

10-11-79
9-11-79

BZA ACTION

BZA
46-79

COMMITTEE Approved
DATE 10-23-79

M.A.P.C. _____

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

10-31-79

10-13-79

✓ 200 of 10-13-79
✓ 200 RECORDED

Case No. BZA 46-79 - Rodney L. Steven requests exception to permit establishment of a self service car wash on property zoned "LC" and generally located at the southeast corner of _____

Map No. 5846
 Sec. 25
 Twp. 27
 Range 1E

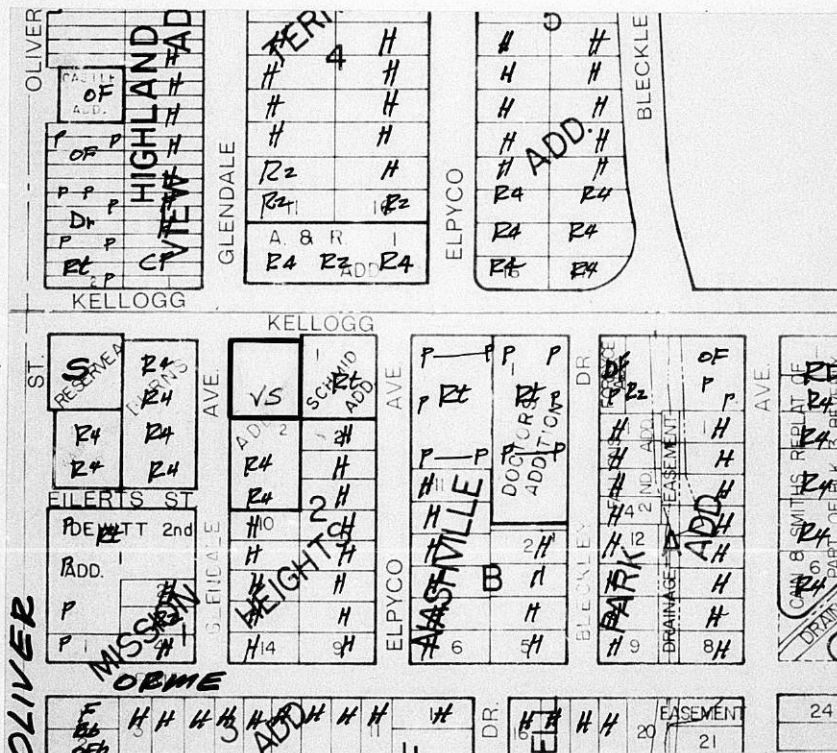
BZA- 46-79
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.4 (130 ft. by 138 ft.)
2. Adjoining Zoning: E LC S LC W LC N LC
3. Land Use: East RESTAURANT South FOUR FAM
 West FOUR FAM North FOUR FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: SERVICE STAT
5. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



IMPORTANT MESSAGE

FOR Alan
DATE 4-24 TIME 3:30 A.M. P.M.

WHILE YOU WERE AWAY

Harry Najim

OF _____
PHONE No. 263-7228

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RETURNED YOUR CALL	

MESSAGE _____

SIGNED [Signature]

Form 000-017

HARRY L. NAJIM
ATTORNEY AT LAW

500 W. DOUGLAS - SUITE 915 - WICHITA, KAN. 67202 - (316) 263-7228

McKenley -
3rd Wd of Mo. -
May 21 Tr. Court
3-4 mts - City Court

HARRY L. NAJIM
ATTORNEY AT LAW

300 W. DOUGLAS - SUITE 616 - WICHITA, KAN. 67202 • (316) 268-7228

Dlan

WICHITA TRAFFIC COMMISSION

A G E N D A

MAY 21, 1980 - 10:15 A.M.

The Wichita Traffic Commission will meet in the City Commission Meeting Room on the first floor of the City Hall Building, 455 North Main, Wichita, Kansas at 10:15 a.m. on May 21, 1980.

* * * * *

- Roll Call
- Approve the Minutes of the April 16, 1980 Regular Traffic Commission Meeting and the Minutes of the May 5, 1980 Special Traffic Commission Meeting.

* * * * *

1. PROPOSED REALIGNMENT OF McLEAN BOULEVARD - DOUGLAS TO SENECA

Rod Stewart, Chairman of the Redevelopment and Rehabilitation Board, has requested to present the Proposal for the Realignment of McLean Boulevard from Douglas to Seneca.

* * * * *

LUNCH BREAK

11:30 A.M. to 1:00 P.M.

2. INTERIM REPORTS ON EAST KELLOGG FROM HILLSIDE TO ARMOUR

The Traffic Commission, at their December 19, 1979 meeting requested that the City Commission direct the administrative staff to update the East-West Traffic Flow Study prepared during 1976-1977 by a staff task force. In addition, the Traffic Engineering Division was requested to study Kellogg from the east City limits to the west City limits to determine the existing status of traffic flow conditions and to include a review of what actions are contemplated to improve the Kellogg corridor.

The Traffic Engineering Division has been proceeding with this directive, and an Interim Report will be presented regarding that area of East Kellogg from Hillside to Armour. This Interim Report is being brought forward at this time since the data is now available on this segment and to correspond and supplement the report completed by the Planning Department on East Kellogg.

The M.A.P.D. staff will present their portion and Bill McKinley, Assistant Traffic Engineer, will present the Traffic Engineering Division's Interim report.

* * * * *

motion to deny the request 8-13

38
39

3. REQUEST FOR THE INSTALLATION OF "NO PARKING ANY TIME" REGULATIONS ON THE EAST SIDE OF GLENDALE FROM KELLOGG SOUTH TO THE EILERTS INTERSECTION.

Harry Najim, Attorney for Rodney L. Steven, owner/operator of the Self Service Car Wash, located at the corner of Kellogg and Glendale, has requested to appear

2nd motion 7-2 Approve removal from his south property line to Kellogg.

WICHITA TRAFFIC COMMISSION

A G E N D A

(continued)

3. (continued)

on behalf of his client. This request is related to obtaining a driveway connection to Glendale for the operation of the Self Service Car Wash. Mr. Steven is requesting that parking be restricted along the east side of Glendale from the corner of Kellogg and Glendale, south approximately one block to Eilerts Street.

Notification Letters have been sent to the residents on both sides of Glendale from Kellogg south to Eilerts Street that this item will be discussed at today's meeting.

* * * * *

4. TRAFFIC SIGNAL OPERATION: KELLOGG AT BONNIE BRAE/MANSFIELD

Sharon Ryan, Manager of the Eastgate Mall, has requested to appear before the Traffic Commission regarding the operation of the traffic signal at Kellogg and Bonnie Brae/Mansfield.

On May 2, 1980 this traffic signal was turned off and the indications hooded so that a study could be completed to determine if the traffic signal should be removed. Traffic volumes through this intersection have been reduced to a point that continued signal operation is questionable. The study period is estimated to be 30-60 days, at which time a decision will be made as to whether the signal should be removed.

In addition to Ms. Ryan's letter, additional letters have been received from Mrs. Josephine Holt of Air Capital Flowers at 8133 East Kellogg; Mrs. Carl Duncan of Jean's Vacuum Cleaner Boutique at 8023 East Kellogg; and Mr. Bryan Abel, Vice President of H & K Food Corporation, d/b/a/ Rax Roast Beef, at 512 Mansfield. Also, the Traffic Engineering Division received many telephone calls from area residents objecting to the hooding of the traffic signal.

The Traffic Engineering Division is beginning to gather data for evaluation and some of this information will be presented at today's meeting. Paul Graves, City Traffic Engineer, will present the information that is available.

* * * * *


Paul B. Graves, Secretary
Wichita Traffic Commission

The Traffic Commission will not be meeting during the months of June, July, and August, 1980. The Nomination and Election of the 1980-1981 Traffic Commission Officers will take place at the September 24, 1980 Traffic Commission Meeting. Chairperson, First Vice-Chairperson, and Second Vice-Chairperson will be chosen for the 1980-1981 term at the September 24, 1980 Traffic Commission Meeting.

WICHITA TRAFFIC COMMISSION

A G E N D A

MAY 21, 1980 - 10:15 A.M.

The Wichita Traffic Commission will meet in the City Commission Meeting Room on the first floor of the City Hall Building, 455 North Main, Wichita, Kansas at 10:15 a.m. on May 21, 1980.

* * * * *

- Roll Call
- Approve the Minutes of the April 16, 1980 Regular Traffic Commission Meeting and the Minutes of the May 5, 1980 Special Traffic Commission Meeting.

* * * * *

1. PROPOSED REALIGNMENT OF McLEAN BOULEVARD - DOUGLAS TO SENECA

Rod Stewart, Chairman of the Redevelopment and Rehabilitation Board, has requested to present the Proposal for the Realignment of McLean Boulevard from Douglas to Seneca.

* * * * *

LUNCH BREAK

11:30 A.M. to 1:00 P.M.

2. INTERIM REPORTS ON EAST KELLOGG FROM HILLSIDE TO ARMOUR

The Traffic Commission, at their December 19, 1979 meeting requested that the City Commission direct the administrative staff to update the East-West Traffic Flow Study prepared during 1976-1977 by a staff task force. In addition, the Traffic Engineering Division was requested to study Kellogg from the east City limits to the west City limits to determine the existing status of traffic flow conditions and to include a review of what actions are contemplated to improve the Kellogg corridor.

The Traffic Engineering Division has been proceeding with this directive, and an Interim Report will be presented regarding that area of East Kellogg from Hillside to Armour. This Interim Report is being brought forward at this time since the data is now available on this segment and to correspond and supplement the report completed by the Planning Department on East Kellogg.

The M.A.P.D. staff will present their portion and Bill McKinley, Assistant Traffic Engineer, will present the Traffic Engineering Division's Interim report.

* * * * *

3. REQUEST FOR THE INSTALLATION OF "NO PARKING ANY TIME" REGULATIONS ON THE EAST SIDE OF GLENDALE FROM KELLOGG SOUTH TO THE EILERTS INTERSECTION.

Harry Najim, Attorney for Rodney L. Steven, owner/operator of the Self Service Car Wash, located at the corner of Kellogg and Glendale, has requested to appear

WICHITA TRAFFIC COMMISSION

A G E N D A

(continued)

3. (continued)

on behalf of his client. This request is related to obtaining a driveway connection to Glendale for the operation of the Self Service Car Wash. Mr. Steven is requesting that parking be restricted along the east side of Glendale from the corner of Kellogg and Glendale, south approximately one block to Eilerts Street.

Notification Letters have been sent to the residents on both sides of Glendale from Kellogg south to Eilerts Street that this item will be discussed at today's meeting.

* * * * *

4. TRAFFIC SIGNAL OPERATION: KELLOGG AT BONNIE BRAE/MANSFIELD

Sharon Ryan, Manager of the Eastgate Mall, has requested to appear before the Traffic Commission regarding the operation of the traffic signal at Kellogg and Bonnie Brae/Mansfield.

On May 2, 1980 this traffic signal was turned off and the indications hooded so that a study could be completed to determine if the traffic signal should be removed. Traffic volumes through this intersection have been reduced to a point that continued signal operation is questionable. The study period is estimated to be 30-60 days, at which time a decision will be made as to whether the signal should be removed.

In addition to Ms. Ryan's letter, additional letters have been received from Mrs. Josephine Holt of Air Capital Flowers at 8133 East Kellogg; Mrs. Carl Duncan of Jean's Vacuum Cleaner Boutique at 8023 East Kellogg; and Mr. Bryan Abel, Vice President of H & K Food Corporation, d/b/a/ Rax Roast Beef, at 512 Mansfield. Also, the Traffic Engineering Division received many telephone calls from area residents objecting to the hooding of the traffic signal.

The Traffic Engineering Division is beginning to gather data for evaluation and some of this information will be presented at today's meeting. Paul Graves, City Traffic Engineer, will present the information that is available.

* * * * *


Paul B. Graves, Secretary
Wichita Traffic Commission

The Traffic Commission will not be meeting during the months of June, July, and August, 1980. The Nomination and Election of the 1980-1981 Traffic Commission Officers will take place at the September 24, 1980 Traffic Commission Meeting. Chairperson, First Vice-Chairperson, and Second Vice-Chairperson will be chosen for the 1980-1981 term at the September 24, 1980 Traffic Commission Meeting.

THE CITY OF WICHITA



DEPARTMENT OF PUBLIC WORKS
TRAFFIC ENGINEERING DIVISION
CITY HALL — EIGHTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4448

RECEIVED

MAY 6 1980
METROPOLITAN PLANNING
ROUTE _____

May 14, 1980

LETTER OF NOTIFICATION

TO: THE RESIDENTS ON GLENDALE FROM KELLOGG TO EILERTS, WICHITA, KANSAS

The Wichita Traffic Commission will discuss at their May 21, 1980 meeting the request from Mr. Harry Najim, Attorney at Law, on behalf of his client Rodney L. Steven, owner/operator of the Self Service Car Wash, located at the corner of Kellogg and Glendale, the request to restrict parking along the east side of Glendale from the corner of Kellogg and Glendale, south approximately one block to Eilerts Street.

You are cordially invited to attend this Traffic Commission Meeting to present your views with regard to this agenda item. Enclosed for your information is a copy of the Traffic Commission's Agenda for the May 21st meeting.

The Traffic Commission Meeting will take place at 10:15 a.m. on May 21, 1980 on the first floor of the City Hall Building in the City Commission Meeting Room. The discussion of this item will take place some time after 1:00 p.m. on May 21, 1980.

Sincerely,

Paul B. Graves, P. E.
City Traffic Engineer

cc: R. W. Bruggeman, Director of Public Works
Harry Najim, Attorney at Law
Rodney L. Steven
Memphis S. Hixon
Captain Don Henton, Traffic Section/Wichita Police Dept.

38
39

BZA-46-79

October 23, 79

Exemption from the Bldg Zon Appal for
a self service car wash

"There shall be no ingress or egress
from minor or residential streets having
60' of ROW or less, unless there
are two free-moving lanes at all
times. (Example: a 30 ft
paved street with parking permitted only
on one side would provide two
free moving lanes)"

Inappropriate use at this location. Although
some commercial zoning exist the area
remains as predominantly residential and this
type of use is often objectionable when in
close proximity to residences.

CPO "G" 7-0 to deny
The proposed use will generate
traffic related problems in the residential

The location close proximity to
residences is inappropriate.

See Memphis History - property owner to
the south objecting to any removal of parking.
Concerned with hours of operation
Type of screening fence.

Board of Z A approved the application
for the requested use subject to
13 conditions.

6-8 screen fence ^{metal, wood, or any.} on the south.

No signs or signs permitted to be placed

No restriction on hours of operation.

Must be complied with prior to opening.

Jan 23, I wrote to the owner.

Sign (Portable)

Driveway (not closed)

Bumper guards (not installed)

Pole sign (not properly located)

Plan stated 6' board fence.

metal fence installed.

Later part of March - item complied with

Mr. ^{Certainly} ~~the~~ Stern can do something
Herbert a return, well

Mr. Stern suggests that signs and signs
on Glendale will eliminate ^{negotiation} many residential
obstacles

ROUTE SLIP
(PLEASE CIRCLE DESTINATION)

Administration

Budget
Contracts Admin.
Controller
Data Processing
Purchasing
Print Shop
Stationery Stores
Ret. & Insurance
Treasurer

Airport Authority

Art Museum

City Manager

C.P.O.
City Clerk
City Commission
Community Action
Community Services
Com/Status of Women
Personnel
Personnel Training
Public Affairs
Civil Rights & E.E.O.

Community Facilities

Building Services
Century II
Community Arts
Omnisphere
Credit Union
Emergency

Communications

Fire Department

Grievance Office

Health Department

Housing & Economic

Development
Adm. & Finance
Central Inspection
Energy Resources
Industrial Development
Local Housing Authority

Law Department

Library
M.T.A.
Municipal Court

Park Department

Forestry

Recreation

Planning Department

Empl. &

Training Center

Graphics

Job Teams

Police Department

Motor Pool

Public Works

Administration

Engineering

Flood Control

Maintenance

Traffic Engineering

Urban Renewal

Water Department

Accounting

Engineering

Filter Plant

Gas Utility

Mains & Services

Water Pol. Control

For: Glen Lytle
 For your information For your comments
MESSAGE:

Signed Paul Graves Date 5/4
#000-013 R379

THE CITY OF WICHITA



DEPARTMENT OF PUBLIC WORKS
TRAFFIC ENGINEERING DIVISION
CITY HALL — EIGHTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4446

RECEIVED

MAY 16 1980

METROPOLITAN PLANNING

ROUTE _____

May 14, 1980

LETTER OF NOTIFICATION

TO: THE RESIDENTS ON GLENDALE FROM KELLOGG TO EILERTS, WICHITA, KANSAS

The Wichita Traffic Commission will discuss at their May 21, 1980 meeting the request from Mr. Harry Najim, Attorney at Law, on behalf of his client Rodney L. Steven, owner/operator of the Self Service Car Wash, located at the corner of Kellogg and Glendale, the request to restrict parking along the east side of Glendale from the corner of Kellogg and Glendale, south approximately one block to Eilerts Street.

You are cordially invited to attend this Traffic Commission Meeting to present your views with regard to this agenda item. Enclosed for your information is a copy of the Traffic Commission's Agenda for the May 21st meeting.

The Traffic Commission Meeting will take place at 10:15 a.m. on May 21, 1980 on the first floor of the City Hall Building in the City Commission Meeting Room. The discussion of this item will take place some time after 1:00 p.m. on May 21, 1980.

Sincerely,

Paul B. Graves, P. E.
City Traffic Engineer

cc: R. W. Bruggeman, Director of Public Works
Harry Najim, Attorney at Law
Rodney L. Steven
Memphis S. Hixon
Captain Don Henton, Traffic Section/Wichita Police Dept.

WICHITA TRAFFIC COMMISSION

A G E N D A

MAY 21, 1980 - 10:15 A.M.

The Wichita Traffic Commission will meet in the City Commission Meeting Room on the first floor of the City Hall Building, 455 North Main, Wichita, Kansas at 10:15 a.m. on May 21, 1980.

* * * * *

- Roll Call
- Approve the Minutes of the April 16, 1980 Regular Traffic Commission Meeting and the Minutes of the May 5, 1980 Special Traffic Commission Meeting.

* * * * *

1. PROPOSED REALIGNMENT OF McLEAN BOULEVARD - DOUGLAS TO SENECA

Rod Stewart, Chairman of the Redevelopment and Rehabilitation Board, has requested to present the Proposal for the Realignment of McLean Boulevard from Douglas to Seneca.

* * * * *

LUNCH BREAK

11:30 A.M. to 1:00 P.M.

2. INTERIM REPORTS ON EAST KELLOGG FROM HILLSIDE TO ARMOUR

The Traffic Commission, at their December 19, 1979 meeting requested that the City Commission direct the administrative staff to update the East-West Traffic Flow Study prepared during 1976-1977 by a staff task force. In addition, the Traffic Engineering Division was requested to study Kellogg from the east City limits to the west City limits to determine the existing status of traffic flow conditions and to include a review of what actions are contemplated to improve the Kellogg corridor.

The Traffic Engineering Division has been proceeding with this directive, and an Interim Report will be presented regarding that area of East Kellogg from Hillside to Armour. This Interim Report is being brought forward at this time since the data is now available on this segment and to correspond and supplement the report completed by the Planning Department on East Kellogg.

The M.A.P.D. staff will present their portion and Bill McKinley, Assistant Traffic Engineer, will present the Traffic Engineering Division's Interim report.

* * * * *

3. REQUEST FOR THE INSTALLATION OF "NO PARKING ANY TIME" REGULATIONS ON THE EAST SIDE OF GLENDALE FROM KELLOGG SOUTH TO THE EILERTS INTERSECTION.

Harry Najim, Attorney for Rodney L. Steven, owner/operator of the Self Service Car Wash, located at the corner of Kellogg and Glendale, has requested to appear

WICHITA TRAFFIC COMMISSION

A G E N D A

(continued)

3. (continued)

on behalf of his client. This request is related to obtaining a driveway connection to Glendale for the operation of the Self Service Car Wash. Mr. Steven is requesting that parking be restricted along the east side of Glendale from the corner of Kellogg and Glendale, south approximately one block to Eilerts Street.

Notification Letters have been sent to the residents on both sides of Glendale from Kellogg south to Eilerts Street that this item will be discussed at today's meeting.

* * * * *

4. TRAFFIC SIGNAL OPERATION: KELLOGG AT BONNIE BRAE/MANSFIELD

Sharon Ryan, Manager of the Eastgate Mall, has requested to appear before the Traffic Commission regarding the operation of the traffic signal at Kellogg and Bonnie Brae/Mansfield.

On May 2, 1980 this traffic signal was turned off and the indications hooded so that a study could be completed to determine if the traffic signal should be removed. Traffic volumes through this intersection have been reduced to a point that continued signal operation is questionable. The study period is estimated to be 30-60 days, at which time a decision will be made as to whether the signal should be removed.

In addition to Ms. Ryan's letter, additional letters have been received from Mrs. Josephine Holt of Air Capital Flowers at 8133 East Kellogg; Mrs. Carl Duncan of Jean's Vacuum Cleaner Boutique at 8023 East Kellogg; and Mr. Bryan Abel, Vice President of H & K Food Corporation, d/b/a/ Rax Roast Beef, at 512 Mansfield. Also, the Traffic Engineering Division received many telephone calls from area residents objecting to the hooding of the traffic signal.

The Traffic Engineering Division is beginning to gather data for evaluation and some of this information will be presented at today's meeting. Paul Graves, City Traffic Engineer, will present the information that is available.

* * * * *


Paul B. Graves, Secretary
Wichita Traffic Commission

The Traffic Commission will not be meeting during the months of June, July, and August, 1980. The Nomination and Election of the 1980-1981 Traffic Commission Officers will take place at the September 24, 1980 Traffic Commission Meeting. Chairperson, First Vice-Chairperson, and Second Vice-Chairperson will be chosen for the 1980-1981 term at the September 24, 1980 Traffic Commission Meeting.

March 4, 1980

Mr. Rodney L. Steven
2333 McLean Blvd.
Wichita, Kansas 67304

Re: BZA 46-79

Dear Mr. Steven:

First of all, I wish to thank you for responding to my letter of January 23, 1980 in regards to the apparent violations of the conditions established by the Board of Zoning Appeals for your car wash on the Southeast corner of Glendale and Kellogg.

At the regular meeting of the Board of Zoning Appeals on February 26, 1980, I reported your comments to me of your intentions to comply with the Resolution. I informed them that you indicated that you should be able to complete the project in March, weather permitting. I would appreciate your keeping me informed of your progress so that I may relay said information to the Board at their next regular meeting on March 25, 1980.

I would point out that the fence to the south is to be 6 to 8 feet in height up to within 25 feet of the street right-of-way line of Glendale. It appears that the change in the height of the fence is farther than 25 feet. It also appears that you need to provide some directional markings on the paving to make sure that the traffic flow on the property is in conformance with the approved plan. Unless this is done now, and your customers get used to the way your operation works, the stacking lanes will create congestion at the entrances from Kellogg.

I would hope that all of these items might be completed by the next Board of Zoning Appeals meeting so that the Board will be assured that you intend to cooperate with the intent of their approval. If you have any questions, please give me a call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:sad

BZA 46-79

cc: William Korber, 330 Laura, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection
Joe Bogle, Assistant City Attorney

*Stevens called on Feb 25, 1980
Advised as noted re: to each item.
JSS*

January 23, 1980

Mr. Rodney L. Steven
2333 McLean Blvd.
Wichita, Kansas 67204

Re: Case No. BZA 46-79

Dear Mr. Steven:

At the regular meeting of the Board of Zoning Appeals on January 22, 1980, the Board expressed concern over the lack of your compliance with the conditions established by the Board on October 23, 1979. They requested that I write you so that you might correct the situation prior to the Board taking the necessary action to void the Resolution.

Although some of their expressed concerns are not specifically listed as conditions on Resolution No. BZA 46-79, they are part of the general regulations that the Board took into consideration when they granted the requested exception. The following is a list of what the Secretary of the Board deems to be violations of the regulations governing the car wash on the southeast corner of Glendale and Kellogg:

1. *Sign has been removed*
There has been noted a portable off-site advertising sign on your property that advertises a restaurant located on South Oliver. This is a violation of the "LC" Light Commercial Zoning District and also condition number 5 of the Resolution.
2. *Contractor left town due to bad weather. Will be back in March to install curbs.*
The driveway approaches to Glendale have not been removed. The plan submitted by you indicates that the existing driveways to Glendale will be closed. This is also a condition listed as number two of the Resolution and a mandatory requirement set forth in Section 28.04.183.4 of the zoning ordinance.
3. *Will take care of this one.*
The necessary curbs or barriers have not been provided adjacent to the public right-of-way to prevent vehicular encroachment. This is a requirement of the parking standards of the Traffic Engineering Division of the Department of Public Works.
4. *new pole is now in place at correct location*
The location of the pole sign is too close to the east property line. It should not be less than 15

feet as set forth in Section 28.40.139 K of the zoning ordinance.

*He talked to
man on the south
side will go in
with him to
make fence look
better on his side*

5. The fence located adjacent to the south property line was indicated on your plan for approval as a 6' board fence. You have installed a metal panel fence that provides a very unsightly condition on the south side of the fence. It would appear that some effort on your part to alleviate this condition would be beneficial to you as a good neighbor and the property owner to the south.

Please be advised that condition number 13 of the Resolution states that -- "All of the conditions of approval must be complied with prior to occupancy, or within one year from the date of approval by the Board, whichever comes first, or the Resolution shall become null and void".

I would appreciate a response of your intentions to comply with the provisions of approval so that this information may be referred to the Board prior to the regular meeting of February 26, 1980. I would hope that your cooperation and immediate correction of the violations will prevent any action of the Board to void the Resolution.

If you have any questions on this matter, please contact our office.

Sincerely yours,

Jack H. Galbraith
Secretary

JHG:sad

CC: Robert Feldner, Superintendent of Central Inspection
Robert A. Lakin, Director of Planning
Earl Henderson, Chairman, Board of Zoning Appeals
Bill Korber, 330 Laura, Wichita, Kansas

BCC: Mary Kopietz, 443 S. Bleckley, Wichita, Ks. 67218
Angela Squires, 246 N. Bluff, Wichita, Ks. 67208
Thomas Jacob, 5920 East Central, Wichita, Ks. 67208
William Goebel, 325 S. West, Wichita, Ks. 67213
Sarah Gilbert, C.P.O. Assistant Coordinator
Joe Bogle, Law Department

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

January 15, 1980

TO Robert B. Feldner, Superintendent of Central Inspection
FROM Glen E. Lytle, Special Assistant for Zoning
SUBJECT BZA 46-79

After receiving a telephone call from an adjoining property owner, I made a note to view the property covered by BZA 46-79 in the field.

It was noted that car wash on the property is open, yet they have not fully complied with the conditions of approval by the Board of Zoning Appeals.

A copy of the plot plan that was submitted by the applicant was forwarded to your office on November 8, 1979. On that plan it was noted that a curb was required all along the west property line at Glendale, and the two existing driveway approaches are to be closed.

Although you probably have not issued an occupancy permit as yet, so I am calling these items to your attention so that necessary steps may be taken to secure compliance.

Glen E. Lytle
Assistant Secretary
Board of Zoning Appeals

GEL:sad

CC: J. H. Galbraith, Chief Planner

November 6, 1979

Rodney L. Steven
2333 McLean Blvd.
Wichita, Kansas 67204

Re: Case No. BEA 46-79
Request for Exception

Dear Mr. Steven:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 23, 1979, in connection with your request for an exception to permit the establishment of a self-service car wash on property zoned "LC" Light Commercial and generally located on the southeast corner of Kellogg and Glendale.

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

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:bbc
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk
William L. Korber, 330 Laura, Wichita, Ks. 67211

RESOLUTION NO. BZA 46-79

WHEREAS, Rodney L. Steven, 2333 McLean Boulevard, 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 on property zoned "LC" Light Commercial District and legally described as follows:

The north 138 feet of Lot 2, Jim Burns Addition to Wichita, 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 October 23, 1979, 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 "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 "LC" Light Commercial District and legally described as follows:


The north 138 feet of Lot 2, Jim Burns Addition to Wichita, 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. Two copies of a revised site plan approved by the Traffic Engineer shall be submitted to the Secretary of the Board indicating the screening fence along the south property line prior to release of this resolution. No ingress or egress shall be permitted to Glendale.
3. 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.
4. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
5. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.
6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. 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.

8. 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.
9. One off-street parking space shall be provided for each two employees.
10. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
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. All above conditions of approval must be complied with prior to occupancy, or within one year from the date of approval by the Board, whichever comes first, or the Resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1979.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

October 24, 1979

Rodney L. Steven
2333 McLean Blvd.
Wichita, Kansas 67204

Re: Case No. B2A 46-79
Request for Exception

Dear Mr. Steven:

At the regular meeting of the Board of Zoning Appeals on Tuesday, October 23, 1979, your request for a self-service car wash on property zoned "LC" Light Commercial District, and generally located on the southeast corner of Kellogg and Glendale was considered.

It was the action of the Board to approve the request subject to you submitting a new development plan in compliance with the requirements of Section 28.04.183.4 of the Zoning Ordinance. This must be submitted to the Traffic Engineer for approval and shall not provide any ingress or egress from the site onto Glendale, and also conform to the conditions set forth in the Secretary's report. In addition the removal of the existing driveway approaches must be guaranteed.

A Resolution setting forth the official action of the Board is being prepared and will be mailed to you upon the submission of a new site plan in conformance with the above.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:bhc

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk
William L. Korbar, 330 Laura, Wichita, Kansas 67211

October 16, 1979

RECEIVED

OCT 17 1979

METROPOLITAN PLANNING

ROUTE

To: Mr. Jack H. Gilbraith
Secretary-Board of Zoning Appeals
10th Floor City Hall
455 N. Main
Wichita, Kansas 67202

Subject: Case No. EZA 46-79

Reference: Your letter dated October 3, 1979, same subject

I own the residential 4-plexes at 518 thru 532 S. Glendale bordering the subject property on the south. I offer the following concerns for your consideration when this case comes before your board on October 23, 1979.

1. I have understood that if ingress and/or egress are allowed from Glendale some of the street parking on Glendale may be eliminated. I would strongly oppose this as this parking is needed for tenants. Also the increased traffic on Glendale resulting from ingress and egress would be undesirable to residents. For these reasons I would recommend a requirement that the existing driveway ramps on Glendale be removed or blocked and that ingress and egress be allowed from Kellogg only.
2. I question whether operating hours will be restricted by city ordinance. If a car wash were allowed to operate at late night hours it could be objectionable to the adjoining residential neighborhood and should not be allowed.
3. The screening ordinance requiring a privacy fence between commercial and residential property should be stressed.

Memphis Hixson
6503 Oneida
Wichita, Kansas 67206

Memphis Hixson

Lytle

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE October 18, 1979

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, CPO Administrative Aide

SUBJECT BZA 46-79 (Southeast corner of Kellogg and Glendale)

At their meeting of October 15, CPO Council "C" considered the captioned case. There was no one present to speak for or against the application.

After comments and discussion, the Council voted 7-0 to recommend denial of the exception to permit the establishment of a self service car wash on property zoned "LC" Light Commercial at the captioned location for the following reasons:

The proposed use will generate traffic related problems in the neighborhood.

The location's close proximity to residences is inappropriate for the proposed use.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the October 23 meeting.

Shirley Mast
Shirley Mast
CPO Administrative Aide

SM:m1

Noted:

Sarah Gilbert/gw
Sarah Gilbert
Assistant CP Coordinator

RECEIVED

OCT 19 1979
METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 46-79

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

AGENT: William L. Korber, 330 Laura, Wichita,
Kansas

REQUEST: Exception pursuant to Section 2.12.590.C,
Code of the City of Wichita to permit the
establishment of a self-service car wash
on property zoned the "LC" Light Commercial
District.

GENERAL LOCATION: Southeast corner of Kellogg and Glendale.

ZONING: Subject property is zoned "LC" Light
Commercial as are those properties to the
north, south, east and west.

LAND USE: Subject property is the site of a former
service station. North, south and west
are fourplexes. East is 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 is requesting an exception to permit the establishment of a 5-bay self-service car wash on property zoned "LC" Light Commercial, located at the southeast corner of Kellogg and Glendale. Section 28.04.183.4 of the zoning ordinance permits the Board of Zoning Appeals to grant an exception for this type of use in the "LC" district, provided the use complies with the conditions set forth in the ordinance. In this particular case the applicant has submitted a plan that violates one of these conditions. This condition states that--"4.13 There shall be no ingress or egress from minor or residential streets having sixty feet of right-of-way or less, unless there are two free-moving lanes at all times. (Example. A thirty foot paved street with parking permitted only on one side would provide for two free-moving lanes.)" It should be noted that Glendale has parking permitted on both sides of the street from Kellogg to Orme.

Case No. BZA 46-79
BZA AGENDA
10-23-79
Page 2

It should be noted that another condition of the ordinance requires a fence to be constructed along any interior side and rear property line that is adjacent to a dwelling, regardless of the zoning district. This office has been contacted by the adjacent property owner expressing his concern of the applicant providing said screening fence.

It should be pointed out that under the terms of the enabling legislation and the ordinance creating the Board of Zoning Appeals the Board is limited in certain areas of the approval of exceptions. Both clearly state the following--"Under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of the exception, as established in the zoning ordinance by the governing body, are not found to be present."

It is also the opinion of the Secretary that the proposed use at this location is inappropriate. The neighborhood, although some commercial zoning exists, remains generally residential, and this type of use is often objectionable when in close proximity to residences.

RECOMMENDATION:

Should the applicant submit a development plan that provides compliance with all the conditions of the zoning ordinance and the Board of Zoning Appeals determines that this is an appropriate use at this location, 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. Two copies of a revised site plan approved by the Traffic Engineer shall be submitted to the Secretary of the Board indicating the screening fence along the south property line prior to release of this resolution.
3. 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.

Case No. BZA 46-79
BZA AGENDA
10-23-79
Page 3

4. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
5. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.
6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. 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.
8. 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.
9. One off-street parking space shall be provided for each two employees.
10. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
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. All above conditions of approval must be complied with prior to occupancy, or within one year from the date of approval by the Board, whichever comes first, or the Resolution shall become null and void.

BZA CASE NO.

46-79

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>14</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>27</u>	TOTAL NOTICES SENT <u>10-3-79</u>

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

October 3, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 46-79

An application has been filed by Rodney L. Steven, 2333 McLean Blvd., 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 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, Kansas. Generally
located at the southeast corner of
Kellogg and Glendale.

This application has been assigned case No. BZA 46-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 23, 1979, 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.

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

WILLIAM L. KORBER

JOHN E. LUNDBLADE

JAMES E. JORDAN



BAUGHMAN COMPANY, P.A.
S U R V E Y O R S

316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

Mr. Jack Galbraith
Board of Zoning Appeals
Wichita Sedgwick County
Metropolitan Area Planning Dept.
455 N. Main
Wichita, Kansas

Re: Application for
exception N 138'
Lot 2 Jim Burns
Addition

Dear Jack:

The applicant has purchased the abandoned service station and is desirous of constructing a self service car wash, which he feels there is a need for in this area.

Sincerely,

William L. Korber

WLK/mef

cc: Rodney L. Steven
233 McLean Blvd.
Wichita, Kansas

BOARD OF ZONING APPEALS

CASE NO. 46-79

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Rodney L. Steven (04) ✓

Mailing Address 2333 McLean Blvd. Phone 838-5672

Name of Authorized Agent William L. Korber ✓

Mailing Address 330 Laura (11) Phone 262-7271

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 self service car wash

on property zoned

'LC', 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, Kansas

in the City of 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. 24-606); 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 Paul Steven

Authorized Agent _____

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 10⁰⁰ (a.m. ~~p.m.~~), SEPT 11, 1979, together with appropriate fee of \$50.00

Signed [Signature]

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 23-021 PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
City BZA Exam 50.00	

NAME: Wm L K...

ADDRESS: 320 E...

FUND: 40-00-000-4000 DUE DATE: 10-1-1979

COMMENTS:

DATE: 7/11/79 BY: H. Lytle

WICHITA - SEDGWICK COUNTY

W S C

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

WICHITA, KANSAS 67202

RETURN TO SENDER

Ben
BZA-46-79

MSA

NO SUCH NUMBER

J. Earnest Talley
437 N. Hydraulic
Wichita, Kansas 67214

WICHITA, KANSAS 67202
OCT 9 1979
F-118