

BZA 8-62 - DICK PRICE MOTORS, INC.  
REQUESTS EXCEPTION TO ALLOW USED CAR  
LOT IN LC AT SE CORNER OF KELLOGG  
AND WOODLAWN

**ACTION**

DATE

*11-27-62*

COMMITTEE

*Bza*

M.A.P.C.

B.C.C./B. CO. C.

RESOLUTION NO. 8-62

WHEREAS, DICK PRICE MOTORS, INC., MARKET AND WATERMAN WICHITA, KANSAS, REQUESTS AN EXCEPTION TO PERMIT THE INSTALLATION OR CONSTRUCTION OF A USED CAR LOT, AS PROVIDED IN SECTION 28.04.180. A.14 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND

WHEREAS, THE ABOVE REQUEST APPLIES TO PROPERTY LEGALLY DESCRIBED AS LOTS 3 AND 4, ENGLEWOOD SECOND ADDITION, WICHITA, KANSAS, WHICH IS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF KELLOGG AND WOODLAWN; 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, IN REGULAR MEETING CONSIDER SAID APPLICATION ON THE 27TH DAY OF NOVEMBER, 1962; AND

WHEREAS, THE BOARD OF ZONING APPEALS DETERMINED THAT IT HAD PROPER JURISDICTION TO CONSIDER SAID REQUEST FOR AN EXCEPTION UNDER THE PROVISION OF SECTION 2.12.590 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND

WHEREAS, THE BOARD OF ZONING APPEALS DETERMINED THAT THE LOCATION IS CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO AND THAT THE AREA IS ZONED "LC" LIGHT COMMERCIAL.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA, KANSAS, THAT THE REQUEST FOR AN EXCEPTION AS DESCRIBED ABOVE FOR PROPERTY DESCRIBED AS LOTS 3 AND 4, ENGLEWOOD SECOND ADDITION IN THE CITY OF WICHITA, KANSAS, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF KELLOGG AND WOODLAWN, IS HEREBY APPROVED AND THE SUPERINTENDENT OF CENTRAL INSPECTION IS HEREBY AUTHORIZED TO ISSUE A PERMIT FOR A NEW AND USED CAR SALES AREA SUBJECT TO THE FOLLOWING:

1. 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 "PROJECTING SIGNS" (AS DEFINED IN THE SIGN ORDINANCE OF THE CITY OF WICHITA) SHALL BE PERMITTED.
4. NO SOUND PROJECTING DEVICES OR LOUD SPEAKERS SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
5. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO EDDY OR FENDER WORK IS DONE.
6. CONSTRUCTION OF THE LOT IN GENERAL CONFORMANCE WITH THE DEVELOPMENT AND PLOT PLAN ON FILE WITH THE SECRETARY OF THE BOARD OF ZONING APPEALS AND SUPERINTENDENT OF CENTRAL INSPECTION, PROVIDED THAT ANY MAJOR REVISION THEREOF SHALL REQUIRE THE REAPPROVAL OF THE BOARD OF ZONING APPEALS.

7. CONSTRUCTION OF A LOUVERED REDWOOD OR ARCHITECTURAL TILE FENCE ON THE SOUTH AND SOUTHEAST (AS SHOWN ON THE DEVELOPMENT PLAN) TO PROTECT ADJACENT RESIDENCES FROM BLOWING DEBRIS, LIGHT AND SOUND. A CORPORATE PERFORMANCE BOND OR OTHER SIMILAR SECURITY IN THE AMOUNT OF \$1,000.00 SHALL BE FILED WITH THE CITY CLERK TO GUARANTEE THE CONSTRUCTION OF SAID FENCE.
8. SUBMISSION OF AN OFF-STREET PARKING PLAN TO THE TRAFFIC ENGINEER. SUCH PLAN SHALL BE APPROVED BY THE TRAFFIC ENGINEER IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN THE ZONING ORDINANCE (SECTION 28.04.140A).
9. THIS PERMIT SHALL BE VOID UNLESS CONSTRUCTION SHALL BE COMMENCED WITHIN 6 MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION.

ADOPTED AT WICHITA, KANSAS, THIS 27TH DAY OF NOVEMBER,  
1962.

  
\_\_\_\_\_  
E. B. LAW, CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
R. A. LAKIN, SECRETARY

SECRETARY'S REPORT

CASE BZA 8-62

GENERAL DESCRIPTION

THIS AREA IS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF KELLOGG AND WOODLAWN. THE PROPERTY IN QUESTION IS VACANT.

TO THE NORTH OF SUBJECT PROPERTY IS EASTBOROUGH WITH SINGLE FAMILY DEVELOPMENT AND PARK AREA; TO THE SOUTH ARE MULTIPLE FAMILY DWELLINGS; TO THE EAST IS A LUMBER YARD, LIQUOR STORE, OFFICES, DRIVE-IN RESTAURANT AND SMALL ANIMAL HOSPITAL (NON-CONFORMING). WEST IS BARBER SHOP, FURNITURE SALES, PARKING, ICE DISPENSER, ELECTRICAL EQUIPMENT AND A RESTAURANT.

THE PROPERTY IN QUESTION IS CURRENTLY ZONED "LC" LIGHT COMMERCIAL. THE EXISTING ZONING TO THE NORTH IS UNZONED (EASTBOROUGH); SOUTH IS "B" MULTIPLE FAMILY; EAST IS "LC" LIGHT COMMERCIAL AND "A" TWO FAMILY; WEST IS "LC" LIGHT COMMERCIAL. ATTACHED IS A MAP OF LAND USE AND ZONING.

REQUEST

THE REQUEST IS FOR AN EXCEPTION TO ALLOW NEW AND USED CAR SALES IN AN "LC" LIGHT COMMERCIAL ZONING DISTRICT AS PROVIDED IN SECTION 28.04.180.A.14 OF THE CITY CODE. THE REQUEST IS WITHIN THE JURISDICTION OF THE BOARD OF ZONING APPEALS TO GRANT, PROVIDED THAT THE FOLLOWING REQUIREMENTS AS SET FORTH IN SECTION 28.04.180.A.14, ARE COMPLIED WITH:

- A. LOCATION CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO.
- B. SUCH SCREENING FOR AREAS CONTIGUOUS RESIDENTIAL ZONING DISTRICTS AS MAY BE DETERMINED APPROPRIATE AND NECESSARY TO PROTECT ADJACENT PROPERTIES FROM LIGHT, DEBRIS AND NOISE AND TO PRESERVE ADJACENT PROPERTY VALUES.

SECRETARY'S REPORT  
CASE BZA 8-62  
PAGE 2

- C. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
- D. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING TYPE LIGHTING SHALL BE PERMITTED.
- E. NO PROJECTING SIGNS SHALL BE PERMITTED.
- F. NO SOUND PROJECTING DEVICES OR LOUD SPEAKERS SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
- G. SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS SHALL DEEM NECESSARY TO INCLUDE, BUT NOT RESTRICTED, PROPER SETBACKS, LANDSCAPING, AND MAINTENANCE PROVISIONS.
- H. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.

IN ADDITION TO THESE REQUIREMENTS, OFF-STREET PARKING SHOULD BE PROVIDED IN ACCORDANCE WITH SECTION 28.04.140.2.12, WHICH CALLS FOR ONE OFF-STREET PARKING SPACE FOR EACH 3,000 SQUARE FEET OF LOT AREA.

COMMENTS BY THE SECRETARY

IN THE LETTER OF APPLICATION, THE APPLICANT SUBMITTED A LIST OF STATEMENTS AND PROPOSALS IN ANSWER TO THE ABOVE-MENTIONED REQUIREMENTS. THESE ARE QUOTED AS FOLLOWS:

- "A. THIS LOT IS ON THE SOUTH SIDE OF KELLOGG WHICH IS A MAJOR STREET.
- B. THE SOUTH SIDE OF THIS LOT WILL BE SCREENED WITH A REDWOOD OR SIMILAR FENCE.
- C. THE ENTIRE LOT WILL BE SURFACED WITH ASPHALT.
- D. ALL LIGHTS WILL BE DIRECTED TO THE LOT AND AWAY FROM ADJOINING RESIDENTIAL PROPERTY. NO STRING LIGHTS WILL BE USED.
- E. NO LOUD SPEAKER DEVICES WILL BE USED.
- G. 1. WE WILL COMPLY WITH THE PROPER SETBACKS.  
2. THE FRONT OF THE LOT WILL BE LANDSCAPED AND THE BACK FENCED OFF WITH REDWOOD FENCING.

SECRETARY'S REPORT  
CASE BZA 8-62  
PAGE 3

H. NO REPAIR WORK WILL BE DONE EXCEPT IN THE PROVIDED STALLS IN THE BUILDING, AND NO BODY OR FENDER WORK WILL BE DONE."

THE APPLICANT ALSO STATES THAT 16 PARKING SPACES WILL BE PROVIDED, ONE FOR EACH 3,000 SQUARE FEET OF LOT AREA AS PROVIDED IN SECTION 28.04.140.A.2.12.

IT IS RECOMMENDED THAT THE BOARD TAKE JURISDICTION UNDER THE PROVISIONS OF SECTION 28.04.180.A.14 OF THE CITY CODE.

THE PROPOSED PLAN OF DEVELOPMENT SUBMITTED BY THE APPLICANT APPEARS TO SATISFY THE REQUIREMENTS MENTIONED ABOVE. THE APPLICANT HAS INDICATED, HOWEVER, THAT THE PLAN AS SUBMITTED IS NOT FINAL BUT THAT IT WILL BE IN GENERAL ACCORD WITH THE PLAN. IT IS SUGGESTED THAT IF THE APPLICATION IS APPROVED, THE SECRETARY OF THIS BOARD AND THE SUPERINTENDENT OF CENTRAL INSPECTION BE GIVEN THE AUTHORITY TO APPROVE MINOR MODIFICATIONS OF THE PLAN, PROVIDED THAT THE GENERAL INTENT AND PURPOSE OF THE PLAN IS NOT ALTERED. IF ANY MAJOR ALTERATIONS ARE MADE, THE SECRETARY IS OF THE OPINION THAT THE PLAN SHOULD BE RE-SUBMITTED TO THE BOARD OF ZONING APPEALS FOR ITS RE-APPROVAL.

APPROVAL OF THIS CASE SHOULD ALSO PROVIDE FOR THE APPROVAL OF A PARKING PLAN FOR OFF-STREET PARKING BY THE TRAFFIC ENGINEER. THE TRAFFIC ENGINEER, AFTER EXAMINATION OF THE PLAN, POINTED OUT THAT THERE WAS INSUFFICIENT INFORMATION SHOWN ON THE PLAN TO ALLOW APPROVAL. SO, THE BOARD MAY EITHER DEFER THIS MATTER TO ALLOW THE APPLICANT TO PREPARE AND SUBMIT SUCH A PLAN, OR THEY MAY ELECT TO APPROVE THE APPLICATION SUBJECT TO AN OFF-STREET PARKING PLAN BEING SUBMITTED AND APPROVED.

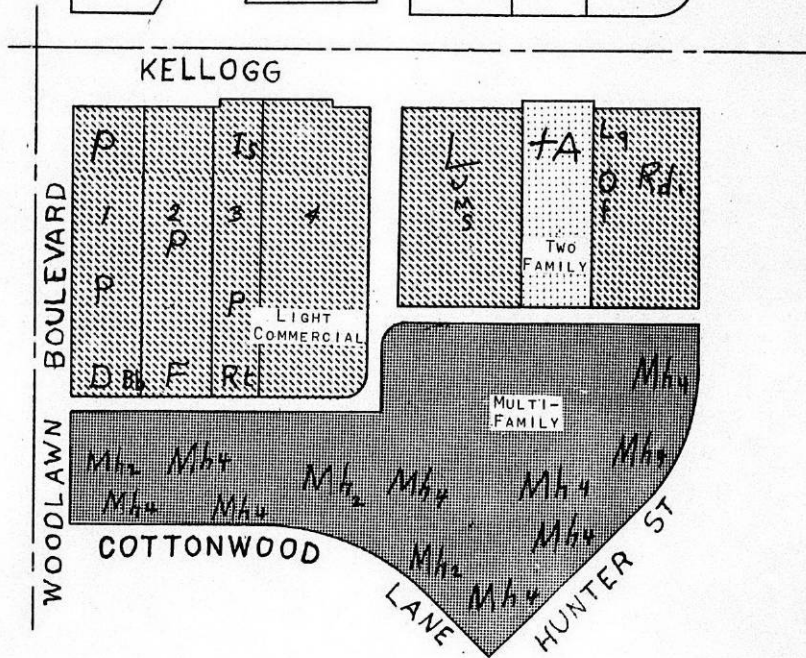
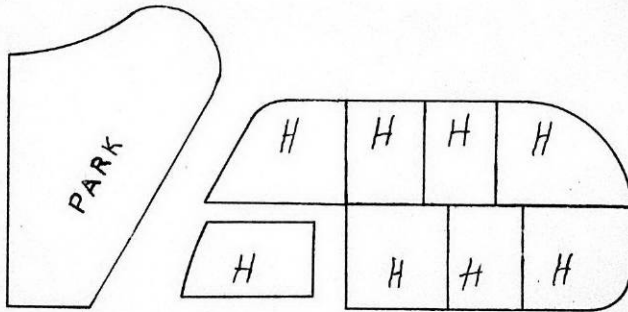
ANOTHER REQUIREMENT THAT SHOULD BE MADE, IN ADDITION TO THOSE MENTIONED ABOVE, IS THAT IT HAS BEEN THE GENERAL POLICY OF THE BOARD OF CITY COMMISSIONERS TO REQUIRE DEDICATIONS FOR SERVICE ROADS ON EAST KELLOGG EAST OF EDGEMOOR. IN ACCORDANCE WITH THIS POLICY, IT IS THE SECRETARY'S RECOMMENDATION THAT IF THE APPLICATION IS APPROVED, THE APPLICANT BE REQUESTED TO DEDICATE AN ADDITIONAL 10 FEET FOR A SERVICE ROAD ALONG KELLOGG.

A USE OF THIS TYPE SEEMS TO BE COMPATIBLE WITH OTHER COMMERCIAL USES ALONG KELLOGG IN THIS SPECIFIC AREA, PROVIDED ADEQUATE LIGHTING AND SCREENING IS PROVIDED. BASED ON THE FOREGOING REVIEW OF THE CONDITIONS NECESSARY TO BE PRESENT BEFORE APPROVAL MAY BE MADE, IT IS THE RECOMMENDATION OF THE SECRETARY THAT IF THE CONDITIONS ARE MET THAT THE APPLICATION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. 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 PROJECTING SIGNS SHALL BE PERMITTED. (AS DEFINED IN THE SIGN ORDINANCE).
4. NO SOUND PROJECTING DEVICES OR LOUD SPEAKERS SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
5. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.
6. CONSTRUCTION OF THE LOT IN GENERAL CONFORMANCE WITH THE PLOT PLAN ON FILE WITH THE SECRETARY OF THE BOARD OF ZONING APPEALS AND SUPERINTENDENT OF CENTRAL INSPECTION, PROVIDED THAT ANY MAJOR REVISION THEREOF SHALL REQUIRE THE REAPPROVAL OF THE BOARD OF ZONING APPEALS.
7. THE APPLICANT DEDICATE 10 FEET FOR SERVICE ROAD PURPOSES ON THE NORTH.

SECRETARY'S REPORT  
CASE No. BZA 8-62  
PAGE 5

8. PROVIDING A LOUVERED REDWOOD OR ARCHITECTURAL TILE FENCE ON THE SOUTH TO PROTECT ADJACENT RESIDENCES FROM BLOWING DEBRIS, LIGHT AND SOUND.
9. SUBMISSION OF AN OFF-STREET PARKING PLAN TO THE TRAFFIC ENGINEER FOR HIS APPROVAL.



**BZA 8-62 LAND USE • ZONING..**



■ LINCOLN CONTINENTAL

■ MERCURY MONTEREY

■ MERCURY METEOR

■ MERCURY COMET

WATERMAN AND MARKET ■ WICHITA, KANSAS ■ AMBARS 2-2442

R. H. (DICK) PRICE, President

November 6, 1962

Board of Zoning Appeals  
Metropolitan Planning Commission  
City Annex  
Wichita, Kansas

Gentlemen:

This letter is submitted in compliance with Par. 3 of instructions to applicant for exception. This application for exception is made in accordance with the new ordinance section 28.04.180.A.11 which gives the Board of Zoning Appeals permission to grant exception for new and used car sales lots. We propose to use this lot to sell new and used cars and will comply with the new ordinance as follows:

- A. This lot is on the south side of Kellogg which is a major street.
- B. The south side of this lot will be screened with a red wood or similar type fence.
- C. The entire lot will be surfaced with asphalt.
- D. All lights will be directed to the lot and away from adjoining residential property. No string lights will be used.
- E. No loud speaker devices will be used.
- G. 1. We will comply with the proper setbacks.  
2. The front of the lot will be landscaped and the back fenced off with red wood fencing.
- H. No repair work will be done except in the provided service stalls in the building, and no body or fender work will be done.

Also in compliance with section 28.04.180.A.2.12, we will provide 16 parking spaces on the East and West side of the building. This provides one space for each 3,000 square feet.

Yours truly,

DICK PRICE MOTORS, INC.

Dick Price  
President

D:rl

DECEMBER 10, 1962

MR. DICK PRICE  
DICK PRICE MOTORS, INC.  
MARKET AND WATERMAN  
WICHITA, KANSAS

DEAR MR. PRICE:

SUBJECT: BZA 8-62


ON NOVEMBER 28, 1962, WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD APPROVED SUBJECT APPLICATION FOR AN EXCEPTION TO THE ZONING ORDINANCE TO PERMIT ESTABLISHMENT OF A USED CAR LOT AT THE SOUTHEAST CORNER OF KELLOGG AND WOODLAWN, LEGALLY DESCRIBED AS LOTS 3 AND 4, ENGLEWOOD SECOND ADDITION.

WE ALSO ADVISED THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE DECEMBER 6, 1962.

THE CITY CLERK HAS ADVISED THAT NO APPEAL WAS FILED ON OR BEFORE THE DATE INDICATED, AND THE DECISION OF THE BOARD OF ZONING APPEALS IS, THEREFORE, FINAL.

A COPY OF THE RESOLUTION SETTING FORTH THE ACTION OF THE BOARD IS ATTACHED FOR YOUR INFORMATION AND FILES.

VERY TRULY YOURS,

  
ROBERT A. LAKIN  
SECRETARY

RAL:BER

ATTACHMENT

cc: GLEN LYTLE  
SUPT. CENTRAL INSPECTION

DECEMBER 4, 1962

C. H. FUNK, CITY CLERK  
ROBERT A. LAKIN, SENIOR PLANNER

BOARD OF ZONING APPEALS CASES 7-62 AND 8-62

ATTACHED ARE COPIES OF BZA RESOLUTIONS 7-62 AND 8-62  
COVERING GRANTING FOR EXCEPTIONS FOR USED CAR LOTS. THESE  
CASES WERE HEARD ON NOVEMBER 27, 1962. AN APPEAL MAY BE  
FILED IN YOUR OFFICE ON OR BEFORE DECEMBER 7, 1962. IF AN  
APPEAL ON EITHER OF THESE CASES IS FILED, PLEASE ADVISE.

ROBERT A. LAKIN  
SENIOR PLANNER

RAL:AN  
ATTACHMENTS

NOVEMBER 28, 1962

MR. DICK PRICE  
DICK PRICE MOTORS, INC.  
MARKET AND WATERMAN  
WICHITA, KANSAS

DEAR MR. PRICE:

SUBJECT: BZA 8-62

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING OF NOVEMBER 27, 1962, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA CONSIDERED YOUR REQUEST FOR AN EXCEPTION TO THE ZONING ORDINANCE TO PERMIT ESTABLISHMENT OF A USED CAR LOT AT THE SOUTHEAST CORNER OF KELLOGG AND WOODLAWN, LEGALLY DESCRIBED AS LOTS 3 AND 4, ENGLEWOOD SECOND ADDITION.

AFTER DISCUSSION, IT WAS THE ACTION OF THE BOARD OF ZONING APPEALS TO APPROVE YOUR REQUEST, SUBJECT TO CERTAIN CONDITIONS WHICH WILL BE SHOWN IN THE RESOLUTION FORWARDED TO YOU AFTER THE APPEAL PERIOD HAS EXPIRED.

SECTION 2.12.610 OF THE CODE OF THE CITY OF WICHITA PROVIDES THAT THE DECISION OF THE BOARD OF ZONING APPEALS SHALL BE FINAL UNLESS IT IS APPEALED TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN DAYS OF THE DATE OF THE BOARD'S ACTION. ACCORDINGLY, AN APPEAL COULD BE FILED IN THIS CASE ON OR BEFORE DECEMBER 7, 1962.

SUBSEQUENT TO THE EXPIRATION OF THE APPEAL PERIOD, YOU WILL BE ADVISED WHETHER OR NOT AN APPEAL HAS BEEN FILED. IF NO APPEAL HAS BEEN FILED ON OR BEFORE DECEMBER 7, 1962, THE DECISION OF THE BOARD WILL BE FINAL AND THE SUPERINTENDENT OF CENTRAL INSPECTION WILL BE IN A POSITION TO ISSUE THE APPROPRIATE PERMIT.

VERY TRULY YOURS,

ROBERT A. LAKIN  
SECRETARY

RAL:BER  
CC: C. H. FUNK  
CITY CLERK

GLEN LYTLE, SUPERINTENDENT  
CENTRAL INSPECTION

**PAYMENT NOTICE**  
City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

Bld'g & Elev. \_\_\_\_\_ Elec. \_\_\_\_\_ Elev. Insp. \_\_\_\_\_  
 Exam Fees \_\_\_\_\_ Hse. Mvr. \_\_\_\_\_ Hse. Moving \_\_\_\_\_  
 Licse. \_\_\_\_\_ Mech. \_\_\_\_\_ Oil Well \_\_\_\_\_ Pav. Cuts \_\_\_\_\_  
 Plan.  Pib'g \_\_\_\_\_ Pib'g Cert. \_\_\_\_\_  
 Sanitation \_\_\_\_\_ Sewer \_\_\_\_\_ Signs \_\_\_\_\_ Sidewalk \_\_\_\_\_  
 Street \_\_\_\_\_ Trailers \_\_\_\_\_

DESCRIPTION	AMOUNT
<i>Plan by app.</i>	
<i>App. fees</i>	20.00

Name *Rock Mine Motors, Inc.*

Address *Market + West 1st*

Type \_\_\_\_\_ Due Date *11-1-62*

Comments: \_\_\_\_\_

Date *11-1-62* By *J. Kork*

B24  
NOTICES MAILED TO ADJOINING PROPERTY OWNERS NOVEMBER 8, 1962 8-62

DICK PRICE MOTORS, INC. (APPLICANT)  
MARKET AND WATERMAN

FIRST NATIONAL BANK, TRUSTEE  
DOUGLAS AND MAIL

F. M. BRADY  
NELLIE BRADY  
26 LAKESIDE BOULEVARD

DORIS YOUNKIN  
4 KELLOGG

CITY OF EASTBOROUGH  
WICHITA, KANSAS

EASTRIDGE APARTMENTS No. 1, INC.  
6535 EAST LINCOLN

RICHARD E. BIRD  
PAULINE H. BIRD  
609 RUTLAND

FARRIS G. JABARA  
HELEN JABARA  
6 KELLOGG

BOARD OF ZONING APPEALS  
ROOM 402 CITY BUILDING ANNEY  
104 SOUTH MAIN  
WICHITA, KANSAS

NOVEMBER 8, 1962

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPLICATION HAS BEEN FILED BY DICK PRICE MOTORS, INC., MARKET AND WAYERMAN, WICHITA, KANSAS, AS PROVIDED IN SECTION 2.12.560, ET SEQ.; AND SECTION 28.04.180.A.14 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

THE APPLICATION REQUESTS EXCEPTION TO PERMIT THE INSTALLATION OR CONSTRUCTION OF A USED CAR LOT ON PROPERTY LEGALLY DESCRIBED AS:

LOTS 3 AND 4, ENGLEWOOD SECOND ADDITION, CITY OF WICHITA, SEDWICK COUNTY, KANSAS, OTHERWISE KNOWN AS 6435 EAST KELLOGG, AND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF KELLOGG AND WOODLAWN.

SUBJECT PROPERTY IS ZONED "LC".

THE BOARD MAY GRANT APPROVAL IF IT DESIRES, SUBJECT TO THE FOLLOWING CONDITIONS:

1. LOCATION CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN THE PATTERN FOR THOROPFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO.
2. SUCH SCREENING FOR AREAS CONTIGUOUS TO RESIDENTIAL ZONING DISTRICTS AS MAY BE DETERMINED APPROPRIATE AND NECESSARY TO PROTECT ADJACENT PROPERTIES FROM LIGHT, DEBRIS AND NOISE AND TO PRESERVE ADJACENT PROPERTY VALUES.
3. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
4. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING TYPE LIGHTING SHALL BE PERMITTED.
5. NO PROJECTING SIGNS SHALL BE PERMITTED.
6. NO SOUND PROJECTING DEVICES OR LOUD SPEAKER SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
7. SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS SHALL DEEM NECESSARY TO INCLUDE, BUT NOT BE RESTRICTED, PROPER SETBACKS, LANDSCAPING, AND MAINTENANCE PROVISIONS.
8. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.

NOTICE TO ADJOINING PROPERTY OWNERS  
CASE BZA 8-62

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 8-62. A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, NOVEMBER 27, 1962, AT 1:45 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, AT WHICH TIME YOU MAY APPEAR, IF YOU SO DESIRE, EITHER IN PERSON OR BY AGENT OR ATTORNEY, TO EXPRESS YOUR VIEWS AND WISHES IN THIS CASE.

ROBERT A. LAKIN, SECRETARY  
BOARD OF ZONING APPEALS



■ LINCOLN CONTINENTAL

■ MERCURY MONTEREY

■ MERCURY METEOR

■ MERCURY COMET

WATERMAN AND MARKET ■ WICHITA, KANSAS ■ AMherst 2-7442

R. H. (DICK) PRICE, PRESIDENT

November 6, 1962

Board of Zoning Appeals  
Metropolitan Planning Commission  
City Annex  
Wichita, Kansas

Gentlemen:

This letter is submitted in compliance with Par. 3 of instructions to applicant for exception. This application for exception is made in accordance with the new ordinance section 28.04.180.A.14 which gives the Board of Zoning Appeals permission to grant exception for new and used car sales lots. We propose to use this lot to sell new and used cars and will comply with the new ordinance as follows:

- A. This lot is on the south side of Kellogg which is a major street.
- B. The south side of this lot will be screened with a red wood or similar type fence.
- C. The entire lot will be surfaced with asphalt.
- D. All lights will be directed to the lot and away from adjoining residential property. No string lights will be used.
- E. No loud speaker devices will be used.
- G. 1. We will comply with the proper setbacks.  
2. The front of the lot will be landscaped and the back fenced off with red wood fencing.
- H. No repair work will be done except in the provided service stalls in the building, and no body or fender work will be done.

Also in compliance with section 28.04.140.A.2.12, we will provide 16 parking spaces on the East and West side of the building. This provides one space for each 3,000 square feet.

Yours truly,

DICK PRICE MOTORS, INC.

A handwritten signature in cursive script that reads "Dick Price".

Dick Price  
President

DP:rl

Schedule for Nov 27

CITY OF WICHITA, KANSAS  
BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_  
FILED 11-7-62

APPLICATION FOR EXCEPTION

I. NAME OF APPLICANT DICK PRICE MOTORS, INC.  
MAILING ADDRESS Market & Waterman PHONE AM-27442  
NAME OF AUTHORIZED AGENT N/A  
MAILING ADDRESS N/A PHONE N/A  
(RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF Leesee  
(OWNER, TENANT, LESSEE, OTHER))

II. APPLICATION IS MADE FOR AN EXCEPTION AS PROVIDED IN SECTION  
28.04.180A.14, CODE OF THE CITY OF WICHITA, KANSAS,  
(ZONING ORDINANCE); TO PERMIT THE INSTALLATION OR CONSTRUCTION OF  
A New and Used Car Lot  
ON PROPERTY ZONED LC; LOCATED AT 6435 E. Kellogg,  
3 and 4, AND LEGALLY DESCRIBED AS LOT(S)  
Englewood second ADDITION.  
(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE):

- III. THE APPLICANT HEREIN, OR HIS AUTHORIZED AGENT:
- A. ACKNOWLEDGES RECEIPT OF AN INSTRUCTION SHEET RELATING TO THIS APPLICATION FOR AN EXCEPTION;
  - B. AGREES TO CONFORM TO ALL REQUIREMENTS OF THE APPROPRIATE SECTION OF THE ZONING ORDINANCE IF THIS APPLICATION IS APPROVED;
  - C. DECLARES THAT ALL REQUIRED SUPPORTING DOCUMENTS OR INFORMATION ARE ATTACHED HERETO AND MADE A PART OF THIS APPLICATION;
  - D. ACKNOWLEDGES THAT HE HAS BEEN ADVISED OF HIS RIGHT OF APPEAL OF THE DECISION OF THE BOARD OF ZONING APPEALS TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN (10) DAYS OF THE DATE OF THAT DECISION.

DICK PRICE MOTORS, INC.  
By: Dick Price, President  
APPLICANT

\_\_\_\_\_  
AUTHORIZED AGENT

OFFICE USE ONLY

RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, 10:45  
(A.M. - P.M.) 11-7, 19 62, TOGETHER WITH APPROPRIATE  
FEE OF \$30.00

B. Rathke  
SIGNED

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
1		Englewood Addition	First National Bank, Trustee
2		"	"
3		"	"
4		"	"
W 110' of lot 5 except S. 25'	CZ	Eastborough 2nd Add.	Doris Younkin <i>4 Kellogg</i>
E 25' of lot 5 exc. S. 25'	"	"	Farris G. Jabara Helen Jabara <i>6 Kellogg</i>
S 5' of lot 5	"	"	City of Eastborough
S, exc. S. 5'	"	"	F. M. Brady <i>26 Lakeside Blvd</i> Nellie Brady
S 5' of 8	"	"	City of Eastborough
Reserve A.		Eastridge 2nd Add.	Eastridge Apartments No. 1, Inc. <i>6535 E. Lincoln</i>
1		Bird Addition	Richard E. Bird <i>609 Rutland</i> Pauline H. Bird

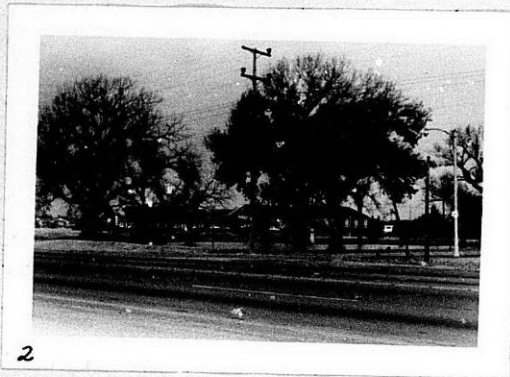
We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 3 and 4, Englewood Second Addition to the City of Wichita, Sedgwick County, Kansas, as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 6th day of November, 1962 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*J. R. W. W. W.*  
Vice-President

Order No. 98681



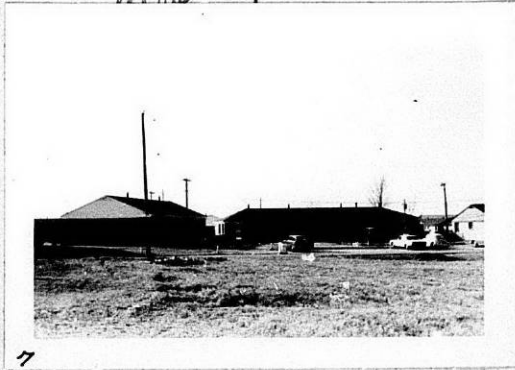


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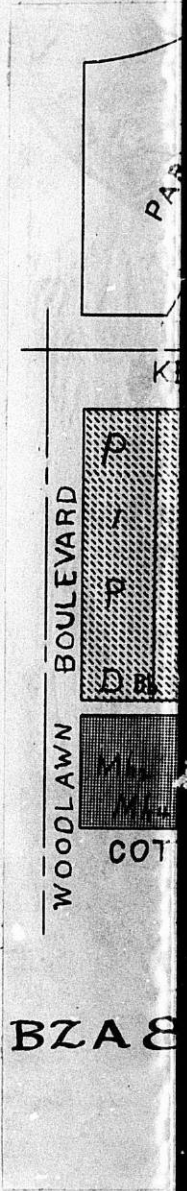
SME  
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This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm  
Roll # 1

RESOLUTION NO. 9-62

WHEREAS, MICHAEL G. NEUBERGER, 3733 EAST MURDOCK, WICHITA, KANSAS, BY SPENCER DEPEW, ATTORNEY, HAS MADE PROPER APPLICATION FOR AN EXCEPTION TO PERMIT THE INSTALLATION OR CONSTRUCTION OF A TEMPORARY ADDITION TO A SWIMMING POOL IN THE FORM OF A PORTABLE COVER, AS PROVIDED IN SECTION 28.04.040.A.9 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND

WHEREAS, THE ABOVE REQUEST APPLIES TO PROPERTY LEGALLY DESCRIBED AS LOTS 14 AND ONE-HALF OF LOT 13 LYING NORTH OF A LINE BISECTING THE ANGLE BETWEEN THE NORTHWEST BOUNDARY AND SOUTHWEST BOUNDARY OF LOT 13, BLOCK 2, SLEEPY HOLLOW ADDITION, WHICH IS GENERALLY LOCATED ON THE SOUTH SIDE OF MURDOCK IN AN AREA NORTH OF SLEEPY HOLLOW; 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, IN REGULAR MEETING CONSIDER SAID APPLICATION ON THE 18TH DAY OF DECEMBER, 1962; AND


WHEREAS, THE BOARD OF ZONING APPEALS DETERMINED THAT IT HAD PROPER JURISDICTION TO CONSIDER SAID REQUEST FOR AN EXCEPTION UNDER THE PROVISIONS OF SECTION 28.04.040.A.9 AND 2.12.560 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND

WHEREAS, THE BOARD OF ZONING APPEALS DETERMINED THAT IF THIS APPEAL IS GRANTED ADEQUATE ACCESS TO THIS PROPERTY WILL BE MAINTAINED FOR FIRE AND POLICE PROTECTION AND FOR THE SERVICE OF UTILITIES.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA, KANSAS, THAT THE REQUEST FOR AN EXCEPTION TO PERMIT THE INSTALLATION OR CONSTRUCTION OF A TEMPORARY ADDITION TO A SWIMMING POOL IN THE FORM OF A PORTABLE COVER, ON PROPERTY DESCRIBED AS LOT 14 AND ONE-HALF OF LOT 13 LYING NORTH OF A LINE BISECTING THE ANGLE BETWEEN THE NORTHWEST BOUNDARY AND SOUTHWEST BOUNDARY OF LOT 13, BLOCK 2, SLEEPY HOLLOW ADDITION, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS AND GENERALLY LOCATED ON THE SOUTH SIDE OF MURDOCK IN AN AREA NORTH OF SLEEPY HOLLOW, IS HEREBY APPROVED AND THE SUPERINTENDENT OF CENTRAL INSPECTION IS HEREBY AUTHORIZED TO ISSUE A PERMIT FOR SUCH CONSTRUCTION, SUBJECT TO THE FOLLOWING:

1. THE PORTABLE COVER SHALL BE DISMANTLED AFTER MAY 1 AND NOT REASSEMBLED BEFORE OCTOBER 1 OF EACH YEAR.
2. THE PORTABLE SWIMMING POOL COVER SHALL BE CONSTRUCTED OF FIRE RESISTANT MATERIAL.
3. THE PORTABLE SWIMMING POOL COVER SHALL BE FITTED WITH AN OUTSIDE DOOR WHICH CAN BE SECURELY LOCKED WHEN THE POOL IS NOT IN USE.

ADOPTED AT WICHITA, KANSAS, THIS 18TH DAY OF DECEMBER, 1962.

  
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E. B. LAW, CHAIRMAN

ATTEST:

  
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ROBERT A. LAKIN, SECRETARY