

ACTION

**BZA**  
**9-79**

COMMITTEE

*Approved*

DATE

*4-24-79*

M.A.P.C.

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

*Post 60*  
*3-30-79*  
*✓ MAPP-100*  
*✓ O.I. - 200*  
*6-14-79*

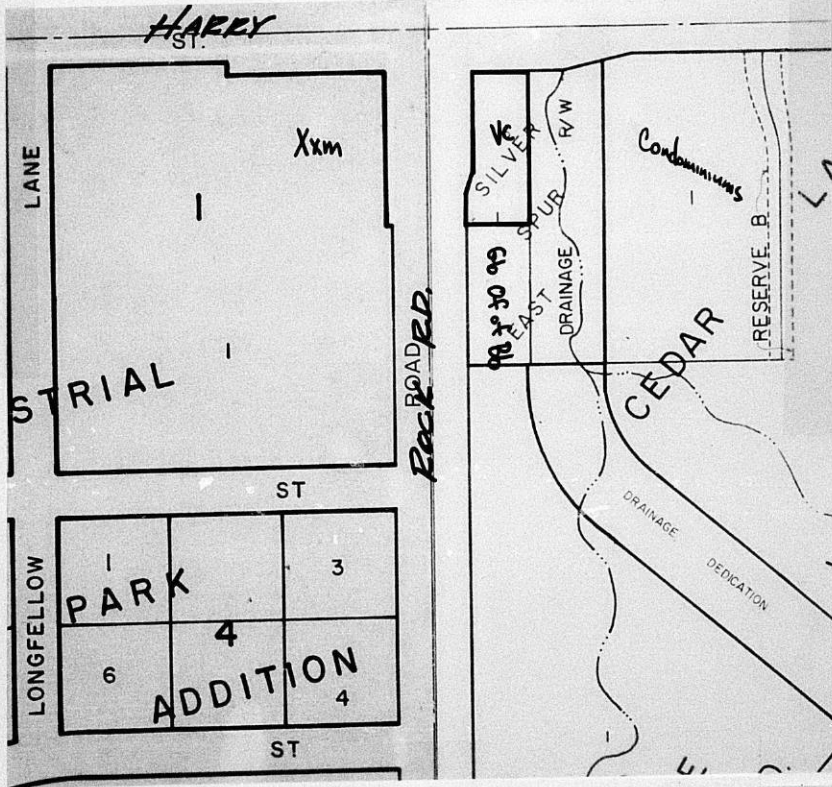
Case No. BZA 9-79 - Request for exception to establish self service car wash on property zoned "IC" generally located on the southeast corner of Harry & Rodk Rd. (8001 E. Harry).

Map No. 6045  
 Sec. 32  
 Twp. 27  
 Range 2E

BZA- 9-79  
 BCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)  
 Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
 West \_\_\_\_\_ North \_\_\_\_\_  
 Sketch Plan Land Use is for: \_\_\_\_\_  
 Present Land Use if for: \_\_\_\_\_  
 Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



HASTINGS, MIN. LOS ANGELES  
 LOGAN CH. McCREGOR, TX U. S. A.

No. 2-153C  
 Smead

May 3, 1979

Arthur F. Danielson  
2909 W. 47th South  
Wichita, Kansas 67214

Re: Case No. BZA 9-79  
Request for Exception

Dear Mr. Danielson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 24, 1979, in connection with your request for an exception to permit the establishment of a self-service car wash on property zoned the "LC" Light Commercial District and generally located on the southeast corner of Harry and Rock Road (8001 E. Harry).

This Resolution reflects the official action of the Board to approve the variance, 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,

Larry Dobson  
Assistant Secretary

LD:bbc  
Enclosure

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

RESOLUTION NO. BZA 9-79

WHEREAS, Arthur F. Danielson, 2909 W. 47th Street South, 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 the "LC" Light Commercial District and legally described as follows:

North 275' of Lot 1, Silver Spur East  
Addition, Wichita, Sedgwick County,  
Kansas. Generally located on the  
southeast corner of Harry and Rock Road  
(8001 E. Harry).

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 April 24, 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 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 on property zoned the "LC" Light Commercial District and legally described as follows:

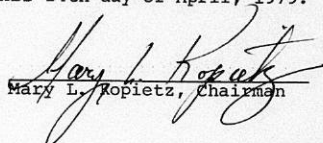
North 275' of Lot 1, Silver Spur East  
Addition, Wichita, Sedgwick County,  
Kansas. Generally located on the  
southeast corner of Harry and Rock Road  
(8001 E. Harry)

subject to the following conditions:

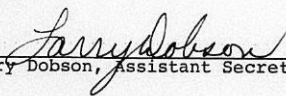
1. There shall be a minimum lot area of 3,500 square feet for each self-service car washing stall; provided the minimum lot area shall be not less than 7,500 square feet.
2. All of the area to be utilized by the washing and drying operation including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.
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. No signs shall exceed 25 feet in height or be placed so as to project over any public right-of-way.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. 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.
7. 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.

8. One off-street parking space shall be provided for each two employees.
9. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
10. 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.
11. The area shall be properly policed through inspection by the owner or operator to insure proper maintenance and removal of trash.
12. Permanent barriers or fencing shall be placed along the south property line to effectively prohibit the use of the adjacent parking lot as access to the car wash.
13. The car wash facility shall be designed and constructed to conform to the same general appearance of the existing service station.
14. All above conditions of approval must be complied with prior to the operation of the new three-bay structure and within one year from the date of approval or the Resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 24th day of April, 1979.

  
Mary L. Ropietz, Chairman

ATTEST:

  
Larry Dobson, Assistant Secretary

April 25, 1979

Arthur F. Danielson  
2909 W. 47th South  
Wichita, Kansas 67214

Re: Case No. BZA 9-79  
Request for Exception

Dear Mr. Danielson:

At the regular meeting of the Board of Zoning Appeals on April 24, 1979, your request for an exception to permit the establishment of a self-service car wash on property zoned the "IC" Light Commercial District and generally located on the southeast corner of Harry and Rock Road (8001 E. Harry) was considered.

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

1. 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.
2. 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.
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. No signs shall exceed 25 feet in height or be placed so as to project over any public right-of-way.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

Page 2  
April 24, 1979  
Arthur F. Danielson  
Re: BZA 9-79

6. 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.
7. 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.
8. One off-street parking space shall be provided for each two employees.
9. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
10. 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.
11. The area shall be properly policed through inspection by the owner or operator to insure proper maintenance and removal of trash.
12. Permanent barriers or fencing shall be placed along the south property line to effectively prohibit the use of the adjacent parking lot as access to the car wash.
13. The car wash facility shall be designed and constructed to conform to the same general appearance of the existing service station.
14. All above conditions of approval must be complied with prior to the operation of the new three-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.

Page 3  
April 25, 1979  
Arthur F. Danielson  
Re: BZA 9-79

If you have any questions, please call our office.

Sincerely yours,

Larry Dobson  
Assistant Secretary

LD:bbc

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

*Dobson*

**THE CITY OF WICHITA**

OFFICE OF CITIZEN PARTICIPATION

DATE April 20, 1979

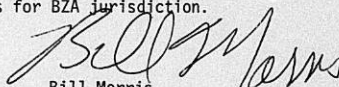
TO Larry Dobson, Junior Planner

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 9-79 (Southeast Corner of  
Harry and Rock Road)

Cpo Council "H" considered the captioned case on April 16, 1979.  
The Council voted 5-3 to recommend denial of the requested exception.

Those members voting in the majority felt that a car wash would not be compatible with the development underway at the southwest corner of Rock Road and Harry. The Council also felt that the proposal would worsen the severe traffic problems at the intersection of Harry and Rock Road. In addition the Council did not believe the case meet the five conditions for BZA jurisdiction.



Bill Morris  
CPO Administrative Aide

BM:m1



SECRETARY'S REPORT  
CASE NO. BZA 9-79

APPLICANT: Arthur F. Danielson, 2009 W. 47th Street  
South, Wichita, Kansas.

AGENT: Same

REQUEST: Exception pursuant to Section 2.12.590.C,  
Code of the City of Wichita to permit  
the establishment of a three-bay self-  
service car wash operation.

GENERAL LOCATION: Southeast corner of Harry and Rock Road.

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

LAND USE: Subject property is developed with a service  
station. East is a drainage channel and then  
a condominium development. North is a service  
station. West is undeveloped. South is a  
small commercial strip center containing  
offices, a beauty shop and an interior design  
shop.

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:

This is a request to permit the installation and operation of a three-bay, self-service car wash facility on property zoned the "LC" Light Commercial District, located at the southeast corner of Harry and Rock Road.

Subject property is developed with a now vacant service station structure. The applicant proposes to erect a free-standing, three-bay car washing building on the south 60 feet of subject property. The service station would also be reopened and operated on the site.

A site plan, approved by the Traffic Engineering Office, has been submitted with the application, showing that the required holding and drying spaces can be provided on the site and that existing driveways would be utilized to provide ingress and egress for the car wash.

Case No. BZA 9-79  
BZA Agenda  
4-24-79  
Page 2

The nearest residential area is located approximately 450 feet to the east and should not be adversely affected by the location of a car wash on this site. The applicant cites the large number of apartments in this general area and the absence of other car washing facilities as the reason for establishing this use at this location. The applicant also states that the car wash structure would be a brick and block building to conform to the same general appearance of the service station, including a mansard roof.

It is the opinion of the Secretary that this would be a logical and proper expansion of the service station use and that a three-bay car wash would not appreciably affect the traffic patterns at this major intersection.

RECOMMENDATION:

If the Board determines this to be an appropriate location for a car wash facility, it is the Secretary's recommendation that the following conditions be considered as conditions of approval:

1. 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.
2. 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.
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. No signs shall exceed 25 feet in height or be placed so as to project over any public right-of-way.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. 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.
7. 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.

Case No. BZA 9-79  
BZA Agenda  
4-24-79  
Page 3

8. One off-street parking space shall be provided for each two employees.
9. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
10. 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.
11. The area shall be properly policed through inspection by the owner or operator to insure proper maintenance and removal of trash.
12. Permanent barriers or fencing shall be placed along the south property line to effectively prohibit the use of the adjacent parking lot as access to the car wash.
13. The car wash facility shall be designed and constructed to conform to the same general appearance of the existing service station.
14. All above conditions of approval must be complied with prior to the operation of the new three-bay structure and within one year from the date of approval or the Resolution shall become null and void.

BZA CASE NO. 9-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

5 NOTICES SENT TO ADJOINING PROPERTY OWNERS

17 TOTAL NOTICES SENT 4-2-79

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

April 2, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 9-79

An application has been filed by Arthur F. Danielson, 2909 W. 47th Street South, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests 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:

North 275' of Lot 1, Silver Spur East  
Addition, Wichita, Sedgwick County,  
Kansas. Generally located on the  
southeast corner of Harry and Rock Road  
(8001 E. Harry).

This application has been assigned case No. BZA 9-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 24, 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

BOARD OF ZONING APPEALS

CASE NO. 9-79

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Arthur E. Danielson <sup>1/6</sup>

Mailing Address 2909 W. 47th South Phone 524-0723

Name of Authorized Agent Same

Mailing Address Same Phone Same

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 Three (3) stall 27' x 57' brick & block (self service car wash) building. \_\_\_\_\_ on property zoned

L.C., located 8001 East Harry <sup>North 275' of</sup> and legally described as: Lot 1, Silver Spur East Addition. Beginning at the Southwest corner of lot 17, Lyncrest Heights, thence Northerly along the west line said Lot 17, 1/5 feet, thence East 130 feet, thence South 195 feet to the South line of lot 17, thence West 130 feet to beg.

\_\_\_\_\_, 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 Arthur E. Danielson

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 2:00 (a.m. P.M.), 3-23, 19 79, together with appropriate fee of \$50.00

Map 6045

S/E corner of Harry's Rk Road

Signed Larry Dobson

524-0723

Wichita-Sedgwick County  
Metropolitan Area Planning Commission  
City Hall, Tenth Floor  
455 N. Main  
Wichita, Kansas 67202

March 23, 1979

SUBJECT: Request for change of zoning from Light Commercial to Commercial <sup>Exception</sup> to accommodate self-service car wash on Lot 1, Silver Spur East Addition.

In order to construct a self-service car wash building on a portion of Lot 1 of Silver Spur East Addition, a change in zoning is requested on the area where facility will be built. The building would be 27' wide and 57' long providing three (3) self-service wash stalls and an equipment room. The brick and block building will conform to the same general appearance as the adjacent service station building including a mansard roof.

At the present time, the Harry and Rock Road area has commercial development on three corners of the intersection and the surrounding area. All of these forty some businesses are located within a radius of one mile of the Standard Station and contribute to the well being of the local residents. There are approximately 1,440 apartments and 1,250 luxury multi and single dwellings within a radius of 1-3/4 miles of the station.

Apartment complexes do not provide or allow any washing of automobiles, boats or other recreational vehicles on their property. This certainly puts the apartment dweller at a disadvantage in maintaining their property. Most home owners resent their neighbors performing such work as washing their automobiles, etc. outside because of the mess the water and dirt creates in the gutters and in the street.

The only such self-service wash facility now available for those living in this area is a two stall self-service which is located just East of the Northeast corner of Rock Road and Kellogg. The distance presents a real challenge to someone who would like this kind of service provided as well as contending with the congestion at this intersection.

I hope that earnest consideration will be given to this zoning <sup>EXCEPTION</sup> change thus allowing a self-service wash to be constructed. A person should be entitled to have a needed service of this nature available to them in the same area where their other motoring needs are met. The rapid expansion in this area should be met with equal expansion of services in consideration of the community needs.

Respectfully submitted;

*Arthur E. Danielson*

Arthur E. Danielson  
2909 W. 47th South  
Wichite, Kansas 67217

OWNERSHIP LIST

Lot	Addition	Property Owner
lot 1	Silver Spur East Addition	Harriett Morris 1401 West River Blvd. 67203
lot 1, Block 1	Cedar Lakes Village 3rd Addition	Harriett Morris D 1401 West River Blvd. 67203
lot 1, Block 1	Levitt Industrial Park	East Side Bank & Trust N.A. 7701 East Kellogg 67207
lot 1	Dulick-Kutscher Addition	Maverick Development Corp. 250 North Rock Road 67206
lot 16, Block 4	Lynncrest Heights	Jen Rentals Inc. 1645 South Cypress 67207
Beginning at the Southwest corner of lot 17, Lynncrest Heights, thence Northerly along the west line said Lot 17, 175 feet, thence East 130 feet, thence South 175 feet to the South line of lot 17, thence West 130 feet to beg.		Reproco Inc. First National Bank Bldg. Bartlesville, Oklahom 74003

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: The North  
275 feet of lot 1, Silver Spur  
East, an Addition to Wichita, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 19th day of March, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Isable*  
Vice President

Order No. 274591  
wh

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 2 21

**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.
	<u>Planning</u>		

DESCRIPTION	AMOUNT
B7A copies	\$50
Production	
NAME	A. J. Decker
ADDRESS	2007 W 47th St
FUND	12-10-100-4071
COMMENTS	12-30-79
DATE	3-22-79
BY	[Signature]

\*

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

Roll # 2