

5343A

200' 4 Sec 3-2-83
Checked 3-3-83 mt
Shot 3-4-83
Recorded 3-16-83

Reshoot 9-28-83
M Spachio
Sheet 9-7-83

Case No. BZA 7-83 - AAA Rent-All -
requests an exception to permit the
expansion of an existing trailer,
vehicle, tool and equipment rental
business on property zoned the "IC"
Light Commercial District and generally
south side of 31st Street

ACTION

B.Z.A. 7-83

APPROVED

2-22-83
DATE

POSTED
2-11-83

5343A

200' 1/4 Sec 3-3-83
Checked 3-3-83 art
Shot 3-4-83
Recorded 3-16-83

Reshoot 9-28-83
in stacks
Shot 9-7-83

Case No. BZA 7-83 - MA Rent-All -
requests an exception to permit the
expansion of an existing trailer,
vehicle, tool and equipment rental
business on property zoned the "LC"
Light Commercial District and generally
the south side of 31st Street

Map No. 5343
 Sec. _____
 Twp. _____
 Range _____

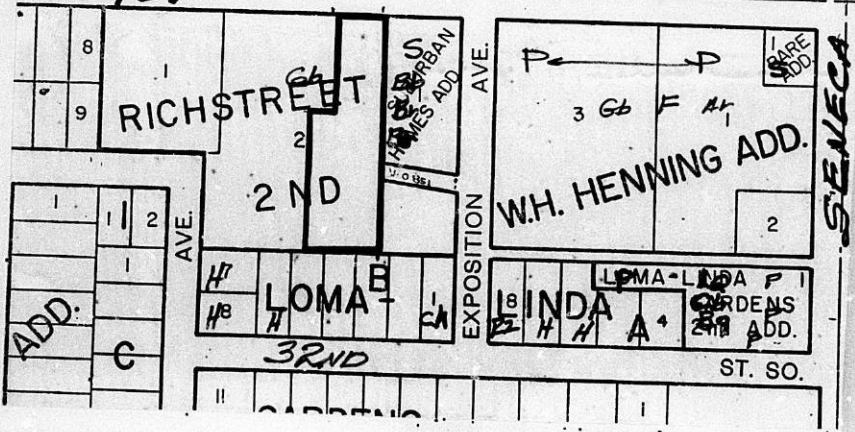
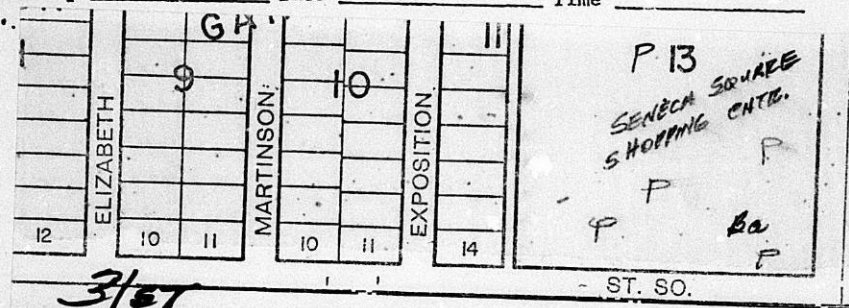
BZA- 7-83
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: _____ (150 ft. by 420 ft.) *(IRREGULAR)*
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East BEAUTY SHOP South UNDEVELOPED
 West GENL BUSINESS North _____
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: UNDEVELOPED
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



LOS ANGELES COUNTY
 REGISTERED PLANNING
 No. 2153C
 U.S.A.

Shaw
 No. 2153C

July 7, 1983

Donald C. Gisick, City Clerk

Jack H. Galbraith, Chief Planner

Z-2492 - "LC" to "E" - Zoning change associated with BZA 7-83.

On April 5, 1983 the Board of City Commissioners approved the above referenced zone change and instructed the Planning Commission to forward the ordinance for first reading when the conditions of approval of case number BZA 7-83 had been complied with. Such conditions have been complied with to our satisfaction.

Attached is the appropriate zoning ordinance which should be placed on first reading on the clerk's agenda for July 12, 1983, with the second reading and publication to occur the following week.

Jack H. Galbraith
Chief Planner

JHG:GLS:el -

Attachments

March 1, 1983

AAA Rent-All
1309 West 31st Street South
Wichita, Ks. 67217

Re: Case No. BZA 7-83
Request for Exception

Gentlemen:

Enclosed is a revised copy of the Resolution reflecting the correct number of days for compliance as set forth by the Board of Zoning Appeals on February 22, 1983. Inadvertently the resolution did not reflect the change that was made by the Board to increase the time from 90 to 180 days for compliance.

Please discard the previous resolution that was mailed to you last week.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

Encl.

cc: Planning Development Services, Inc., 625 First National Bank Bldg.,
Wichita 67202
Robert Feldner, Superintendent of Central Inspection (2)
Don Gaisick, City Clerk

RESOLUTION NO. EZA 7-83

WHEREAS, AAA Rent-All, 1309 West 31st Street South, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the expansion of an existing trailer, vehicle, tool and equipment rental business on property zoned the "LC" Light Commercial District and legally described as follows:

The east 95' of the north 175'; and the east 150' of the south 80.7' of the north 255.7'; and the east 150' of the west 330.67' of the south 163.67' of Lot 2, Richstreet 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South in an area between Elizabeth and Exposition Avenues (1309 West 31st Street South).

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of February 22, 1983, 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 location of a trailer, vehicle, tool and equipment rental business on property zoned the "LC" Light Commercial District subject to the conditions outlined in Section 28.04.183.2, 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 expansion of a trailer, vehicle, tool and equipment rental business on property zoned the "LC" Light Commercial District legally described as follows:

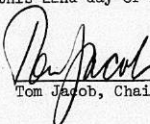
The east 95' of the north 175'; and the east 150' of the south 80.7' of the north 255.7'; and the east 150' of the west 330.67' of the south 163.67' of Lot 2, Richstreet 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South in an area between Elizabeth and Exposition Avenues (1309 West 31st Street South).

subject to the following conditions:


1. The applicant shall submit a new site plan in triplicate showing compliance with all conditions as established by the Board and set forth herein to the Secretary for approval prior to release of the Resolution.
2. Only equipment as indicated by the applicant's site plan dated February 21, 1983 shall be permitted in the area north of the building. All other equipment and vehicles shall be stored in the area south and east of the building.
3. The applicant shall provide some type of physical barriers at the limitations of the application area, as indicated by the applicant's site plan, to delineate the limits of the permitted storage and display areas. This may be planters and other forms of masonry walls or pipe rail enclosures as shown by the site plan.
4. All areas used for display, storage or work areas shall be surfaced with concrete, asphalt or other comparable material.
5. All lights shall be shielded to reflect or direct light away from any residential property. No string type lighting shall be permitted.

6. Only one ground or pole sign shall be permitted. All other ground or pole signs shall be removed. The maximum gross area and height shall be as permitted by the "LC" District as set forth in 28.04.139(G-1).
7. Only one portable sign shall be permitted at any time to the north of the building, whether used as a sign or not. All other portable signs must be located within the fenced area south of the building and not visably displayed as signs.
8. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structures.
9. No cleaning of equipment except by water pressure shall be permitted outside of an enclosed building.
10. No repair work shall be conducted except within an enclosed building.
11. Any area used for storage of aggregate, cement, hoppers, etc. for the operation of a portable cement mixer operation shall be within an area zoned the "E" Light Industrial District.
12. Any ordinance effectuating a change in zoning for any portion of the area to "E" Light Industrial shall not be published until compliance with the conditions of this resolution.
13. A solid fence of masonry, metal or wood, not less than six feet nor more than eight feet in height, shall enclose all the storage area south of the building, except that for security purposes a length not more than 25 feet to the south of the building on the east and west lines of the area may be an open wire fence.
14. A copy of the approved site plan and resolution shall be kept on the premises at all times available to the person in charge and shall be presented upon request by any representative of Central Inspection.
15. Compliance with all improvements and physical limitations as set forth herein shall be completed within 180 days of approval by the Board or the resolution shall become null and void.
16. Resolutions No.'s. BZA 17-66, BZA 17-68 and BZA 22-69 shall become null and void 180 days after the approval of this resolution.

ADOPTED AT WICHITA, KANSAS, this 22nd day of February, 1983.


Tom Jacob, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

Corrected Copy 3-1-83

February 23, 1983

AAA Rent-all
1309 West 31st Street South
Wichita, Ks. 67217

Re: Case No. EEA 7-83
Request for Exception

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 22, 1983.

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

GEL:sad
Enclosure

cc: Planning Development Services, Inc., 625 First National Bank
Bldg., Wichita 67202
Robert Feldner, Superintendent of Central Inspection (2)
Don Giesick, City Clerk

RESOLUTION NO. BEA 7-83

WHEREAS, AAA Rent-All, 1309 West 31st Street South, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the expansion of an existing trailer, vehicle, tool and equipment rental business on property zoned the "LC" Light Commercial District and legally described as follows:

The east 95' of the north 175'; and the east 150' of the south 80.7' of the north 255.7'; and the east 150' of the west 330.67' of the south 163.67' of Lot 2, Richstreet 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South in an area between Elizabeth and Exposition Avenues (1309 West 31st Street South).

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of February 22, 1983, 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 location of a trailer, vehicle, tool and equipment rental business on property zoned the "LC" Light Commercial District subject to the conditions outlined in Section 28.04.183.2, 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 expansion of a trailer, vehicle, tool and equipment rental business on property zoned the "LC" Light Commercial District legally described as follows:

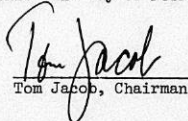
The east 95' of the north 175'; and the east 150' of the south 80.7' of the north 255.7'; and the east 150' of the west 330.67' of the south 163.67' of Lot 2, Richstreet 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South in an area between Elizabeth and Exposition Avenues (1309 West 31st Street South).

subject to the following conditions:

1. The applicant shall submit a new site plan in triplicate showing compliance with all conditions as established by the Board and set forth herein to the Secretary for approval prior to release of the Resolution.
2. Only equipment as indicated by the applicant's site plan dated February 21, 1983 shall be permitted in the area north of the building. All other equipment and vehicles shall be stored in the area south and east of the building.
3. The applicant shall provide some type of physical barriers at the limitations of the application area, as indicated by the applicant's site plan, to delineate the limits of the permitted storage and display areas. This may be planters and other forms of masonry walls or pipe rail enclosures as shown by the site plan.
4. All areas used for display, storage or work areas shall be surfaced with concrete, asphalt or other comparable material.
5. All lights shall be shielded to reflect or direct light away from any residential property. No string type lighting shall be permitted.

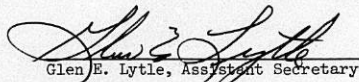
6. Only one ground or pole sign shall be permitted. All other ground or pole signs shall be removed. The maximum gross area and height shall be as permitted by the "IC" District as set forth in 28.04.139(G-1).
7. Only one portable sign shall be permitted at any time to the north of the building, whether used as a sign or not. All other portable signs must be located within the fenced area south of the building and not visably displayed as signs.
8. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structures.
9. No cleaning of equipment except by water pressure shall be permitted outside of an enclosed building.
10. No repair work shall be conducted except within an enclosed building.
11. Any area used for storage of aggregate, cement, hoppers, etc. for the operation of a portable cement mixer operation shall be within an area zoned the "E" Light Industrial District.
12. Any ordinance effectuating a change in zoning for any portion of the area to "E" Light Industrial shall not be published until compliance with the conditions of this resolution.
13. A solid fence of masonry, metal or wood, not less than six feet nor more than eight feet in height, shall enclose all the storage area south of the building, except that for security purposes a length not more than 25 feet to the south of the building on the east and west lines of the area may be an open wire fence.
14. A copy of the approved site plan and resolution shall be kept on the premises at all times available to the person in charge and shall be presented upon request by any representative of Central Inspection.
15. Compliance with all improvements and physical limitations as set forth herein shall be completed within 90 days of approval by the Board or the resolution shall become null and void.
16. Resolutions No.'s. BZA 17-66, BZA 17-68 and BZA 22-69 shall become null and void 90 days after the approval of this resolution.

ADOPTED AT WICHITA, KANSAS, this 22nd day of February, 1983.

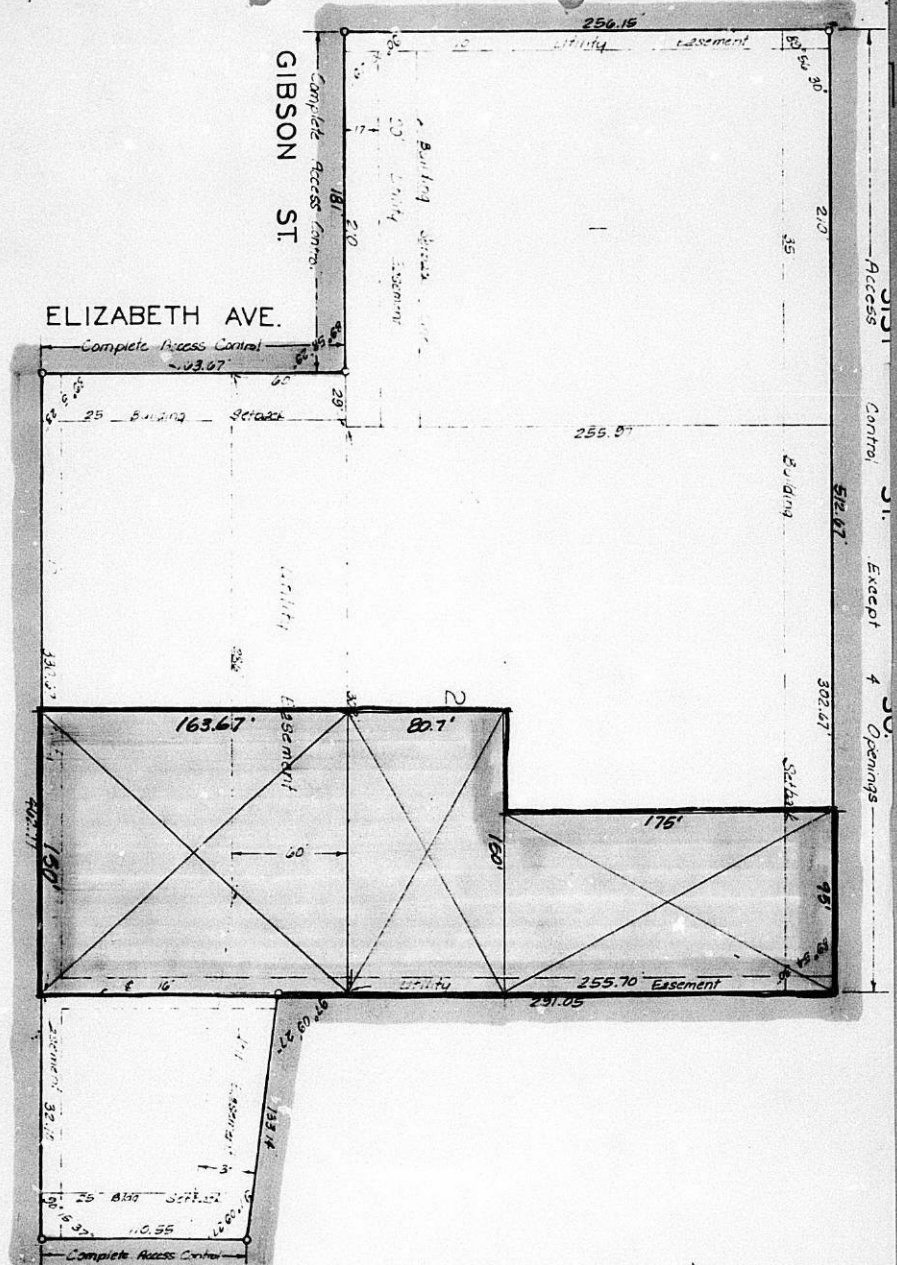


Tom Jacob, Chairman

ATTEST:



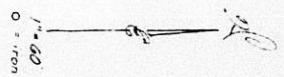
Glen E. Lytle, Assistant Secretary



ELIZABETH AVE.

GIBSON ST.

EXPOSITION AVE.



M/K/P

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE February 10, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Robert Tillman, Administrative Aide III

SUBJECT BZA 7-83: Generally located on the South side of 31st Street South in an area between Elizabeth and Exposition Avenues (1309 West 31st Street South)

At its Monday, February 7th, CPO Neighborhood Council "C" meeting, the Council considered BZA 7-83, a request for an exception to permit the expansion of an existing trailer, vehicle, tool, and equipment rental business on property zoned the "LC" Light Commercial District. After discussion, the Council voted 5-1 to recommend approval of the request at the captioned location.

John Gist, representative of the applicant, was present to speak to the Council. There were no area residents present to speak in support or opposition to the request. It should be noted that, because of scheduling, the CPO meeting was held five days after the letter of notification was mailed to area residents. The one negative vote, was because of the limited period of public notice.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 7-83 is considered at its Tuesday, February 22nd meeting.



Robert Tillman
Administrative Aide III

SECRETARY'S REPORT
CASE NO. BZA 7-83

APPLICANT: AAA Rent-All, 1309 West 31st Street South, Wichita, Kansas.

AGENT: Planning Development Services, Inc., 625 First National Bank Building, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita to permit the expansion of a trailer, vehicle and equipment rental business in the "IC" Light Commercial District.

GENERAL LOCATION: On the south side of 31st Street South and west of Exposition Avenue (1309 West 31st Street South).

ZONING: Subject property is zoned the "IC" Light Commercial District as are the properties to the east and west. Properties to the north and south are "AA" One-family District.

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 28.04.183.2 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting this exception to expand and consolidate the operation of a trailer, vehicle and equipment rental business which has been located in this general area for a number of years. At the present time, the business is operating under three separate BZA cases that were approved in 1966, 1968 and 1969 and are separated by 250 feet on the property. The applicant proposes to consolidate the operation at one location and has filed for "E" Light Industrial zoning on a portion of the property to accommodate a small portable concrete ready-mix operation. In the process of consolidation, the applicant is eliminating the operation from the west portion of the property. In order to provide access to the south portion of the application area, where the majority of the equipment and vehicles will be stored, the applicant is removing a portion of the building for the access drive along the east property line.

In review of the existing location with representatives of Central Inspection and by field check, it is found that the applicant is not in compliance with the conditions of the previously approved cases. Staff from Central Inspection also indicate the applicant has not been cooperative and has ignored notices issued on the violations.

Among the citations issued by Central Inspection has been the failure to install part of the required fence in conjunction with BZA 22-69. Also, the area to be surfaced for display or storage was never completed, and the trucks are located outside the approved area. One of the conditions of approval on BZA 17-68 was for the permission of 6 Trailers adjacent to 31st Street South and that the heavy equipment and trailer storage was to be south of the buildings. On February 10th, ditching equipment, high loader and other heavy equipment was all over the parking lot leaving little or no parking spaces for customers to pull in. It was also noted that the entire property owned by the applicant contained 4 portable signs, all in violation as to location in relation to the public right-of-way line. Since the applicant is in the business of renting such signs, proper placement should not be difficult. Also, there is a cluster of 3 permanent pole signs on the property for the rental business where one is the maximum under the present regulations. One sign not exceeding 200 square feet should be adequate.

It is suggested that since the location is immediately across the street from residential property that outside storage of trailers should be limited to 6 along the east property line and any other outside storage to the north of the main building be limited to small equipment such as non riding lawn mowers and other other similar equipment and located within 10 feet of the north face of the building. Another alternative would be to limit any display or storage to the first row of parking spaces immediately in front of the building.

The Board should also consider some method of assuring compliance with any conditions of approval deemed to be appropriate. This could include the recommendation for the withholding of the publication of the zoning change until compliance of all conditions are completed. It would also be appropriate to set a time for completion of all improvements or the case be considered null and void.

RECOMMENDATION:

Should the Board determine that the expansion and relocation of a trailer vehicle and equipment rental business is appropriate, then it is the recommendation of the Secretary that the application be approved subject to the following conditions:

1. The applicant shall submit a new site plan in triplicate showing compliance with all conditions as established by the Board and set forth herein to the Secretary for approval prior to release of the Resolution. OK
2. Only six trailers shall be displayed north of the building and shall be located along the east property line and not closer than 6 feet to the right-of-way line of 31st Street South.
3. Other display and storage of equipment such as non-riding mowers and other small equipment may be displayed within 10 feet of the north face of the building.
4. All other heavy equipment such as tractors, lifts, trucks, ditching equipment, graders, portable signs and all equipment related to the portable cement mixer operation shall be kept in the area east and south of the building.
5. All areas used for display, storage or work areas shall be surfaced with concrete, asphalt or other comparable material. OK
6. All lights shall be shielded to reflect or direct light away from any residential property. No string type lighting shall be permitted. OK
7. Only one ground or pole sign shall be permitted. All other ground or pole signs shall be removed. The maximum gross area and height shall be as permitted by the "LC" District as set forth in 28.04.139(G-1). OK
8. Only one portable sign shall be permitted at any time to the north of the building, whether used as a sign or not. All other portable signs must be located within the fenced area south of the building and not visably displayed as signs. OK
9. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structures. ✓
10. No cleaning of equipment except by water pressure shall be permitted outside of an enclosed building. ✓
11. No repair work shall be conducted except within an enclosed building. ✓
12. Any area used for storage of aggregate, cement, hoppers, etc. for the operation of a portable cement mixer operation shall be within an area zoned the "E" Light Industrial District. ✓

13. A solid fence of masonry, metal or wood, not less than six feet nor more than eight feet in height, shall enclose all the storage area south of the building, except that for security purposes a length not more than 25 feet to the south of the building on the east and west lines of the area may be an open wire fence.
- ✓ 14. A copy of the approved site plan and resolution shall be kept on the premises at all times available to the person in charge and shall be presented upon request by any representative of Central Inspection.
15. Compliance with all improvements and physical limitations as set forth herein shall be completed within 90 days of approval by the Board or the resolution shall become null and void. ?
16. Resolutions No.'s. BZA 17-66, BZA 17-68 and BZA 22-69 shall become null and void 90 days after the approval of this resolution.
17. Any ordinance effectuating a change in zoning for any portion of the area to "E" Light Industrial shall not be published until compliance with the previous conditions of this resolution.

BZA CASE NO. 7-83

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

14 NOTICES SENT TO ADJOINING PROPERTY OWNERS

27 TOTAL NOTICES SENT 2-2-83

1309 W 31st So



THE CITY OF WICHITA
OFFICE OF CENTRAL INSPECTION DIVISION DATE April 3, 1974

TO Jack Galbraith, Secretary, Board of Zoning Appeals
FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT
AAA Rent-All
1309 West 31st St. South
BZA 17-68 & BZA 22-69

Mr. Glenn Richardson, owner of AAA Rent-All, has been issued a notice that the above BZA exceptions are not in compliance.

The following conditions exist: More than six trailers and heavy equipment in violation of condition BZA 17-68, #1; failure to surface area in violation of condition BZA 22-69, #2; failure to install 25 feet of 3 ft fence required in condition #6. (There are also several large trucks for rent here which do not appear to be allowed by either BZA.)

Due to Mr. Richardson's failure to respond to our notice, we would recommend that these exceptions be revoked.

Should you desire further information or pictures, please advise.

RBF:rs

cc: Ray Bruggeman, Director of Public Works
John Dekker, Director of Law
Joe Donnelly, Maintenance Inspection Supervisor

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 conditions under Section 28.04.183.2, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to permit outdoor display for a tool and trailer rental operation on property zoned "LC" - Light Commercial and located on the south side of 31st Street South between Elizabeth and Martinson as extended from the north. Section 28.04.183.2 of the City Zoning Ordinance permits this type of operation in the "LC" zone subject to certain conditions and approval by the Board of Zoning Appeals.

On April 30, 1969, the applicant filed an application (Case No. BZA 17-68) requesting an exception to permit a tool and trailer rental operation on Lot 1, Bassett Second Addition which lies approximately 230 feet east of the area contained in this request. The Board of Zoning Appeals at its meeting on June 25, 1968, approved the application subject to certain conditions one of which limited the number of trailers to be displayed along 31st Street. The scaled development plan submitted by the applicant for the application area proposes a service station, with circulation drives on the north 100 feet. If this area is to be developed as a service station, then the open display of equipment should be confined to the south 205.7 feet of the application area. The applicant states that within the last twelve to eighteen months, the great demand for rental tools has caused a sharp increase in business which has necessitated the need for expansion of his operation.

It is the opinion of the Secretary that this request is not the type of use that should be encouraged at random throughout the City in the light commercial areas, however, in view of the granting of the previous request by the Board, it is possible that if the number of rental units are limited and an area is described within which the storage of trailers and heavier tool rental equipment such as cement mixers, etc. are confined, that this would exercise the necessary controls as to the appearance and magnitude of the operation. It should be pointed out that this type of control was required by the Board as a condition of approval of BZA Case No. 17-68.

RECOMMENDATION

It is the recommendation of the Secretary that this request for an exception to permit the operation of a tool and trailer rental business on property zoned "LC" - Light Commercial be approved on only the south 205.7 feet of the application area, subject to the following conditions:

1. That all storage and display areas shall be paved with concrete, asphalt or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No signs shall be permitted to project over public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building.
6. A 5 to 8 foot fence shall be constructed adjacent to the south and east property lines as indicated on the plot plan and a 5 to 8 foot fence constructed adjacent to the west property to within 25 feet of the north property line thence reduced to 3 feet in height and extended to the north property line. Said fences shall be constructed of a solid or semisolid masonry, architectural tile, staggered or louvered redwood or rough sawed cedar.
7. No access shall be permitted to Gibson Street.

No one appeared in opposition to this case.

MR. RICHARDSON, the applicant, pointed out that the total length of the lot was 255.7 feet rather than the 205.7 feet shown in the Secretary's Report. After reviewing the plats of the Bassett Second Addition, GALBRAITH pointed out that it had been recommended that the rental operation not be permitted to extend into the north 100 feet where the service station was proposed. GALBRAITH noted the error, and stated that the recommendation should have been only for the south 155.7 feet.

MR. RICHARDSON stressed the importance of public eye contact with the rental equipment and requested that the equipment be permitted in the west 10 feet of the north 100 feet.

MOTION: KRATZER moved, PHARES seconded, and it carried unanimously that this exception be approved as shown by the adoption of the following Resolution.

RESOLUTION NO. BZA 22-69

WHEREAS, Glenn L. Richardson dba AAA Rental, 3101 East Boston Avenue, Wichita, Kansas, by David W. Kennedy, Attorney, 1400 Wichita Plaza, Wichita, Kansas requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the operation of a tool rental business (including trailers), on property zoned "LC" - Light Commercial, and legally described as follows:

The west 130 feet of Lot #3 of the Bassett Second Addition to Wichita, Sedgwick County, Kansas.
Generally located on the south side of 31st Street South in an area west of Seneca.

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 28, 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 operation of a tool rental business (including trailers) on property zoned "LC" - Light Commercial subject to the conditions outlined in Section 28.04.183.2, 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 operation of a tool rental business (including trailers), on property zoned "LC" - Light Commercial, and legally described as follows:

The south 155.7 feet and the west 10 feet of the north 100 feet of the application area being the west 130 feet of Lot #3 of the Bassett Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the South side of 31st Street South in an area west of Seneca.

subject to the following conditions:

1. That all storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
3. No signs shall be permitted to project over public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building.
6. A 5 to 8 foot fence shall be constructed adjacent to the south and east property lines as indicated on the plot plan and a 5 to 8 foot fence constructed adjacent to the west property line to within 25 feet of the north property line thence reduced to 3 feet in height and extended to the north property line. Said fences shall be constructed of a solid or semi-solid masonry, architectural tile, staggered or louvered redwood or rough sawed cedar material.
7. No access shall be permitted to Gibson Street.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1969.

SS/Norman N. Doke
Norman N. Doke, Chairman

ATTEST:

SS/Jack H. Galbraith
Jack H. Galbraith, Secretary

MOTION: IRWIN moved, KRATZER seconded and it carried unanimously that this request for small lawn, garden and hand tool equipment rental be approved subject to the conditions as shown in the following adopted resolution.

The Attorney agreed to provide the Secretary with a legal description of the tract approved, for purposes of writing up the Resolution.

RESOLUTION No. BZA 17-66

WHEREAS, Glen L. Richardson, 1202 South Washington, Wichita, Kansas, has requested an exception, pursuant to Section 28.04.183.2, Code of the City of Wichita, and as authorized by Section 2.12.590.3, Code of the City of Wichita, to permit outdoor display for a retail tool rental business on property zoned Light Commercial and legally described as follows:

Lot 1, Basset Second Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South in an area west of Exposition; and

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 determined that it had proper jurisdiction to consider said request for an exception under provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the applicant desires to provide a lawn and garden equipment rental service in conjunction with the operation of a service station on subject premises; and

WHEREAS, it is apparent the applicant can comply with the conditions to approval of this request as set forth in Section 28.04.183.2, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the exception requested to permit the rental of small lawn and garden equipment in conjunction with the operation of a service station on property zoned Light Commercial:

Lot 1, Basset Second Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South in an area west of Exposition.

be approved, subject to the following:

1. Rental operation shall occupy only that property legally described as follows: Beginning at a point 67' (feet) south of the N.E. corner of Lot 1, Basset 2nd Addition thence west 40' thence south 30', thence east 40' to the east line of lot 1, thence north 30' to point of beginning.
2. That all storage and display areas shall be paved with concrete, asphalt or other comparable material.
3. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
4. No signs shall be permitted to project over public right-of-way.
5. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structures.
6. That the area approved for outside display of rental tools shall be screened on the south side of a three to five foot high solid or semi-solid masonry, architectural tile, louvered redwood or other similar fence material, such fencing to be constructed within a period of 60 days from the date of approval by the Board of Zoning Appeals.
7. No repair work shall be conducted except in an enclosed building.
8. Failure to comply with the above conditions prior to the occupancy of the site for the use granted shall declare the exception null and void.

GREENE replied they had leased the land for the Shop-Eze and that they could utilize part of that area for parking and that they could also have employees park behind the building, or at the back of the lot.

PHARES asked what was required for off-street parking spaces and said he felt the plan submitted by the applicant should show how many spaces were needed, and just where they were located.

SMITH said he was in accordance with the Secretary and felt the Board should specify the number of trailers allowed. Also that the suggested parking spaces should be shown on the plans, and that the applicant have them approved by Traffic Engineering in regard to circulation, etc.

MOTION: PHARES moved, SMITH seconded and it carried unanimously that this Exception be approved subject to the conditions as shown by the adoption of the following Resolution.

R E S O L U T I O N N O . B Z A 17-68

WHEREAS, Glenn L. Richardson, 304 South Brookside, Wichita, Kansas, by Jack H. Greene, 1135 Wichita Plaza Building, Wichita, Kansas requests an exception as provided in Section 2.12.590 B, Code of the City of Wichita, to permit the operation of a tool rental and trailer rental business on property zoned "LC" Light Commercial, and legally described as follows:

The east 95 feet of the north 175 feet and the east 120 feet of the south 80.7 feet of Lot 1. Bassett Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South, in an area west of Exposition: and

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 May 28, 1968 defer consideration of said application to their meeting of June 25, 1968; and whereas the Board of Zoning Appeals did, at the meeting of June 25, 1968, 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.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the operation of a tool rental and trailer rental on property zoned "LC" Light Commercial, subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals to the City of Wichita, that this application be approved to permit the operation of a tool rental and trailer rental business on property zoned "LC" Light Commercial, and legally described as follows.

The east 95 feet of the north 175 feet and the east 120 feet of the south 80.7 feet of Lot 1. Bassett Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South in an area west of Exposition.

subject to the following conditions:

1. The applicant shall submit revised copies of the Development Plan to the Office of Central Inspection and Traffic Engineering for their approval. Said plan shall indicate the location of the existing screening fence, the required number of off-street parking spaces for customer and employees, the designation of 6 trailers to be displayed adjacent to 31st Street, the location of storage for small machinery along the east property line north of the east building, and the location of heavy equipment and trailer storage south of the existing buildings. Said plan shall also show the Pizza Inn and Shop-Eze to the west, the channelization and off-street parking spaces and their relationship with the circulation, parking, and display areas of the application area. Two copies of the approved plan shall be submitted to the Secretary of the Board of Zoning Appeals.
2. That all storage and display areas shall be paved with concrete, asphalt or other comparable material.

3. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
4. No signs shall be permitted to project over public right-of-way.
5. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except in an enclosed building.
7. A 5 to 8 foot fence shall be constructed adjacent to the south, west and east property lines as indicated on the plot plan, said fence to be constructed of a solid or semi-solid masonry, architectural tile, louvered or staggered redwood, or other similar fence material.

ADOPTED AT WICHITA, KANSAS, this 25th day of June, 1968.

S/S H. W. Kratzer,
H. W. KRATZER, Chairman

ATTEST:

S/S Jack H. Galbraith
JACK H. GALBRAITH, Secretary

-
4. Case No. BZA 18-68 - Gary Bell, 2001 S. Broadway, Wichita, Kansas, by Billy G. Lafferty, 3202 Penley Drive, Wichita, Kansas, requests an exception pursuant to Section 2.12.590.C., Code of the City of Wichita to permit the installation or construction of U-Haul rental trailers, handtrucks, automobile top carriers, and bumper hitches on property zoned "LC" Light Commercial, and legally described as follows:

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

February 2, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. EZA 7-83

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 AAA Rent-All, 1309 West 31st Street South, Wichita, 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 expansion of an existing trailer, vehicle, tool and equipment rental business on property zoned the "LC" Light Commercial District and legally described as follows:

The east 95 feet of the north 175 feet; and the east 150 feet of the south 80.7 feet of the north 255.7 feet; and the east 150 feet of the west 330.67 feet of the south 163.67 feet of Lot 2, Richstreet 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 31st Street South in an area between Elizabeth and Exposition Avenues (1309 West 31st Street South).

This application has been assigned Case No. EZA 7-83. It will be considered by the Board of Zoning Appeals on February 22, 1983 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

MAYO

BOARD OF ZONING APPEALS

CASE NO. 7-83

CITY OF WICHITA, KANSAS

FILED 1-25-83

APPLICATION FOR EXCEPTION

I. Name of Applicant AAA RENT-ALL
 Mailing Address 1309 W. 31st St. South Phone 522-4737
Wichita, Kansas 67217
 Name of Authorized Agent PLANNING DEVELOPMENT SERVICES, INC.
 Mailing Address 625 1st Natl. Bank Bldg. Phone 262-0451
Wichita, Kansas 67202
 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~~ REARRANGMENT AND EXPANSION OF AN EXISTING TRAILER, VEHICLE, TOOL AND EQUIPMENT RENTAL BUSINESS

see also.

on property zoned "LC" LIGHT COMMERCIAL, located ON THE S. SIDE OF 31st ST. SO. IN AN AREA BETWEEN ELIZABETH AND EXPOSITION AVENUES and legally described as: THE E. 95 FT. OF THE N. 175 FT.; AND, THE E. 150 FT. OF THE S. 80.7 FT. OF THE N. 255.7 FT.; AND, THE E. 150 FT. OF THE W. 330.67 FT. OF THE S. 163.67 FT. OF LOT 2, RICH STREET 2nd ADDITION, WICHITA, KANSAS, XXXXXXXXXXXXXXXXXXXXXX

- 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 AAA RENT-ALL

Authorized Agent PLANNING DEVELOPMENT SERVICES, INC.

By: John D. Gist
JOHN D. GIST

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:00 (a.m. - p.m.), JAN 25, 1983, together with appropriate fee of 200.00.

Signed H. Lytle



PDS
INCORPORATED

PLANNING DEVELOPMENT SERVICES, INC.

625 First National Bank Bldg., Wichita, Kansas, 67202 / 316-262-0451, Telex 417 • 375 PDS WIC

January 24, 1983

Mr. Jack H. Galbraith
Secretary, Board of Zoning Appeals
MAPD - 10th Floor, City Hall
455 North Main
Wichita, Kansas 67202

RE: BZA Exception for Trailer, Vehicle, Tool
and Equipment Rental Business for AAA
Rent-A11.

Dear Jack:

AAA Rent-A11 has chosen to proceed with an application for BZA Exception to provide for rearrangement of their existing rental operation at 1309 W.31st St.South. The attached application legally describes an area which would provide for a deepening or expansion of the rental business to south, in the configuration discussed in our previous meetings. Also attached are drawings which depict the area described in the application, as well as the three (3) previously approved BZA Exceptions now being utilized by AAA Rent-A11.

It is the applicants' intent to seek approval of the new application, subject to:

- a. relinquishing the area previously approved in 1969, covering a portion of Lot 1, Richstreet 2nd Addition, as set forth and established in case no. BZA22-69;
- and,
- b. filing, and receiving approval of a companion application requesting a small area of "E" Light Industrial zoning, to permit the addition of a portable cement mixing station/operation in conjunction with the existing rental business.


Tucson, AZ, Denver, CO, Dallas, TX
Formerly Oblinger-Smith Corporation

This application for exception is submitted in accordance with Section 28.04.183.2 of the Zoning Ordinance, and Section 2.12.590.C, Code of the City of Wichita, Kansas.

Should you have any questions, or need any additional information, please call.

Sincerely,

PLANNING DEVELOPMENT SERVICES, INC.


John D. Gist

JDG:mb

cc: Mr. Glen E. Lytle,
Assistant Secretary
MAPD - 1st Floor, City Hall
455 North Main
Wichita, Kansas 67202

AAA Rent-A11
Attn: Roger Overstreet
1309 West 31st St. South
Wichita, Kansas 67217

OWNERSHIP LIST

<u>Lot</u>		<u>Addition</u>	<u>Property Owner</u>
Lot 1		Richstreet 2nd Addition	Glenn L. Richardson ✓ Jane Richardson 456 Ridgecrest 67218
Lot 2		"	Same as above
The North 132 feet of Lot 1		Suburban Homes Addition	Hammett, Mason and Swartz Realty Co. ✓ 939 Donner Way #101 Salt Lake City, Utah 84108
Lot 1, except the North 132 feet		"	Progress Builders Inc. ✓ 1617 West Harry Street 67213 Lester V. Unrein (interest in property ✓ through a quit claim deed filed 5-14-82 <u>Address Unknown</u> 3315 S. Edwards Ave.
Lot 1	Block B	Loma-Linda Gardens	Wesleyan Holiness ✓ Church, Inc. 3245 S. Exposition 67217
Lot 2	B	"	Same as above
Lot 3	B	"	Same as above
Lot 4 Lot 5	B	"	Richard L. Whiteker ✓ Joanna P. Whiteker 1402 32nd St. South 67217
Lot 6	B	"	Gary Lee Moutray ✓ Mavis E. Moutray 1408 32nd St. South 67217
Lot 7	B	"	✓ Warren R. Trekell Shirley R. Trekell <u>Address Unknown</u>

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 8	B	Loma-Linda Gardens	George Howard Schultz Norinne J. Schultz 3248 S. Elizabeth 67217
Lot 11	9	Replat of Iva Fultz Gardens	Thomas Dale Russell Beverly A. Russell 3151 S. Martinson 67217
Lot 9	10	"	James E. Anders Carmen Anders 1123 West 34th St. South 67217
Lot 10	10	"	Sandy Lee Miner 3156 S. Martinson 67217
Lot 11	10	"	Zella F. Rush John A. Rush 10215 West Central 67212
Lot 12	10	"	Larry R. Whiteker Jacqueline K. Whiteker 3157 S. Exposition 67217
Lot 13 Lot 14	11	"	Fidelity Development Inc. 229 S. Market 67202

Page 3

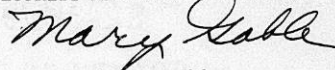
We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

The East 95 feet of the North 175 feet; and
The East 150 feet of the South 80.7 feet of the North 255.7 feet; and
The East 150 feet of the West 330.67 feet of the South 163.67 feet of Lot 2, Richstreet 2nd Addition, Wichita, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas on the 25th day of January, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By



Vice-President

Order No: 316325
ap

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 0-021

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
City 52A	200.00
copy	
NAME	AAA Grant - 11/11/92
ADDRESS	200 W. 5th St
FUND	155-4071-
COMMENTS	
DATE	BY
1/25/92	[Signature]

*

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

Roll # 2