

Case No. BZA 50-77 - Rapid  
Robot Car Wash, Inc.,  
requests an exception to  
permit the establishment of  
a self-service car wash  
operation (northeast corner

*Rec'd  
1-18-78  
MFO ✓  
C.I.  
1-18-78*

ACTION

*BZA 50-77* COMMITTEE *Approved* DATE *12-20-77*

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_



RESOLUTION NO. BZA 50-77

WHEREAS, Rapid Robot Car Wash, Inc., 632 North Broadway, 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 operation on property zoned the "LC" Light Commercial District, 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 and the south 20 feet of the north 40 feet of Lot 3; and beginning at a point 35 feet north of the southwest corner of Lot 3, thence east 150 feet, thence north 40 feet, thence west 150 feet, thence south 40 feet to the place of beginning, all in Clemons Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Kellogg and Rock Eoad.

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 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 operation on property zoned the "LC" Light Commercial District subject to the conditions outlined in Section 28.04.183.4, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a self-service car wash operation on property zoned the "LC" Light Commercial District, 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 and the south 20 feet of the north 40 feet of Lot 3; and beginning at a point 35 feet north of the southwest corner of Lot 3, thence east 150 feet, thence north 40 feet, thence west 150 feet, thence south 40 feet to the place of beginning, all in Clemons Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Kellogg and Rock Eoad.

subject to the following conditions:

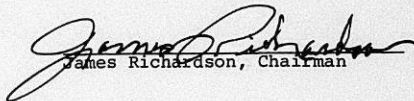
1. The approval of this case shall supercede the conditions of approval associated with Case Number BZA 26-66, making that Resolution null and void.
2. The car washing buildings shall maintain a minimum 60 feet setback from the street right-of-way lines of Kellogg Drive and Rock Road.
3. There shall be a minimum lot area of 3,500 square feet for each self-service car washing stall; provided the minimum lot area shall be not less than 7,500 square feet.
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.

RESOLUTION NO. BZA 50-77

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6. No signs 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 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. 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.
10. One off-street parking space shall be provided for each two employees.
11. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
12. All drainage, both natural and that created by the operation, shall be handled in 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 to insure proper maintenance and removal of trash.
14. All above conditions of approval must be complied with prior to the operation of the new two-bay structure and within one year from the date of approval or the Resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 20th day of December, 1977.

  
James Richardson, Chairman

ATTEST:

  
Larry Dobson, Assistant Secretary

Board of Zoning Appeals

January 5, 1978

Mr. Phillip A. Rein  
632 N. Broadway  
Wichita, Kansas 67214

Re: Case No. BZA 50-77  
Request for Exception

Dear Mr. Rein:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 20, 1977, in connection with your request for an exception to permit the establishment of a self-service car wash operation on property zoned the "LC" Light Commercial District and generally located on the northeast corner of Kellogg and Rock Road.

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

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

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bh

cc: Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

Board of Zoning Appeals

December 21, 1977

Mr. Phillip A. Rein  
632 N. Broadway  
Wichita, Kansas 67214

Re: Case No. BZA 50-77  
Request for Exception

Dear Mr. Rein:

At the regular meeting of the Board of Zoning Appeals on December 20, 1977, your request for an exception to permit the establishment of a self-service car wash operation on property zoned the "LC" Light Commercial District and generally located on the northeast corner of Kellogg and Rock Road was considered.

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

1. The approval of this case shall supercede the conditions of approval associated with Case Number BZA 26-66, making that Resolution null and void.
2. The car washing buildings shall maintain a minimum 60 feet setback from the street right-of-way lines of Kellogg Drive and Rock Road.
3. There shall be a minimum lot area of 3,500 square feet for each self-service car washing stall; provided the minimum lot area shall be not less than 7,500 square feet.
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 signs 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.

Mr. Phillip A. Rein  
December 21, 1977  
Page 2

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. 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.
10. One off-street parking space shall be provided for each two employees.
11. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
12. All drainage, both natural and that created by the operation, shall be handled in 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 to insure proper maintenance and removal of trash.
14. All above conditions of approval must be complied with prior to the operation of the new two-bay structure and within one year from the date of approval or the Resolution shall become null and void.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call.

Sincerely yours,

Larry Dobson  
Assistant Secretary

LD:bh  
cc: Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE December 20, 1977



TO Larry Dobson, Junior Planner, Current Plans, MAPD

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 50-77 (Northeast Corner of  
Kellogg and Rock Road)

On December 19, 1977, CPO Council "H" considered the captioned case. The Council took action to recommend that the exception not be granted by the Board of Zoning Appeals.

The Council is concerned about additional vehicular traffic at the intersection of Kellogg and Rock Road.

Please provide this information to the BZA when that body considers the case.

A handwritten signature in cursive script that reads "Bill Morris".

Bill Morris  
CPO Administrative Aide

BM:rh

NOTED:

A handwritten signature in cursive script that reads "David Furnas".  
David Furnas  
CPO Coordinator

**SECRETARY'S REPORT**  
**CASE NO. BZA 59-77**

**APPLICANT:** Rapid Robot Car Wash, Inc., 632 North Broadway, Wichita, Kansas.

**AGENT:** Phillip A. Rein, 632 N. Broadway, 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 operation.

**GENERAL LOCATION:** Northeast corner of Kellogg and Rock Road.

**LAND USE:** Subject property contains a two-bay self-service car wash. South is a restaurant and a service station. East is a furniture store. North is a small shopping center (Peach Tree Lane). West is a service station and the Towneast Shopping Center.

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

**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 28.04.133.4 can be complied with.

**COMMENTS BY THE SECRETARY:**

The applicant is requesting an exception to permit the establishment of a four-bay self-service car wash facility on subject property. A two-bay self-service car wash presently exists on the eastern portion of this "L" shaped property by virtue of a 1966 Board of Zoning Appeals Case (BZA 26-66).

Subject property has 60 feet of frontage on Rock Road and 44 feet of frontage on Kellogg Drive (service road). Since the construction of the original two-bay car wash, a restaurant has been constructed at the northeast corner of Kellogg and Rock Road. Subject property borders this restaurant on both the north and east. The north 20 feet of the 60 foot Rock Road frontage was a part of the original car wash property, serving as the entrance for the car wash operation. The applicant is now able to lease the 40 feet adjacent to the south of the 20 foot strip and proposes to construct an additional two-bay car-washing structure thereon. The 20 foot entrance drive from Rock Road would continue to serve as the entry to both the existing two bay structure which exits on Kellogg Drive, and the new structure which would exit back to Rock Road.

SECRETARY'S REPORT

Case No. BZA 50-77

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The site plan submitted with the application has been approved by the Office of the Traffic Engineer. However, some concerns have been expressed as to the tight turning radius that would be needed to maneuver into the proposed new car-washing structure, although it has been concluded that the turn can be made. Another concern is the close proximity of the adjacent restaurant's drive-up window lane. It is an approximately 10 foot wide drive right along the north side of their property. The applicant's plan indicates that his structure would be built along this common boundary line, leaving very little clearance for vehicles utilizing this drive-up window. Although not shown on the applicant's submitted plans, the building plans for the adjacent restaurant indicate an ingress-egress easement across the 40 foot driveway frontage of subject property, for vehicles using the drive-up window lane of the restaurant. All of these factors combined seem to make this a very marginal proposal at best. It is the opinion of the Secretary that this is more than a simple expansion of an existing use in that it will introduce additional traffic out to Rock Road and will create a potentially complicated meshing of traffic leaving the car-wash and the restaurant.

The applicant correctly states that the potential list of uses for a 40 foot x 150 foot strip of land is limited. Short of the restaurant leasing the property for parking and circulation, the applicant's proposal, to tie in with his existing entrance driveway, may be the most logical use of subject property.

RECOMMENDATION:

The Secretary recognizes that this 40 foot strip of land will be difficult to develop for any use, but cannot support such a marginal proposal as planned for expansion of a use that probably would not be encouraged as a new use in light of the development of this area since the original car wash was built, e.g., Peach Tree Lane Shopping Center, Town East Shopping Center, rejuvenation of the Lastgate Shopping Center, Jack In the Box Restaurant and Hilton Inn.

If the Board determines that this is an appropriate location for the proposed use, it is recommended that the following conditions be considered as conditions of approval:

1. The approval of this case shall supercede the conditions of approval associated with Case Number BZA 26-66, making that Resolution null and void.
2. The car washing buildings shall maintain a minimum 60 feet setback from the street right-of-way lines of Kellogg Drive and Rock Road.
3. There shall be a minimum lot area of 3,500 square feet for each self-service car washing stall; provided the minimum lot area shall be not less than 7,500 square feet.

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 signs 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 at the ratio of not less than four parking spaces for each self-service car washing stall.
  9. 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.
  10. One off-street parking space shall be provided for each two employees.
  11. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
  12. All drainage, both natural and that created by the operation, shall be handled in 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 to insure proper maintenance and removal of trash.
  14. All above conditions of approval must be complied with prior to the operation of the new two-bay structure and within one year from the date of approval or the Resolution shall become null and void.
-

10 notices sent to adjoining property owners and applicant or agent  
10 notices sent to MAPC member  
1 notice to CPO  
21 total notices sent on BZA 50-77, 11-28-77

BOARD OF ZONING APPEALS  
TENTH FLOOR, CITY HALL  
455 North Main, Wichita, Kansas 67202

November 23, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 50-77

An application has been filed by Rapid Robot Car Wash, Inc., 632 N. Broadway, 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 operation on property zoned the "LC" Light Commercial District, 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, and the south 20 feet of the north 40 feet of Lot 3; and beginning at a point 35 feet north of the southwest corner of Lot 3, thence east 150 feet, thence north 40 feet, thence west 150 feet, thence south 40 feet to the place of beginning, all 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 50-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 20, 1977, 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

BOARD OF ZONING APPEALS

CASE NO. BZA 50-77

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant RAPID ROBOT CAR WASH, INC.

Mailing Address 632 N. Broadway Phone 263-8421  
Wichita, Kansas 67214

Name of Authorized Agent Phillip A. Rein

Mailing Address 632 North Broadway Phone 263-8421  
Wichita, Kansas 67214

Relationship of applicant to property is that of Lessee  
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of a four (4) bay self-service car wash installation on property zoned Light Commercial (LC), located 8018 East Kellogg, Wichita, Kansas and legally described as: See attached Exhibit "A"

\_\_\_\_\_, 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 Rapid Robot Car Wash Inc

Authorized Agent Phillip A. Rein

*N/E corner of Kellogg & Rock Road*

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 2:30 (a.m. - p.m.), 11-21, 1977, together with appropriate fee of \$50.00

Signed Larry Johnson

BOARD OF ZONING APPEALS

RAPID ROBOT CAR WASH, INC.

E X H I B I T "A"

II. 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, and the South 20 feet of the North 40 feet of Lot 3, Clemons Addition to Wichita, Sedgwick County, Kansas, owned by Mr. and Mrs. Neil Murney of Wichita, Kansas; and

Real estate beginning at a point 35 feet North of the Southwest corner of Lot 3, extending eastward a distance of 150 feet, thence North 40 feet, thence West 150 feet, and thence South 40 feet to the place of beginning, above being in Lot 3 of Clemons Addition to Wichita, Sedgwick County, Kansas owned by Mrs. Nona Clemons of Wichita, Kansas.

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

EXCEPTION STATEMENT

Applicant: RAPID ROBOT CAR WASH, INC.  
Address: 632 North Broadway, Wichita, Kansas 67214  
Authorized Agent: Phillip A. Rein

REMARKS

This request for exemption to place additional self-service car wash bays on light commercial (LC) property as provided for under the Zoning Ordinance, City of Wichita, Kansas being Ordinance No. 28.04.183, para. 4.0 through 4.17.

The additional land available measures 40 ft. x 150 ft. and, therefore, uses for subject land is limited. The applicant is presently operating a two-bay car wash operation on the land owned by Mr. and Mrs. Neil Murney.

The additional two (2) bays of car wash operation are deemed necessary to carry the business load. There is no other self-service car wash operation in the area and, in conjunction with the present two (2) bay operation, this would be the best use of the subject land.

Respectfully submitted,  
RAPID ROBOT CAR WASH, INC.

By Phillip A. Rein  
Phillip A. Rein, Agent

LAW OFFICES  
PHILLIP A. REIN  
REGISTERED PATENT ATTORNEY

PATENTS, TRADEMARKS AND COPYRIGHT CAUSES EXCLUSIVELY  
632 NORTH BROADWAY, WICHITA, KANSAS 67214 (316) 263-8421

November 21, 1977

Board of Zoning Appeals  
City of Wichita, Kansas

Re: Board of Zoning - Exception for  
Self Service Car Wash Operation

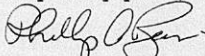
Dear Sir:

Enclosed please find the following documents for  
Application for Exception to erect additional two (2) bays  
of self service car wash operation at 8018 East Kellogg,  
Wichita, Kansas, as follows:

- 1) Application for Exception with Exhibit "A"  
attachment;
- 2) Exception Statement;
- 3) Abstractor's "Statement of Ownership" within  
200 feet of subject property at 8018 East  
Kellogg;
- 4) Two (2) copies of plot plan; and
- 5) A check in the amount of fifty dollars (\$50.00)  
to cover application filing fee.

I trust this meets filing requirements.

Very truly yours,

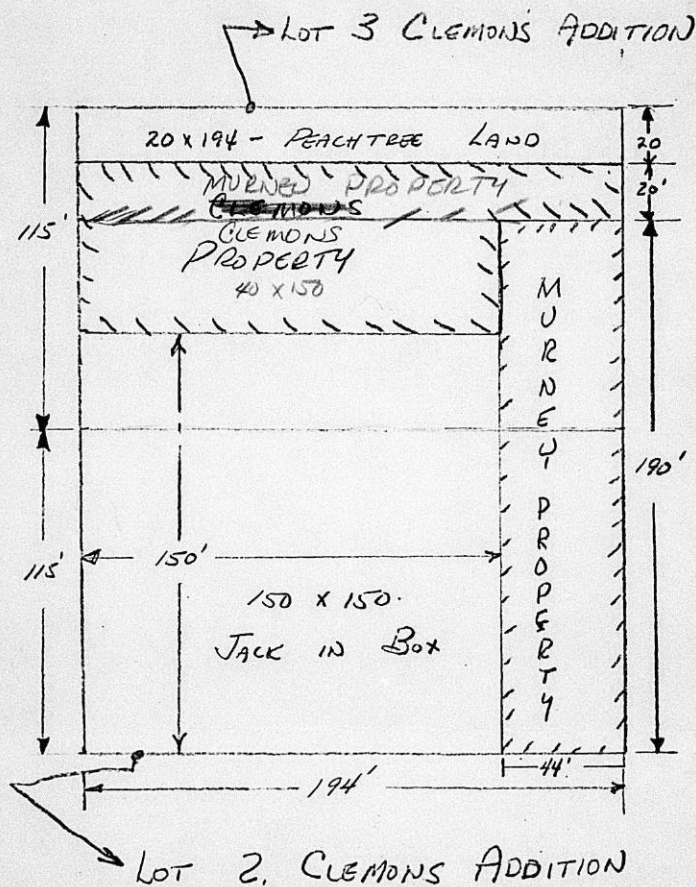
  
Phillip A. Rein

PAR:sd  
Enclosures

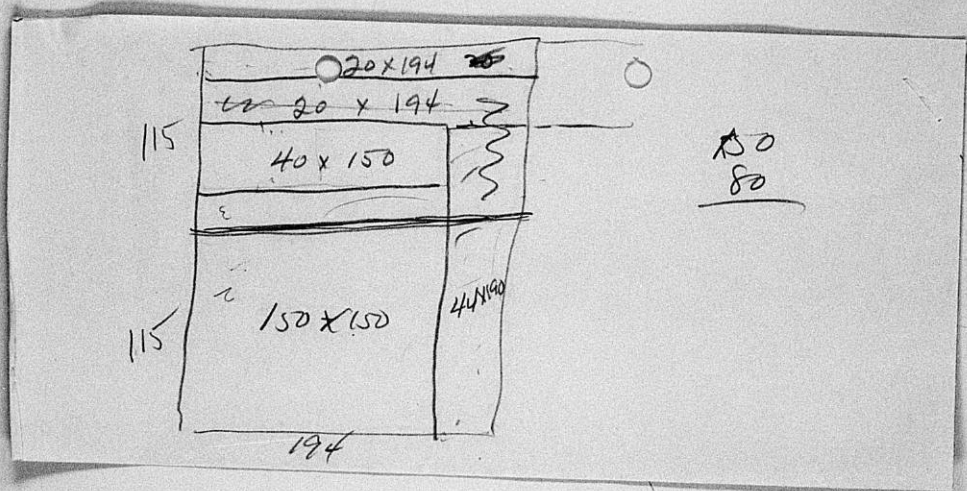
Larry — this sheet is corrected  
as initially wrong.

Let me know about  
any lot split required.

P. Ben



BZA 50-77



## STATEMENT OF OWNERSHIP

STATE OF KANSAS     )  
                           ) SS  
 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:

All the record owners within 200 feet of:

Lots 2 and 3, CLEMONS ADDITION, Sedgwick County,  
 Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>LOTS</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
2 & 3, except following Tract: The East 44 feet of Lot 2 & the East 44 feet of the South 75 feet of Lot 3 & the South 20 feet of the North 40 feet of Lot 3, Clemons Addition to Wichita, Sedgwick County, Kansas, and all Lots 4, 5, 6 & 7	CLEMONS	✓ Nova C. Clemons 60 South Stratford Road Wichita, Kansas 67207
The East 44 feet of Lot 2 and the East 44 feet of the South 75 feet of Lot 3 and the South 20 feet of the North 40 feet of Lot 3,	CLEMONS	✓ Neil W. & Cleo B. Murney 820 Dublin Wichita, Kansas 67206
1	CLEMONS	✓ Irwin Kallman 3 Hills Point Lane Port Chester, New York 10573

Fidelity  Title  
 COMPANY, INC.

<u>LOTS</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
1 Block 6	BONNIE BRAE	✓ Lambert Laurence & Marie J. Honton 8021 Peach Tree Lane Wichita, Kansas 67207
West 100 feet of Lot 8	RUTH	X Marco Inc. <i>not in ph bk</i> Address Unknown
North 150 feet of Lot 1, Block 1	EASTMOOR	✓ Francis M. & Nellie Brady % Levitt Jewelry Co., Inc. 7930 East Harry Wichita, Kansas 67207
4 & 5	EAST SIDE CENTER	✓ Transamerican Investment Properties Inc. % Ferd E. Evans Jr. 200 West Douglas, Suite 430 Wichita, Kansas 67202
1, except East 22 feet	ROCKWOOD SOUTH 2ND	✓ Reproco Inc. First National Bank Building Bartlesville, Oklahoma
East 22 feet of Lot 1	ROCKWOOD SOUTH 2ND	City of Wichita 455 North Main Wichita, Kansas 67202
4	KELLOGG MALL	✓ Kellogg Mall Associates 1712 North Meridian Street Indianapolis, Indiana



Dated at Wichita, Kansas, this 15th day of November, 1977  
at 7:00 o'clock A.M.

FIDELITY TITLE COMPANY, INC.

By  *Anita Day*   
Asst. Sec.  *ag*

Tracer No. 39946



FORM 223-1

PAYMENT NOTICE  
City of Wichita

3rd Floor  
Treasury  
Office

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 <del>Fee</del>	Cement	M.S.P.

DESCRIPTION	AMOUNT
BZA Exception Application	\$50.00

NAME Rapid Robot Car Wash Inc (by Phil Kern)

ADDRESS 632 N Broadway

FUND AA 407103 DUE DATE

COMMENTS

DATE AA 407103 11-21-77 BY

\*

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