

✓
Postcard
8-31-79
P

ACTION

BZA
43-79

BZA COMMITTEE Deferred to 10/23/79 DATE 10-23-79

~~BZA~~ Approved 10-23-79

~~BZA COS~~

✓ 200 MAPD 10-13-79
✓ 200 CI 10-15-79
RECORDED

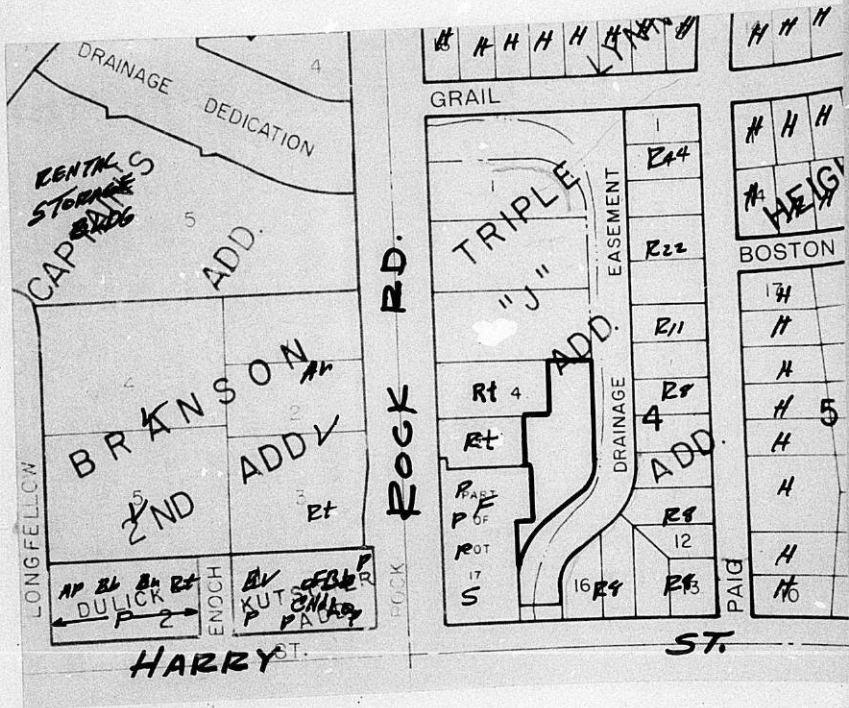
Case No. 43-79 - Thomas J. Stever requests exception to permit est. of a self-service car wash on prop. zoned "LC" and gen. loc. on the east side of Rock Road in an area north of Harry.

Map No. 6046
 Sec. 29
 Twp. 27
 Range 2E

BZA- 43-79
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.7 (IRREGULAR) ft. by 130 ft. by 325 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East _____ South _____
 West _____ North _____
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: _____
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



Sinead®
 No. 2153C
 HASTINGS, MINN. LOS ANGELES
 LOGAN OH. - McNEGOR, TX U. S. A.

BZA 43-79

November 6, 1979

Thomas J. Steven
2375 Cardinal Drive
Wichita, Kansas 67204

Re: Case No. BZA 43-79
Request for Exception

Dear Mr. Steven:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 23, 1979, in connection with your request for an exception to permit the establishment of a self-service car wash on property zoned "LC" Light Commercial and generally located on the east side of Rock Road north of Harry Street.

This Resolution reflects the official action of the Board to approve this 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:bbc
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

3

RESOLUTION NO. BZA 43-79

WHEREAS, Thomas J. Steven, 2375 Cardinal Drive, Wichita, 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 "LC" Light Commercial District and legally described as follows:

Lot 4, Triple J Addition, Wichita, Kansas except that portion described as beginning at the front corner common to Lots 4 and 5 in said Triple J Addition, thence east along the line common to said Lots 4 and 5 and extended a distance of 200 feet; thence north parallel with the west line of said Lot 4, 100.32 feet to the north line of said Lot 4; thence west along the north line of said Lot 4, 200 feet, to the NW corner of said Lot 4; thence south 100 feet to beginning. Generally located on the east side of Rock Road in an area north of Harry.

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 October 23, 1979, 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 "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 establishment of a self-service car wash on property zoned "LC" Light Commercial District and legally described as follows:

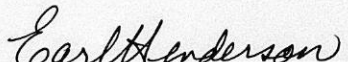
Lot 4, Triple J Addition, Wichita, Kansas, except that portion described as beginning at the front corner common to Lots 4 and 5 in said Triple J Addition, thence east along the line common to said Lots 4 and 5 and extended a distance of 200 feet; thence north parallel with the west line of said Lot 4, 100.32 feet to the north line of said Lot 4; thence west along the north line of said Lot 4, 200 feet, to the NW corner of said Lot 4; thence south 100 feet to beginning. Generally located on the east side of Rock Road in an area north of Harry

subject to the following conditions:

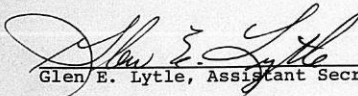
1. A six to eight foot high solid fence of masonry, metal, cedar or redwood shall be maintained in accordance with the conditions set forth in the resolution of Case No. BZA 58-79.
2. All of the area to be used for circulation, holding spaces, parking spaces and all ingress and egress drives, including common access drives, shall be surfaced with asphalt, concrete or asphaltic concrete and be maintained in good condition.
3. An agreement on the method and location for connection to the sanitary sewer shall be approved by the Superintendent of Sewer Maintenance.

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. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.
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 at the ratio of not less than four parking spaces for each self-service car washing stall.
8. 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.
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 property lines or parking spaces.
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 proper maintenance and removal of trash or other debris.
13. All above conditions of approval must be complied with prior to occupancy, or within one year from the date of approval by the Board, whichever comes first, or the Resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1979.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

October 24, 1979

Thomas J. Steven
2375 Cardinal Drive
Wichita, Kansas 67204

Re: Case No. BZA 43-79
Request for Exception

Dear Mr. Steven:

At the regular meeting of the Board of Zoning Appeals on Tuesday, October 23, 1979, your request for an exception to permit the establishment of a self-service car wash on property zoned "LC" Light Commercial and generally located on the east side of Rock Road north of Harry Street was considered.

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

1. A six to eight foot high solid fence of masonry, metal, cedar or redwood shall be maintained in accordance with the conditions set forth in the resolution of Case No. BZA 58-79.
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. An agreement on the method and location for connection to the sanitary sewer shall be approved by the Superintendent of Sewer Maintenance.
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. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.

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October 23, 1979
BEA 43-79

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 at the ratio of not less than four parking spaces for each self-service car washing stall.
8. 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.
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 property lines or parking spaces.
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 proper maintenance and removal of trash or other debris.
13. All above conditions of approval must be complied with prior to occupancy, or within one year from the date of approval by the Board, whichever comes first, 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

GEL:bbc

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 43-76

APPLICANT: Thomas J. Steven, 3375 Cardinal Drive,
Wichita, Kansas

AGENT: Same

REQUEST: Exception pursuant to Section 2.12.500.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.

GENERAL LOCATION: On the east side of Rock Road, approximately
350 feet north of Harry Street and is situated
behind the existing commercial along the east
side of Rock Road.

ZONING: Subject property is zoned "LC" Light Commer-
cial, as is the property to the west and north.
Property to the east and south is zoned "B"
Multiple Family. All property on the west side
of Rock Road is zoned "LC" Light Commercial.

LAND USE: Property to the west is occupied by a Quick
Trip and two fast food restaurants. Property
to the east is a drainage channel and multiple
family dwellings.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.500.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 an 8-bay self-service car wash on property zoned "LC" Light Commercial. The applicant is a lessee on the property and is proposing to use the rear portion of Lot 4, Triple J Addition, that is situated behind existing commercial located on the east side of Rock Road. Access to the car wash will be through an existing driveway through a joint access and utility easement. Egress from the car wash will be through a joint access drive through existing development to the west. This driveway is to a curb cut on Rock Road that has been installed in violation of the complete access control shown on the plat. It should be noted, however, that this driveway has been in existence for a long period of time and the owner of the property included in the application area has an agreement for use of the driveway for access to the rear portion of Lot 4.

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BZA 43-76
BZA AGENDA
9-25-76

The property included in the application area is immediately adjacent to property zoned "D" Multiple Family and an 80 foot drainage dedication. There is a 15 foot access maintenance easement on the application area that the Flood Control Division needs for maintenance of the drainageway. One of the conditions set forth in the ordinance for approval of the exception requested requires a 6 foot high screening fence adjacent to residential zoning. This creates a problem with the proposed development plan inasmuch as the applicant has indicated that the 15 foot maintenance easement would be used for circulation.

The applicant has indicated that the owner of the property has entered into an agreement with the property owner of the apartments east of the drainage channel to install and maintain a fence on the apartment property to provide the required screening between the commercial and residential development.

The applicant has been advised that should the owner desire to locate and maintain the fence on the east side of the drainage channel, it would be necessary for the owner to secure a variance of the location of the required screening. This would then clear the problem of the fence requirement on this application area and also on the property to the north.

It is the opinion of the Secretary that the request for an exception to establish a car wash on the property would be a proper use when complying with the conditions set forth in the ordinance.

RECOMMENDATION:

It is the opinion of the Secretary that if the Board determines this to be an appropriate location for a car wash facility, the approval of the exception shall be subject to the following conditions:

1. A six to eight foot high solid fence of masonry, metal, cedar or redwood shall be installed along the 15 foot access maintenance easement line for the entire portion of Lot 4 and that portion of Lot 3, Triple J Addition, that provides ingress to the car wash facility; or in lieu thereof, the owner shall file, for consideration by the Board of Zoning Appeals, an application for a variance on the location of the required screening in accordance with an agreement dated August 1, 1976 to install and maintain the fence on the east side of the drainage channel and receive approval thereof.

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BZA 23-70
BZA AGENDA
9-25-70

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. An agreement on the method and location for connection to the sanitary sewer shall be approved by the Superintendent of Sewer Maintenance.
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. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.
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 at the ratio of not less than four parking spaces for each self-service car washing stall.
8. 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.
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 property lines or parking spaces.
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 proper maintenance and removal of trash or other debris.
13. All above conditions of approval must be complied with prior to occupancy, or within one year from the date of approval by the Board, whichever comes first, or the Resolution shall become null and void.

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE September 18, 1979

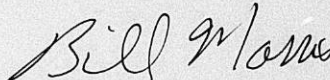
TO Jack Galbraith, Chief Planner, Current Plans

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 43-79 (East Side of Rock Road,
North of Harry)

On September 17 CPO Council "H" considered the captioned case. The Council voted 4-1 to recommend approval of the exception subject to the conditions recommended by MAPD staff. No citizens were present to oppose the proposal.

Council members supporting the exception felt that the general area around the property had developed in a manner that made a car wash appropriate.



Bill Morris
CPO Administrative Aide

BM:m1

NOTED:



Sarah Gilbert
Assistant CP Coordinator

RECEIVED

SEP 19 1979

METROPOLITAN PLANNING

ROUTE 2

September 26, 1979

Thomas J. Steven
2375 Cardinal Drive
Wichita, Kansas 67204

Re: Case No. BZA 43-79
Request for Exception

Dear Mr. Steven:

At the regular meeting of the Board of Zoning Appeals on Tuesday, September 25, 1979, your request for an exception to permit the establishment of a self-service car wash on property zoned "LC" Light Commercial and generally located on the east side of Rock Road north of Harry Street was considered. It was the decision of the Board to defer action on your request until the meeting of October 23, 1979, at which time the exception application will again be considered.

It was the request of the Board that a site plan showing the ingress and egress drives in relation to all development (including buildings, parking, loading and circulation drives) adjacent to your proposed car wash operation, be submitted for the Traffic Engineer's approval. As was discussed at the meeting of September 25, 1979, the Board indicated that your proposed use for the property is an appropriate and logical one. Their real concern is over the possible conflict of traffic movement through the property on which the Taco Tico Restaurant (1230 S. Rock Road) and the Quik Trip (1240 S. Rock Road) are presently located.

I would suggest that whoever is to prepare the site plan, that they work with Mr. McKinley of the Traffic Engineering Office, at the earliest convenience, so that this matter can be resolved prior to the meeting of October 23, 1979. I have taken this opportunity, by copy of this letter, to alert the adjacent property owners of the possible problem of vehicle movement through their respective properties.

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September 26, 1979
BZA 43-79

If at all possible, please provide me with a copy of the site plan as approved by the Traffic Engineer, by October 18, 1979, so that a slide may be prepared for presentation to the Board at their meeting.

Should you have any questions pertaining to this matter, or if I can be of any assistance to you, please give me a call at 268-4421.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:bbc

cc: Mary Kapietz, Chairman, Board of Zoning Appeals
~~Robert Brooks, 7701 E. ... 1205 6007~~
Bill McKinley, Assistant Traffic Engineer
Harvey Hefley, 1441 N. Rock Road 67206
George Middleton, c/o Lindy Andeel, 5900 E. Central 67208
Lindy Andeel, 5900 E. Central 67208
Reproco, Inc., Quik Trip Corp., 2778 S. Seneca 67217
Taco Tico, 3305 E. Douglas 67218

(Enclosure to Reproco & Taco Tico-copy of original site plan.)

Send copy
of staff report
to
Lindy Lindell
5900 E. Central
W.S. 9/17/79
~~done~~
R. M.

SECRETARY'S REPORT
CASE NO. BZA 43-75

APPLICANT: Thomas J. Steven, 2375 Cardinal Drive,
Wichita, Kansas

AGENT: Same

REQUEST: Exception pursuant to Section 2.12.500.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.

GENERAL LOCATION: On the east side of Rock Road, approximately
350 feet north of Harry Street and is situated
behind the existing commercial along the east
side of Rock Road.

ZONING: Subject property is zoned "LC" Light Commer-
cial, as is the property to the west and north.
Property to the east and south is zoned "B"
Multiple Family. All property on the west side
of Rock Road is zoned "LC" Light Commercial.

LAND USE: Property to the west is occupied by a Quick
Trip and two fast food restaurants. Property
to the east is a drainage channel and multiple
family dwellings.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.500.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 an 8-bay self-service car wash on property zoned "LC" Light Commercial. The applicant is a lessee on the property and is proposing to use the rear portion of Lot 4, Triple J Addition, that is situated behind existing commercial located on the east side of Rock Road. Access to the car wash will be through an existing driveway through a joint access and utility easement. Egress from the car wash will be through a joint access drive through existing development to the west. This driveway is to a curb cut on Rock Road that has been installed in violation of the complete access control shown on the plat. It should be noted, however, that this driveway has been in existence for a long period of time and the owner of the property included in the application area has an agreement for use of the driveway for access to the rear portion of Lot 4.

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BZA 43-76
BZA AGENDA
9-25-76

The property included in the application area is immediately adjacent to property zoned "B" Multiple Family and an 80 foot drainage dedication. There is a 15 foot access maintenance easement on the application area that the Flood Control Division needs for maintenance of the drainageway. One of the conditions set forth in the ordinance for approval of the exception requested requires a 6 foot high screening fence adjacent to residential zoning. This creates a problem with the proposed development plan inasmuch as the applicant has indicated that the 15 foot maintenance easement would be used for circulation.

The applicant has indicated that the owner of the property has entered into an agreement with the property owner of the apartments east of the drainage channel to install and maintain a fence on the apartment property to provide the required screening between the commercial and residential development.

The applicant has been advised that should the owner desire to locate and maintain the fence on the east side of the drainage channel, it would be necessary for the owner to secure a variance of the location of the required screening. This would then clear the problem of the fence requirement on this application area and also on the property to the north.

It is the opinion of the Secretary that the request for an exception to establish a car wash on the property would be a proper use when complying with the conditions set forth in the ordinance.

RECOMMENDATION:

It is the opinion of the Secretary that if the Board determines this to be an appropriate location for a car wash facility, the approval of the exception shall be subject to the following conditions:

1. A six to eight foot high solid fence of masonry, metal, cedar or redwood shall be installed along the 15 foot access maintenance easement line for the entire portion of Lot 4 and that portion of Lot 3, Triple J Addition, that provides ingress to the car wash facility; or in lieu thereof, the owner shall file, for consideration by the Board of Zoning Appeals, an application for a variance on the location of the required screening in accordance with an agreement dated August 1, 1976 to install and maintain the fence on the east side of the drainage channel and receive approval thereof.

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. An agreement on the method and location for connection to the sanitary sewer shall be approved by the Superintendent of Sewer Maintenance.
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. Signs shall be limited to that permitted by the zoning ordinance for the "LC" Light Commercial District.
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 at the ratio of not less than four parking spaces for each self-service car washing stall.
8. 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.
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 property lines or parking spaces.
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 proper maintenance and removal of trash or other debris.
13. All above conditions of approval must be complied with prior to occupancy, or within one year from the date of approval by the Board, whichever comes first, or the Resolution shall become null and void.

EASEMENT

THIS AGREEMENT, Made and entered into this
14th day of October, 1977,

BY AND BETWEEN

HARVEY W. HEFLEY and MERLE
JEAN HEFLEY, husband and wife,
8150 East Douglas, Wichita,
Kansas 67206,
Hereinafter referred to as

"HEFLEY"

AND

GEORGE MIDDLETON and EMMA L.
MIDDLETON, husband and wife,
and LINDY ANDEEL, a single
person, 5900 East Central,
Wichita, Kansas,
Hereinafter collectively
referred to as

"MIDDLETON"

W I T N E S S E T H: That,

WHEREAS, Harvey W. Hefley is the owner of the
following described real property, to-wit:

Lot Five (5), Triple J Addition
to Wichita, Sedgwick County, Kansas;

WHEREAS, George Middleton and Lindy Andeel are
the owners of the following described real property, to-wit:

Lot Four (4), Triple J Addition to
Wichita, Sedgwick County, Kansas;

WHEREAS, said properties are adjacent to each
other on Rock Road and said Lot Four (4) also extends east
of said Lot Five (5);

WHEREAS, there is access control on said Rock
Road to and from each of said properties with one opening
and curb cut located entirely upon said Lot Four (4) and
another curb cut and opening located partially on said
Lot Five (5); and

WHEREAS, the owners of each of said lots desires
to grant to the owners of the other of said lots a non-
exclusive right-of-way easement to use said curb cuts and

openings on Rock Road as well as any other curb cuts and openings hereafter permitted as a means of ingress and egress, to, from, and between said Rock Road and said lots;

NOW, THEREFORE, for and in consideration of the premises, the parties hereto agree as follows:

1. HEFLEY hereby grants, bargains, sells, and conveys unto MIDDLETON, his heirs, executors, administrators, devisees, legatees, successors, trustees, and assigns, a perpetual right-of-way easement in favor and for the benefit of the following described property, to-wit:

Lot Four (4), Triple J Addition to
Wichita, Sedgwick County, Kansas;

from his opening and curb cut on Rock Road, as well as any other such opening and curb cut on said Lot Five (5) to which he has access, over and across the following described property, to-wit:

Lot Five (5), Triple J Addition to
Wichita, Sedgwick County, Kansas;

to have, hold, use, and enjoy the same as a road right-of-way and passageway as a means of access by foot or by motor vehicle, either or both, as a means of ingress and egress to, from, and between said Rock Road and said Lot Four (4).

2. MIDDLETON hereby grants, bargains, sells, and conveys unto HEFLEY, his heirs, executors, administrators, devisees, legatees, successors, trustees, and assigns, a perpetual right-of-way easement in favor and for the benefit of the following described property, to-wit:

Lot Five (5), Triple J Addition to
Wichita, Sedgwick County, Kansas;

from his opening and curb cut on Rock Road, as well as any other such opening and curb cut on said Lot Four (4) to which he has access, over and across the following described property, to-wit:

Lot Four (4), Triple J Addition to
Wichita, Sedgwick County, Kansas;

to have, hold, use and enjoy the same as a road right-of-way and passageway as a means of access by foot or by motor vehicle, either or both, as a means of ingress and egress to, from, and between said Rock Road and said Lot Five.

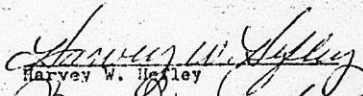
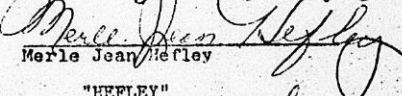
3. It is understood among the parties that said non-exclusive right to use said openings and curb

cuts is for the benefit of all of the owners of said Lots Four (4) and Five (5) as though said lots constituted one property and, in addition, shall be enforceable for the benefit of subsequent owners of said Lot Four (4) even though said Lot Four (4) may hereafter be subdivided. It is further understood and agreed that no improvements or parking shall be permitted to block said access easement across each of said properties and said easement shall be as directly accessible as is reasonably feasible.

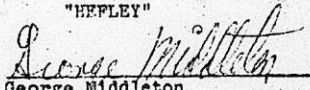
4. It is further understood and agreed among the parties that nothing herein contained shall in any way prohibit the construction of improvements on either of said properties so long as said reasonable access easement is retained between the properties so that the owners of said Lot Five (5) and their tenants, guests, and invitees shall have the right to use both of said openings and curb cuts from Rock Road as a means of access to said Lot Five (5) and, in addition, the owners of said Lot Four (4), and their tenants, guests, and invitees, shall have a right to use the same openings and curb cuts as a means of access to said Lot Four (4), it being understood that the said south curb cut partially located upon said Lot Five (5) shall at all times remain available as such access easement to that portion of Lot Four (4) lying east of said Lot Five (5).

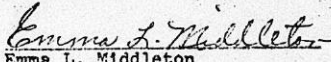
5. It is further agreed that this agreement shall be binding upon the heirs, devisees, legatees, executors, administrators, trustees, successors, and assigns of the parties hereto.


IN WITNESS WHEREOF, this easement has been executed as of the day, month, and year first above written.


Harvey W. Hefley

Merle Jean Hefley

"HEFLEY"


George Middleton


Emma L. Middleton


Lindy Andeel

"MIDDLETON"

STATE OF KANSAS)
SEDGWICK COUNTY) ss.

Before me, the undersigned, a notary public, within and for said county and state, on this 14th day of October, 1977, personally appeared Harvey W. Hefley and Merle Jean Hefley, husband and wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



Mary I. Pickens
Notary Public

My Commission Expires: Feb 5 1980

MISSOURI
STATE OF KANSAS)
ST LOUIS) ss.
SEDGWICK COUNTY)

Before me, the undersigned, a notary public, within and for said county and state, on this 19 day of October, 1977, personally appeared George Middleton and Emma L. Middleton, husband and wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



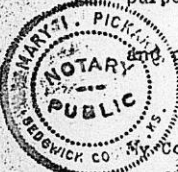
Delores C. Baker
Notary Public

My Commission Expires: 6-4-81

STATE OF KANSAS)
SEDGWICK COUNTY) ss.

Before me, the undersigned, a notary public, within and for said county and state, on this 14th day of October, 1977, personally appeared Lindy Andeel, a single person, to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



Mary I. Pickens
Notary Public

My Commission Expires: Feb 5 1980

APPROVAL OF TENANT

The above and foregoing grant of non-exclusive access easement is hereby approved by the undersigned tenant of said Lot Five (5), this 14th day of October, 1977.

TACO-TICO, INC.

By Francis E. Fedy, Pres.

STATE OF KANSAS)
) ss.
SEDGWICK COUNTY)

BE IT REMEMBERED, that before me, the undersigned, a notary public in and for said county and state, on this 14th day of October, 1977, personally appeared Francis E. Fedy of Taco-Tico, Inc., a corporation, to me personally known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its President, and duly acknowledged to me that he executed the same as his free and voluntary act and deed, and for and on behalf of and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



Mary I. Pichler
Notary Public

My Commission Expires:
Feb 2, 1980

BZA CASE NO. 43-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

5 NOTICES SENT TO ADJOINING PROPERTY OWNERS

17 TOTAL NOTICES SENT 9-5-79

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

September 5, 1970 *

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 43-70

An application has been filed by Thomas J. Steven, 2375 Cardinal Drive, Wichita, Kansas, pursuant to Section 2.12.500.C, Code of the City of Wichita, requesting an exception to permit the establishment of a self-service car wash on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 4, Triple J Addition, Wichita, Kansas, except that portion described as beginning at the front corner common to lots 4 and 5 in said Triple J. Addition, thence east along the line common to said lots 4 and 5 and extended a distance of 200 feet; thence north parallel with the west line of said lot 4, 100.32 feet to the north line of said lot 4; thence west along the north line of said lot 4, 200 feet, to the NW corner of said lot 4; thence south 100 feet to beginning. Generally located on the east side of Rock Road in an area north of Harry.

This application has been assigned case No. BZA 43-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 25, 1970, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 43-79
FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant THOMAS J. STEVEN
Mailing Address 2375 CARDINAL DR Phone 838 6850
Name of Authorized Agent THOMAS J. STEVEN
Mailing Address 2375 CARDINAL DR Phone 838 6850
Relationship of applicant to property is that of LESSEE
(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 8 BAY SELF SERVICE

CAR WASH on property zoned

"LC", located East side of Rock Road in an area north of Harry
HARRY ROAD RD

and legally described as: _____

See ownership list for legal

_____, in the City of Wichita.

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 Thomas J. Steven

Authorized Agent Thomas J. Steven

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 1:45 (a.m. - P.M.), August 27, 1979, together with appropriate fee of \$50.00

Signed G. Lynn Shirkley

O W N E R S H I P L I S T

Lot	Addition	Property Owner
<p>That part of lots 3 and 4, Triple J Addition described as beginning at the front corner common to lots 4 and 5 in said Triple J Add., thence east along the line common to said lots 4 and 5 and extended a distance of 200 feet; thence north parallel with the west line of said lots 3 and 4, 125.32 feet to a point 25 feet north of the south line of said lot 3, thence west parallel with the south line of said Lot 3, 200 feet to the west line of said lot 3; thence south 125 feet to beg.</p>		<p>✓ Pizza Inn of Delaware, Inc. P. O. Box 22247 Dallas, Texas 78222</p>
<p>lot 2, and lots 3 and 4 except portion above described, Triple J Addition</p>		<p><i>No listing</i> George Middleton Address Unknown</p>
<p>lot 5</p>	<p>Triple J Addition</p>	<p>✓ Harvey W. Hefley 1441 North Rock Road 67206</p>
<p>lots 4,5,6,7,8, and 9, Block 4</p>	<p>Lynncrest Heights</p>	<p>✓ H. Marvin Bastian and Frank M. Kessler 229 South Market 67202</p>
<p>lots 10,11,12,14 15 and 16, Block 4</p>	<p>Same</p>	<p>✓ Jen-Rentals Inc. c/o D. Keith Leshar Fourth National Bank & Trust 67202</p>
<p>Beginning at the Southwest corner of lot 17, Block 4, Lynncrest Heights, thence north along the west line said lot 17, 175 feet, thence east 130 feet, thence south 175 feet to the south line lot 17, thence west 130 feet to beginning</p>		<p><i>No listing</i> Reproco Inc. Address Unknown</p>
<p>lot 17, Block 4 except the south 175 feet of west 130 feet</p>	<p>Lynncrest Heights</p>	<p>✓ Betty J. Blackwill and Edythe S. Flynn 698 Wetmore Drive 67209</p>

Quick TRIP



SECURITY IS KNOWING

Title Insurance • Escrow Closings • Abstracts

We hereby certify the foregoing to be a true and correct list of the property owners of:

use for legal

A 200 foot radius of [Lot 4, Triple J Addition, Wichita, Kansas, except that portion described as beginning at the front corner common to lots 4 and 5 in said Triple J Addition, thence east along the line common to said lots 4 and 5 and extended a distance of 200 feet; thence north parallel with the west line of said lot 4, 100.32 feet to the northline of said lot 4; thence west along the north line of said lot 4, 200 feet, to the NW corner of said lot 4; thence south 100 feet to beginning]

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 22nd day of August, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Stable

Vice President

Order No. 280425
wh

FOAMY CAR WASH

2375 CARDINAL DR.
WICHITA, KS 67204
PHONE 838-6850



Dear Sirs:

Thomas J. Steven is submitting an Application for Exception to build a self-service car wash on light commercial property at Harry and Lock Road, Triple T Addition, on lot 4 in Wichita, Kansas.

The Board of Zoning Appeals has jurisdiction concerning this matter under section 28.04.183.

The location is now situated behind present business locations and would desirably develop a now unsightly area. A self-service car wash would also provide a much needed service to the people residing in the area.

Sincerely,

Thomas J. Steven

LOT SPLIT

Lots 3 and 4, Triple J Addition, Wichita, Kansas, except that part described as beginning at the front corner common to lots 4 and 5 in said Triple J Addition; thence east along the line of said lot 4 a distance of 200 feet; thence north parallel with the west line of said lots 3 and 4, 125 feet to a point 25 feet north of the south line of said lot 3; thence west parallel with the south line of said lot 3, 200 feet to the west line of said lot 3; thence south 125 feet to beginning.

That part of lots 3 and 4, Triple J Addition, Wichita, Kansas, described as beginning at the front corner common to lots 4 and 5 in said Triple J Addition; thence east along the line common to said lots 4 and 5 and extended a distance of 200 feet; thence north parallel with the west line of said lot 4, 125 feet to a point 25 feet north of the south line of said lot 3; thence west parallel with the south line of said lot 3, 200 feet to the west line of said lot 3; thence south 125 feet to beginning.

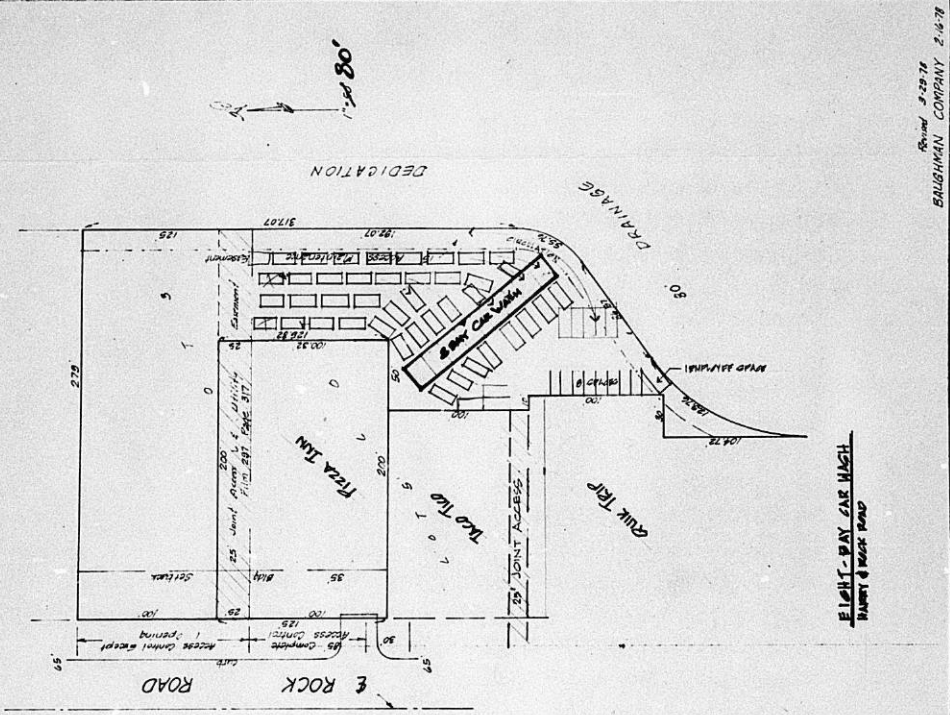
Ampl. Survey, Excepted 99
2.15 & 2.5 as Amended 7.1m 23 Aug. 1929

TRAFFIC ENGINEERING DIVISION APPROVED

Very Well *Good*

Date Aug 27, 1929

- (A) Parking barriers shall be installed at all locations that are adjacent to public property so that vehicles will not obstruct public property and have a minimum length of 6 feet and a minimum cross section of 4" x 4".
- (B) Stail lines shall be painted and 4" or greater in width.
- (C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.



EIGHT-BAY CAR WASH
THREE (3) BAY ROAD

**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.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
WATER	50.00
SEWER	
NAME: Thomas J. Starnes	
ADDRESS: 375 Industrial Plaza	
FUND: 11-41-76	DUE DATE: 1-1-77
COMMENTS:	
DATE: 1/27/77	BY: [Signature]

*

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

Roll # 2