

4-28-70

~~Approved~~ Mullis Void

1-7-77 Conditions never complied with, case closed

LD

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No.

BZA 7-70 - Derby Refining Company  
requests an EXCEPTION to permit  
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at K-15 and Volutsia.

POSTED

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Resolution not to be  
forwarded until dedication  
of access control and revised  
copies of plot plan have  
been submitted

GGG

RESOLUTION BZA 7-70

WHEREAS, Derby Refining Company, P. O. Box 1030, Wichita, Kansas, by C. Robert Bell, Suite 430, 200 West Douglas, 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:

A portion of Lot 1, Edminster Gardens, Sedgwick County, Kansas, described as beginning at the Southwest corner of said Lot thence Northwesterly along the Westerly line of said Lot and the Easterly right-of-way line of State Highway 15 a distance of 222 feet; thence Northeasterly 193.3 feet to a point on the East line of said Lot and 247 feet North of the Southeast corner of said Lot; thence West 42.6 feet to beginning. Generally located at the northeast corner of 31st Street South and Highway K-15.

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 28, 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:

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1. 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 be not less than 7,500 square feet.
2. The car washing buildings or facilities shall set back a distance of not less than 35 feet from K-15 and 20 feet from Volutsia.
3. 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.
4. All lights shall be shielded to reflect or direct light away from the adjacent property. No string type lighting or banners shall be permitted.
5. 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.
6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. 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.
8. 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.
9. One off-street parking space shall be provided for each two employees.
10. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond the property line 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 Maintenance of the Department of Public Works.
12. The area shall be properly policed through inspections by the owner or operator to insure proper maintenance and removal of trash.
13. The applicant shall dedicate by separate instrument complete access control to Highway K-15 except for the north 30 feet of the south 105 feet and except for the north 30 feet of the south 205 feet.

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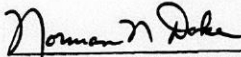
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14. The applicant shall submit revised copies of the plot plan to the Traffic Engineer for his approval. Said plan shall indicate access control except for the two openings to Highway K-15 as specified in item 13 and also indicate the required off-street parking spaces for customers of the service station. Two copies of the approved plan shall be submitted to the Secretary of the Board of Zoning Appeals.
15. All conditions of approval by the Board must be complied with prior to the occupancy of this property for the proposed automatic car wash. Conditions 13 and 14 shall be complied with prior to the forwarding of the resolution to the Office of Central Inspection
16. In the event the car wash operation is not developed within one year, this case shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of April,  
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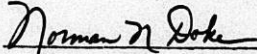
  
NORMAN N. DOKE, Chairman

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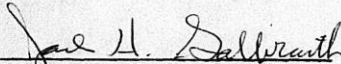
  
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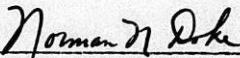
  
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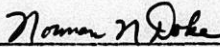
  
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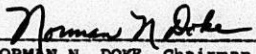
  
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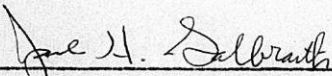
  
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14. The applicant shall submit revised copies of the plot plan to the Traffic Engineer for his approval. Said plan shall indicate access control except for the two openings to Highway K-15 as specified in item 13 and also indicate the required off-street parkingspaces for customers of the service station. Two copies of the approved plan shall be submitted to the Secretary of the Board of Zoning Appeals.
15. All conditions of approval by the Board must be complied with prior to the occupancy of this property for the proposed automatic car wash. Conditions 13 and 14 shall be complied with prior to the forwarding of the resolution to the Office of Central Inspection
16. In the event the car wash operation is not developed within one year, this case shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of April, 1970.

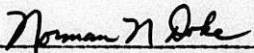
  
NORMAN N. DOKE, Chairman

ATTEST:

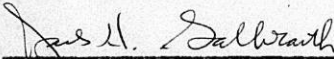
  
JACK H. GALBRAITH, Secretary

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ADOPTED AT WICHITA, KANSAS, this 28th day of April, 1970.

  
NORMAN N. DOKE, Chairman

ATTEST:

  
JACK H. GALBRAITH, Secretary

*Extra Copy*

April 28, 1970

Mr. C. Robert Bell  
Suite 430 - 200 West Douglas  
Wichita, Kansas 67202

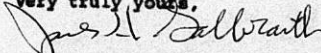
Dear Mr. Bell:

Subject: Case No. BZA 7-70  
Request for Exception

At the regular meeting of the Board of Zoning Appeals on Tuesday, April 28, 1970, your request for an exception to permit an automatic car wash operation on property zoned "LC"-Light Commercial and generally located at the northeast corner of 31st Street South and Highway K-15, was considered.

It was the action of the Board to approve this request subject to the 16 conditions recommended in the Secretary's Report. It is necessary that you comply with Conditions 13 and 14 prior to our forwarding the resolution to you and to the Office of Central Inspection. If we can furnish you sample dedication forms for the access control, please call our office.

Very truly yours,



Jack H. Galbraith  
Secretary

JHG:Ls

cc Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk  
Derby Refining Company, P. O. Box 1030, Wichita, Kansas

April 28, 1970

Mr. C. Robert Bell  
Suite 430 - 200 West Douglas  
Wichita, Kansas 67202

Dear Mr. Bell:

Subject: Case No. BZA 7-70  
Request for Exception

At the regular meeting of the Board of Zoning Appeals on Tuesday, April 28, 1970, your request for an exception to permit an automatic car wash operation on property zoned "LC"-Light Commercial and generally located at the north-east corner of 31st Street South and Highway K-15, was considered.

It was the action of the Board to approve this request subject to the 16 conditions recommended in the Secretary's Report. It is necessary that you comply with Conditions 13 and 14 prior to our forwarding the resolution to you and to the Office of Central Inspection. If we can furnish you sample dedication forms for the access control, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:Ls

cc Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk  
Derby Refining Company, P. O. Box 1030, Wichita, Kansas

SECRETARY'S REPORT

CASE NO. BZA 7-70

APPLICANT: Derby Refining Company, P. O. Box 1030, Wichita,  
Kansas

AGENT: C. Robert Bell, Suite 430, 200 West Douglas, 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: Northeast corner of 31st Street South and  
Highway K-15

LAND USE: Subject property is occupied by a service station;  
north is a liquor store; south is street right-of-  
way; west is highway and railroad; east is motorcycle  
sales and service

ZONING: Subject property is zoned "LC"-Light Commercial as are  
those properties to the north and east; south and west  
is "E"-Light Industrial

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 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 31st Street South and K-15. Section 28.04.183.4 of the  
ordinance permits this type of operation subject to certain  
conditions and approval by the Board of Zoning Appeals. The  
application area is presently occupied by a service station and  
the automatic car wash would be an additional service offered  
to customers.

A plot plan submitted with the application indicates the required information as to holding and drying spaces as well as off-street parking spaces for employees; however, customer parking has not been indicated. It should be pointed out that although the plan has been approved by the City Traffic Engineer, he has informed the Planning Department that his approval is based on the applicant granting complete access control to K-15 except for two openings, the location of which have been indicated by him on the plot plan.

It is the opinion of the Secretary that if the access to K-15 can be limited to two openings in accordance with the plot plan approved by the City Traffic Engineer that this is a logical and proper request and in keeping with the Board's view of looking with favor on this type of operation when located at a major intersection.

RECOMMENDATION:

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

1. 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.
2. The car washing buildings or facilities shall set back a distance of not less than 35 feet from K-15 and 20 feet from Volutsia.
3. 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.
4. All lights shall be shielded to reflect or direct light away from the adjacent property. No string type lighting or banners shall be permitted.
5. 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.

6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. 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.
8. 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.
9. One off-street parking space shall be provided for each two employees.
10. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond the property line 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 Maintenance of the Department of Public Works.
12. The area shall be properly policed through inspections by the owner or operator to insure proper maintenance and removal of trash.
13. The applicant shall dedicate by separate instrument complete access control to Highway K-15 except for the north 30 feet of the south 105 feet and except for the north 30 feet of the south 205 feet.
14. The applicant shall submit revised copies of the plot plan to the Traffic Engineer for his approval. Said plan shall indicate access control except for the two openings to Highway K-15 as specified in item 13 and also indicate the required off-street parking spaces for customers of the service station. Two copies of the approved plan shall be submitted to the Secretary of the Board of Zoning Appeals.

Page 4 - Secretary's Report  
Case No. BZA 7-70

15. All conditions of approval by the Board must be complied with prior to the occupancy of this property for the proposed automatic car wash. Conditions 13 and 14 shall be complied with prior to the forwarding of the resolution to the Office of Central Inspection.
16. In the event the car wash operation is not developed within one year, this case shall be considered null and void.

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

April 8, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 7-70

An application has been filed by Derby Refining Company, P. O. Box 1030, 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:

A portion of Lot 1, Edminster Gardens, Sedgwick County, Kansas, described as beginning at the Southwest corner of said Lot thence Northwesterly along the Westerly line of said Lot and the Easterly right-of-way line of State Highway 15 a distance of 222 feet; thence Northeasterly 193.3 feet to a point on the East line of said Lot and 247 feet North of the Southeast corner of the said Lot; thence South 247 feet to the Southeast corner of said Lot; thence West 42.6 feet to beginning. Generally located at the northeast corner of 31st Street South and Highway K-15.

This application has been assigned Case No. BZA 7-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 28, 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

*12 copies mailed 4-8-70*

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 7-70  
FILED 3-24-70

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, 67201 Phone AM 7-0361  
Name of Authorized Agent C. Robert Bell, Attorney  
Mailing Address Suite 430 67202  
200 West Douglas, Wichita, Kansas Phone 262-2671  
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 an automatic car wash

LC on property zoned  
at K-15 and ~~Volusia~~ 31<sup>st</sup> Street South  
and legally described as: A portion of Lot J,  
Edminster Gardens, Sedgwick County, Kansas, described as beginning at the Southwest  
corner of said Lot thence Northwesterly along the Westerly line of said Lot and the  
Easterly right of way line of State Highway 15 a distance of 222'; thence Northeasterly  
93.3' to a point on the East line of said Lot and 247' North of the Southeast corner  
of the said Lot; thence South 247' to the Southeast corner of said Lot; thence West  
42.6' to the beginning in the City of Wichita.

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - 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;
  - That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
  - 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 DERBY REFINING COMPANY DIVISION OF  
COLORADO OIL AND GAS CORPORATION  
Authorized Agent BY C. Robert Bell

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning  
Appeals, 7:30 (a.m. - p.m.), March 24, 19 70,  
together with appropriate fee of \$50.00.

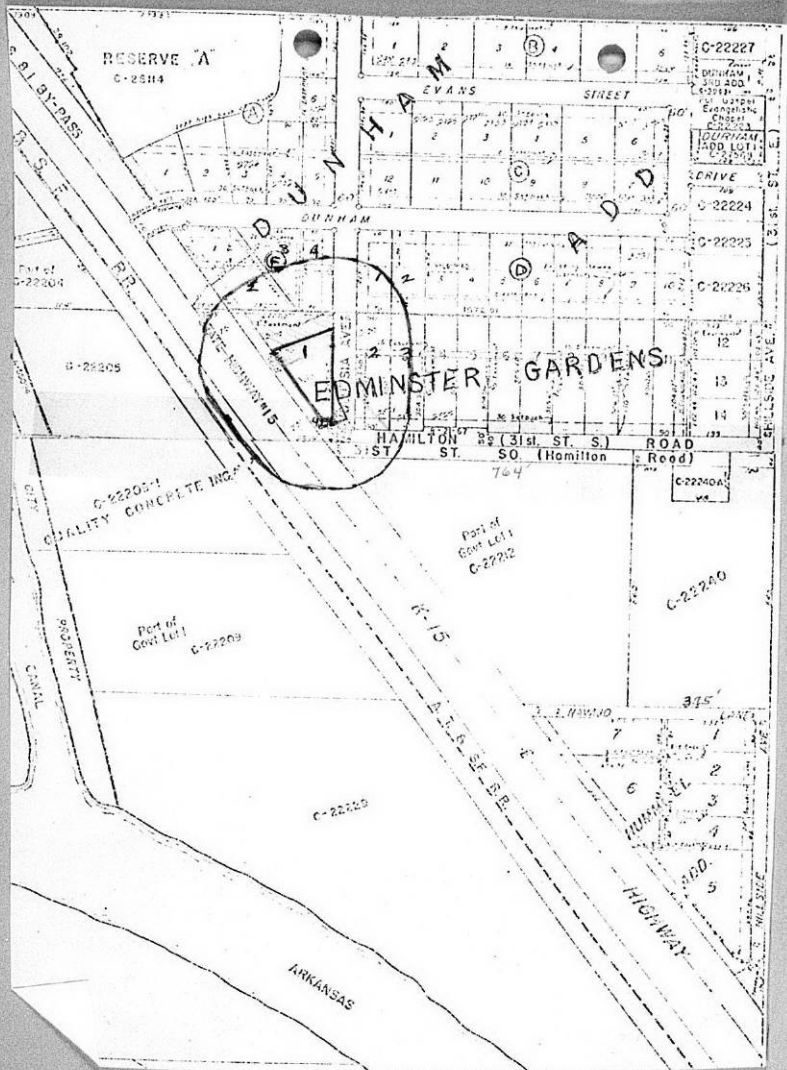
T9-403

Signed Lynn Shirley

STATEMENT JUSTIFYING EXCEPTION UNDER SECTION 28.04.183(4)  
OF WICHITA MUNICIPAL CODE

The Board of Zoning Appeals has jurisdiction to grant the exception applied for herein pursuant to Section 28.04.183(4) of the Wichita Municipal Code.

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 that applicant would not install the car wash did it not feel the need was present.



## 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:

Property lying within a radius of 200 ft of:  
 A part of Lot 1, Edminster Gardens, Sedgwick County, Kansas described as follows: Beg at SW cor sd Lot; th NWly along Wly line sd Lot and Ely ROW of State Hwy # 15, a distance of 222 ft; th NELY 193.3 ft to a pt on E line sd Lot and 247 ft N of SE cor sd Lot; th South 247 ft to SE cor sd Lot; th West 42.6 ft to beg.

  
 Fidelity  
 Title  
 Company,  
 inc.

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.)

Lot 1, Edminster Gardens.	✓ Kenneth Edminster, 3001 S. Broadway 67216
Lot 2, exc S 235', Lot 3, exc S 235' of W 32' & exc S 200' of E 58', Edminster Gardens.	✓ Arthur O. McNew 2603 Hiram 67217
The South 235' Lot 2, S 235' of W 32' Lot 3 & E 58' of S 200' of Lot 3, in Edminster Gardens.	✓ James C. & Rachel McIntosh, Mulvane, Kansas ux
Lot 2, Block E, Dunham Addition.	✓ William P. Higgins 1st Natl Bank Bldg. 67202
Lot 3, exc E 51', Blk E, Dunham Addition.	✓ Errol Wayne Williams Roseana J. Williams, ux 553 N. Oliver 67208
E 51' Lot 3, Blk E, Dunham Addition.	✓ Samuel Monroe Mewhinney Mildred Leoda Mewhinney, ux 2731 Dunham Dr. 67216
Lot 4, Blk E, Dunham Addition.	✓ George L. Elrod Hazel B. Elrod, ux 2813 Dunham Dr. 67216
Lot 1, Block D, in Dunham Addition.	✓ Thelma Sparks 2903 Dunham Dr. 67216
Lot 2, Block D, Dunham Addition.	✓ Herbert Lee Wilson Lois D. Wilson, ux 2905 Dunham Dr. 67216



-2-

C-22212: Beg 375' W of NE cor NE $\frac{1}{4}$  Sec 10, Twp 28, R 1 East;  
th W 76 $\frac{1}{2}$ ' to a pt on E line Volutsia Ave., as shown  
in Edminster Gardens; th S to ROW of State Highway  
# 15; th SEly along ROW line to a pt 680' S of N line  
sd Sec 10; th E to a pt 375' W of E line Sec 10; th  
N to pt of beg., Sedgwick County, Kansas.

✓ E. A. & Katherine C. Ruedebusch,  
3200 Southeast Blvd. ux  
67216

Dated at Wichita, Kansas this 3rd day  
of March, 1970 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Eric M. Farrell OEM  
Sec.

Tracer # 4678

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>City of Wichita</i>	<i>100.00</i>

Name *City of Wichita*

Address *1st St & 4th St, W. 11th St*

Type *2-11-C* Due Date

Comments:

Date *3-24-70* By *W. J. ...*

\*

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