

Case No. EZA 27-81 - Larry Rhodes - requests an exception to permit the establishment of an automatic in-bay car wash on property zoned "LC" Light Commercial and generally located at 895 South Woodlawn.

*POSTED
7-9-81*

ACTION

<i>EZA</i> 27-81	COMMITTEE	<u>APPROVED</u>	DATE	<u>7-28-81</u>
	M.A.P.C.	_____		
	B.C.C./B. CO. C.	_____		

58164

18-81
7-28-81
8-11-81
8-11-81

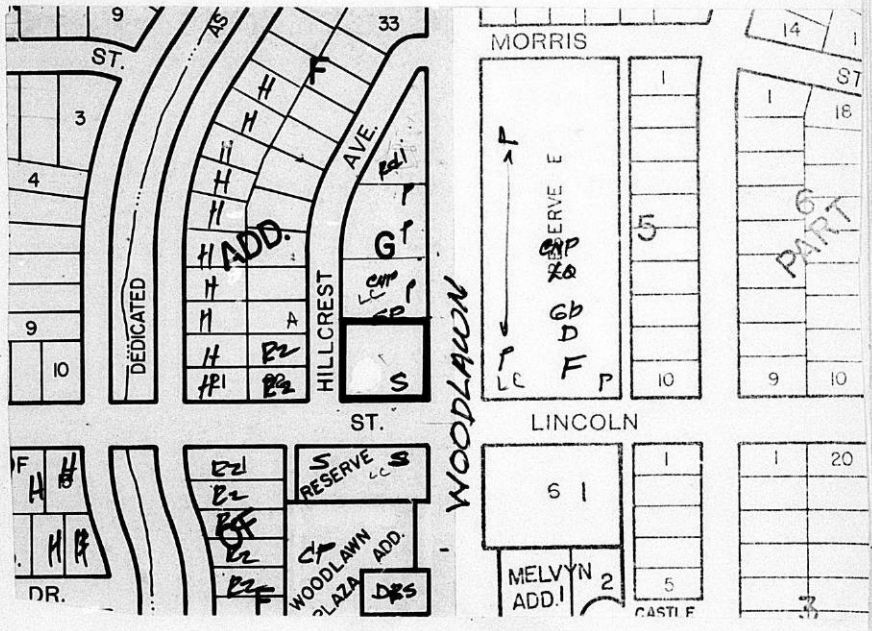
200
checkbook
to
Raymond

Map No. 5846A
 Sec. 25
 Twp. 37
 Range 1E

BZA- 27-81
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.45 (125 ft. by 160 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East FOOD STORE South SERVICE STAT.
 West TWO FAM North CLEANERS
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: SERVICE STAT.
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



SHANNON
 No. 2153C
 U.S. AERIAL PHOTOGRAPHIC CORP., LOGAN, UT
 WASHINGTON, D.C.
 WASHINGTON, D.C.
 WASHINGTON, D.C.
 U.S.A.

September 24, 1981

Mr. Larry Rhodes
722 North Baltimore
Derby, Kansas 67037

Re: EZA 27-81 Lincoln & Woodlawn

Dear Mr. Rhodes:

On July 30, 1981 a copy of the Resolution adopted by the Board of Zoning Appeals setting forth the approval of an exception to establish an automatic carwash on your property was forwarded to you.

As you will note, condition number 14 of the Resolution stipulates that all of the conditions established by the Board must be completed within 60 days of the release of the resolution. This date is fast approaching and it appears that you have stopped work on the expansion of the parking on the west side of the building.

Please note that we will have no alternative but to refer this matter back to the Board of Zoning Appeals to nullify the resolution unless you take steps to complete the off-street parking as submitted and approved by the Board.

For your information, the gentleman from AMOCO that brought in your application assured me that you would now have plenty of room on private property to park your wrecker when the move was completed. I am certain that you are aware that the parking of vehicles on "sidewalks" and the "sidewalk area" as defined in Section 11.04.320 of the City Code is a violation.

It has been observed on a daily basis that you are violating this provision of the code, not only with your wrecker, but also with employee or customer vehicles. It is definite that you need the additional parking that is required by the resolution. It is also noted that the portable signs on your property do not observe the 6 foot setback from public right-of-way (sidewalk) when located within 25 foot of a driveway approach.

By copy of this letter to Central Inspection I am asking them to advise us of your intention to comply with the requirements of the Resolution.

I hope it will not be necessary to refer this matter to the Board for action to nullify the resolution.

If you have any questions, please give me a call at 268-4421.

Sincerely,

Glen E. Lytle
Assistant Secretary

cc: Robert B. Feldner, Superintendent of Central Inspection

July 30, 1981

Larry Rhodes
722 North Baltimore
Derby, Kansas 67037

Re: Case No. BZA 27-81
Request for Exception

Dear Mr. Rhodes:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 28, 1981.

This Resolution reflects the official action of the Board to approve 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

CEL:sad
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisiak, City Clerk

RESOLUTION NO. BZA 27-81

WHEREAS, Larry Rhodes, 722 North Baltimore, Derby, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a self-service car wash on property zoned the "LC" Light Commercial District and legally described as follows:

The south 125' of block G in A. J. Christman Second Addition, Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Woodlawn and Lincoln (895 South Woodlawn).

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 July 28, 1981, 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 establishment of a self-service car wash 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 for the establishment of a one-bay self-service car wash on property zoned the "LC" Light Commercial District and legally described as follows:

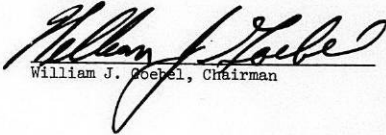
The south 125' of block G in A. J. Christman Second Addition, Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Woodlawn and Lincoln (895 South Woodlawn).

subject to the following conditions:

1. 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.
2. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
3. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. Off-street holding spaces shall be provided on the property at the ratio of not less than four holding spaces for each self-service car washing stall.
6. Off-street drying spaces shall be provided on the property at the ratio of not less than two parking spaces for each self-service car washing stall.
7. One off-street parking space shall be provided for each two employees.

8. All parking spaces and drying spaces shall have adequate guards or curbs to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
9. All circulation drives adjacent to public right-of-way shall be provided with adequate guards to prevent vehicles from driving over the adjacent sidewalks.
10. No ingress or egress shall be permitted to or from Hillcrest Avenue.
11. 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 bays and the installation of the mud trap at a location under roof or at a grade satisfactory to the Superintendent of Sewer Maintenance.
12. The area shall be properly policed through daily inspection by the owner or operator to insure property maintenance and removal of trash or other debris.
13. The applicant shall provide adequate signs to indicate direction of circulation on the property so that the customers will comply with the approved plan. This should also include striping of the lot to indicate parking and drying spaces and arrows to indicate direction for travel in the holding spaces.
14. All of the above conditions of approval must be complied with within 60 days of the release of the Resolution or the Resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of July, 1981.


William J. Goebel, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

July 29, 1981

Larry Rhodes
722 North Baltimore
Derby, Kansas 67037

Re: Case No. BEA 27-81
Request for Exception

Dear Mr. Rhodes:

At the regular meeting of the Board of Zoning Appeals on July 28, 1981, your request for an exception was considered.

It was the action of the Board to approve your request subject to the following conditions:

1. 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.
2. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
3. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. Off-street holding spaces shall be provided on the property at the ratio of not less than four holding spaces for each self-service car washing stall.
6. Off-street drying spaces shall be provided on the property at the ratio of not less than two parking spaces for each self-service car washing stall.
7. One off-street parking space shall be provided for each two employees.
8. All parking spaces and drying spaces shall have adequate

guards or curbs to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.

9. All circulation drives adjacent to public right-of-way shall be provided with adequate guards to prevent vehicles from driving over the adjacent sidewalks.
10. No ingress or egress shall be permitted to or from Hillcrest Avenue.
11. 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 bays and the installation of the mud trap at a location under roof or at a grade satisfactory to the Superintendent of Sewer Maintenance.
12. The area shall be properly policed through daily inspection by the owner or operator to insure property maintenance and removal of trash or other debris.
13. The applicant shall provide adequate signs to indicate direction of circulation on the property so that the customers will comply with the approved plan. This should also include striping of the lot to indicate parking and drying spaces and arrows to indicate direction for travel in the holding spaces.
14. All of the above conditions of approval must be complied with within 60 days of the release of the Resolution or the Resolution shall become null and void.

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.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

OKL:sad

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Giesick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE July 22, 1981

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 27-81 (Northwest corner of
Lincoln and Woodlawn - 895 South
Woodlawn)

CPO Council "G" considered the captioned case at their July 20th meeting and voted, 6-0, to recommend approval of the exception request to permit the establishment of a self-service (automatic) car wash on property zoned the "LC", Light Commercial District, at the aforementioned location.

No one was present to speak in support or opposition to the application.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the July 28th meeting.

Shirley Mast
Shirley Mast
Administrative Aide III

SM:ml

Noted:

Sarah Gilbert
Sarah Gilbert
CP Coordinator

SECRETARY'S REPORT
CASE NO. BZA 27-81

APPLICANT: Larry Rhodes, 722 North Baltimore, Derby, Kansas

AGENT: None

REQUEST: Exception pursuant to Section 28.04.183.4, Code of the City of Wichita to permit the establishment of a self-service (automatic) car wash on property zoned the "LC" Light Commercial District.

GENERAL LOCATION: On the northwest corner of Lincoln & Woodlawn (695 South Woodlawn)

ZONING: Subject property is zoned "LC" Light Commercial as are all properties to the east, south and north. Property to the west is "A" Two-family zoning.

LAND USE: Subject property is occupied by a Service Station that is being remodeled and expanded. Properties to the east, south and north are developed commercially. Properties across the street west are Two-family Dwellings.

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 permit the establishment of a self-service (automatic) car wash on property zoned the "LC" Light Commercial District. This car wash is in conjunction with the expansion of an existing service station that provides full service. The applicant is moving from the southwest corner of the intersection where he has been located for sometime on a very limited site. The applicant is not only expanding the building, he is also providing additional parking on the site for his customers.

It should be noted that the entire general area is developed with a mixture of commercial uses and the location of the property is on the corner of two arterial streets. Although the applicant's property is also adjacent to Hillcrest, it is considered a residential street and should not provide ingress or egress from that street.

RECOMMENDATION:

Should the Board determine that the requested use is appropriate at this location, then it is the Secretary's recommendation that the application for a 1-bay car wash be approved subject to the following conditions:

1. 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.
2. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
3. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

5. Off-street holding spaces shall be provided on the property at the ratio of not less than four holding spaces for each self-service car washing stall.
6. Off-street drying spaces shall be provided on the property at the ratio of not less than two parking spaces for each self-service car washing stall.
7. One off-street parking space shall be provided for each two employees.
8. All parking spaces and drying spaces shall have adequate guards or curbs to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.
9. All circulation drives adjacent to public right-of-way shall be provided with adequate guards to prevent vehicles from driving over the adjacent sidewalks.
10. No ingress or egress shall be permitted to or from Hillcrest Avenue.
11. 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 bays and the installation of the mud trap at a location under roof or at a grade satisfactory to the Superintendent of Sewer Maintenance.
12. The area shall be properly policed through daily inspection by the owner or operator to insure property maintenance and removal of trash or other debris.
13. The applicant shall provide adequate signs to indicate direction of circulation on the property so that the customers will comply with the approved plan. This should also include striping of the lot to indicate parking and drying spaces and arrows to indicate direction for travel in the holding spaces.
14. All of the above conditions of approval must be complied with within 60 days of the release of the Resolution or the Resolution shall become null and void.

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

JULY 8, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 27-81

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 Larry Rhodes, 722 North Baltimore, Derby, Kansas, 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 establishment of a self-service car wash on property zoned "LC" Light Commercial. A legal description of the applicant's property is as follows:

The south 125' of block G in A. J. Christman
Second Addition, Wichita, Sedgwick County,
Kansas. Generally located at 895 South
Woodlawn.

This application has been assigned Case No. BZA 27-81. It will be considered by the Board of Zoning Appeals on July 28, 1981, 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.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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

Jack H. Galbraith
Secretary

BZA CASE NO. 27-81

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

18 NOTICES SENT TO ADJOINING PROPERTY OWNERS

30 TOTAL NOTICES SENT 7-8-81

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 27-81
FILED 6-11-81

APPLICATION FOR EXCEPTION

I. Name of Applicant LARRY Rhodes
Mailing Address 722 NO. BALTIMORE DERRY, KS Phone 788-1641
Name of Authorized Agent SELF
Mailing Address SAME Phone SAME
Relationship of applicant to property is that of OWNER
(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 AN AUTOMATIC IN BAY CAR
WASH

on property zoned "LC" LIGHT COMMERCIAL,
located BT 895 SO. WOODLAWN WICHITA, KS 67218
and legally described as: THE SOUTH 125' OF BLOCK
G IN A.F. CHRISTMAN SECOND ADDITION
AN ADDITION IN WICHITA SEDGWICK CO. KANSAS
_____ , 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. 36-596); 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 Larry L. Rhodes

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:00 (2:00-p.m.), JUNE 11, 1981 together with appropriate fee of 20.00.

Signed A. Lytle

RHODES, INC.
722 N. Baltimore
Derby, Kansas
June 11, 1981

BOARD OF ZONING APPEALS

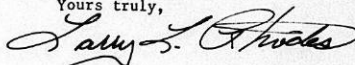
Gentlemen:

I am the owner and operator of a full-service Standard Station being modernized at 895 S. Woodlawn, Wichita, Ks. This location is zoned light commercial. I am asking that a zoning exception be granted to install an automatic car wash in one of the station's bays.

Car washing has always been offered at service stations as a service. An automatic car wash makes washing a car an easy task. My location has plenty of area to handle stacking spaces and drying spaces, without causing any traffic problem.

Eighteen out of twenty full-service Standard Oil Stations in the City of Wichita have an automatic car wash installed in one of their bays. In order to be competitive with other service stations and to offer my customers a needed service, I respectfully ask that you grant this exception.

Yours truly,



LARRY L. RHODES

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
South 125 ft. of Block G		A.J. Christman 2nd Addition	<i>Dub</i> Rhodes, Inc., 722 N. Baltimore, Derby, 67037
North 125 ft. of the south 250 ft. of Block G		"	✓ H.F. Filson & Beverly Filson, 6221 E. 8th, 67208 AND J.L. Filson, Address Unknown, AND Beth Filson, Address Unknown
Block G exc. the north 200 ft. & exc. the south 250 ft.		"	✓ Raymond Shadid & Mary L. Shadid, 6320 E. 8th, 67208
18	F	"	✓ Lloyd Leslie Hull Jr. & Betty J. Hull (Deceased), 872 Fabrique, 67218
19	F	"	✓ Tully A. Straight Jr. & Evelyn R. Straight, 878 Fabrique, 67218
20	F	"	✓ Russell W. Cleeton & Mary Jane Cleeton, 886 Fabrique, 67218
21	F	"	✓ Donald F. Brungardt & Geertruida M. Brungardt, 6202 E. Lincoln, 67218
22	F	"	✓ Jesse L. Harris & Norma P. Harris, 3130 S. Seneca, 67217
23	F	"	✓ Charles W. London & Vera A. London, 4805 E. 24th St., 67220 AND Dennis W. London, 1531 Skyview, 67212
24, 25, & 26	F	"	✓ Charles W. London & Vera A. London, 4805 E. 24th St., 67220
27	F	"	<i>Henry</i> <i>returned</i> <i>7-13-52</i> ✓ Harry H. Hyndman Jr. & Janet K. Hyndman, 8013 E. Morris, 67207 <i>7520 Norfolk Circle</i> <i>67206</i>
Reserve E exc. the north 100 ft.		Replat of Part of Eastridge	✓ Daniel A. Thomas & Carol L. Thomas, 2008 Siefkin Lane, 67208

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
1	-	Woodlawn Plaza	<i>Dup</i> McClellan-Fallon Inc., 1302 Iroquois Rd., 67203
1 & the north 6 ft. of lot 2	F	Replat of Trollope-Fallon Addition	✓ Mary E. Johnson, 6105 E. Lincoln, 67218 <i>returned 7-13-81 addressee unknown</i>
2 exc. the north 6 ft.	F	"	✓ Mabel Redfield & L.E. Redfield, 910 Fabrique, 67218
West 10 ft. of vacated 20 ft. north-south alley between lots 1 & 2, Block F and Reserve A, lying north of Woodlawn Plaza Add.	-	"	✓ McClellan-Fallon Inc., 1302 Iroquois Rd., 67203
North 100 ft. of Reserve A exc. the east 100 ft. thereof, together with the east 10 ft. of vacated alley adj. on the west	-	"	✓ Archie T. Arnold & Anita D. Arnold, 233 Penrose Dr., 67206
East 100 ft. of the north 100 ft. of Reserve A	-	"	✓ The American Oil Co., Box #954 Shawnee Mission, Kansas 66201
North 100 ft. of the west 100 ft. of lot 6	1	Eastridge 7th Addition	✓ Lindy Andeel, 5900 E. Central Room 201, 67208 AND Harry Pollak, Address Unknown <i>Wibuta Sum 8220 E. Village ms Sarasota, Fla.</i>

page 3

We hereby certify the foregoing to be a true and correct list of the property owners within a 200 foot radius of

The South 125 feet of Block G, A.J. Christman
Second Addition, an Addition in Wichita, Sedgwick
County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 3rd day of June, 1981, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable
Vice-President

Order No. 299304
GE

WICHITA - SEDGWICK COUNTY

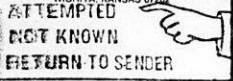


BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR

455 NORTH MAIN STREET

WICHITA, KANSAS 67202



*BZA
27-81 7-13-81
Listed in the phone book
The same*



JOH 05 210916N1 07/09/81
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Mary E. Johnson
6105 East Lincoln
Wichita, Kansas 67218

*P.F.
1821*

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR

455 NORTH MAIN STREET

WICHITA, KANSAS 67202

*BZA
27-81
7-13-81
Harry H. & Janet K. Hyndman Jr.
7520
7206*



0716 RAY 7-10-81
MYN 13 160907N1 07/09/81
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Harry H. & Janet K. Hyndman Jr.
8013 East Morris
Wichita, Kansas 67207

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 021

PAYMENT NOTICE
 City of Wichita

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

DESCRIPTION		AMOUNT
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	

*

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

Roll # 2