

Case No. BZA 8-87 - Phillips 66 Co., requests an exception to permit the construction of an automobile carwash on property zoned "LC" & generally located on the southwest corner of Broadway & 47th St. South.

POSTED 3-30-87
682

ACTION

BZA. 8-87 APPROVED

4/28/87
DATE

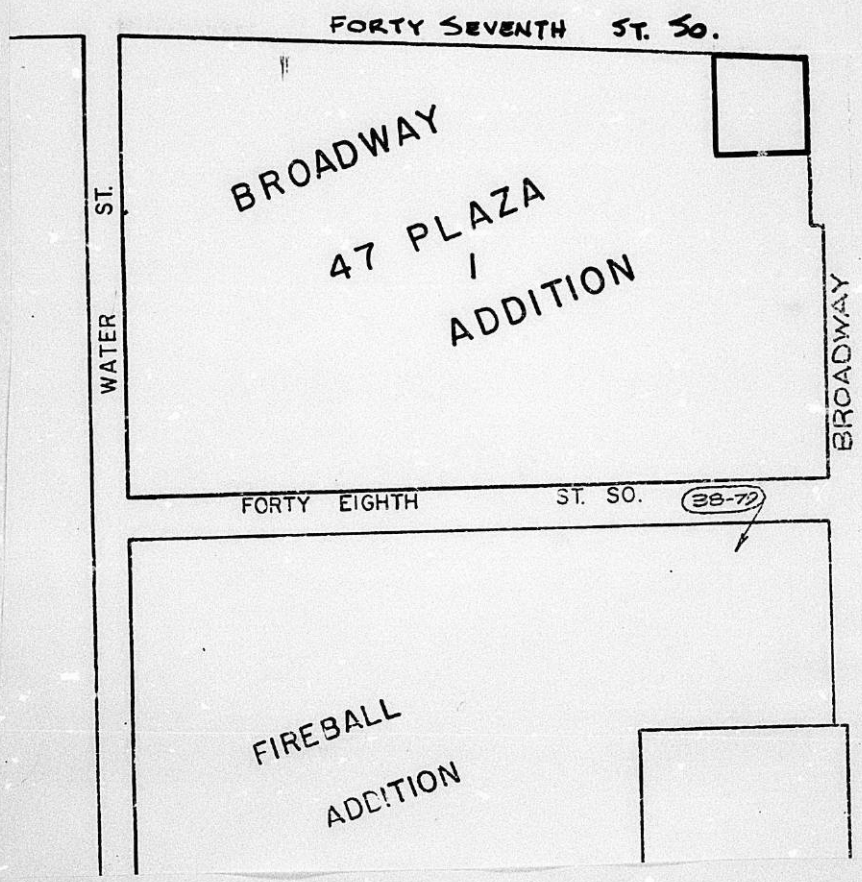
200' 4 Sec 630-87
Slovak 7-27-87
Record 4

Map No. 5441 A

BZA 8-87
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "LC" S "LC" W "LC" N "LC"
3. Land Use: East Comm. South Comm.
West Comm. North Comm.
4. Area (is) (~~is~~) platted.



Standard.
No. 2153C
HASTINGS, MN
LOS ANGELES, CHICAGO, LOGAN, OH
MCKENNON, TX, LOCUST GROVE, GA
USA



PHILLIPS 66 COMPANY

OKLAHOMA CITY, OKLAHOMA 73102
101 NORTH ROBINSON AMERICAN FIRST TOWER

August 31, 1987

File: SS #27275
47th & S. Broadway
Wichita, KS

Board of Zoning Appeals
Ms. Louise Olivarez
455 N. Main Street
Wichita, KS 67202

RE: BZA Case #8-87

Dear Ms. Olivarez:

On March 25, 1987, Phillips 66 Company, as contract purchaser, made application for exception to install a car wash on property zoned light commercial. At the public hearing held on April 28, 1987, our application was approved. On May 11, 1987 I received a copy of the resolution adopted by the Board. Item number 12 on the Resolution is of particular concern to us. When we made application for the exception we anticipated a timely closing of our purchase of the subject property. However, for reasons beyond our control the closing has been postponed until September 3, 1987. The primary reason was the failure of the seller to timely file the replat of Broadway 47 Plaza, 2nd addition, of which the property we are buying is a part. It is my understanding that the plat went before City Counsel for final approval on August 25, 1987. We have scheduled the closing for September 3, 1987 in order to give ample time for the plat to be recorded. *(plat was recorded 8-31-87)*

11-6-87

We anticipate commencing construction on the following Tuesday, September 8, 1987. Since we have been delayed in commencing construction, there is no way that we can meet the 180 day deadline set forth in item number 12 on said resolution. Dependent upon the weather we anticipate construction time of 120 days from the date construction starts. We therefore request that the resolution be amended so that the 180 day time limit does not begin until we actually close the purchase of the property. 1-8-88

Your consideration of this request will be greatly appreciated.

If you have any questions, please call me at 405/270-8347.

Very truly yours,

Michael T. Mullings
Michael T. Mullings

MTM/ro
ro2542

*No way to avoid this
regression. Recommendation
would be a whole new case
with paying fee, notification, etc.
Just said there will be no problem
with a little additional time as
long as they are proceeding in a
timely fashion. I conveyed
this message to Mullings and
we phone L.O.
9-10-87*

RECEIVED

SEP 01 1987
METROPOLITAN PLANNING
ROUTE _____

May 6, 1987

Michael T. Mullings
Phillips 66 Company
c/o PT, RE, & C
101 North Robinson
Oklahoma City, Oklahoma 73102

Re: BZA 8-87 - Request for Exception

Dear Mr. Mullings:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 28, 1987.

This Resolution reflects the official action of the Board to grant your request 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,

Glen E. Lytle
Assistant Secretary

GEL/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

PL/0144/1

RESOLUTION CASE NO. 8-87

WHEREAS, Phillips 66 Company, 101 North Robinson, c/o PT, RE, & C, Oklahoma City, Oklahoma 73102, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the construction of an automatic carwash on property zoned the "LC" Light Commercial District and legally described as follows:

Beginning at the northeast corner of Lot 1, Broadway 47 Plaza Addition, thence south 169 feet; thence west 175 feet; thence north 178.58 feet; thence easterly 175.26 feet to the point of beginning; being replatted as Lot 3, Block A, Broadway 47 Plaza Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Broadway and 47th Street South.

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, 1987, 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 construction of an automatic carwash 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 construction of an automatic carwash on property zoned the "LC" Light Commercial District and legally described as follows:

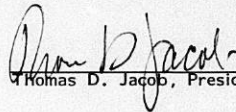
Beginning at the northeast corner of Lot 1, Broadway 47 Plaza Addition, thence south 169 feet; thence west 175 feet; thence north 178.58 feet; thence easterly 175.26 feet to the point of beginning; being replatted as Lot 3, Block A, Broadway 47 Plaza Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Broadway and 47th Street South.

subject to the following conditions:

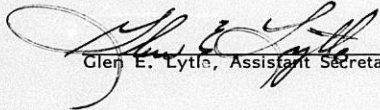
1. The automatic car wash facility shall provide not less than three holding spaces for each 20 lineal feet of car washing aisle and not less than two drying spaces.
2. All of the area to be used for circulation, holding spaces, parking spaces and all ingress and egress drives, including common access drives, shall be surfaced with asphalt, concrete or asphaltic concrete and be maintained in good condition.
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. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. Off-street parking spaces shall be provided for the total facility as required by the zoning ordinance.

7. All parking spaces and drying spaces shall have adequate guards or curbs to prevent the extension of overhanging of vehicles beyond property lines, surfaced driveways and parking spaces.
8. All circulation drives adjacent to public right-of-way shall be provided with adequate guards to prevent vehicles from driving over the adjacent sidewalks.
9. Grades shall be established on the property to prevent the intrusion of surface drainage from entering the sanitary sewer. This shall include a roof over the car wash and the installation of the mud trap at a location under the roof or at a grade satisfactory to the Superintendent of Sewer Maintenance.
10. The area shall be properly policed through daily inspection by the owner or operator to insure proper maintenance and removal of trash or other debris.
11. The car wash shall be constructed with a dryer and shall not be operated without the dryer if the temperature is projected to drop below freezing within 12 hours.
12. All of the above conditions of approval must be complied with within 180 days of the release of the resolution or the resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of April, 1987.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE April 23, 1987

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III *Sm*

SUBJECT BZA 8-87: Southwest corner of
 Broadway and 47th Street South

CPO Council District 4B considered the captioned case at its April 21st meeting and voted 7-0 to recommend that the exception to permit the establishment of an automatic car wash on property located at the aforementioned location be approved.

Bill Shoaf was present representing Phillips 66 Company. Mr. Shoaf described the request and responded to questions from the Council. No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendations to the Board of Zoning Appeals when case BZA 8-87 is considered at the April 28th meeting.

SM:dm

SECRETARY'S REPORT
CASE NO. BZA 8-87

APPLICANT: Phillips Petroleum Company, c/o PT, RE&C, 101 N. Robinson, Oklahoma 73102

AGENT: Michael T. Mullings, same.

REQUEST: Exception pursuant to Section 28.04.183.4 Code of the City of Wichita to permit the establishment of an automatic car wash on property zoned the "LC" Light Commercial District.

GENERAL LOCATION: On the southwest corner of Broadway and 47th Street South.

ZONING: Subject property is zoned the "LC" Light Commercial District as are all adjacent properties.

LAND USE: Subject property is to be developed with a self-serve filling station and convenience store with a detached automatic car wash. Property to the south is developed with commercial uses. To the north and east are properties developed with several commercial uses. To the west is a parking lot for adjacent development.

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 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to construct an automatic car wash on the property in conjunction with the development of the corner with a self-serve gasoline station and convenience store. This requires approval of the Board for the automatic car wash facility in the "LC" Light Commercial District.

The applicant's site plan indicates that adequate holding spaces can be provided so that on-site circulation can be maintained so as to not interfere with on-street traffic in the area. The car wash also contains a dryer which will eliminate the majority of problems with drainage of moisture beyond the limits of the car wash area.

The site will be provided access from Broadway and 47th Street South by one driveway to each street. These driveways are required to be located not closer than 100 feet to the northeast corner of the property. In addition, the site will have access to the adjacent properties through a mutual access agreement between property owners.

RECOMMENDATION:

Should the Board determine that the proposed use is appropriate at this location, then it is the recommendation of the Secretary that the exception be approved subject to the following conditions:

1. The automatic car wash facility shall provide not less than three holding spaces for each 20 lineal feet of car washing aisle and not less than two drying spaces.
2. All of the area to be used for circulation, holding spaces, parking spaces and all ingress and egress drives, including common access drives, shall be surfaced with asphalt, concrete or asphaltic concrete and be maintained in good condition.

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. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. Off-street parking spaces shall be provided for the total facility as required by the zoning ordinance.
7. All parking spaces and drying spaces shall have adequate guards or curbs to prevent the extension of overhanging of vehicles beyond property lines, surfaced driveways and parking spaces.
8. All circulation drives adjacent to public right-of-way shall be provided with adequate guards to prevent vehicles from driving over the adjacent sidewalks.
9. Grades shall be established on the property to prevent the intrusion of surface drainage from entering the sanitary sewer. This shall include a roof over the car wash and the installation of the mud trap at a location under the roof or at a grade satisfactory to the Superintendent of Sewer Maintenance.
10. The area shall be properly policed through daily inspection by the owner or operator to insure proper maintenance and removal of trash or other debris.
11. The car wash shall be constructed with a dryer and shall not be operated without the dryer if the temperature is projected to drop below freezing within 12 hours.
12. All of the above conditions of approval must be complied with within 180 days of the release of the resolution or the resolution shall become null and void.

BZA CASE NO. 8-87

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>6</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>8</u>	TOTAL NOTICES SENT <u>4/2/87</u>

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

April 1, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 8-87

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Phillips 66 Company, 101 North Robinson, c/o PT, RE, & C, Oklahoma City, Oklahoma 73102, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the construction of an automobile carwash on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Beginning at the northeast corner of Lot 1, Broadway 47 Plaza Addition, thence south 169 feet; thence west 175 feet; thence north 178.58 feet; thence easterly 175.26 feet to the point of beginning; being replatted as Lot 3, Block A, Broadway 47 Plaza Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Broadway and 47th Street South.

This application has been assigned Case No. BZA 8-87. It will be considered by the Board of Zoning Appeals on April 28, 1987 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "4B" will consider this case at their meeting to be held on Tuesday, April 21, 1987, at 7 p.m., at the National Guard Armory, 3617 South Seneca. Enter through the Command Entrance at the northwest corner of the building. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Glen E. Lytle
Assistant Secretary



PHILLIPS 66 COMPANY
OKLAHOMA CITY, OKLAHOMA 73102
101 NORTH ROBINSON AMERICAN FIRST TOWER
405/270-8347

RECEIVED

MAR 25 1987

METROPOLITAN PLANNING

ROUTE _____

March 20, 1987

File: SS#27375
47th & S. Broadway
Wichita, KS

Board of Zoning Appeals
City of Wichita
Mr. Glen Lytle
455 N. Main Street
Wichita, KS 67202

Re: Exception - SW/C
47th & S. Broadway

Dear Mr. Lytle:

Enclosed please find an Application for Exception enabling us to construct a detached car wash in the SW/C of 47th & S. Broadway on property presently zoned "Light Commercial". I am enclosing the required ownership list, site plan, and Phillips 66 Company draft No.8-00566 in the amount of \$400.00 as the required filing fee.

I have also enclosed a copy of the Application and request that it be signed, dated and returned to me for our files. I am enclosing a self-addressed, stamped envelope for you use in returning said copy to me.

If you need any additional information, please contact me at the number shown above.

Very truly yours,

Michael T. Mullings

MTM:rsp
Encl.

MTM-157-87

APPLICATION FOR EXCEPTION

I. Name of Applicant Phillips 66 Company
101 N. Robinson
Mailing Address c/o PT,RE, & C, Oklahoma City, OK 73102 Phone (405) 270-8347
Name of Authorized Agent Michael T. Mullings
Mailing Address 101 N. Robinson, Oklahoma City, OK 73102 Phone (405) 270-8347
Relationship of applicant to property is that of Contract Purchaser
(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 _____

Automatic car wash

on property zoned "LC" -Light Commercial,
located at the southwest corner of 7th Street and South Broadway, Wichita, KS
and legally described as: Parcel #3, Broadway 47 Plaza, Community Unit Plan DP-28,
and being located in the NW/4 of Section 20, Township 28 South, Range 1 East of the 6th
P.M., Sedgwick County, Kansas. See attached legal

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. 39-285); and that the appropriate fee is herewith tendered;
- c. 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.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.

Applicant Phillips 66 Company

Authorized Agent Michael T. Mullings
Michael T. Mullings

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
fee of 3.00 (p.m.), MAR. 25, 1987, together with appropriate
fee of 4.00.

Signed [Signature]

Beginning at the northeast corner of Lot 1, Broadway 47 Plaza Addition, thence south 169 feet; thence west 175 feet; thence north 178.58 feet; thence easterly 175.26 feet to the point of beginning; being replatted as Lot 3, Block A, Broadway 47 Plaza Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Broadway and 47th Street South.

(BZA LA 8-87)

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE COMPANY, INC. has searched the public records and finds the following to be a true and correct list of the property owners as evidenced by the last deed of record within a 200' radius of and including the following described property, viz:

Part of Block 1, in Broadway 47 Plaza, Wichita, Sedgwick County, Kansas, described as follows: Beginning at the Northeast Corner of said Block 1, Thence South along the East line of Block 1, 169 feet; Thence West 175 feet; Thence North parallel to and 175 feet West of the East line of said Block 1, 178.58 feet to the North line of Block 1; Thence East along the North line of Block 1, 175.26 feet to the point of beginning.

NOTE: Addresses are furnished as a courtesy only and are not certified.

DESCRIPTION	OWNER/ADDRESS	ZIP CODE
<u>K. E. TAGUE ADD</u>		
<u>Block A</u>		
Part Lot 1 described as follows: Land beginning 230 feet North and 230 feet West of the Southeast Corner of Section 17, Township 28 South Range 1 East of the 6th P.M., Thence West parallel with the South line of said 1/4 Sec, 400 feet; Thence North parallel with the East line of said 1/4 Sec., 100 feet; Thence East 400 feet; Thence South 100 feet to the point of beginning; and a tract of land beginning 630 feet West of the Southeast Corner of Section 17, Township 28 South, Range 1 East of the 6th P.M.; Thence North 230 feet; Thence East 150 feet; Thence South 230 feet; Thence West 150 feet to the point of beginning; and a tract of land beginning at a point 480 feet West of the Southeast Corner of Section 17, Township 28 South Range 1 East of the 6th P.M.; Thence North 230 feet; Thence East 300 feet; Thence South 230 feet; Thence West 300 feet to the point of beginning	✓ Amvets Post #36 220 East 47th South Wichita, Kansas	67216
<u>NOLANS GARDENS</u>		
The West Half (1/2) of Lot 3	✓ 47th Street Association % McDonalds Company 15-046 Box 66207 AMF Ohara Airport Chicago, Illinois	60666
<u>BROADWAY 47 PLAZA</u>		
<u>Block 1</u>		
	✓ Traborn Investment Co., Ltd % TG&Y Stores Tax Department 888 7th Avenue New York, New York	10106

DESCRIPTION

OWNER/ADDRESS

ZIP CODE

K-MART PLAZA SOUTH

Lot 1 Described as follows:

All of Lot 1 of K Mart Plaza South located in the Northwest 1/4 of Sec 21, Twp 28 S., Rge 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows:

Commencing at the Northwest Corner of said Northwest 1/4, Thence Along the North line of said Northwest 1/4, bearing S. 89° 25' 45" E, 352.60 feet; Thence at right angles to said North line, bearing S 0°34'15" W, 136.00 feet to the point of beginning on the South right of way line of 47th St., South; Thence Easterly, along said South right of way line bearing S 89°25'45" E, a distance of 402.30 feet; Thence along a curve to the left with a radius of 3899.83 feet, a central angle of 2°12'52" , an arc distance of 150.73 feet, a long chord of 150.72 feet bearing N. 89°27'49" E. to a point; Thence parallel with the West line of said Northwest 1/4 bearing S. 0°18'45" W, a distance of 802.92 feet; Thence parallel with the North line of said Northwest 1/4, bearing N. 89°25'45" W, a distance of 825.00 feet to a point on the East right of way line of Broadway Avenue; Thence along the said East right of way line bearing N. 1°34'49" E, a distance of 587.59 feet; Thence parallel with the North line of said Northwest 1/4, bearing S. 89°25'45" E, a distance of 259.00 feet; Thence parallel with the West line of said Northwest 1/4, bearing N. 0°18'45" E, a distance of 212.50 feet to the point of beginning containing 598,534 square feet or 13,740 acres.

E. N. Maisel & Assoc
P. O. Box 35425
7 Oakes Station
Detroit, Michigan

48235

The South 121 feet of the West 360 feet of the Southwest Quarter, Section 16, Township 28 South, Range 1 East, Sedgwick County, Kansas

J. W. Kammerer &
Maryon M. Kammerer
4756 S. Broadway
Wichita, Kansas

67216

The South 649.5 feet of the East 630 feet of the Southeast 1/4 of Section 17, Township 28 South, Range 1 East of the 6th P.M., Except beginning 180 feet West of the Southeast Corner of said Section 17, Thence North 230 feet, Thence West 50 feet, Thence North 100 feet, Thence West 400 feet, Thence South 330 feet, Thence East 450 feet to beginning.

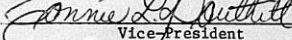
Norma Faye Shepler
Rural Route 2
Latham, Kansas

67072

Dated this Fifth day of March, 1987 at 7:00 A.M.

NO. 5586

GUARANTEE TITLE CO., INC.

By: 
Vice-President

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29

PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Has Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signe	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
<i>City 222 Council</i>	<i>\$ 400.00</i>
NAME <i>Ames 66 Co.</i>	
ADDRESS <i>104 Ok.</i>	
FUND <i>75-0174-001</i>	DUE DATE
COMMENTS	
DATE <i>Mar 25 1969</i>	BY <i>H. L. Lyle</i>

*

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

Roll # 3