

BZA 32-64 - Howard L. Parker re-
quests exception to permit self-
service car wash at NE corner of
Pawnee and Oliver

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

ACTION

Bza COMMITTEE _____ *(App)* DATE *6-23-64*

M.A.P.C. _____

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

BZA 32-64 - Howard L. Parker re-
quests exception to permit self-
service car wash at NE corner of
Rawnee and Oliver

July 6, 1964

Mr. Howard L. Parker
123 North Sycamore
Wichita, Kansas

Dear Mr. Parker:

Re: Case No. BEA 32-64

On June 25, 1964, we advised you that the Board of Zoning Appeals had approved your application for an exception to permit the operation of a self-service car wash on property generally located at the northeast corner of Oliver and Pawnee.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before July 3, 1964. The City Clerk has advised that no appeal was filed on or before that date, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ber
Attachment

cc: Loren E. Parker
123 North Sycamore

Glen Lytle, Superintendent
of Central Inspection

RESOLUTION NO. BZA 32-64

WHEREAS, Howard L. Parker Co., Inc., 123 North Sycamore, Wichita, Kansas, by Loren E. Parker, agent, 123 North Sycamore, Wichita, Kansas, requests an Exception as provided in Section 28.04.183, Code of the City of Wichita, to permit a self-service car wash operation in an "LC" District, on property legally described as follows:

Beginning 105 feet east of the southwest corner of Block H, thence north 150 feet, thence east 150 feet, thence south 150 feet, thence west 150 feet to beginning, in Block H, McAdam Acres, in the City of Wichita, Sedgwick County, Kansas,

and generally located at the northeast corner of Pawnee and Oliver;
and

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 23, 1964, 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 28.04.183, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit a self-service car wash operation as an Exception in an area zoned "LC", subject to the conditions as outlined in Section 28.04.183, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the applicant be allowed to establish a self-service car wash operation on property legally described as follows:

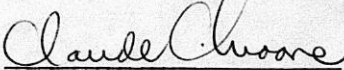
Beginning 105 feet east of the southwest corner of Block H, thence north 150 feet, thence east 150 feet, thence south 150 feet, thence west 150 feet to beginning, in Block H, McAdam Acres, in the City of Wichita, Sedgwick County, Kansas,

generally located at the northeast corner of Pawnee and Oliver,
subject to the following conditions:

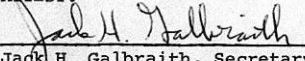
1. This use shall not be permitted closer than 60 feet, excluding any street, alley, or intervening publicway, to the front or side of a "AA", "A", "RB", "B", or "G" residential zoning district.
2. There shall be a minimum lot area of 3,500 square feet for each car washing stall, provided the minimum lot area shall not be less than 7,500 square feet.
3. The self-service car washing buildings or facilities shall be set back a distance of not less than 50 feet from the street right of way line of Pawnee.

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 adjoining property. No string type lighting 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 space shall be provided on the property in the ratio of not less than 4 parking spaces for each car washing stall. Drying spaces shall be provided on the property in a ratio of not less than 2 parking spaces for each car washing stall. One off-street parking space shall be provided for each employee.
9. A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces, drying spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the time a permit is issued for such an operation. There shall be no ingress or egress from any unpaved publicway.
10. The Secretary of the Board of Zoning Appeals shall be furnished a copy of the final plot plan as approved by the Traffic Engineer, to become a part of the file on this application.
11. There shall be no ingress or egress from minor or residential streets which have 60 feet of right of way or less.
12. All drainage, both natural and runoff and that created by the operation, shall be handled on the site in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
13. The area shall be properly policed through inspection by the owner or operator for proper maintenance and removal of trash.

ADOPTED AT WICHITA, KANSAS, this 23rd day of June, 1964.


Claude Moore, Vice Chairman

ATTEST:


Jack H. Galbraith, Secretary

June 25, 1964

Mr. Howard L. Parker Company, Inc.
123 North Sycamore
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 32-64

This is to advise you that at its regular meeting of June 23, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to permit the operation of a self-service car wash on property generally located at the northeast corner of Oliver and Pawnee.

After discussion and consideration, it was the action of the Board of Zoning Appeals to approve this request subject to the following conditions and requirements:

1. This use shall not be permitted closer than 60 feet, excluding any street, alley, or intervening publicway, to the front or side of a "AA", "A", "RB", "B", or "G" residential zoning district.
2. There shall be a minimum lot area of 3,500 square feet for each car washing stall, provided the minimum lot area shall not be less than 7,500 square feet.
3. The self-service car washing buildings or facilities shall be set back a distance of not less than 50 feet from the street right of way line of Pawnee.
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 adjoining property. No string type lighting 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 ratio of not less than 4 parking spaces for each car washing stall. Drying spaces shall be provided on the property in a ratio of not less than 2 parking spaces for each car washing stall. One off-street parking space shall be provided for each employee.
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10. The Secretary of the Board of Zoning Appeals shall be furnished a copy of the final plot plan as approved by the Traffic Engineer, to become a part of the file on this application.
11. There shall be no ingress or egress from minor or residential streets which have 60 feet of right of way or less.
12. All drainage, both natural and runoff and that created by the operation, shall be handled on the site in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
13. The area shall be properly policed through inspection by the owner or operator for proper maintenance and removal of trash.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before July 3, 1964.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed

Page 3 - Howard L. Parker Company, Inc.
June 25, 1964

on or before July 3, 1964, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: Loren E. Parker
123 North Sycamore

Roy Rogers, Attorney
223 South Pinecrest

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 32-64

APPLICANT: Howard L. Parker Company, Inc., 123 North Sycamore

REQUEST: Exception pursuant to Section 28.04.180, as amended, to allow the installation and construction of a self-service car wash operation at the northeast corner of Pawnee and Oliver.

ZONING: The existing zoning is "LC"
North - "LC"
East - "LC"
South - "LC"
West - "LC"

LAND USE: Existing - vacant
North - carpet store
East - vacant and single family and duplexes
South - service station and vacant
West - service station

JURISDICTION: The Board has jurisdiction to consider and grant the exception request when all of the requirements outlined under Section 28.04.180, as amended, are found to exist.

COMMENTS BY THE SECRETARY

The applicant has submitted a plot plan in conjunction with this application; however, copies of the plot plan are not made available with this report, but a copy will be available for review at the hearing.

In viewing the plot plan, it was determined that the applicant has not provided adequate space for drying area. The ordinance provides that there must be 2 drying spaces for each car washing stall. In order to accomplish this, the applicant would have to move the proposed car washing stalls approximately 10 feet farther to the west. The Secretary is of the opinion that the operation should be oriented towards Pawnee rather than north and south as shown on the plot plan. If the operation was oriented towards Pawnee, it would improve traffic maneuverability on the site and provide more convenient and accessible off-street holding spaces.

In any event, the car washing unit will have to be so arranged on the lot so as to provide four off-street parking spaces in front of each car washing unit and two drying spaces to the rear of each unit before a permit can be issued for the operation. The Traffic Engineer will also have to approve points of ingress and egress and interior traffic circulation before the permit can be issued.

The lot contains 22,500 square feet which is more than adequate for a four-stall car wash operation. Consequently, there should be very few problems encountered in rearranging the lot to provide for adequate drying spaces.

Based upon the foregoing review, it is the recommendation of the Secretary that this application be approved, subject to the following conditions and requirements:

1. This use shall not be permitted closer than 60 feet, excluding any street, alley, or intervening publicway, to the front or side of a "AA", "A", "RB", "B" or "G" residential zoning district.
2. There shall be a minimum lot area of 3,500 square feet for each car washing stall, provided the minimum lot area shall not be less than 7,500 square feet.
3. The self-service car washing buildings or facilities shall be set back a distance of not less than 50 feet from the street right of way line of Pawnee.
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 adjoining property. No string type lighting 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 space shall be provided on the property in the ratio of not less than 4 parking spaces for each car washing stall. Drying spaces shall be provided on the property in a ratio of not less than 2 parking spaces for each car washing stall. One off-street parking space shall be provided for each employee.
9. A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces, drying spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the time a permit is issued for such an operation. There shall be no ingress or egress from any unpaved publicway.

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Case No. BZA 32-64

10. There shall be no ingress or egress from minor or residential streets which have 60 feet of right of way or less.
11. All drainage, both natural and runoff and that created by the operation, shall be handled on the site in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
12. The area shall be properly policed through inspection by the owner or operator for proper maintenance and removal of trash.

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CASE NO. BEA 32-64

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East - "LC"
South - "LC"
West - "LC"

LAND USE: Existing - vacant
North - carpet store
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In viewing the plot plan, it was determined that the applicant has not provided adequate space for drying area. The ordinance provides that there must be 2 drying spaces for each car washing stall. In order to accomplish this, the applicant would have to move the proposed car washing stalls approximately 10 feet farther to the west. The Secretary is of the opinion that the operation should be oriented towards Pawnee rather than north and south as shown on the plot plan. If the operation was oriented towards Pawnee, it would improve traffic maneuverability on the side and provide more convenient and accessible off-street holding spaces.

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Case No. BZA 32-64

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Based upon the foregoing review, it is the recommendation of the Secretary that this application be approved, subject to the following conditions and requirements:

1. This use shall not be permitted closer than 60 feet, excluding any street, alley, or intervening publicway, to the front or side of a "AA", "A", "RB", "B" or "G" residential zoning district.
2. There shall be a minimum lot area of 3,500 square feet for each car washing stall, provided the minimum lot area shall not be less than 7,500 square feet.
3. The self-service car washing buildings or facilities shall be set back a distance of not less than 50 feet from the street right of way line of Pawnee.
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.
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Case No. BZA 32-64**

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12. The area shall be properly policed through inspection by the owner or operator for proper maintenance and removal of trash.

CASE NO. BZA 32-64

15 NOTICES MAILED JUNE 5, 1964 FOR MEETING JUNE 23, 1964

Howard L. Parker Co. Inc.
123 North Sycamore

Loren E. Parker
123 North Sycamore

Marietta McAdam Rinker &
as Gdn of James E. McAdam, minor
1802 East 95th Street South

Carl & Tola Chuzy
M. & Dora Chuzy
131 West Central Avenue

Erle W. Jennings & H. W. Goodwin
4269 Janesville

Wichita Federal Savings & Loan Assn.
340 South Broadway

S. E. & Ruth Phelps McClymonds
2629 Fairmount

Ruth J. Love, Exec. Est of Lillie May Love
158 South Chautauqua

James T. Klepper
2601 North Broadway

Chip & Stevens Construction Co. Inc.
2307 South Oliver

Kerr McGee Oil Industries, Inc.
2410 South Oliver

Nick Arnold
1921 Scott Avenue

Shawver-Armour, Inc.
Central Building

Kansas Developers, Inc.
Box 3725

Wilfred D. & Elsie Mae Marvis
2321 South Oliver

20

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

June 5, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 32-64

An application has been filed by Howard L. Parker Co., Inc., 123 North Sycamore, Wichita, Kansas, by Loren E. Parker, agent, pursuant to Section 28.04.180 (as amended), Code of the City of Wichita, requesting an exception to permit the installation or construction of a self-service car wash operation on property zoned "LC" and legally described as follows:

Beginning 105 feet east of the southwest corner of Block H, thence north 150 feet, thence east 150 feet, thence south 150 feet, thence west 150 feet to beginning, in Block H, McAdam Acres, in the City of Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Pawnee and Oliver.

This application has been assigned Case No. BZA 32-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 23, 1964, 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

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

June 5, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 32-64

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Beginning 105 feet east of the southwest corner of Block H, thence north 150 feet, thence east 150 feet, thence south 150 feet, thence west 150 feet to beginning, in Block H, McAdam Acres, in the City of Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Pawnee and Oliver.

This application has been assigned Case No. BZA 32-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 23, 1964, 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

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 32-64
FILED 6-2-64

APPLICATION FOR EXCEPTION

I. Name of Applicant Howard L. Parker Co., Inc
Mailing Address 123 N. Sycamore Phone AM-25101
Name of Authorized Agent John E. Parker
Mailing Address 123 N. Sycamore Phone AM-25101
Relationship of applicant to property is that of OWNER
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.150 as amended, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of self service car wash operation
on property zoned
"LC", located North side of Pawnee
and east of Oliver and legally described as:
Reg. 105' east of the SW cor. BK. H,
th. N 150' . E 150' . S 150' . W. in the City of Wichita.
150 to Reg.
(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.

Applicant HOWARD L. PARKER Co., INC.
Authorized Agent John E. Parker VICE-PRES.

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 4:50 PM (a.m. - p.m.), June 2, 1964, together with appropriate fee of \$50.00.

Signed James W. Shawe

STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
)
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of a tract in Block H, in McAdam Acres described as fol: Beg 105 ft East of the SW cor Blk H, th North 150 ft; East 150 ft; South 150 ft; West 150 ft to beg.

And from such examination find that the record owners thereof are as set opposite the description of the property below, viz:

Block H, McAdam Acres, exc West 105 ft	Howard L. Parker Company, Inc. 121 N. Sycamore Ave.
<i>west</i> The East 105 ft of Blk H, McAdam Acres	Marietta McAdam Rinker & as Gdn of James E. McAdam, minor 1802 E. 95th St. South
Reserve A, exc N 500 ft., Block A, in McAdam Acres.	Carl & Tola Chuzy, ux $\frac{1}{2}$ int. M. & Dora Chuzy, $\frac{1}{2}$ int. 131 West Central Ave.
Lot 12, Blk A, McAdam Acres	Erle W. Jennings & H. W. Goodwin 4269 Janesville
Lot 7, exc E 10', Blk F, McAdam Acres	Wichita Federal Savings & Loan Assoc. 340 S. Broadway
Lot 8, exc E 10', Blk F, McAdam Acres	S. E. & Ruth Phelps McClymonds, ux 2629 Fairmount
The North 300 ft of NE $\frac{1}{4}$ Sec 2-28-1E, lying N & E of Boulevard, exc prt condem for Oliver St.	Ruth J. Love, Exec. est of Lillie May Love 158 S. Chautauqua


Fidelity
Title
Company.
inc.



Beg at SE cor SE $\frac{1}{4}$ Sec 35, Twp 27, R 1 E;
th N 133'; W 330'; S 133'; E 330' to beg.
exc condem for Oliver St.

James T. Klepper
2601 N. Broadway

Beg 133 ft N of SE cor SE $\frac{1}{4}$ Sec 35, Twp
27, R 1 E; th N 132 ft; W 330 ft; S 132
ft; E 330 ft to beg., exc CCA-43699 for
Oliver Street.

Wilfred D. & Elsie Mae Marvis
2321 S. Oliver ux

Beg 265 ft N of SE cor Sec 35, Twp 27,
R 1 E; th N 80 ft; W 160 ft; S 80 ft;
E to beg & ROW easement beg 345 ft N
SE cor; th N 30 ft; W 260 ft; S 30 ft;
E to beg.

Chipp & Stevens Construction
Company, Inc.
2307 S. Oliver

The E 260 ft of the N $\frac{1}{2}$ of S 530 ft of
E $\frac{1}{2}$ of SE $\frac{1}{4}$ SE $\frac{1}{4}$, exc S 110 ft & exc W 32
ft, Sec 35, Twp 27, R 1 E, exc CCA-43699
for Oliver St.

Chipp & Stevens Construction
Company, Inc.
2307 S. Oliver

Lot 1, Blk 1, W. P. Higgins Addition

Kerr-McGee Oil Industries, Inc
2410 S. Oliver

W 75 ft of N 150 ft Lot 2, Block 1,
W. P. Higgins Addition.

Nick Arnold
1921 Scott Ave.

E 100 ft of N 220 ft of Lot 2, Blk 1,
W. P. Higgins Addition.

Shawver-Armour, Inc.
Central Bldg.

Lot 3, Block 1, W. P. Higgins Addition.

Kansas Developers, Inc.
Box 3725, Wichita, Kans.

Dated at Wichita, Kansas this 1st
day of June, 1964 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elwin M. Farrell
Sec. OEM

*

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