

BZA 11-24-70 Appellate

BZA 26-70 - Standard Oil Division
requests EXCEPTION to permit an
automatic car wash operation at
northeast corner of Central &
Edgemoor Drive.

POSTED

10-13-70

C.I.V.

MAPV

1-7-71

BZA 11-24-70 Approve

BZA 26-70 - Standard Oil Division
requests EXCEPTION to permit an
automatic car wash operation at
northeast corner of Central &
Edgemoor Drive.

Map No. 5848
 Sec. 13
 Twp. 27
 Range 1E

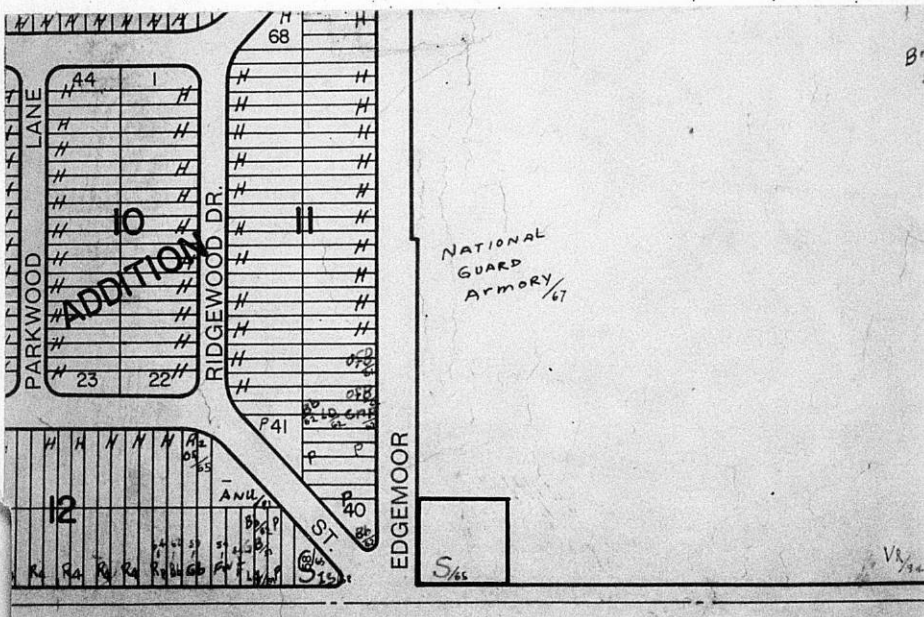
EZA 26-70
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.51 (150 ft. by 150 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East UNDEVELOPED South SINGLE FAM
 West GEN. STAT. PAINTER SHOP North UNDEVELOPED
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 _____



RESOLUTION NO. BZA 26-70

WHEREAS, Standard Oil Division of American Oil Company, 810 West Douglas-Suite C, Wichita, Kansas, by Theodore H. Hill, 810 West Douglas-Suite D, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, 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 at the northeast corner of the intersection of Edgemoor Drive and Central Avenue, thence North along the east line of Edgemoor Drive 150 feet, thence east parallel with the north line of Central Avenue 150 feet, thence south parallel with the East line of Edgemoor Drive 150 feet to a point on the north line of Central Avenue, thence west 150 feet to beginning, being a tract in the SE 1/4 of Section 13, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located at the northeast corner of Central and Edgemoor Drive.

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 November 24, 1970, 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 installation or construction of an automatic car wash operation, on property zoned "LC" Light Commercial, 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 installation or construction of an automatic car wash operation, on property zoned "LC" Light Commercial, and legally described as follows:

Beginning at the northeast corner of the intersection of Edgemoor Drive and Central Avenue, thence North along the east line of Edgemoor Drive 150 feet, thence east parallel with the north line of Central Avenue 150 feet, thence south parallel with the East line of Edgemoor Drive 150 feet to a point on the north line of Central Avenue, thence west 150 feet to beginning, being a tract in the SE 1/4 of Section 13, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located at the northeast corner of Central and Edgemoor Drive.

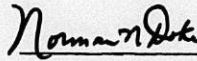
subject to the following conditions:

1. The storage of rental trucks and trailers shall be discontinued.

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 set back a distance of not less than 35 feet from Central and 35 feet from Edgemoor.
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 adjacent property. No string type lighting or banners shall be permitted.
6. No signs associated with the car wash 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. However, in the event the stall is constructed so as to not hold more than one auto at any given time, not more than 3 holding spaces shall be required for that stall.
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 overhanging 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 to insure proper maintenance and removal of trash.

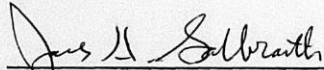
Page 3 - Resolution No. BZA 26-70

ADOPTED AT WICHITA, KANSAS, this 24th day of November,
1970.



NORMAN N. DOKE, Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

November 26, 1971

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

Case No. BZA 26-70 - Request for Exception

On November 24, 1970, the Board of Zoning Appeals considered the above captioned case which was a request for an exception to permit the installation of an automatic car wash facility in conjunction with a service station facility at the northeast corner of Central and Edgemoor. The action of the Board was to approve the request subject to certain conditions, one of which was that the storage of rental trucks and trailers previously approved by the Board on February 24, 1970 (Case No. BZA 33-69) should be discontinued.

During a field trip last Wednesday, I noticed that the truck and trailer rental operation on subject property was still being continued. Inasmuch as the car wash facility is in operation, the truck and trailer rental is in violation of the zoning ordinance and, therefore, a cease and desist order should be issued.

If you have any questions, please call.

JHG:GLS:ls

December 9, 1970

Mr. Bob Nicklin
310 West Douglas - Suite D
Wichita, Kansas 67202

Subject: Case No. BZA 26-70
Request for Exception

Dear Mr. Nicklin:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 24, 1970, in connection with 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 northeast corner of Central and Edgemoor Drive.

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

Jack H. Galbraith
Secretary

JHG:ls

cc Standard Oil Division, American Oil Company, 310 West Douglas
Suite C 67202

Theodore H. Hill, 310 West Douglas, Suite D 67202
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

December 1, 1970

Mr. Bob Nicklin
810 West Douglas - Suite D
Wichita, Kansas 67202

Subject: Case No. BZA 26-70
Request for Exception

Dear Mr. Nicklin:

At the regular meeting of the Board of Zoning Appeals on November 24, 1970, 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 northeast corner of Central and Edgemoor Drive, was considered.

It was the action of the Board to approve this request subject to the conditions set out in the Secretary's Report.

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 our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

cc Standard Oil Division, American Oil Company, 810 West Douglas -
Suite C 67202

Theodore H. Hill, 810 West Douglas - Suite D 67202
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 26-70

APPLICANT: Standard Oil Division of American Oil Company,
810 West Douglas-Suite C, Wichita, Kansas

AGENT: Theodore H. Hill, 810 West Douglas-Suite D, Wichita,
Kansas

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the
City of Wichita to permit the installation or construc-
tion of an automatic car wash operation

GENERAL LOCATION: At the northeast corner of Central and
Edgemoor Drive

LAND USE: Subject property is occupied by a service station;
west is service station and barber shop and beauty
shop; south is single family; north and east is
undeveloped.

ZONING: Subject property is zoned "LC" Light Commercial as are
those properties to the north, east and west; south is
"AA" Single Family

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 those
conditions set out under Section 28.04.183.4, Code of the City
of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the
operation of a one lane automatic car wash facility on property
zoned "LC" Light Commercial and located at the northeast corner
of Edgemoor and Central. Subject property is presently occupied
by a three-bay service station and the applicant desires to
convert one of the bays into an automatic car wash facility.
Section 28.04.183.4 of the zoning ordinance permits this type
of operation subject to certain conditions and approval by the
Board of Zoning Appeals.

A plot plan, approved by the City Traffic Engineer's office
has been submitted with the application and indicates the required
information as to the holding and drying spaces, as well as off-
street parking spaces for employees and customers.

On February 24, 1970, the Board of Zoning Appeals considered and approved a request for an exception to permit a truck and trailer rental operation on the property contained in this application (BZA Case No. 33-69). Inasmuch as the area previously approved for the storage of trucks and trailers will be utilized for off-street holding spaces in conjunction with this application, it will be necessary that some provision be made to void the former use.

It is the opinion of the Secretary that inasmuch as the application area is located at the intersection of a major street and a collector street and is bounded by "LC" Light Commercial zoning on the north, east and west, that the granting of the exception would be proper.

RECOMMENDATION:

It is the recommendation of the Secretary that the exception to permit the operation of an automatic car wash, on property zoned "LC" Light Commercial, be approved subject to the following conditions:

1. The storage of rental trucks or trailers shall be discontinued.
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 set back a distance of not less than 35 feet from Central and 35 feet from Edgemoor.
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 adjacent property. No string type lighting or banners shall be permitted.
6. No signs associated with the car wash 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. However, in the event the stall is constructed so as to not hold more than one auto at any given time, not more than 3 holding spaces shall be required for that stall.
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 overhanging 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 to insure proper maintenance and removal of trash.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

November 4, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 26-70

An application has been filed by Standard Oil Division of American Oil Company, 810 West Douglas-Suite C, Wichita, Kansas, pursuant to Section 2.12.590.C, 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 at the northeast corner of the intersection of Edgemoor Drive and Central Avenue, thence North along the east line of Edgemoor Drive 150 feet, thence east parallel with the north line of Central Avenue 150 feet, thence south parallel with the East line of Edgemoor Drive 150 feet to a point on the north line of Central Avenue, thence west 150 feet to beginning, being a tract in the SE1/4 of Section 13, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located at the northeast corner of Central and Edgemoor Drive.

This application has been assigned Case No. BZA 26-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 24, 1970, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

11 Notices Mailed 11-4-70

BOARD OF ZONING APPEALS

CASE NO. 26-70

CITY OF WICHITA, KANSAS

FILED 9-12-70

APPLICATION FOR EXCEPTION

I. Name of Applicant Standard Oil Division of American Oil Company

Mailing Address 810 West Douglas - Suite C Phone 262-7411

Name of Authorized Agent Theodore H. Hill

Mailing Address 810 West Douglas - Suite D Phone 265-3247

Relationship of applicant to property is that of owner
(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 a car wash

_____ on property zoned

L. C., located 5606 East Central

Beginning at the
_____ and legally described as, Northeast Corner of the
intersection of Edgemoor Drive and Central Avenue, thence North along the East
line of Edgemoor Drive, 150 feet, thence East parallel with the North line of
Central Avenue, 150 feet, thence South parallel with the East line of Edgemoor
Drive, 150 feet to a point on the North line of Central Avenue, thence West
150 feet to beginning, being a tract in the SE $\frac{1}{4}$ of Section 13, Township 27
South, Range 1 East of the 6th P. M., Sedgwick County, Kansas
_____, 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 STANDARD OIL

Authorized Agent Theodore H. Hill

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:50 (a.m. - p.m.), October 12, 1970, 13, together with appropriate fee of \$50.00.

T9-403

Signed D. Lynn Shively

STATEMENT JUSTIFYING EXCEPTION

The Board of Zoning Appeals has justification to grant the exception applied for herein pursuant to Ordinance No. 28.04.183.4 of the Code of the City of Wichita.

The granting of this exception is justifiable for the reason that this area of the city is in need of an automatic car wash. This need is evidenced by the fact applicant would not so install one did applicant not feel the need was present. The car wash would provide need facilities for that area an additional income for the applicant.

Walter H. Hillier

O W N E R S H I P L I S T

Lot	Block	Addition	Property owner
32	11	East Highlands Addition	✓Wendell Sanders Realty, Inc. 603 N. Edgemoor Wichita, Kansas, 67208
33	"	"	"
34	"	"	✓Mary Margaret Morris Boyd and May Morris, Co-executrices of the Estate of W. L. Morris, Deceased 208 N. Broadway, Wichita, Kan. 67202
35	"	"	"
36	"	"	"
37	"	"	"
38	"	"	"
39	"	"	"
40	"	"	"
58	12	"	<i>Handwritten</i> ✓Second Stokely Realty, Inc. Address unknown
1	1	Oakwood Estates	✓Frank F. Adams and Marvel B. Adams 455 N. Edgemoor Wichita, Kansas, 67208
2	"	"	✓Chase King and Viola King 5606 Rockwood Road Wichita, Kansas, 67208
32	"	"	✓Lickteig-Pearce, Inc. P. O. Box 18005, Wichita, Kansas
1 & E. 81' of 2	A	Edgemoor Plaza	✓LaBebe F. Farha 4703 Looman Wichita, Kansas, 67220
2 exc E 81' "	"	"	✓Alice Prater Carnahan 18 Linden Drive, Wichita, Kans. 67206
Beginning 650' S. & 30' E. of the NW cor. of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 13-27-1E, thence E. 326', thence S. 330', thence W. 326', thence N. 330' to beginning			✓Kansas Armory Board 620 N. Edgemoor, Wichita, Kan. 67208
SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 13-27-1E, except S. 630' of E. 350', & exc. W. 476' of N 650', and exc. beg. 650' S. & 30' E. of NW cor of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 13, th. E. 326', th. S. 330', th. W. 326', th. N 330' to beg.			✓Herbert M. Bruce 440 N. Quentin Wichita, Kansas, 67208

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of the following described property to-wit:

Beginning at the Northeast corner of the intersection of Edgemoor Drive and Central Avenue, thence North along the East line of Edgemoor Drive, 150 feet, thence East parallel with the North line of Central Avenue, 150 feet, thence South parallel with the East line of Edgemoor Drive, 150 feet to a point on the North line of Central Avenue, thence West 150 feet to beginning, being a tract in the SE $\frac{1}{4}$ of Section 13, Township 27 South, Range 1 East of the 6th P. M., Sedgwick County, Kansas

as shown by the last deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 19th day of August, 1970 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Curtis Simmons
Asst Vice-President

Order No. 172913

FORM 273-021

PAYMENT NOTICE

City of Wichita

CITY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
<i>Handwritten description</i>	<i>Handwritten amount</i>
<i>Handwritten description</i>	<i>Handwritten amount</i>

Name

Address

Type

Due Date

Comments:

Date

By

10-1-76

[Signature]

*

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