

BZA 7-72 - American Oil Co. req.
Exception for Auto. Car Wash at
NW corner of Oliver and 13th St.

POSTED
3-1-77

BZA 3-28-72 ~~Exemption~~ Mull's Void
1-7-77 Conditions never complied with,
Case closed

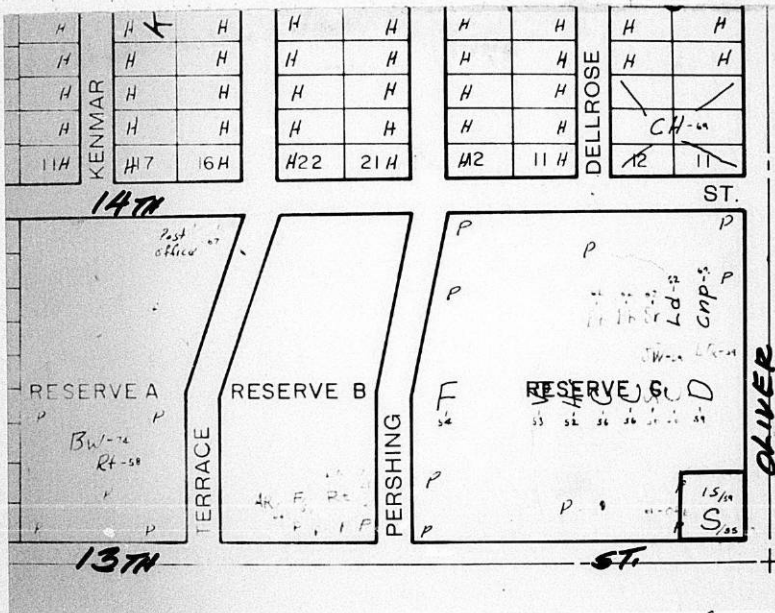
LL

Map No. 5749
 Sec. 11
 Twp. 27
 Range 1E

BZA- 7-72
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
1. Acres: 0.3 (110 ft. by 121 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East FOOD STORE South SERV. STAT.
 West PARKING North PARKING & DRUG STORE
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: SERVICE STAT.
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



Rdi S S
 Rdi

Car lot
 is included

Hold for 2 revised
copies of plot plan
and street dedications

RESOLUTION NO. BZA 7-72

WHEREAS, American Oil Company, 810 West Douglas-Suite D, Wichita, Kansas, by Thomas H. Graber, 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:

The east 110 feet of the south 121 feet of Reserve C, in Ken-Mar Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 13th and Oliver.

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 March 28, 1972, 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:

The east 110 feet of the south 121 feet of Reserve C, in Ken-Mar Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 13th and Oliver.

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 not be less than 7,500 square feet.
2. The car washing facilities shall set back a distance of not less than 35 feet from Oliver and 35 feet from 13th Street.
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 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.

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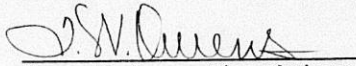
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6. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
7. Off-street holding spaces shall be provided on the property in the following ratio: Not less than 3 parking spaces for each 20 lineal feet of 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 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 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 submit revised copies of the plot plan indicating the location and dimensions of the required off-street parking spaces to the Traffic Engineer for his approval. Two copies of the approved plan shall be submitted to the Secretary of the Board of Zoning Appeals.
14. The owner of the application area shall submit a 10 foot contingent dedication for both Oliver and 13th Street, contingent upon the existing structure being removed.
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.

ADOPTED AT WICHITA, KANSAS, this 28th day of March, 1972.

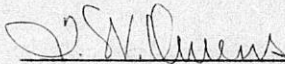

Thomas W. Owens, Vice-Chairman

ATTEST:



Jack H. Galbraith, Secretary

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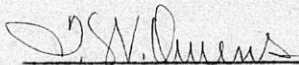

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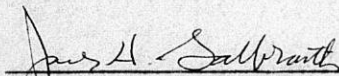

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ADOPTED AT WICHITA, KANSAS, this 28th day of March, 1972.


Thomas W. Owens, Vice-Chairman

ATTEST:


Jack H. Galbraith, Secretary

March 29, 1972

Mr. Thomas H. Graber
810 West Douglas-Suite D
Wichita, Kansas 67203

Subject: Case No. BEA 7-72
Request for Exception

Dear Mr. Graber:

At the regular meeting of the Board of Zoning Appeals on March 28, 1972, 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 northwest corner of Oliver and 13th Street, was considered.

It was the action of the Board to recommend the approval of the request subject to the 15 conditions listed in the Secretary's Report. It is necessary that Conditions No. 13 and 14 be complied with prior to our forwarding you a copy of the Resolution. In the event the owner is not agreeable to Condition No. 14, this matter is to be placed on the agenda of the Board at their next regular meeting of April 25, 1972. Attached for your information is a sample Contingent Dedication which you could modify for the 10 additional feet of dedication for Oliver and 13th.

In the event the owner of the land is not willing to submit the Contingent Dedication, please advise our office by April 19 so we can schedule this matter on their next agenda.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:ls

cc American Oil Company, 810 West Douglas-Suite D 67203
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT
CASE NO. B21 7-72

APPLICANT: American Oil Company, 810 West Douglas-Suite D,
Wichita, Kansas 67203

AGENT: Thomas H. Graber, 810 West Douglas-Suite D, Wichita,
Kansas 67203

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 northwest corner of Oliver and 13th Street

LAND USE: Subject property is occupied by a service station as is
the property to the south; east is a food market; west
is a liquor store and parking lot; north is parking and
the Ken-Mar Shopping Center

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

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, Code of the City of Wichita, can
be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the opera-
tion of a one lane automatic car wash facility on property zoned
"LC" Light Commercial and located at the northwest corner of Oliver
and 13th Street. Subject property is presently occupied by a four
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 in the "LC"
zoning district 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, however, the plan
does not indicate the required off-street parking spaces for
employee parking.

It should be noted that the application area is located at the
intersection of two major streets and provides only 40 feet of

half-street rights-of-way on Oliver and 13th Street. This is a major street intersection where development has already occurred on three corners and where it is unlikely that the 75 feet of half-street dedications, necessary for major street improvements, can be acquired, except through condemnations. It has been the policy where development already exists on three corners and where the 75 feet of half-street right-of-way does not exist, to not require the 75 feet on zoning or BZA applications. It has also been the policy, however, to require 50 feet of half-street right-of-way and where development exists, accept a contingent dedication, that when the existing structures are removed, the dedication becomes effective.

It is the opinion of the Secretary that inasmuch as the application area is located at the intersection of two major streets and is bounded by "LC" Light Commercial zoning on the north, south, 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. 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 facilities shall set back a distance of not less than 35 feet from Oliver and 35 feet from 13th Street.
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BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 8, 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 7-72

An application has been filed by American Oil Company, 810 West Douglas-Suite D, 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:

The east 110 feet of the south 121 feet of Reserve C, in Ken-Mar Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 13th and Oliver.

This application has been assigned Case No. BZA 7-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 28, 1972, 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

5 notices mailed 3-8-72

BOARD OF ZONING APPEALS

CASE NO. 7-72

CITY OF WICHITA, KANSAS

FILED 2-29-72

APPLICATION FOR EXCEPTION

I. Name of Applicant American Oil Company

Mailing Address 810 W. Douglas, Suite D Phone 265-3247

Name of Authorized Agent Hill, Mason & Graber

Mailing Address 810 W. Douglas, Suite D Phone 265-3247

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 Sub-section (4), Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of Car wash equipment

_____ on property zoned
L-C, located 13th & Oliver Streets

_____ and legally described as: 200' Radius of
the E. 110' of the S. 121' of Reserve C, in Ken-Mar Addition
to Wichita, Sedgwick County, Kansas

*Use legal
from membership
list*

- 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 AMERICAN OIL COMPANY

Authorized Agent Thomas H. Graber

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 1:30 (a.m. - p.m.), Feb 29, 1972, together with appropriate fee of \$50.00.

T9-403

Signed Laura Scott

Map # 5749

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Reserve C		Ken Mar Addition	✓ Ken Mar Development Co., Inc. 1905 Southwest Boulevard Wichita, Kansas, 67213
	1	Fourth Addition to Lambsdale	✓ Claude R. Lambe and Pauline Parks Lambe, 5101 E. 13th St. Wichita, Kansas, 67208
7	13	University Heights	- Mary Veronica Schneider Address unknown <i>none found</i>
8	"	"	"
9	"	"	"
10	"	"	"
11	"	"	"
12	"	"	"
13	"	"	"
14	"	"	"
15	"	"	"
16	"	"	"
17	"	"	"
18	"	"	"
42	14	"	✓ H. Mollohan and H. M. Beech 1734 N. Hillside Wichita, Kansas, 67214
1	1	Country Club Heights	- Palmvic Realty Company, Inc. Address unknown <i>none found</i>
2	"	"	"
3	"	"	"
4	"	"	"
5	"	"	✓ Dillon Investment Co., Inc. 307 N. Washigton Hutchinson, Kansas 67501
E 13½' of 45	"	"	✓ Palmvic Realty Co., Inc. Address unknown
E 13½' of 46	"	"	"
E 13½' of 47	"	"	"
E 13½' of 48	"	"	"

Continued page 2

Lot	Block	Addition	Property Owner
W 123' 45	1	Country Club Heights	D Dillon Investment Co., Inc. 307 N. Washington Hutchinson
W 123' of lot " 46	"	"	"
W 123' 47	"	"	"
W 123' 48	"	"	"

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 East 110 feet of the South 121 feet of Reserve C, in Ken-Mar Addition to Wichita, Sedgwick County, Kansas, as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 28th day of February, 1972 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Curtis Simmons
Vice-President

Order No. 186838

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.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Residential</i>	<i>20</i>

Name *W. J. H. H.*

Address *210 W. Broadway*

Type *10-4743* Due Date

Comments:

Date *2-28-72* By *L*

*

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