

BZA 11-66 - L. E. Blair requests exception to permit self-service car wash on the north side of Central between Country Acres Ave. & Ridge Road

✓
4948

ACTION

Bya COMMITTEE *Approved* DATE *4-26-66*

M.A.P.C. _____

B.C.C./B. C.C.C. _____

RESOLUTION NO. BZA 11-66

WHEREAS, L. E. Blair, 8422 West 9th Street, Wichita, Kansas, by Blair Page, P. O. Box 972, Wichita, Kansas, requests an exception as provided in Section 28.04.183.4, Code of the City of Wichita, to permit a self-service car wash operation in an "LC" zoning district, on property legally described as:

Beginning 459.81 feet west of the southeast corner of Section 16, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence north 250 feet; thence west 300 feet; thence south 250 feet; thence east 300 feet to beginning, except the west 125 feet of the south 175 feet and except the west 150 feet of the north 75 feet of said Section 16. Generally located on the north side of Central in an area between Country Acres Avenue and Ridge Road.

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 26, 1966, 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, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit a self-service car wash operation to be located in the "LC" Light Commercial District, subject to the conditions as 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 construction or installation of a self-service car wash operation on property zoned "LC" and legally described as follows:

Beginning 459.81 feet west of the southeast corner of Section 16, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence north 250 feet; thence west 300 feet; thence south 250 feet; thence east 300 feet to beginning, except the west 125 feet of the south 175 feet and except the west 150 feet of the north 75 feet of said Section 16. Generally located on the north side of Central in an area between Country Acres Avenue and Ridge Road,

subject to the following:

1. The applicant platting the property and indicating a 35-foot setback adjacent to Central.
2. There shall be a minimum lot area of three thousand five hundred square feet for each self-service car washing stall, provided the minimum lot area shall be not less than 7,500 square feet.

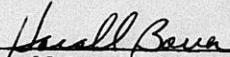
3. The car washing buildings or facilities shall be set back a distance of not less than 35 feet from all street right-of-way lines.
4. All of the area to be utilized by the washing and drying operation, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.
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 sign 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:

Self-service car wash - not less than 4 parking spaces for each self-service car washing stall.

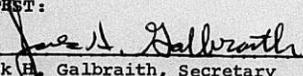
Off-street drying spaces shall be provided on the property in the following ratio:

Self-service car wash - not less than 2 parking spaces for each self-service car washing stall.
9. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
10. There shall be no ingress or egress from minor or residential streets having 60 feet of right-of-way or less, unless there are 2 free-moving lanes at all times. (Example: A 30-foot paved street with parking permitted only on one side would provide for 2 free-moving lanes.)
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 for proper maintenance and removal of trash.
13. All conditions of approval by the Board must be complied with prior to the occupancy of the property for proposed car wash.
14. In the event a permit is not issued for the construction of the car wash within 12 months from the date of approval by the Board, the application shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of April 1966.


Harold Bauer, Chairman

ATTEST:


Jack H. Galbraith, Secretary

May 26, 1966

Mr. L. E. Blair
8422 West 9th Street
Wichita, Kansas

Dear Mr. Blair:

Re: BEA 11-66 - Request for an
Exception

We have completed the preparation of the Resolution adopted by the Board of Zoning Appeals in connection with the above-numbered case, which was heard by the Board on April 26, 1966, which Resolution has been signed by the Chairman and Secretary.

As indicated in our letter of May 4, 1966, we are enclosing a copy of this Resolution for your information and files. A copy has also been provided the Central Inspection Division, and you may now obtain the appropriate permit from that Division with respect to your use of property located generally on the north side of Central in an area between Country Acres Avenue and Ridge Road.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ber
Enclosure

cc: Blair Page, P. O. Box 972
Glen Lytle, Superintendent of Central Inspection
L. L. Binkley, Maintenance Inspection Supervisor
Ralph Eberly, City Clerk

May 4, 1966

Mr. L. E. Blair
8422 West 9th Street
Wichita, Kansas

Dear Mr. Blair:

Re: BZA 11-66 - Request for an exception

This is to advise you that at its regular meeting of April 26, 1966, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to the zoning ordinance to permit installation of a self-service car-wash operation on property zoned "LC" and generally located on the north side of Central in an area between Country Acres Avenue and Ridge Road.

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

1. The applicant platting the property and indicating a 35-foot setback adjacent to Central.
2. There shall be a minimum lot area of three thousand five hundred square feet for each self-service car washing stall, provided the minimum lot area shall be not less than 7,500 square feet.
3. The car washing buildings or facilities shall be set back a distance of not less than 35 feet from all street right-of-way lines.
4. All of 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 sign shall exceed 25 feet in height or be placed so as to project over any public right-of-way.

Page 2 - Mr. L. E. Blair
May 4, 1966

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:

Self-service car wash - not less than 4 parking spaces for each self-service car washing stall.

Off-street drying spaces shall be provided on the property in the following ratio:

Self-service car wash - not less than 2 parking spaces for each self-service car washing stall.
9. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
10. There shall be no ingress or egress from minor or residential streets having 60 feet of right-of-way or less, unless there are 2 free-moving lanes at all times. (Example: A 30-foot paved street with parking permitted only on one side would provide for 2 free-moving lanes.)
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 for proper maintenance and removal of trash.
13. All conditions of approval by the Board must be complied with prior to the occupancy of the property for proposed car wash.
14. In the event a permit is not issued for the construction of the car wash within 12 months from the date of approval by the Board, the application shall be null and void.

A resolution effectuating the action of the Board will be mailed to you as soon as it can be prepared and signatures of the Chairman and Secretary of the Board obtained.

Page 3 - Mr. L. E. Blair
May 4, 1966

If you have any questions concerning this matter, please let us hear from you.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ber

cc: Blair Page
P. O. Box 972

Glen Lytle, Superintendent
of Central Inspection

L. L. Binkley, Maintenance
Inspection Supervisor

Ralph Eberly
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 11-66

APPLICANT: L. E. Blair, 8422 West 9th Street, Wichita, Kansas

AGENT: Blair Page, P. O. Box 972, Wichita, Kansas

REQUEST: Exception pursuant to Section 2.12.590.3, Code of the City of Wichita, requesting an exception as provided in Section 28.04.183.2, Code of the City of Wichita, to permit the installation or construction of a self-service car wash on property zoned "LC".

GENERAL LOCATION: North side of Central in an area between Country Acres Avenue and Ridge Road

LAND USE: Subject property is vacant. To the north, south and east are proposed shopping centers; west is a filling station and office.

ZONING: Subject property is zoned "LC", as is that to the north, east and south; west is "AA"

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 and authorize self-service and automatic car wash operations, whether attended or unattended and whether operated inside or outside a building, to be located in the "LC" Light commercial district if all the requirements under Section 28.04.183.4, can be met.

COMMENTS BY THE SECRETARY

It is the opinion of the Secretary that the location is logical due to the surrounding zoning and the existing and proposed land use in the immediately adjacent areas. The application has sufficient area to properly install the car wash and a plan has been approved by the Traffic Engineer.

It should also be noted that the property adjacent to the west is zoned "AA", but is utilized for a nonconforming service station. In accordance with Section 28.04.183.4.2, the 60-foot side yard setback from a "AA" zone is, therefore, not required.

It should be pointed out that the property is unplatted and, therefore, will necessitate platting prior to the issuance of any permits on the property.

Recommendation

It is the recommendation of the Secretary that the exception be approved to permit the installation of the car wash, subject to the following conditions:

1. The applicant platting the property and indicating a 35-foot setback adjacent to Central.
2. There shall be a minimum lot area of three thousand five hundred square feet for each self-service car washing stall, provided the minimum lot area shall be not less than 7,500 square feet.
3. The car washing buildings or facilities shall be set back a distance of not less than 35 feet from all street right-of-way lines.
4. All of 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 sign 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:

Self-service car wash - not less than 4 parking spaces for each self-service car-washing stall.

Off-street drying spaces shall be provided on the property in the following ratio:

Self-service car wash - not less than 2 parking spaces for each self-service car washing stall.
9. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.

10. There shall be no ingress or egress from minor or residential streets having 60 feet of right-of-way or less, unless there are 2 free-moving lanes at all times.
(Example: A 30-foot paved street with parking permitted only on one side would provide for 2 free-moving lanes.)
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 for proper maintenance and removal of trash.
13. All conditions of approval by the Board must be complied with prior to the occupancy of the property for proposed car wash.
14. In the event a permit is not issued for the construction of the car wash within 12 months from the date of approval by the Board, the application shall be null and void.

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

April 4, 1966

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 11-66

An application has been filed by L. E. Blair, 8422 West 9th Street, Wichita, Kansas, by Blair Page, P. O. Box 972, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception as provided in Section 28.04.183.4, Code of the City of Wichita, to permit the installation or construction of a self-service car-wash on property zoned "LC" and legally described as follows:

Beginning 459.81 feet west of the southeast corner of Section 16, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence north 250 feet; thence west 300 feet; thence south 250 feet; thence east 300 feet to beginning, except the west 125 feet of the south 175 feet and except the west 150 feet of the north 75 feet of said Section 16. Generally located on the north side of Central in an area between Country Acres Avenue and Ridge Road.

This application has been assigned Case No. BZA 11-66, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 26, 1966, at 2 p.m., in Room 401 of the 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

12 Notices Mailed 4-4-66 + 8 to P.C.

Application submitted is for
an area rapidly developing for
Commercial Uses and has ample
space ingress and egress areas
for non congested usage of a
Car wash facility and no other
such facility is in the nearby
vicinity, and will serve a very
large area. Facility is designed
to comply with all provisions
of 28.04.83.

Blair Page
authorized Agent
for Applicant
L.E. Blair

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant L. E. Blair ✓
Mailing Address 8422 West 9 th Street Phone PA 21265
Name of Authorized Agent Blair Page ✓
Mailing Address P.O. Box 972 Phone AM 5-0262
Relationship of applicant to property is that of K/ Lessee
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.183, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of Self Service Car Wash
_____ on property zoned

L. C., located 7400 Block on West Central in 2nd Addn
of Country Acres Area DE 214-A and legally described as an Area 95'
width by 160' depth in area beginning 499.01 feet West of Southeast
corner of Southeast Quarter of Section 16, Township 27 South, Range 1
West of the 6th P.M., Sedgewick County, Kansas; thence North 250 feet
; thence West 300 feet to beginning, except the West 125 feet of the
South 175 feet and except the West 150, in the City of Wichita,
feet of the North 75 feet of said section 16;

(Give metes and bounds description below if appropriate).

*On north side of Central bet. Country Acres Ave. &
Ridge Road*

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 L. E. Blair

Authorized Agent Blair Page

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:00 P.M. (a.m. - p.m.), March 27, 1966, together with appropriate fee of \$50.00.

Signed Ronald A. Williamson *RT*

CERTIFICATE OF OWNERSHIP

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O., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds, Sedgwick County, Kansas, of:

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Beginning 459.81 feet West of the Southeast corner of Southeast Quarter of Section 16, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence North 250 feet; thence West 300'; thence South 250 feet; thence East 300 feet to beginning, except the West 125 feet of the South 175 feet and except the West 150 feet of the North 75 feet of said section 16;

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and the property within a 200 foot radius thereof.

| N | Description | Owner |
|---|---|---|
| G | Beginning 759.81' West and 175' North of Southeast corner of SE $\frac{1}{4}$ Section 16, Township 27 South, Range 1 West; thence North 75'; thence East 150'; thence South 75'; thence West 150' to beginning. | ✓ William M. Hamra & Victoria Hamra 724 Country Acres Avenue |
| U | Beginning 459.81' West of Southeast corner of SE $\frac{1}{4}$ 16-27-1W; thence North 250'; thence West 300'; thence South 250'; thence East 300' to beginning, except the West 125' of the South 175' and except the West 150' of the North 75' of said section 16. | ✓ Myrnon C. Wilbur & Sylvia Wilbur 943 Wilbur Lane |
| A | Beginning 759.81' West of the Southeast corner of SE $\frac{1}{4}$ 16-27-1W; thence North 175'; thence East 125'; thence South 175'; thence West to beginning. | ✓ Sam L. Roberson & Clarice H. Roberson 217 N. Atchison El Dorado, Kansas |
| E | Beginning at a point on the West line of Lot 4, said point being the South corner of Lot 3; thence Southerly on said West line of Lot 4, 334.08'; thence East at right angle, 200'; thence Northeasterly to point on North line of said Lot 4, said point being 444.45' West of Northeast corner of said Lot 4, measured on North line of said Lot 4; thence Northwesterly on North line of Lot 4, 247.72' to East corner of Lot 1; thence Southwesterly on Southeast lines of Lots 1, 2 and 3, 240' to beginning. | City of Wichita |
| T | Lot 4, except beginning on West line of Lot 4, said point being the South corner of Lot 3, Block 5; thence Southerly on said West line of Lot 4, 334.08'; thence East 200'; thence Northeasterly to North line of Lot 4, 444.45' West of Northeast corner Lot 4 measured on North line said lot; thence Northwesterly on North line said Lot 4, 247.72' to East corner of Lot 1 in said Block 5; thence Southwesterly on Southeast line of Lots 1, 2 and 3, 240' to beginning. <u>Also</u> except the East 150' of the South 175' of said Lot 4, Block 5, <u>and also</u> except the West 25' of the East 175' of the South 150' of said Lot 4. | Country Acres, Inc. |

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| Description | Owner |
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| Lots 4 and 5, Block K, in Meadowview Estates, an Addition to Sedgwick County, Kansas. | ✓ Meadowview Shopping Center, Inc. 510 W.K.H. Bldg. |

WITNESS our Hand and Seal at Wichita, Kansas, this 18th day of March, 1966, at 7:00 o'clock A. M.

CALLAHAN GUARANTEE TITLE CO., INC.
By *Jean Dunight*
Vice President

No. 8056

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>B.A. Applications</i> | <i>50.00</i> |

Name *Clair Page*

Address *P.O. Box 972*

Type *R-712* Due Date *5-29-66*

Comments:

Date *5-29-66* By *Shawler*

*

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