

Case No. BZA 2-87 - Leo G. Borst requests an exception to permit the construction of an automatic carwash on property zoned the "LC" Light Commercial District & generally located on the north side of Central between

Posted
1-26-87 GEL.

ACTION

BZA 2-87 APPROVED 3/24/87

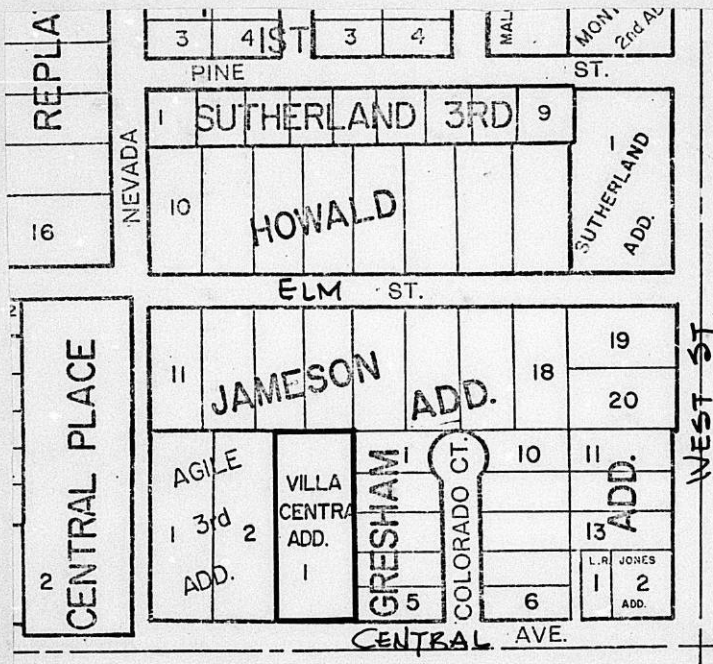
200'4 Sac. 3-2-87
Checked
Shot 5-1-87
Record

Map No. 5148 B

BZA 2-87
Filed _____

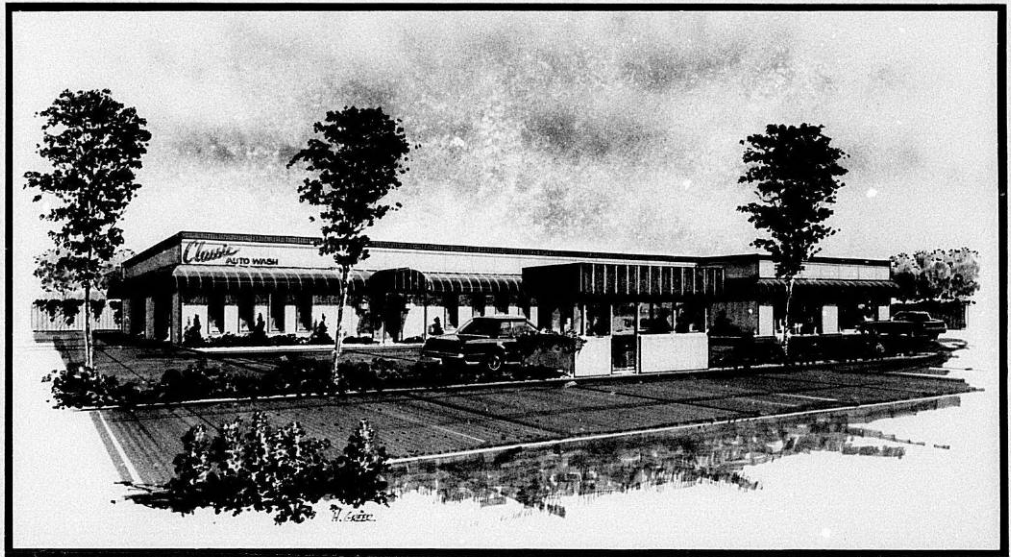
AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "LC" AA "RB" S "LC" W "LC" N "AA"
3. Land Use: East Comm. & Res. South Comm.
West Comm. North Res.
4. Area (is) (is not) platted.



REGISTERED MAP
No. 2153C
LOS ANGELES, CHICAGO, LOGAN, OH
MEMPHIS, TX, LOCUST GROVE, GA
U.S.A.

Standard
Map



February 25, 1987

James M. Rayl
924 East 30th Street
Hutchinson, Kansas 67501

Re: BZA 2-87 - Request for Exception

Dear Mr. Rayl:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 24, 1987.

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,

Glen E. Lytle
Assistant Secretary

GEL/lw

Enclosure

cc: Leo G. Borst, 5118 S. Broadway, Wichita, KS 67217
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

RESOLUTION CASE NO. 2-87

WHEREAS, Leo G. Borst, 5118 South Broadway, Wichita, Kansas 67217, and James M. Rayl, 924 East 30th Street Hutchinson, Kansas 67501, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the construction of an automatic carwash on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Villa Centra Addition to Wichita Sedgwick County, Kansas. Generally located on the north side of Central between Nevada and Colorado Court (4200 West Central).

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 February 24, 1987, 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 an automatic car wash 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 construction of an automatic carwash on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Villa Centra Addition to Wichita Sedgwick County, Kansas. Generally located on the north side of Central between Nevada and Colorado Court (4200 West Central).

subject to the following conditions:

1. The layout of the property shall be in general conformance to the plan submitted with the application, and prior to the issuance of a building permit the final site plan shall be approved by the Traffic Engineer and a copy furnished to the Secretary to be placed in the file.
2. The main car wash building shall not be located closer than 60 feet to the south property line.
3. Under no circumstances shall the lot area be less than required by Section 28.04.183.4 of the zoning ordinance.
4. All areas to be utilized for off-street parking, holding spaces, drying spaces, and ingress and egress drives shall be surfaced with asphalt, concrete or asphaltic concrete.
5. No sign shall exceed a height of 25 feet and no sign shall be placed to project over public right-of-way. Only one ground or pole sign shall be permitted and all other directional and building signs shall be limited to that permitted by Section 28.04.139 of the zoning ordinance for the Light Commercial District. No portable sign shall be permitted within 60 feet of the south property line.
6. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
7. Screening shall be provided along the north property line and that portion of the east property line that is adjacent to the residential zoning districts.

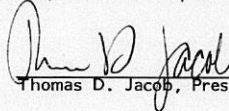
8. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structures.
9. Off-street holding drying, and parking spaces shall be provided on the property in the following ratio:

There shall be not less than three holding spaces for each 20 linear feet of the automatic car washing aisle.

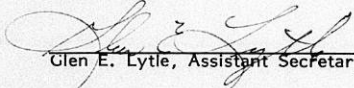
There shall be not less than two drying spaces for each automatic car washing aisle.

There shall be not less than one off-street parking spaces for each two employees and not less than five additional parking spaces for customer parking.
10. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
11. All drainage, both natural and that created by the operation, shall be handled in such a manner satisfactory to the Superintendent of Sewer Maintenance.
12. The area shall be properly policed, by inspection, by the owner or operator for proper maintenance and removal of trash and debris.
13. The car wash shall have facilities to dry the vehicles prior to departure from the site.
14. All of the above conditions shall be complied with within 12 months from the effective date of the approval of this application or the permit shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 24th day of February, 1987.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE February 20, 1987

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 2-87: North side of Central
between Colorado Court and
Nevad - 4700 West Central

CPO Council "N" considered the captioned case at its February 4th meeting and voted 4-1 to recommend that the exception to permit the establishment of a automatic car wash be approved.

The applicant, Leo G. Borst and James M. Rayl were present to describe the request and respond to questions. Six adjoining property owners and area residents were present concerning the case. The residents expressed the following concerns:

- That the chemicals used at the car wash might result in contamination of their water supply;
- that traffic from the car wash will impede the traffic flow on Central;
- that access to the back of the property at 4117 West Eim will be eliminated;
- that the residents prefer an eight foot screening fence to the standard six foot fence; and
- that the area be properly maintained of trash and debris from the car wash.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the February 24th meeting.


Shirley Mast
Administrative Aide III

SM:dm

SECRETARY'S REPORT
CASE NO. BZA 2-87

APPLICANT: Leo G. Borst, 5118 S. Broadway, Wichita, KS 67217 and James M. Rayl, 924 S. 30th, Hutchinson, KS 67156

AGENT: James M. Rayl, same.

REQUEST: Exception pursuant to Section 28.04.183.4 Code of the City of Wichita to permit the establishment of an automatic car wash on property zoned the "LC" Light Commercial District.

GENERAL LOCATION: On the north side of Central between Colorado Court and Nevada (4700 West Central).

ZONING: Subject property is zoned the "LC" Light Commercial District as are the properties to the west and south. To the north is the "AA" One-family District. To the east is "LC" Light Commercial, "RB" Four-family and the "AA" One-family Dwelling Districts.

LAND USE: Subject property is vacant as is the property to the west. Properties to the east and south are commercial adjacent to Central with residences to the east adjacent to the north half of the property. To the north are one-family dwellings.

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 in order to construct a full service automatic car wash on property in the "LC" Light Commercial District. The property is approximately 3/4-acre in size and has a frontage of 150 feet on Central with no access to any other property or street.

The site plan submitted with the application indicates that there will be two driveway approaches on Central and will operate as one-way drives. The car wash is located on the property so that more than adequate holding spaces can be provided to eliminate any possibility of traffic congestion on Central. The site is of a size that can be developed in conformance with the standards established by the ordinance.

The location of this property is in close proximity to existing residential properties and will require screening along the north property line and a large portion of the east property line. The fact that this will be a full service automatic car wash will lessen the affect on adjoining residential properties inasmuch as the hours will generally be restricted to daytime. In addition, this facility will have the entire operation within an enclosed building.

RECOMMENDATION:

Should the Board determine that a full service automatic car wash is appropriate at this location, then it is the recommendation of the Secretary that the exception be approved subject to the following conditions:

1. The layout of the property shall be in general conformance to the plan submitted with the application, and prior to the issuance of a building permit the final site plan shall be approved by the Traffic Engineer and a copy furnished to the Secretary to be placed in the file.

2. The main car wash building shall not be located closer than 60 feet to the south property line.
3. Under no circumstances shall the lot area be less than required by Section 28.04.183.4 of the zoning ordinance.
4. All areas to be utilized for off-street parking, holding spaces, drying spaces, and ingress and egress drives shall be surfaced with asphalt, concrete or asphaltic concrete.
5. No sign shall exceed a height of 25 feet and no sign shall be placed to project over public right-of-way. Only one ground or pole sign shall be permitted and all other directional and building signs shall be limited to that permitted by Section 28.04.139 of the zoning ordinance for the Light Commercial District. No portable sign shall be permitted within 60 feet of the south property line.
6. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
7. Screening shall be provided along the north property line and that portion of the east property line that is adjacent to the residential zoning districts.
8. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structures.
9. Off-street holding drying, and parking spaces shall be provided on the property in the following ratio:

There shall be not less than three holding spaces for each 20 linear feet of the automatic car washing aisle.

There shall be not less than two drying spaces for each automatic car washing aisle.

There shall be not less than one off-street parking spaces for each two employees and not less than five additional parking spaces for customer parking.
10. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
11. All drainage, both natural and that created by the operation, shall be handled in such a manner satisfactory to the Superintendent of Sewer Maintenance.
12. The area shall be properly policed, by inspection, by the owner or operator for proper maintenance and removal of trash and debris.
13. The car wash shall have facilities to dry the vehicles prior to departure from the site.
14. All of the above conditions shall be complied with within 12 months from the effective date of the approval of this application or the permit shall become null and void.

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

January 28, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 2-87

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Leo G. Borst, 5118 S. Broadway, Wichita, Kansas 67217 and James M. Rayl, 924 E. 30th, Hutchinson, Kansas 67501 requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the construction of an automatic carwash on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Villa Centra Addition to Wichita Sedgwick County, Kansas. Generally located on the north side of Central between Nevada and Colorado Court (4200 West Central).

This application has been assigned Case No. BZA 2-87. It will be considered by the Board of Zoning Appeals on February 24, 1987 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "N" will consider this case at their meeting to be held on Wednesday, February 4, 1987, at 7 p.m., in Senior Services, at Orchard Park Community Center, 4808 West 9th Street. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Glen E. Lytle
Assistant Secretary

BZA CASE NO. 2-87

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>14</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>17</u>	TOTAL NOTICES SENT <u>1-30-87</u>

BOARD OF ZONING APPEALS

CITY OF WICHITA, KANSAS

CASE NO. _____

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant LEO A. BORST
 Mailing Address 5118 S. Blauy, W.K. Phone _____
 Name of Authorized Agent JAMES M. RAYL
 Mailing Address 924 EAST 30TH, HUTCHINSON Phone ³¹⁶ 462-1100
 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 a full service automatic car wash

on property zoned "LC" Light Commercial, located on the north side of Central between Nevada & Colorado Ct. (4200 W. Central) and legally described as: Lot 1, VILLA CENTRA ADDN. TO WICHITA, SEDGWICK COUNTY, KS.

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. 39-285); and that the appropriate fee is herewith tendered;
- c. 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.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.

Applicant Leo A. Borst
 Authorized Agent James M. Rayl

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 400 (a.m./p.m.), Jan 23, 1987, together with appropriate fee of \$400.00.

Signed [Signature]

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:

Record Owners within 200 feet of:
Lot 1, VILLA CENTRA, 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>DESCRIPTIONS</u>	<u>RECORD OWNERS</u>
Lot 1, VILLA CENTRA,	✓ Leo A. & Kathleen A. Borst 5118 S. Broadway Wichita, Kansas 67216
Lot 1, GRESHAM ADDITION,	Robert E. & Lee A. Koehn ADDRESS UNKNOWN
Lot 2, GRESHAM ADDITION,	✓ Melvin & Marjorie Czaplinski 725 Colorado Court Wichita, Kansas 67212
Lot 3, GRESHAM ADDITION,	✓ Hazel McCauley 459 North Knight Avenue Wichita, Kansas 67203
Lots 4 and 5, GRESHAM ADDITION,	✓ William R. & Virginia L. Marker 401 North Westfield Wichita, Kansas 67212

Fidelity  **Title**
COMPANY, INC.

DESCRIPTIONS

RECORD OWNERS

Lot 1, WESCEN ADDITION,	✓ Jack E. Bayouth, Robert E. Bayouth, Lindy E. Bayouth, Sidney E. Bayouth, Larry E. Bayouth, Harry E. Bayouth, Gloria Bayouth Laham, Vivian Bayouth Farha and Sally E. Bayouth 1633 N. Athenian Wichita, Kansas 67203
Lot 2, WESTEX ADDITION,	✓ Donald R. & Dorothy Rubottom 469 N. Westfield Wichita, Kansas 67212
Lots 1 and 2, Block A, AGILE ADDITION,	✓ Jeckl Investment Co. and Leo A. & Kathleen A. Borst 5118 S. Broadway Wichita, Kansas 67216
Lot 11, HOWALD-JAMESON ADDITION,	✓ David E. & Karen S. Harris 4223 W. Elm Wichita, Kansas 67212
Lot 12, HOWALD-JAMESON ADDITION,	✓ Dale M. & Patricia A. Smith 4215 W. Elm Wichita, Kansas 67212
Lot 13, HOWALD-JAMESON ADDITION,	✓ Earl L. & Imogene F. Ogletree and Ronald G. Ogletree
Lot 14, HOWALD-JAMESON ADDITION,	✓ Scott F. & Karen E. Carter 4129 W. Elm Wichita, Kansas 67212
Lot 15, HOWALD-JAMESON ADDITION,	✓ Donald D. & Rhonda K. Herman 4117 W. Elm Wichita, Kansas 67212
Lot 16, HOWALD-JAMESON ADDITION,	✓ Larry W. & Virginia L. Davis 4109 W. Elm Wichita, Kansas 67212
Lot 17, HOWALD-JAMESON ADDITION,	✓ W. A. & Faye Sallinger 4101 W. Elm Wichita, Kansas 67212
All of Lot 2 and the East 61.5 feet of Lot 1, WEST CITY ADDITION,	✓ Retail Building, Inc. P.O. Box 20482 Oklahoma City, OK 73156 and ✓ Donald R. & Dorothy A. Rubottom 469 N. Westfield Wichita, Kansas 67212
Lot 1, EXCEPT the East 61.5 feet, WEST CITY ADDITION,	✓ Billy J. & Donna M. Lee 3010 S. Euclid Wichita, Kansas 67217 and ✓ Donald R. & Dorothy A. Rubottom 469 N. Westfield Wichita, Kansas 67212



-3-

Dated at Wichita, Kansas, this 13th day of January,
1987 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

Medina A. Suttler

By

Administrative Secretary

Tracer No. 73705



Fidelity  Title
COMPANY, INC.

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 29-01

PAYMENT NOTICE
 City of Wichita

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

Planning

DESCRIPTION	AMOUNT

NAME James M. Kavi

ADDRESS 145 E. 10th St. Wichita, Kan.

FUND DUE DATE

COMMENTS

DATE 11/27 BY

*

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

Roll # 3