

BZA

11-25-69

approved

BZA 27-69 - Derby Refining Co.
requests EXCEPTION to permit one
lane automatic car wash on property
zoned "LC" at NW corner of Central
and Rock Road

POSTED
10/27/69

MAFD ✓
C.I.V ✓

12/4/69

BZA

11-25-69

approved

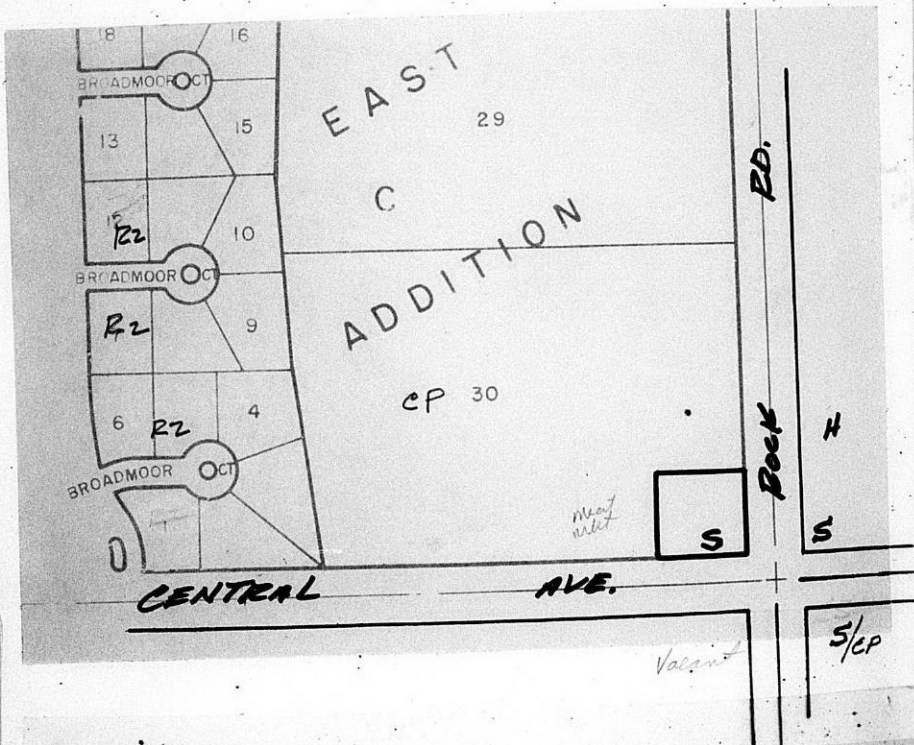
BZA 27-69 - Derby Refining Co.
requests EXCEPTION to permit one
lane automatic car wash on property
zoned "Ic" at NW corner of Central
and Rock Road

Map No. 5948
 Sec. 18
 Twp. 27
 Range 2E

BZA 27-69
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
 1. Acres: 0.5 (150 ft. by 150 ft.)
 2. Adjoining Zoning: E LC S LC W LC N LC
 3. Land Use: East SERVICE STATION South UNDEVELOPED
 West UNDEVELOPED 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 27-69

WHEREAS, Derby Refining Company, Colorado Derby Building, Wichita, Kansas, by C. Robert Bell, 123 South Market, 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 a one-lane automatic car wash operation, on property zoned "LC" Light Commercial, and legally described as follows:

The south 150 feet of the east 150 feet of Lot 30, Block 3, in Woodlawn East, an addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Central and Rock 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 November 25, 1969, 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 a one-lane 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 a one-lane automatic car wash operation, on property zoned "LC" - Light Commercial, and legally described as follows:

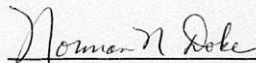
The south 150 feet of the east 150 feet of Lot 30, Block 3, in Woodlawn East, an addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Central and Rock Road.

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 Central and 35 feet from Rock Road.
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 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.

ADOPTED AT WICHITA, KANSAS, this 25th day of November, 1969.



NORMAN N. DOKE, Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

December 3, 1969

Mr. C. Robert Bell
123 South Market Street
Wichita, Kansas 67202

Dear Mr. Bell:

Subject: Case No. BZA 27-69
Request for Exception

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 25, 1969, in connection with your request for an exception to permit the installation or construction of a one-lane automatic car wash operation on property zoned "LC" - Light Commercial and generally located at the northwest corner of Central and Rock Road.

This Resolution reflects the official action of the Board and sets forth 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

Enclosure 1

cc Derby Refining Company, Colorado Derby Building, Wichita
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

November 26, 1969

Mr. C. Robert Bell
123 South Market Street
Wichita, Kansas 67202

Dear Mr. Bell:

Subject: Case No. BZA 27-69
Request for Exception

At the regular meeting of the Board of Zoning Appeals on November 25, 1969, your request for an exception to permit the installation or construction of a one-lane automatic car wash on property zoned "LC" - Light Commercial, and generally located at the northwest corner of Central and Rock Road, was considered.

It was the action of the Board to approve this request subject to the twelve conditions listed 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,

G. Lynn Shirkey
Assistant Secretary

GLS:ls

cc Derby Refining Company, Colorado Derby Building, Wichita, Ks.
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 27-69

APPLICANT: Derby Refining Company, Colorado Derby Building,
Wichita, Kansas

AGENT: C. Robert Bell, 123 South Market, Wichita, Kansas
67202

REQUEST: Exception pursuant to Section 2.12.590.C, Code of
of the City of Wichita to permit the installation
or construction of a one-lane automatic car wash.

GENERAL LOCATION: At the northwest corner of Central and Rock
Road

LAND USE: Subject property is occupied by a service station
and a nonconforming automatic car wash, east is a
service station, west is a commercial building under
construction, land to the north and south is un-
developed.

ZONING: Subject property is zoned "LC" - Light Commercial as
are those properties to the north, south, east 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 providing the condition,
as set out under Section 28.04.183.4 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 northwest corner
of Central and Rock Road. 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 applicant is now operating a service station and a one
lane automatic car wash at this location and he desires to bring
the car wash use through the granting of a use exception, into
conformity.

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

It is the opinion of the Secretary that this request is not the type of development that should be encouraged or associated with every service station in the City. However, in view of the application area being located at the intersection of two major streets and taking into consideration the surrounding large areas of "LC" - Light Commercial zoning, it would appear that the granting of the exception in this instance would be proper.

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 Central and 35 feet from Rock Road.
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.

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

November 5, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 27-69

An application has been filed by Derby Refining Company, Colorado Derby Building, 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 a one lane automatic car wash on property zoned "LC" - Light Commercial and legally described as follows:

The east 150 feet of the south 150 feet of Lot 30, Block 3, in Woodlawn East, an Addition to Wichita, Sedgwick County, Kansas. (generally located at the northwest corner of Central and Rock Road).

This application has been assigned Case No. BZA 27-69 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 25, 1969, 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

7 Notices Mail Nov 5

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 27-69
FILED 10-22-69

APPLICATION FOR EXCEPTION

I. Name of Applicant DERBY REFINING COMPANY
Mailing Address COLORADO DERBY BUILDING Phone AM 7-0361
Name of Authorized Agent C. ROBERT BELL
Mailing Address 23 South Market, 67202 Phone AM 4-2841
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, ¶ 4, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of a one lane automatic car wash operation
_____ on property zoned
L.C., located at the Northwest corner of Central and Rock Road
_____ and legally described as: The East
150' of the South 150' of Lot 30, Block 3, Woodlawn East Addition

_____, in the City of Wichita.

*Use legal
franchise
ownership
list*

- 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
Authorized Agent C. Robert Bell

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, _____ (a.m. - p.m.), October 22, 1969, together with appropriate fee of \$50.00.

T9-403

Signed Laura M. Scott

LAW OFFICES OF
MORRIS, LAING, EVANS & BROCK

214 FIRST FEDERAL SAVINGS BUILDING
123 SOUTH MARKET STREET

WICHITA, KANSAS 67202

October 7, 1969

LESTER L. MORRIS
1901-1966

VERNE M. LAING

FERD E. EVANS, JR.

RALPH R. BROCK

JOSEPH W. KENNEDY

C. ROBERT BELL

ROBERT L. DRISCOLL

ROBERT I. GUENTHNER

DAVID C. ADAMS

AREA 316
AMHERST 4 2841

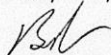
Mr. Paul Graves
Traffic Engineer
City Annex
Wichita, Kansas

RE Derby Refining Company automatic car wash
application at the NW corner of Central
and Rock Road

Dear Paul:

Enclosed herewith is a detailed plot plan in duplicate showing the information required in connection with the above-referenced application. In the event you have any questions or requirements in connection with this matter will you please give me a call, otherwise, would you please indicate your approval hereon and forward this to the Board of Zoning Appeals and notify me of your action.

Yours very truly,



C. Robert Bell, of
MORRIS, LAING, EVANS & BROCK

CRB/cs
Enc.

October 9, 1969

M. C. Robert Bell
Morris, Laing, Evans & Brock
214 First Federal Savings Building
123 South Market
Wichita, Kansas 67202

Dear Bob:

Reference your letter of October 7, 1969 regarding the plot plan at the Derby Refining Company automatic car wash at the northwest corner of Central and Rock Road. Please be advised that your plans have been approved with minor exceptions and have been forwarded to Jack Galbreith, Senior Planner, Metropolitan Area Planning Department. I assume that Mr. Galbreith will contact you regarding your application in the near future.

Sincerely yours,

Paul B. Graves
Paul B. Graves, P.E.
City Traffic Engineer

PEB:cg

cc: Jack Galbreith, Planning Department ✓



copy

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:

The South 150 ft of the East 150 ft of Lot 30, Block 3, in Woodlawn East, an Addition to Wichita, Sedgwick County, Kansas.

Use for legal


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 30, exc N 60 ft, Blk 3, Woodlawn East Addition.

✓Walter Morris Investment Company, Inc.
208 N. Broadway 67202

*Ground Lease on: S 150' of E 150' Lot 30, Blk 3, Woodlawn East Addition.

✓Derby Refining Company Division of Colorado Oil & Gas Corporation.

C-21727-54

Beg 40' S & 65' W of NE cor Sec 19, Twp 27, R 2 E; th W 530'; S 550'; E 530'; N 550' to beg., exc E 50' for Street.

*915 W Nat Bldg
144 S Broadway*

✓Rock Road Improvement, Inc.
216 S. Market 67202

C-21727-43

Beg 30' E & 30' N of SW cor SW $\frac{1}{4}$ Sec 17, Twp 27, R 2 E; th N 664.11'; E 295.16'; S 664.11'; W to beg., exc W 290' of S 190'.

M. J. Vickers
Trustees of Estate of J. A. Vickers


Fidelity
Title
Company,
Inc.

C-21727-43A

W 200' of S 190', exc S 40' & exc W 30' for road. SW $\frac{1}{4}$ Sec 17-27-2E.

✓Continental Oil Co., Tax Dept.
Drawer 1257,
Ponca City, Okla. 74602

-2-

Lot 1, Block 1, Dean-Rupert First Addition.

✓ Karl Solomon
1102 Whitfield Lane 67206

Dated at Wichita, Kansas this 20th day
of October, 1969 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By _____ OEM
V. Pres.

Tracer # 2966

Form 273-021

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

Comptroller *16.00*

Name

Address

Type

Due Date

Comments:

Date

By

11-22-69

[Signature]

*

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