM

Paul &
 Coast - The
 Removable
 plan

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 2