

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

January 30, 1991

Harry Smits
Phillips 66 Co.
8128 E. 63rd St., Ste. B
Tulsa, OK 74153

Re: BZA 26-90 - Exception to permit the establishment of a single-bay automatic car wash as an accessory use to a proposed service station on property zoned "LC" Light Commercial on the northeast corner of Kellogg and Tyler.

Dear Mr. Smits:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on January 22, 1991. 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 questions concerning this matter, please call our office.

Sincerely,

Louise Olivarez
Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Bill Yung Design, 4912 E. 29th St. N., Ste. 1, 67220
Paul Hays, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk

5. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
6. Parking spaces shall be provided for the total facility as required by the zoning ordinance, based on sizes of the store and car wash. A store of 43 ft. x 18 ft. will require a minimum of 3 spaces for employees and customers. A single-bay automatic car wash facility 47 feet in length will require 6 holding spaces and 2 drying spaces.
7. All parking spaces and drying spaces shall have adequate guards or curbs to prevent the extension or overhanging of vehicles beyond property lines, surfaced driveways and parking spaces.
8. Grades and drains shall be established on the property satisfactory to the Superintendent of Sewer Maintenance to direct the wash water in the car wash to a mud trap and sanitary sewer, and to prevent the intrusion of stormwater runoff into the sanitary sewer. The car wash shall be roofed to prevent stormwater infiltration.
9. Grades and drains shall be established on the property satisfactory to the City Engineer to prevent the flow of excess water from washed cars exiting the car wash into the street.
10. 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.
11. The car wash shall be constructed with a dryer and shall not be operated without the dryer if the temperature is projected to drop below freezing within 12 hours.
12. This service station and car wash facility shall be constructed substantially in compliance with the site plan as approved for this exception, and all improvements shall be completed within one year after recording of the associated plat (however, not later than July 1, 1992) or the resolution authorizing this accessory car wash shall become null and void.
13. Whenever structures are built to handle cleanup of underground contamination, they shall be screened by landscaping and/or fencing in a manner acceptable to the Secretary. The applicant shall submit a landscape/screening plan to the Secretary for review and approval prior to installation of said structure(s).

ADOPTED AT WICHITA, KANSAS, this 22nd day of January, 1991.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 26-90

WHEREAS, Phillips 66 Co., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a single-bay automatic car wash as an accessory use to a proposed service station on property zoned the "LC" Light Commercial District and legally described as follows:

That part of Lots 27 and 28, Fairlawn Acres, Sedgwick County, Kansas, described as commencing at the southwest corner of said Lot 28; thence N 89°39'30" E along the south line of said Lot 28, 15 feet for a place of beginning; thence N 00° E, being parallel with the west line of said Lot 28, 56.04 feet; thence N 90° E, 158.20 feet; thence S 00° W, 180.50 feet; thence S 66°48'15" W, 86.50 feet; thence N 60°58'22" W, 90.00 feet; thence N 00° E, 114.86 feet to the place of beginning (being platted as Lot 1, Phillips-Tyler Addition). Generally located at the northeast corner of Kellogg and Tyler.

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 January 22, 1991, 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 a single-bay automatic car wash as an accessory use to a proposed service station 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 a single-bay automatic car wash as an accessory use to a proposed service station on property zoned the "LC" Light Commercial District and legally described as follows:

That part of Lots 27 and 28, Fairlawn Acres, Sedgwick County, Kansas, described as commencing at the southwest corner of said Lot 28; thence N 89°39'30" E along the south line of said Lot 28, 15 feet for a place of beginning; thence N 00° E, being parallel with the west line of said Lot 28, 56.04 feet; thence N 90° E, 158.20 feet; thence S 00° W, 180.50 feet; thence S 66°48'15" W, 86.50 feet; thence N 60°58'22" W, 90.00 feet; thence N 00° E, 114.86 feet to the place of beginning (being platted as Lot 1, Phillips-Tyler Addition). Generally located at the northeast corner of Kellogg and Tyler.

subject to the following conditions:

1. Approval of this use exception shall be subject to completion of the plat of Phillips-Tyler Addition, which creates a buildable site and which dedicates required right-of-way for Tyler.
2. All of the area to be used for circulation, holding spaces, parking spaces and all ingress and egress drives shall be surfaced with asphalt, concrete or asphaltic concrete and be maintained in good condition.
3. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
4. Signs shall be limited to those permitted in the "LC" district and all signs shall be located in accordance with the sign code of the City of Wichita.

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5. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
6. Parking spaces shall be provided for the total facility as required by the zoning ordinance, based on sizes of the store and car wash. A store of 43 ft. x 18 ft. will require a minimum of 3 spaces for employees and customers. A single-bay automatic car wash facility 47 feet in length will require 6 holding spaces and 2 drying spaces.
7. All parking spaces and drying spaces shall have adequate guards or curbs to prevent the extension or overhanging of vehicles beyond property lines, surfaced driveways and parking spaces.
8. Grades and drains shall be established on the property satisfactory to the Superintendent of Sewer Maintenance to direct the wash water in the car wash to a mud trap and sanitary sewer, and to prevent the intrusion of stormwater runoff into the sanitary sewer. The car wash shall be roofed to prevent stormwater infiltration.
9. Grades and drains shall be established on the property satisfactory to the City Engineer to prevent the flow of excess water from washed cars exiting the car wash into the street.
10. 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.
11. The car wash shall be constructed with a dryer and shall not be operated without the dryer if the temperature is projected to drop below freezing within 12 hours.
12. This service station and car wash facility shall be constructed substantially in compliance with the site plan as approved for this exception, and all improvements shall be completed within one year after recording of the associated plat (however, not later than July 1, 1992) or the resolution authorizing this accessory car wash shall become null and void.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3

January 22, 1991

SECRETARY'S REPORT

CASE NUMBER: BZA 26-90

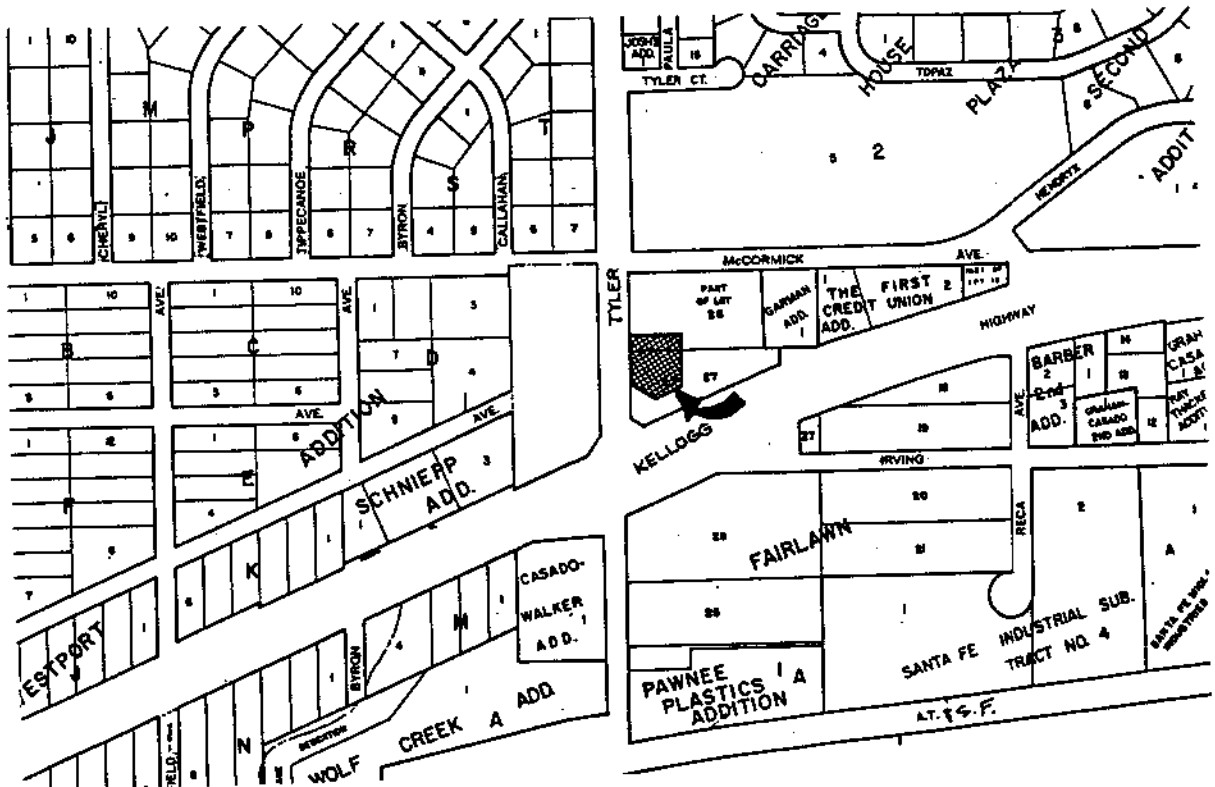
OWNER/APPLICANT/AGENT: Phillips 66 Co. (contract purchaser)
Bill G. Yung Design (agent)

REQUEST: Exception to permit a single-bay automatic car wash as an accessory use to a proposed service station.

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 0.7 acres

LOCATION: Northeast corner of Kellogg and Tyler



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

BACKGROUND: The applicant is requesting an exception to permit the establishment of a single-bay, detached, automatic car wash as an accessory use to a proposed Phillips 66 service station at the north-east corner of Kellogg and Tyler. The property is now the location of a Security Oil Company service station which has operated here for many, many years but which has recently closed. The City is in the process of negotiating the purchase of the area south of this application to be used for future Kellogg road improvements. The west 20 feet of the application area is being dedicated for Tyler Road by the plat of Phillips-Tyler Addition, which is now in the review process. The applicant is advised that the sign shown on the site plan in the northwest corner of the site within the 20-foot street dedication will not be allowed, even through a minor street privilege. The proposed signs shown along Kellogg within the area being purchased by the City will be permitted on a temporary basis as part of the purchase agreement.

The property adjacent to the north up to McCormick Street is zoned "LC" and is owned by Security Oil. About 30 feet north of the north line of this Phillips' site is a 6-foot solid board fence with a single-family residence located another 30 to 40 feet north of the fence. To the west across Tyler is a flea market and a single-family dwelling. To the east is a restaurant and truck stop.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Commercial access for uses to the east
SOUTH	"LC"	Former Security Oil service station
EAST	"LC"	Restaurant & truck stop
WEST	"LC" & "AA"	Flea market & one-family dwelling

RECOMMENDATION: Should the Board determine that a single-bay, automatic car wash as an accessory use to a service station is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. Approval of this use exception shall be subject to completion of the plat of Phillips-Tyler Addition, which creates a buildable site and which dedicates required right-of-way for Tyler.
2. All of the area to be used for circulation, holding spaces, parking spaces and all ingress and egress drives shall be surfaced with asphalt, concrete or asphaltic concrete and be maintained in good condition.
3. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.