

ACTION

B.Z.A. 8-84 APPROVED 2-28-84
DATE

gpt

POSTED 3-8-84
Shot 3-20-84
Record. ✓

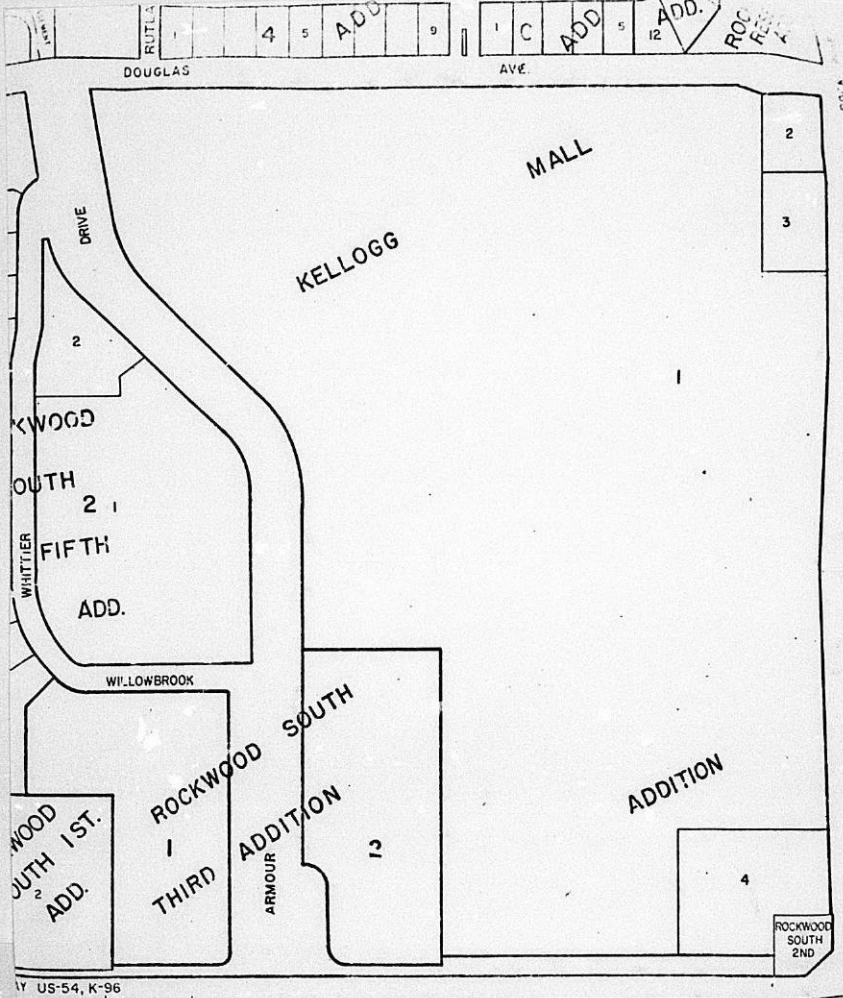
Case No. BZA 8-84 - Leasing
Requests an exception to permit the establishment of an automobile leasing business on property zoned the "LC" Light Commercial District and generally located within the main building complex of Towne East Square at 7700 E. Kellogg

Map No. _____

BZA 8-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "AA" S "LC" W "LC" N "AA" & "B"
3. Land Use: East "L-Comm & B" South _____
West _____ North _____
4. Area (is) (~~is not~~) platted.



US-54, K-96

LOS ANGELES, CHICAGO, HOUSTON, PHOENIX, SAN ANTONIO, SAN DIEGO, SAN FRANCISCO, TAMPA, WASHINGTON, D.C.

Shirley
No. 2-153C

February 29, 1984

Leaseworld
P. O. Box 18688
Wichita, Ks.

Re: BZA 8-84 - Request for Exception

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 28, 1984.

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
Encl.

cc: Alan McHenry, 1318 Stackman, Wichita
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 8-84

WHEREAS, Leaseworld, P. O. Box 18688, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an automobile leasing business on property zoned the "LC" Light Commercial District and legally described as follows:

A space designated as H-1, Towne East Square, an area within Lot 1, Kellogg Mall Addition to Wichita, Sedgwick County, Kansas. Generally located within the main building complex of Towne East Square at 7700 East Kellogg.

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 28, 1984, 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 an automobile leasing 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.

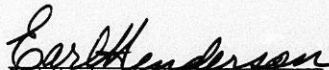
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of an automobile leasing business on property zoned the "LC" Light Commercial District legally described as follows:

A space designated as H-1, Towne East Square, an area within Lot 1, Kellogg Mall Addition to Wichita, Sedgwick County, Kansas. Generally located within the main building complex of Towne East Square at 7700 East Kellogg.

subject to the following conditions:

1. Storage and display of any vehicles shall be within the enclosed space as indicated by the site plan as space H-1 at 7700 East Kellogg.
2. The approval of this request shall terminate upon the termination or expiration of the lease by this applicant.

ADOPTED AT WICHITA, KANSAS, this 28th day of February, 1984.


Earl Henderson, Vice President

ATTEST:


Glen E. Lytle, Assistant Secretary

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

February 8, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 8-84

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 Leaseworld, P. O. Box 18688, 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 establishment of an automobile leasing business on property zoned "LC" Light Commercial District. A legal description of the applicant's property is as follows:

A space designated as H-1, Towne East Square, an area within Lot 1, Kellogg Mall Addition to Wichita, Sedgwick County, Kansas. Generally located within the main building complex of Towne East Square at 7700 East Kellogg.

This application has been assigned Case BZA 8-84. It will be considered by the Board of Zoning Appeals on February 28, 1984 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

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE February 22, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Entriken, Administrative Aide III

SUBJECT BZA 8-84 (Located within the
main building complex of Towne
East Square)

CPO Council "H" considered the above captioned case at its February 13 meeting and voted 6-0 to recommend the request for the exception.

Alan McHenry was present representing the applicant. No area residents were present to speak concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered on February 28.

Cindy Entriken
Cindy Entriken
Administrative Aide III

CE:Sm

RECEIVED

FEB 24 1984

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 8-84

APPLICANT: Leaseworld, P. O. Box 18688, Wichita, Kansas.

AGENT: Alan McHenry, 1318 Stackman, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita to permit the establishment of an automobile leasing business in the "LC" Light Commercial District.

GENERAL LOCATION: Within the main buildings of the Towne East Shopping Center at 7700 East Kellogg.

ZONING: Subject property is zoned the "LC" Light Commercial District and a Community Unit Plan as is all of the shopping center.

LAND USE: A Regional Shopping Center.

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 an exception in order to establish an automobile leasing business within the "LC" Light Commercial District. This facility will be operated primarily as a leasing office that will deal with the leasing of automobiles on a 3-5 year long term lease and will not be operated as a car rental business such as "Hertz, Avis, etc." The business would not provide automobiles that will be leased from this location, but the automobiles will be picked up at the various dealerships represented by this leasing agency. Due to the fact that they will maintain a showroom for the display of automobiles that represent the type of automobiles that can be leased thru the agency, it is necessary to seek approval thru the Board of Zoning Appeals.

The applicant states that automobiles at this location will only be displayed indoors and will not be the vehicles that will be leased to the customers. No storage or demonstrations of the vehicles will be outside of the leased area within the shopping center building.

RECOMMENDATION:

It is the recommendation of the Secretary that the use as proposed by the application is appropriate in a regional shopping center and the application should be approved subject to the following conditions:

1. Storage and display of any vehicles shall be within the enclosed space as indicated by the site plan as space H-1 at 7700 East Kellogg.
 2. The approval of this request shall terminate upon the termination or expiration of the lease by this applicant.
-

BZA CASE NO. 8-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
	LEGAL ADVERTISEMENT
<u>10</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>4</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>7</u>	TOTAL NOTICES SENT <u>2-8-84</u>

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

February 8, 1984

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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

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 8-84
FILED 1-31-84

APPLICATION FOR EXCEPTION

I. Name of Applicant LEASEWORLD
Mailing Address P.O. B. 18688 6726 Phone 687-1341
Name of Authorized Agent ALAN M. HENRY
Mailing Address 1318 STACKMAN Phone 265-1872
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 automobile leasing business
VEHICLE RENTAL
AGENCY

on property zoned LC,
located 7700 E. KELLOGG, SPACE H-1
and legally described as: a space designated
25 SPACE H-1 TOWNE EAST SQUARE,
an area within Lot 1, Kellogg Mall Addition
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. 36-596); 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 Harold P. Johnson

Authorized Agent Alan M. Henry

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:00 (a.m.-p.m.), JAN 31, 1984
together with appropriate fee of 2.00.

Signed [Signature]

Alan M. McHenry Architect
Wichita, Kansas 265-1872

Jan. 29, 1984

Board of Zoning Appeals
Metropolitan Area Planning Dept.
City Hall-Tenth Floor
455 N. Main St.
Wichita, Kansas 67202

Re: Space H-1
Towne East Square
Leaseworld
Comm. No. 1410

Gentlemen:

This is an automobile leasing agency, the same as was approved in October 1983 for Town West Square.

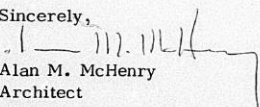
They are leasing the space strictly for long term (5 years is their standard lease) car leasing, and this is spelled out in their lease. This will cover both individual and fleet leasing but they do NOT engage in daily rental such as Budget, Hertz, etc. They will have 6 to 8 sample cars in the space but there will not be an exterior pool of cars. Vehicle pick up will basically be at their car lots.

As interpreted by the state, they are a registered retailer, not a dealer and will not have a dealer licence.

The facility in Towne West opened Dec. 1 and has been a great success to the space lessees, the car lessees, the center and adjacent merchants.

The president of the Towne East merchants association is Larry Lane, 7700 E. Kellogg, Wichita, Kansas 67207.

Sincerely,


Alan M. McHenry
Architect

Enclosure
c.c.: Mike Steven

OWNERSHIP LIST

Property Description

Property Owner

Part of Lot 1, Kellogg Mall Addition described as beginning at a point on the east line of said lot 1 and 1790.35 feet south of the north line of the Southeast Quarter of Section 19-27-2E; thence west parallel with the north line of said Southeast Quarter 176.75 feet; thence south parallel with the east line of said southeast Quarter 350 feet; thence east 183.1 feet to the east line of said lot 1; thence northerly along the east line of said lot 1, 350.05 feet to the point of beginning.

Kellogg Mall Associates
1712 N. Meridian St.
Indianapolis, Indiana
46202

Lot 1, Kellogg Mall Addition except that part described as commencing at a point 1790.35 feet south and 60 feet west of the Northeast corner of the Southeast Quarter Section 19-27-2E; thence westerly parallel with U. S. 54 right of way 23.25 feet to the east line of said lot 1 and a place of beginning; thence continuing westerly parallel with said Highway 176.75 feet; thence southerly parallel with the east line of said SE $\frac{1}{4}$ 350 feet; thence easterly parallel with said Highway 183.1 feet to the east line of said lot 1; thence northerly along the east line of said Lot 1, 350.07 feet to the place of beginning.

Fred E. Trotter
H. C. Eichelberger
Wade H. McVay
trustees for the Estate
of James Campbell dec.
Suite 500
828 Fort Street Mall
Honolulu, Hawaii
96813

Lots 2 & 3, Kellogg Mall Addition

D Kellogg Mall Associates
1712 N. Meridian St.
Indianapolis, Indiana
46202

Page 2

Property Description

Lot 4, Kellogg Mall Addition

Property Owner

D Kellogg Mall Associates
1712 N. Meridian St.
Indianapolis, Indiana
46202

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

Lots 1, 2, 3 & 4, Kellogg Mall
Addition, Wichita, Sedgwick County,
Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 26th day of January, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By *Curtis O. Simmons*
Vice President

Order No: 329718
cf

**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

NAME

ADDRESS

FUND DUE DATE

COMMENTS

DATE BY