

B2A 26-66 - Fred & Nona Clemons re-  
quest Exception to permit Automatic  
Car Wash at the NE corner of Kellogg  
and Rock Road

6047

PC  
B.H.

DATE

12-25-66

ACTION

By COMMITTEE APPROVED

N.A.P.C.

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

RESOLUTION NO. BZA 26-66

WHEREAS, Fred and Nona Clemons, 60 Stratford Road, Eastborough, Kansas, by George B. Powers, 4th National Bank Bldg., Wichita, Kansas, requests an exception as provided in Section 28.04.183.4, Code of the City of Wichita, to permit the installation or construction of an automatic car wash on property zoned "LC" Light Commercial, and legally described as follows:

The east 44 feet of Lot 2, and the east 44 feet of the south 75 feet of Lot 3, in Clemons Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Kellogg and Rock Road.

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 October 25, 1966, consider said application; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.3, 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 for construction or installation of an automatic car wash operation on property zoned "LC" and legally described as follows:

The east 44 feet of Lot 2, and the east 44 feet of the south 75 feet of Lot 3, in Clemons Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Kellogg and Rock Road.

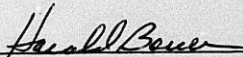
subject to the following:

1. There shall be a minimum lot area of 2,500 square feet for each 20 lineal feet of the automatic car-washing structure, provided the minimum lot area shall be not less than 7,500 square feet.
2. The car washing buildings or facilities shall be set back a distance of not less than 60 feet from the street right-of-way line of Kellogg Drive.
3. A 6 (six) foot high solid or semi-solid fence of masonry, architectural tile, louvered wood or other similar material shall be constructed adjacent to the north property line beginning at the northeast corner and extending west a distance of 60 feet and beginning at the northeast corner and extending south to the north end of the car-wash structure.


4. All of the area to be utilized by the washing and drying operation, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.
5. All lights shall be shielded to reflect or direct light away from adjacent property. No string type lighting or banners shall be permitted.
6. No sign shall exceed 25 feet in height or be placed so as to project over any public right of way.
7. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
8. Off-street holding spaces shall be provided on the property in the following ratio: not less than 3 parking spaces for each 20 lineal feet of the automatic car-washing stall. Off-street drying spaces shall be provided on the property in the following ratio: not less than two (2) spaces for each automatic car-washing aisle.
9. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
10. One off-street parking space shall be provided for each two employees.
11. There shall be no ingress or egress from minor residential streets having 60 feet of right of way or less, unless there are two free moving lanes at all times. (Example: A 30-foot paved street with parking permitted only on one side would provide for two freemoving lanes.)
12. All drainage, both natural and that created by the operation shall be handled in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
13. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
14. All conditions of approval by the Board must be complied with prior to the occupancy of the site for the proposed car wash.
15. In the event a permit is not issued for the construction of the car wash within 12 months from the date of approval by the Board, the application shall be null and void.

16. Submission of a Contingent Dedication for an additional 10 feet of right of way for Kellogg Drive. Said Contingent Dedication is to be submitted to the Secretary of the Board to be forwarded to the legal counsel for approval prior to the signing of the Resolution effectuating the exception requested.

APPROVED AT WICHITA, KANSAS, this 25th day of October, 1966.

  
\_\_\_\_\_  
Harold Bauer, Chairman

ATTEST:

  
\_\_\_\_\_  
Jack H. Galbraith, Secretary

November 3, 1966

Mr. George B. Powers  
4th National Bank Bldg.  
Wichita, Kansas

Dear Mr. Powers:

Re: Case No. BZA 26-66 -- Request  
for Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 25th, 1966 in connection with your application for Exception to permit the installation or construction of an automatic car wash on property zoned "LC" and generally located on the north-east corner of Kellogg and Rock Road. This Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Ronald A. Williamson  
Assistant Secretary

RAW:kkj  
Attachment

cc: Fred and Nona Clemons, 60 Stratford, Eastborough  
James O. Smith, Ray Realty, 439 So Main  
Glen Lytle, Superintendent, Central Inspection  
L. L. Binkley, Maintenance Inspection Supervisor  
Ralph Eberly, City Clerk

Nov. 15, 1966

Ralph Eberly, City Clerk

Ronald A. Williamson, Assistant Secretary

Board of Zoning Appeals - Case No. BZA 26-66

BZA 26-66 - An exception request  
to permit the installation or construction of an automatic car wash  
on the north side of Kellogg Drive  
in an area east of Rock Road

Attached is the original copy of the contingent dedication  
of 10 additional feet of right-of-way for the north side  
of Kellogg Drive for property in application BZA 26-66.  
Said contingent dedication was required as a condition of  
approval of BZA 26-66, and is being forwarded to your office  
to be recorded with the Register of Deeds.

RAW:kkg  
Attachment

cc: Ralph Wulz, Director of Public Works

CONTINGENT DEDICATION

WHEREAS, Fred D. Clemons and Nona C. Clemons are citizens and residents of Wichita, Kansas, and are the owners of the following described property, to-wit:

The East Forty-four (44) feet of Lot Two (2), and the East Forty-four (44) feet of the South Seventy-five (75) feet of Lot Three (3), in Clemons Addition to Wichita, Sedgwick County, Kansas.

and have applied to the City of Wichita for an exception to the LC zoning regulations of the City of Wichita to permit the construction on said real property described above of a car wash facility and its operation, and

WHEREAS, the City of Wichita anticipates the necessity of acquiring additional right-of-way for sidewalk, utility and other public purposes, which additional right-of-way would include the South Ten (10) feet of the area above described,

NOW, THEREFORE, in consideration of the premises and contingent upon the creation of an exception to the LC zoning regulations in the manner described by Fred D. Clemons and Nona C. Clemons, the said Fred D. Clemons and Nona C. Clemons do hereby make the following contingent dedication:

1. Fred D. Clemons and Nona C. Clemons do hereby dedicate the following described property, to-wit:

The South Ten (10) feet of the East Forty-four (44) feet of Lot Two (2), in Clemons Addition to Wichita, Sedgwick County, Kansas,

to the public for sidewalk, utility and other public purposes, PROVIDED, HOWEVER,

1. That neither the public nor the City of Wichita shall be privileged or entitled to use the

area herein dedicated for such purpose or any other purpose until and unless the same is actually needed for sidewalk, utility and other public purposes, and only on the additional condition that similar property be taken from either of the adjacent properties.

2. The right-of-way hereby granted shall not cut off ingress and egress into and from the car wash facilities.

3. Until such time as the area hereby dedicated is actually used for the purposes named, Fred D. Clemons and Nona C. Clemons shall be permitted to operate their proposed car wash facilities, including curb cuts and traffic flow substantially as indicated on the plot plan which was approved by the Board of Zoning Appeals on October 25, 1966.

The dedication herein expressed, conditioned as aforesaid, shall be accepted by the City of Wichita upon (1) granting the exception to LC zoning regulation as hereinabove set forth and recording of this Contingent Dedication instrument, and thereupon it shall constitute a public dedication and a covenant running with the land and shall be binding upon Fred D. Clemons, Nona C. Clemons and their successors and assigns. Such acceptance by the City of Wichita shall denote its acquiescence and agreement to all the terms and provisions hereof.

IN WITNESS WHEREOF, Fred D. Clemons and Nona C. Clemons have caused this Contingent Dedication to be executed by them on this \_\_\_\_ day of \_\_\_\_\_, 1966.

\_\_\_\_\_  
Fred D. Clemons

\_\_\_\_\_  
Nona C. Clemons

STATE OF KANSAS }  
COUNTY OF SEDGWICK } SS

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 1966, before me, the undersigned, a notary public in and for said county and state, came FRED D. CLEMONS and NONA C. CLEMONS, who are personally known to me to be the same persons who executed the foregoing Contingent Dedication, and such persons duly acknowledged the execution of the same to be their free and voluntary act and deed for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal the day and year last above written.



My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

GEORGE W. POWERS  
JOHN F. EBERHARDT  
STUART B. CARTER  
ROBERT C. FOULSTON  
MALCOLM MILLER  
ROBERT H. PARTRIDGE  
ROBERT W. BIEPFIN  
RICHARD C. HARRIS  
DONALD SAWATZKY  
DONALD L. CORDS  
ROBERT L. HOWARD  
CHARLES J. WOODIN  
MUEL L. STOUT  
BENJAMIN C. LANSER  
PHILIP S. PRIGER  
JERRY O. ELLIOTT  
JOHN E. FOULSTON

ROBERT C. FOULSTON (1889-1947)  
GEORGE BIEPFIN (1895-1964)  
CARL T. SMITH (1908-1988)

COPY FROM

**FOULSTON, SIEFKIN, POWERS, SMITH & EBERHARDT**

SUITE 600 FOURTH NATIONAL BANK BUILDING

AMHERST 4-0372

WICHITA, KANSAS 67202

November 3, 1966

Board of Zoning Appeals  
City of Wichita  
City Building Annex  
Wichita, Kansas 67202

Attention Mr. Ronald A. Williamson  
Assistant Secretary

Dear Sir:

Mr. Smith handed to me your letter of November 3, 1966, together with an original copy of the contingent dedication, in which you made changes from that drawn by this office. Some of the things which you changed were contained in the form which you gave me to copy.

I do not agree with two of your changes. In the first place, you state in the description, " . . . generally located at the Northeast corner of Kellogg and Rock Road". I do not know what you mean by such a statement. Legally, it is not located at the Northeast corner of Kellogg and Rock Road, though it is certainly in the general vicinity. This is not part of the legal description, and I wonder why you wanted such a generalized statement. We don't want later to be faced with any kind of claim that this was intended to cover the property at the Northeast corner of Kellogg and Rock Road, for it is actually over 100 feet east of the corner. I have no great objection to this, as the legal description quite obviously shows where it is, without such a generalization. I do not think this is fatal, but I don't understand the reason for the change.

The other matter upon which I do not agree and on which I am adamant is your failure to include in Section 1



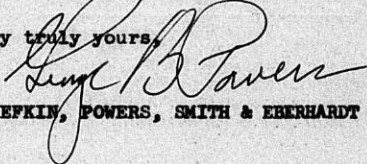
Board of Zoning Appeals  
November 3, 1966 - Page 2

on Page 2 the statement contained in our draft, ". . . and unless the same is actually needed and taken and used in a project in which the other properties adjoining the described properties will also be used". You will recall that in our discussion I made a point of the fact that the adjoining properties had not dedicated sidewalk space, and the members of the Commission directly asked you why we should give even a contingent dedication unless the others also dedicated property. In the discussion I specifically said I would be willing to do it, although I frankly think the city had no real right to require it at all, provided it would not be dedicated until the adjoining property was also taken. That's the understanding I had at the time they passed this, and that's my understanding of our agreement. I don't want to have a partial dedication which can be used at any time and have the adjoining property owners go scott free.

On the other hand, if you ever decide that the sidewalk is necessary and do take the right-of-way on the adjoining property, then I concede that the contingent dedication could be used without any requirement of a legal taking.

If you will add this back to your Paragraph 1, I will approve it, and we can dispose of this matter.

Very truly yours,



OF FOULSTON, SIEFKIN, POWERS, SMITH & EBERHARDT

GEP:LK  
cc: Fred and Nona Clemons  
James O. Smith

November 3, 1966

Mr. George B. Powers  
4th National Bank Bldg.  
Wichita, Kansas

Dear Mr. Powers:

I have reviewed the Contingent Dedication with the legal counsel for the Board, and several changes were recommended. I am enclosing the Contingent Dedication retyped with the appropriate changes so that it can be resigned and resubmitted to our office.

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

Very truly yours,

Ronald A. Williamson  
Assistant Secretary

RAW:kkq

cc: Fred and Nona Clemons, 60 Stratford, Eastborough  
James O. Smith, Ray Realty, 439 So. Main, Wichita

CONTINGENT DEDICATION

WHEREAS, Fred D. Clemons and Nona C. Clemons are citizens and residents of Wichita, Kansas, and are the owners of the following described property, to-wit:

The East Forty-Four (44) feet of Lot Two (2), and the East Forty-Four (44) feet of the South Seventy-Five (75) feet of Lot Three (3), in Clemons Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Kellogg and Rock Road,

and have applied to the City of Wichita for an exception to the LC zoning regulations of the City of Wichita to permit the construction on said real property described above of a car wash facility and its operation, and

WHEREAS, the City of Wichita anticipates the necessity of acquiring additional right-of-way for sidewalk, utility and other public purposes, which additional right-of-way would include the South Ten (10) feet of the area above described,

NOW, THEREFORE, in consideration of the premises and contingent upon the creation of an exception to the LC zoning regulations in the manner described by Fred D. Clemons and Nona C. Clemons, the said Fred D. Clemons and Nona C. Clemons do hereby make the following contingent dedication:

1. Fred D. Clemons and Nona C. Clemons do hereby dedicate the following described property, to-wit:

The South Ten (10) feet of the East Forty-Four (44) feet of Lot Two (2), in Clemons Addition to Wichita, Sedgwick County, Kansas,

to the public for sidewalk, utility and other public purposes,  
PROVIDED, HOWEVER,

1. That neither the public nor the City of Wichita shall be privileged or entitled to use the area herein dedicated for such purpose or any other purpose until and unless the same is actually needed for sidewalk, utility and other public purposes.

2. The right-of-way hereby granted shall not cut off ingress and egress into and from the car wash facilities.

3. Until such time as the area hereby dedicated is actually used for the purposes named, Fred D. Clemons and Nona C. Clemons shall be permitted to operate their proposed car wash facilities, including curb cuts and traffic flow substantially as indicated on the plot plan which was approved by the Board of Zoning Appeals on October 25, 1966.

The dedication herein expressed, conditioned as aforesaid, shall be accepted by the City of Wichita upon (1) granting the exception to LC zoning regulation as hereinabove set forth and recording of this Contingent Dedication instrument, and thereupon it shall constitute a public dedication and a covenant running with the land and shall be binding upon Fred D. Clemons, Nona C. Clemons and their successors and assigns. Such acceptance by the City of Wichita shall denote its acquiescence and agreement to all the terms and provisions hereof.

IN WITNESS WHEREOF, Fred D. Clemons and Nona C. Clemons  
have caused this Contingent Dedication to be executed by them  
on this \_\_\_\_ day of October, 1966.

\_\_\_\_\_  
Fred D. Clemons

\_\_\_\_\_  
Nona C. Clemons

STATE OF KANSAS)  
                  )    SS  
SEDGWICK COUNTY)

BE IT REMEMBERED that on this \_\_\_\_ day of October,  
1966, before me, the undersigned, a notary public in and for  
said county and state, came FRED D. CLEMONS and NONA C. CLEMONS,  
who are personally known to me to be the same persons who execu-  
ted the foregoing Contingent Dedication, and such persons duly  
acknowledged the execution of the same to be their free and  
voluntary act and deed for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto subscribed  
my name and affixed my notarial seal the day and year last  
above written.

\_\_\_\_\_  
Notary Public

My Commission expires:

CONTINGENT DEDICATION

WHEREAS, Fred D. Clemons and Nona C. Clemons are citizens and residents of Wichita, Kansas, and are the owners of the following described property, to-wit:

The East Forty-four (44) feet of Lot Two (2),  
Clemons Addition to the City of Wichita,  
Sedgwick County, Kansas,

and have applied to the City of Wichita for an exception to the LC zoning regulations of the City of Wichita to permit the construction on a portion of said property described above of a car wash facility and its operation, and

WHEREAS, the City of Wichita anticipates the necessity of acquiring additional right-of-way for the purpose of a sidewalk and parking area, which additional right-of-way would include the South Ten (10) feet of the area above described,

NOW, THEREFORE, in consideration of the premises and contingent upon the creation of an exception to the LC zoning regulations in the manner described by Fred D. Clemons and Nona C. Clemons, the said Fred D. Clemons and Nona C. Clemons do hereby make the following contingent dedication:

1. Fred D. Clemons and Nona C. Clemons do hereby dedicate the following described property, to-wit:

The South Ten (10) feet of the East Forty-four  
(44) feet of Lot Two (2), Clemons Addition to  
the City of Wichita, Sedgwick County, Kansas,

to the public for the purpose of a sidewalk and parking area, which would include the right to place thereon, other than upon the entrance driveway thereto, public signs, PROVIDED, HOWEVER,

1. That neither the public nor the City of Wichita shall be privileged or entitled to use the area herein dedicated for such purpose or any other purpose until and unless the same is actually needed and taken and used in a project in which the other properties adjoining the described property will also be used.

2. The right-of-way hereby granted shall not cut off ingress and egress into and from the car wash facilities.

3. Until such time as the area hereby dedicated is actually used for the purposes named Fred D. Clemons and Nona C. Clemons shall be permitted to operate their proposed car wash facilities, including curb cuts and traffic flow substantially as indicated on the plot plan which is attached hereto, marked Exhibit "A" and made a part hereof by this reference.

The dedication herein expressed, conditioned as aforesaid, shall be accepted by the City of Wichita upon (1) granting the exception to LC zoning regulation as hereinabove set forth and recording of this Contingent Dedication instrument, or a separate instrument requested by it, and thereupon it shall constitute a public dedication and a covenant running with the land and shall be binding upon Fred D. Clemons, Nona C. Clemons and their successors and assigns. Such acceptance by the City of Wichita shall denote its acquiescence and agreement to all the terms and provisions hereof.

IN WITNESS WHEREOF, Fred D. Clemons and Nona C. Clemons

have caused this Contingent Dedication to be executed by them  
on this 25<sup>th</sup> day of October, 1966.

Fred D. Clemons  
Fred D. Clemons

Nona C. Clemons  
Nona C. Clemons

STATE OF KANSAS }  
SEDGWICK COUNTY } SS

BE IT REMEMBERED' that on this 25<sup>th</sup> day of October,  
1966, before me, the undersigned, a notary public in and for said  
county and state, came FRED D. CLEMONS and NONA C. CLEMONS,  
who are personally known to me to be the same persons who execu-  
ted the foregoing Contingent Dedication, and such persons  
duly acknowledged the execution of the same to be their free  
and voluntary act and deed for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto subscribed  
my name and affixed my notarial seal the day and year last  
above written.

James D. Smith  
Notary Public

My commission expires: Sept 15, 1967

October 26, 1966

Mr. George B. Powers  
4th National Bank Bldg.  
Wichita, Kansas

Dear Mr. Powers:

Re: Case No. BZA 26-66 - Request for an  
Exception to permit the installation  
or construction of an automatic car  
wash.

At the regular meeting of the Board of Zoning Appeals on October 25, 1966, your request for an Exception to permit the installation or construction of an automatic car wash on property zoned "LC" and generally located on the northeast corner of Kellogg and Rock Road, was considered.

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

1. There shall be a minimum lot area of 2,500 square feet for each 20 lineal feet of the automatic car-washing structure, provided the minimum lot area shall be not less than 7,500 square feet.
2. The car washing buildings or facilities shall be set back a distance of not less than 60 feet from the street right-of-way line of Kellogg Drive.
3. A 6 (six) foot high solid or semi-solid fence of masonry, architectural tile, louvered wood or other similar material shall be constructed adjacent to the north property line beginning at the northeast corner and extending west a distance of 60 feet and beginning at the northeast corner and extending south to the north end of the car-wash structure.
4. All of the area to be utilized by the washing and drying operation, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.

Mr. George B. Powers  
Page 2  
October 26, 1966

5. All lights shall be shielded to reflect or direct light away from adjacent property. No string type lighting or banners shall be permitted.
6. No sign shall exceed 25 feet in height or be placed so as to project over any public right of way.
7. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
8. Off-street holding spaces shall be provided on the property in the following ratio: not less than 3 parking spaces for each 20 lineal feet of the automatic car-washing stall. Off-street drying spaces shall be provided on the property in the following ratio: not less than two (2) spaces for each automatic car-washing aisle.
9. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
10. One off-street parking space shall be provided for each two employees.
11. 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. (Example: A 30-foot paved street with parking permitted only on one side would provide for two freemoving lanes.)
12. All drainage, both natural and that created by the operation shall be handled in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
13. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
14. All conditions of approval by the Board must be complied with prior to the occupancy of the site for the proposed car wash.
15. In the event a permit is not issued for the construction of the car wash within 12 months from the date of approval by the Board, the application shall be null and void.

Mr. George B. Powers  
Page 3  
October 26, 1966

16. Submission of a Contingent Dedication for an additional 10 feet of right of way for Kellogg Drive. Said Contingent Dedication is to be submitted to the Secretary of the Board to be forwarded to the legal counsel for approval prior to the signing of the Resolution effectuating the exception requested.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy thereof as soon as the Chairman and Secretary of the Board have signed it. If you have any questions, please call.

Very truly yours,

Ronald A. Williamson  
Assistant Secretary

RAW:klg

cc: Fred and Mona Clemons, 60 Stratford  
Glen Lytle, Superintendent, Central Inspection  
L. L. Binkley, Maintenance Inspection Supervisor  
Ralph Eberly, City Clerk  
*James O. Smith, Ray Realty, 439 So. Main*

SECRETARY'S REPORT

CASE NO. BZA 26-66

APPLICANT: Fred and Nona Clemons, 60 Stratford, Wichita, Kansas

AGENT: George B. Powers, 4th National Bank Building, Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.3, Code of the City of Wichita, requesting an exception as provided in Section 28.04.183.2, Code of the City of Wichita, to permit the installation or construction of a self-service car wash on property zoned "LC".

GENERAL LOCATION: Northeast corner of Kellogg and Rock Road

LAND USE: Subject property and that to the north is vacant, east is a clothing store, south is a shopping center, and to the west is a service station.

ZONING: Subject property is zoned "LC", to the north, east, south, and west is "LC".

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, Code of the City of Wichita. The Board may grant the exception and authorize a self-service car wash in an area zoned "LC" if all the requirements under Section 28.04.183.4 can be met.

COMMENTS BY THE SECRETARY

It is the opinion of the Secretary that the location is logical in view of the surrounding zoning and the existing development in the general area. Subject property has sufficient area to properly install the car wash and a plan has been submitted and approved by the Traffic Engineer.

It should be pointed out that the property adjacent to the north is vacant and zoned "LC" at the present time. However, the homes on the north side of Peach Tree Lane that front toward the application area, would be subject to viewing and stacking lanes and car washing process unless some preventative measure is taken.

RECOMMENDATION

It is the recommendation of the Secretary that the exception be approved to permit the installation of an automatic car wash subject to the following conditions:

1. There shall be a minimum lot area of 2,500 square feet for each 20 lineal feet of the automatic car-washing structure, provided the minimum lot area shall be not less than 7,500 square feet.
2. The car washing buildings or facilities shall be set back a distance of not less than 60 feet from the street right-of-way line of Kellogg Drive.
3. A 6 (six) foot high solid or semi-solid fence of masonry, architectural tile, louvered wood or other similar material shall be constructed adjacent to the north property line beginning at the northeast corner and extending west a distance of 60 feet and beginning at the northeast corner and extending south to the north end of the car-wash structure.
4. All of the area to be utilized by the washing and drying operation, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.
5. All lights shall be shielded to reflect or direct light away from adjacent property. No string type lighting or banners shall be permitted.
6. No sign shall exceed 25 feet in height or be placed so as to project over any public right of way.
7. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
8. Off-street holding spaces shall be provided on the property in the following ratio: not less than 3 parking spaces for each 20 lineal feet of the automatic car-washing stall.
9. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
10. One off-street parking space shall be provided for each two employees.
11. 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. (Example: A 30-foot paved street with parking permitted only on one side would provide for two freemoving lanes.)

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Secretary's Report

12. All drainage, both natural and that created by the operation shall be handled in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
13. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
14. All conditions of approval by the Board must be complied with prior to the occupancy of the site for the proposed car wash.
15. In the event a permit is not issued for the construction of the car wash within 12 months from the date of approval by the Board, the application shall be null and void.

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main  
Wichita, Kansas

October 14, 1966

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 26-66

An application has been filed by Fred and Nona Clemons, 60 Stratford, Wichita, Kansas, by George B. Powers, 4th National Bank Bldg., Wichita, Kansas, Agent, pursuant to Section 2.12.590.3, Code of the City of Wichita, requesting an exception as provided in Section 28.04.183.4, Code of the City of Wichita, Kansas, to permit the installation or construction of an automatic car wash on property zoned "LC" Light Commercial and legally described as follows:

The East 44 feet of Lot 2, and the east 44 feet of the south 75 feet of Lot 3, in Clemons Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Kellogg and Rock Road.

This application has been assigned Case No. BZA 26-66, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 25, 1966, at 2 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

September 27, 1966

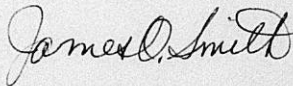
Board of Zoning Appeals  
City of Wichita  
Wichita, Kansas

Dear Sirs:

As agent for Fred Clemons and Nona Clemons, applicants for the attached exception for conditional use as a car wash under zoning ordinance 28. 04. 183, I wish to submit this statement saying in view of the fact that Mr. and Mrs. Clemons now have a Mobil service station on a portion of their property with this small piece of ground not in use at this time and since the property to the East for a distance of approximately one mile is zoned for light commercial use and across the street to the South of Kellogg is Eastgate shopping center it is our opinion that this piece of property would be suitable for a car wash and that the use of same for a car wash would not adversely effect other property owners in the vicinity of this location.

In view of the foregoing we ask for your favorable consideration to allow us to use this property for a car wash.

Very truly yours,



James O. Smith

JOS/ac



BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Fred Clemons and Nona Clemons

Mailing Address 60 Stratford Phone MU 6-8331

Name of Authorized Agent George B. Powers

Mailing Address 4th Natl Bank Bldg. Phone AM 4-0372 *4398. Main*

Relationship of applicant to property is that of Owner  
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section  
20.04.183.4, Code of the City of Wichita, Kansas  
(Zoning Ordinance); to permit the installation or construction  
of Automatic Car Wash  
\_\_\_\_\_ on property zoned

"1c", located on East Kellogg between Robert Hall Co. and  
Mobil Service Station and legally described as: The East

44 Feet of lot 2 and the East 44 feet of the south 75 feet of lot 3, Clemons  
addition to Wichita, Sedgwick County, Kansas, in the City of Wichita.

(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Fred Clemons and Nona Clemons  
Applicant  
Authorized Agent George B. Powers

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, September 27, (~~\_\_\_\_\_~~), 2:30 PM, 19 66, together with appropriate fee of \$50.00.

Signed Don Williamson  
Planner II

CERTIFICATE OF OWNERSHIP

CALLAHAN GUARANTEE TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds, Sedgwick County, Kansas, of:

C  
A  
L  
L  
A  
H  
A  
N  
G  
U  
A  
R  
A  
N  
T  
E  
E  
T  
I  
T  
L  
E  
C  
O.  
I  
N  
C.

The East 44 feet of Lot 2, and the East 44 feet of the South 75 feet of Lot 3, in Clemons Addition to Wichita, Sedgwick County, Kansas;

and the property within a 200 foot radius thereof.

Description	Owner
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In Clemons Addition to Wichita, Sedgwick County:

Lot 1	Irwin Kallman - <i>3 Hills Point Lane Port Chester, New York</i>
Lots 2, 3, 4, 5, 6 and 7	§ Fred D. Clemons & Nona C. Clemons 60 Stratford Road

In Ruth Addition to Wichita:

The West 100 feet Lot 8	X Morco, Inc. <i>no address found</i>
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In Bonnie Brae, an Addition to Wichita:

Block 6:	
Lot 1	✓ Lambert Lawrence Honton & Marie J. Honton 8021 Peach Tree Lane

In Eastmoor Addition to Wichita:

Block 1:	
The North 360 feet of Lot 1	✓ Francis M. Brady & Nellie Brady 26 Lakeside
	✓ Long-term leases to William Levitt; Levitt Jewelry Co., Inc., et al <i>222 E. Douglas</i>
	✓ North approximately 190' of the West 150' Lessee - American Oil Company <i>Bitting Bldg.</i>

WITNESS our Hand and Seal at Wichita, Kansas, this 16th day of September, 1966, at 7:00 o'clock A. M.

CALLAHAN GUARANTEE TITLE CO., INC.  
By *Eric Dean*  
Vice President

No. 10429

Form 223-021

**PAYMENT NOTICE**  
City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	License	Mech.
Oil Well	Pav. Cuts	Plan	Plbg. Cert.
Sanitation	Sewer	Sign	Sidewalk
Street	Trailer	<i>\$50.00</i>	

DESCRIPTION	AMOUNT
<i>BZA Application</i>	

Name: *Ken Small Animal Dept.*  
 Address: *6603 E. Kellogg*  
 Dps: *R-713* Due Date: *9-27-66*

Comments:

Date: *9-27-66* By: *JA*

\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm  
Roll # 1