

BZA 18-67 - Derby Refining Co. re-  
quests Exception to permit Automatic  
Car Wash in "LC" at the southeast cor-  
ner of 21st Street and Amidon

902000  
5-29-67

ACTION

DATE *6-27-67*  
By COMMITTEE *Approved*

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

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

July 21, 1967

Mr. Verne M. Laing  
123 South Market  
Wichita, Kansas 67202

Dear Mr. Laing:

Re: Case No. BZA 18-67 - Request for  
an Exception to the Zoning Ordinance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 27, 1967, in connection with your application for an exception to permit the installation or construction of an automatic car wash operation on property zoned "LC" Light Commercial and generally located at the southeast corner of 21st Street and Amidon. This Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Ronald A. Williamson  
Assistant Secretary

RAW:kkj

Attachment

cc: Ralph Eberly, City Clerk  
Glen Lytle, Superintendent of Central Inspection  
Derby Refining Company, P. O. Box 1031, Wichita

RESOLUTION NO. BZA 18-67

WHEREAS, Derby Refining Company, Division of Colorado Oil and Gas Corporation, P. O. Box 1030, Wichita, by Vern Laing, Attorney, appearing for C. Robert Bell, Attorney, 123 South Market, Wichita, Kansas, requests an exception as provided in Section 2.12.590.3, Code of the City of Wichita, to permit the installation or construction of an automatic car wash operation on property zoned "LC" Light Commercial and legally described as follows:

Beginning 50 ft. South and 71.1 ft. East of NW corner Government Lot 2, in Section 7, Township 27, Range 1 East; thence East 139.14 ft.; thence South 158.71 ft.; thence West 139.14 ft.; thence North 158.71 ft. to point of beginning being 1 Acre in the NW corner of Government Lot 2, except 21st Street and except Amidon Avenue. Generally located at the southeast corner of 21st Street and Amidon.

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 June 27, 1967, consider said application; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit an automatic car wash operation to be located in "LC" Light Commercial zoning 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 for installation or construction of an automatic car wash operation on property zoned "LC" Light Commercial and legally described as follows:

Beginning 50 ft. South and 71.1 ft. East of NW corner Government Lot 2, in Section 7, Township 27, Range 1 East; thence East 139.14 ft.; thence South 158.71 ft.; thence West 139.14 ft.; thence North 158.71 ft. to point of beginning being 1 Acre in the NW corner of Government Lot 2, except 21st Street and except Amidon Avenue. Generally located at the southeast corner of 21st Street and Amidon.

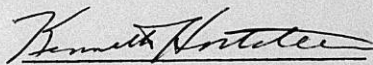
subject to the following conditions:

1. Development shall proceed in accordance with the plan approved by the Board of Zoning Appeals.
2. There shall be a minimum lot area of 2,500 square feet for each 20 lineal feet of automatic car washing structure, provided that the minimum lot area shall not be less than 7,500 square feet.
3. The car washing buildings or facilities shall setback a distance of not less than 35 feet from both Amidon and 21st Street.
4. All 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 the 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 in the following ratio:


Not less than 3 parking spaces for each 20  
lineal feet of the automatic car washing aisle.
9. Off-street drying spaces shall be provided on the property in the following ratio:

Not less than 2 spaces for each automatic  
car washing aisle.
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 over-hanging of vehicles beyond the property lines or parking spaces.
12. All drainage, both natural and that created by the operation, shall be handled in such 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 for proper maintenance and removal of trash.
14. All conditions of approval by the Board must be complied with prior to the occupancy of the property for the proposed automatic car wash facility.

ADOPTED AT WICHITA, KANSAS, this 27th day of June, 1967.

  
Kenneth Hartstein, Chairman

ATTEST:

  
Robert A. Lakin  
Secretary Pro Tem

June 28, 1967

Mr. Verne M. Laing  
123 South Market  
Wichita, Kansas 67202

Dear Mr. Laing:

Re: Case No. BZA 18-67 - Request for  
an Exception to the Zoning Ordinance

At the regular meeting of the Board of Zoning Appeals on June 27, 1967, your request for an exception to permit the installation or construction of an automatic car wash operation on property zoned "LC" Light Commercial and generally located at the southeast corner of 21st Street and Amidon, was considered.

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

1. Development shall proceed in accordance with the plan approved by the Board of Zoning Appeals.
2. There shall be a minimum lot area of 2,500 square feet for each 20 lineal feet of automatic car washing structure, provided that the minimum lot area shall not be less than 7,500 square feet.
3. The car washing buildings or facilities shall setback a distance of not less than 35 feet from both Amidon and 21st Streets.
4. All 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 the adjacent property. No string type lighting or banners shall be permitted.

Mr. Verne M. Laing  
BZA 18-67

2

June 28, 1967


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 in the following ratio:  

Not less than 3 parking spaces for each 20 lineal feet of the automatic car washing aisle.
9. Off-street drying spaces shall be provided on the property in the following ratio:  

Not less than 2 spaces for each automatic car washing aisle.
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 over-hanging of vehicles beyond the property lines or parking spaces.
12. All drainage, both natural and that created by the operation, shall be handled in such 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 for proper maintenance and removal of trash.
14. All conditions of approval by the Board must be complied with prior to the occupancy of the property for the proposed automatic car wash facility.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the Chairman and Secretary of the Board have signed it. If you have any questions, please call.

Very truly yours,

  
Robert A. Lakin  
Secretary Pro Tem.

RAL:ktg  
cc: Ralph Eberly, City Clerk  
Glen Lytle, Superintendent of Central Inspection  
Derby Refining Company, P. O. Box 1031, Wichita

SECRETARY'S REPORT

CASE NO. BZA 18-67

APPLICANT: Darby Refining Company Division of Colorado Oil and Gas Corporation, P. O. Box 1030, Wichita

AGENT: C. Robert Bell, 123 South Market, Wichita

REQUEST: Exception pursuant to Section 2.12.590.3, Code of the City of Wichita to permit the installation or construction of an automatic car wash operation

GENERAL LOCATION: Southeast corner of 21st Street and Amidon

LAND USE: Subject property and that to the north are occupied by service stations, to the south and east is Twin Lakes Shopping Center, to the west is vacant

ZONING: Subject property and all surrounding property is zoned "LC" Light Commercial

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, Code of the City of Wichita. The Board may grant the exception providing the conditions as set out under 28.04.183.4 can be met.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to the ordinance in order to install an automatic car wash on property zoned "LC" Light Commercial. A service station presently occupies subject property and it is our understanding that the service station is to be rebuilt incorporating the automatic car wash unit. It is the opinion of the Secretary that this is a logical location for a car wash facility in view of the surrounding zoning and land use. The applicant has submitted a plan indicating the proposed circulation, holding spaces, drying spaces, access points, and other additional information, and this plan has been approved by the Traffic Engineer.

RECOMMENDATION

It is the recommendation of the Secretary that the exception be approved to permit the installation of the automatic car wash

subject to the following conditions:

1. Development shall proceed in accordance with the plan approved by the Board of Zoning Appeals.
2. There shall be a minimum lot area of 2,500 square feet for each 20 lineal feet of automatic car washing structure, provided that the minimum lot area shall not be less than 7,500 square feet.
3. The car washing buildings or facilities shall setback a distance of not less than 35 feet from both Amidon and 21st Streets.
4. All 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 the 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.
3. Off-street holding spaces shall be provided on the property in the following ratio:

Not less than 3 parking spaces for each 20 lineal feet of the automatic car washing aisle.
9. Off-street drying spaces shall be provided on the property in the following ratio:

Not less than 2 spaces for each automatic car washing aisle.
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 over-hanging of vehicles beyond the property lines or parking spaces.
12. All drainage, both natural and that created by the operation, shall be handled in such 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 for proper maintenance and removal of trash.
14. All conditions of approval by the Board must be complied with prior to the occupancy of the property for the proposed automatic car wash facility.

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main  
Wichita, Kansas

June 7, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 18-67

An application has been filed by Derby Refining Company Division of Colorado Oil and Gas Corporation, P. O. Box 1030, Wichita, by C. Robert Bell, 123 South Market, Wichita, Kansas, pursuant to Section 2.12.590.3, Code of the City of Wichita, requesting an exception to permit the installation or construction of an automatic car wash operation on property zoned "LC" Light Commercial and legally described as follows:

Beginning 50 ft. South and 71.1 ft. East of NW corner Government Lot 2, in Section 7, Township 27, Range 1 East; thence East 139.14 ft.; thence South 158.71 ft.; thence West 139.14 ft.; thence North 158.71 ft. to point of beginning being 1 Acre in the NW corner of Government Lot 2, except 21st Street and except Amidon Avenue. Generally located at the south-east corner of 21st Street and Amidon.

This application has been assigned Case No. BZA 18-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 27, 1967, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

NO. 18-67  
FILED 5-18-67

APPLICATION FOR EXCEPTION

I. Name of Applicant DERBY REFINING COMPANY DIVISION OF COLORADO OIL AND GAS CORPORATION  
Mailing Address P. O. Box 1030, Wichita, Kansas Phone AMherst 7-0361  
Name of Authorized Agent C. Robert Bell  
Mailing Address 123 South Market, Wichita, Kansas Phone AMherst 4-2841  
Relationship of applicant to property is that of lessee  
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section 28.04.183 4, Code of the City of Wichita, Kansas (Zoning Ordinance); to permit the installation or construction of an automatic car wash operation on property zoned LC, located at the SE corner of 21st Street and Amidon

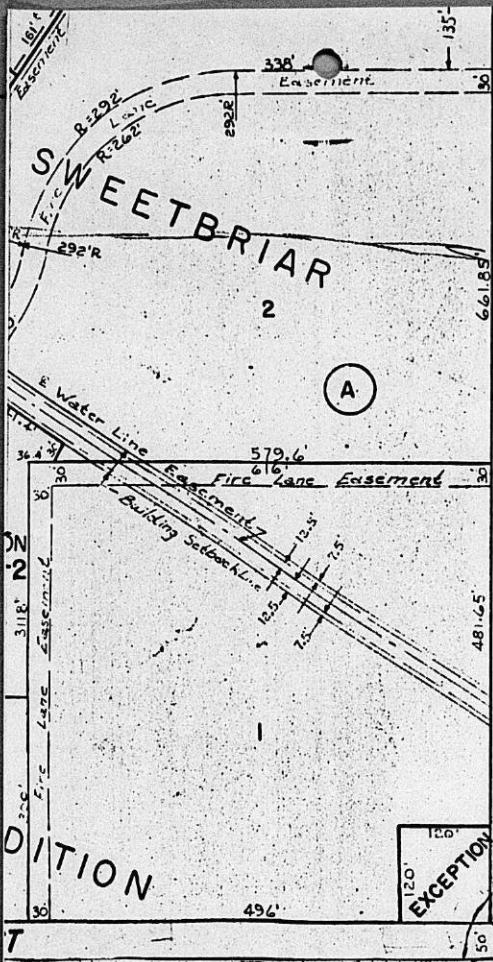
and legally described as: commencing at the NW corner of Government Lot 2; thence S along the W line of said Lot 50 feet; thence E along a line parallel with the center line of 21st Street a distance of 70 feet for a place of beginning; thence E along a line parallel to the center line of 21st Street a distance of 139.14 feet; thence South along a line parallel with the center line of Amidon Avenue a distance of ~~158.71 feet~~ 149.14 feet; thence West along a line parallel to the center line of 21st Street ~~158.71 feet~~ 149.14 feet; thence North along a line parallel to the center line of Amidon Avenue a distance of 158.71 feet to the place of beginning, all in Section 7, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (size, number and kind of description below is appropriate).

- III. The applicant herein, or his authorized agent:
- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
  - B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
  - C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant DERBY REFINING COMPANY DIVISION OF COLORADO OIL AND GAS CORPORATION  
BY Authorized Agent C. Robert Bell

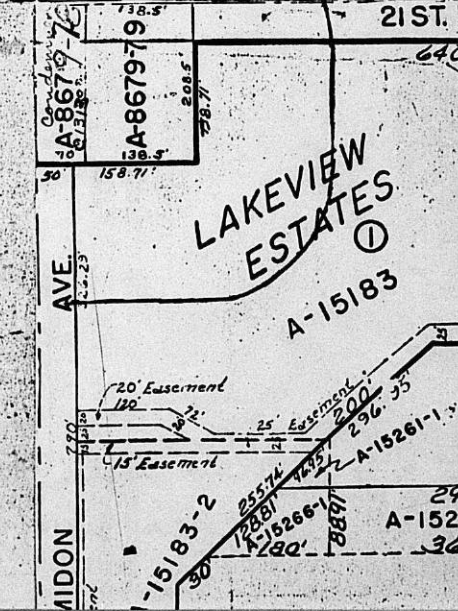
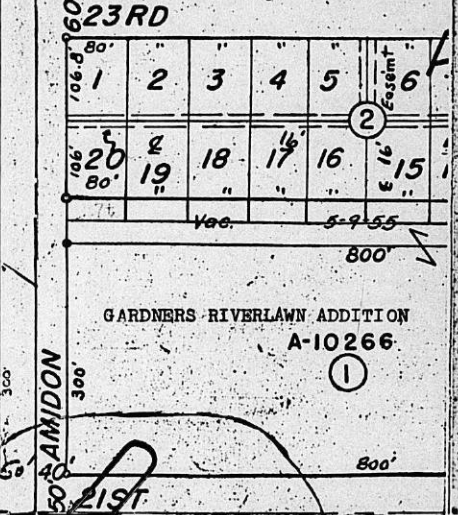
OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:45 (a.m. - p.m.), May 18, 1967, together with appropriate fee of \$50.00.

Signed Betty Showers



7	16	22	8	23
8	21	9	22	
9	20	10	21	
10	19	11	20	
11	18	12	19	
12	17	13	18	
13	16	14	17	
14	15	15	16	
15	15	16	15	

AMIDON  
RIVERLAWN



STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
                  )  
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:

Property lying within a radius of 200 ft of:

Beg 50 ft South & 71.1 ft East of NW cor Gov. Lot 2, in Sec 7, Twp 27, R 1 E; th East 139.14 ft; th South 158.71 ft; th West 139.14 ft; th North 158.71 to pt of beg., being 1 Acre in the NW cor of Gov. Lot 2, except 21st St. & except Amidon Avenue.

  
**Fidelity  
Title  
Company,  
inc.**

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

A-8679-79

E 2/3 of a 1 Acre tract located in the NW cor of Lot 2, exc N 50 ft for Street, NE 1/4 Sec 7, Twp 27, R 1 E.

✓ Marcus D. Gow  
6601 W. 13th St. 67212

Block 1, Lakeview Estates, a replat of Lots 1, 4 & 5, & prt of Lots 2 & 3, Lakeview Addition.

✓ Lakeview Development Co. Inc.  
Hale D. Ritchie, Pres.  
1820 N. Mosley 67214

Block 1, Gardners Riverlawn Addition.

✓ Gardner Land, Inc.  
3902 E. 13th St. 67208

S 180 ft of E 170 ft of SE 1/4 of SW 1/4 Sec 6, Twp. 27, R 1 E.

✓ Sweetbrier Gardens, Inc.  
E. A. McLean, Pres.  
2359 McLean Blvd. NW 67204



A-8679-76

Beg at NE cor Lot 1, th S 2086.5 ft to center  
of 18th Street; W 53 ft to River; NWly to W  
line Lot 1; N 897.7 ft; E 2460.8 ft to beg.  
Sec 7, Twp 27, R 1 East.

Clear Lakes, Inc.

✓ Res. Agt: Theodore H. Hill  
810 W. Douglas Ave. 67203

Dated at Wichita, Kansas this 17th day  
of May, 1967 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elmer M. Farrell  
Sec. OEM

Tracer # 81858

Form 223-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Byg. App.</i>	<i>50<sup>00</sup></i>

Name *C. Robert Bell*

Address *123 So Market*

Type *R-71-C* Due Date *5-18-67*

Comments: *From: Mercury Refining Co.*

Date *5-18-67* By *Bellmore*



1.



2.



3.

Map No. 539  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_
2. Adjoining \_\_\_\_\_
3. Land Use: \_\_\_\_\_
4. Sketch Plan \_\_\_\_\_
5. Present Land \_\_\_\_\_
6. Area (is) \_\_\_\_\_

PHOTO DATA:

Taken by \_\_\_\_\_

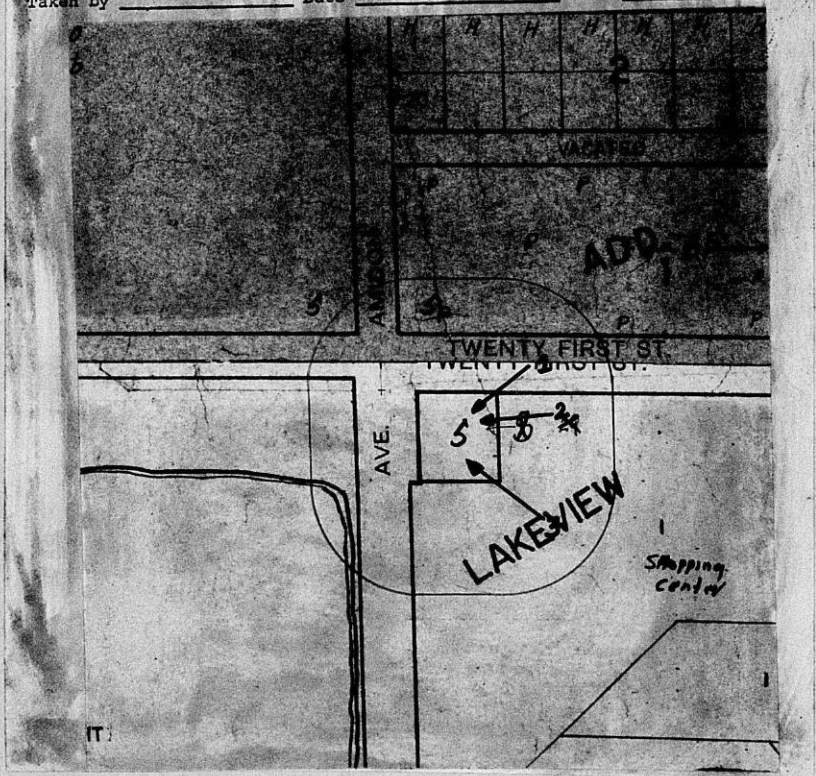
IT

Map No. 5399  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

SEA 18-67  
FILED \_\_\_\_\_  
CU- \_\_\_\_\_  
FILED \_\_\_\_\_

- AREA DATA:
1. Acres: \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
  2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ N \_\_\_\_\_ N \_\_\_\_\_
  3. Land Use: East Liq. store South Shopping center parking  
West Vacant North Apartment store
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use is for: Service station
  6. Area (is) (is not) platted.

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



\*

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