

Case No. BZA 26-86 - Davis-Moore Oldsmobile, Inc. requests an exception to permit the expansion of the existing automobile agencies on contiguous properties owned by the applicant located in the "LC" Light Commercial District & generally located on the south side of Kellogg Dr. & bounded by Orme, Courtleigh, Eilerts, Fabrique & Lexington.

Posted
1-21-86

ACTION

BZA 26-86 APPROVED 9/23/86
DATE

200' 1st Sec 11-3-86
Sheet 11-18-86
Record ✓

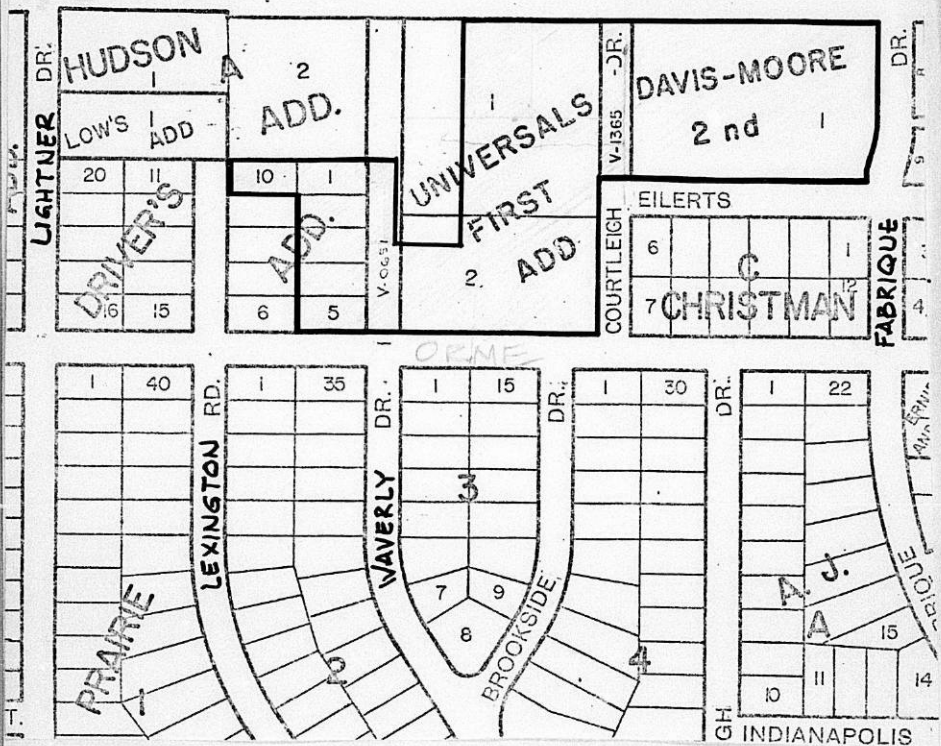
Map No. 5846A

BZA 26-86
Filed _____

AREA DATA:

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

KELLOGG



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

March 29, 1988

TO: Monty Robson, Superintendent of Central Inspection
FROM: Robert L. Young, Principal Planner, Current Plans Division
SUBJECT: Revised Landscape Plan for BZA 26-86

Attached are two copies of a revised landscape plan that has been submitted in association with the recent approval of the Davis Moore Commercial Community Unit Plan (DP-183). The landscape plan was originally required as a condition of approval for a request through the Board of Zoning Appeals to allow for the construction of a three-story private parking garage on the Davis Moore property (BZA Case No. 26-86).

The landscape plan was required in an attempt to soften the visual effects of the parking garage from the residential development existing to the south along Eilerts Street. The originally planned landscaping was never completed and during the review of the Davis Moore Commercial Community Unit Plan, completion of the landscaping has been required as a condition of approval of the C.U.P. Please substitute the attached plan for the one now existing in the BZA 26-86 case file. If you have any questions about this matter, please contact me.

FILE COPY

PL/6408/4

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE September 18, 1986

TO Glen Lytle, Special Assistant for Zoning

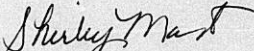
FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 26-86: South side of Kellogg
Drive and bounded by Orme,
Courtleigh, Ellerts, Fabrique and
Lexington

CPO Council "G" considered the captioned case at its September 15 meeting and voted 7-0 to recommend that the exception to permit the expansion of the existing automobile sales business be approved.

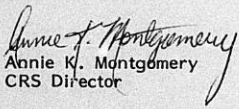
Everett Fettis, agent, representing Davis-Moore Oldsmobile, was present to describe the request and respond to questions. No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 26-86 is considered at the September 23 meeting.


Shirley Mast
Administrative Aide III

SM:dm

Noted


Annie K. Montgomery
CRS Director

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: October 8, 1986

TO: Monty Robson, Superintendent of Central Inspection

FROM: Glen E. Lytle, Assistant Secretary, Board of Zoning Appeals

SUBJECT: BZA 26-86 Exception for Automobile sales and service business

Attached is a site plan that shows the limits of approval for BZA 26-86. As you will note, the proposed expansion of the parking garage was not a part of this case, and before any expansion occurs. This will require the vacation of easements and platted setbacks and would best be accomplished by replatting that portion of the property west of Davis-Moore 2nd Addition. In addition to that process it would be necessary to process an application to amend this resolution to allow any construction within 35 feet of Courtleigh. This must be done so that the residential property owners can be notified of the change.

It should also be noted that buildings have been constructed in the easements and care should be taken to eliminate any further encroachments. In addition, the Red Carpet Carwash has now been cut off from access to the public sewer by the sale of the property to the east of their building. This, again, makes it advisable to limit the construction of any new buildings until the property is replatted and dedication of easements to serve the Red Carpet Carwash property.

Condition number ten of the resolution eliminates any lighting on Lot 10, Drivers Addition except at a height of 5 feet or lower. In addition, no structures are to be permitted on this lot. I believe these are the only changes that are different than previously required by BZA Resolution 31-82 and 27-84. If the landscaping adjacent to Eilerts has not been installed, I am attaching a copy of the approved landscape plan that is released as condition number nine of this resolution.

If you or your staff have any questions, please get with me at your convenience.

Glen E. Lytle
Assistant Secretary
Board of Zoning Appeals

GEL/lw

Attachment

September 25, 1986

Everett Fettis
120 South Market, Suite 504
Wichita, Kansas 67202

Re: BZA 26-86 - Request for Exception

Dear Mr. Fettis:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 23, 1986.

This Resolution reflects the official action of the Board to grant 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/lw

Enclosure

cc: Davis-Moore Oldsmobile, Inc., P. O. Box 18047, Wichita, KS 67218
Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION CASE NO. 26-86

WHEREAS, Davis-Moore Oldsmobile, Inc., P. O. Box 18047, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the expansion of the existing automobile agencies on contiguous properties owned by the applicant located in the "LC" Light Commercial District and the "C" Commercial District and legally described as follows:

Lot 10, Drivers Addition; the West 50 feet of the North 140 feet of the South 300 feet of vacated Waverly Drive lying north of the north line of Orme Street, except the West 30 feet of the South 110 feet thereof; the North 175 feet of Lot 1, Universals First Addition, except the East 125 feet and the West 110 feet thereof; and that part of vacated Courtleigh Avenue lying south of the south line of Kellogg Drive and between Lot 1, Davis-Moore 2nd Addition and Lot 1, Universals First Addition; together with the areas previously approved by BZA Resolutions 27-84 and 31-82 and described as Lot 1, Davis-Moore 2nd Addition; Lots 1 and 2, Universals First Addition, except the West 225 feet of the North 175 feet and the West 110 feet of the South 169.25 feet of Lot 1, and except the West 110 feet of the North 50 feet of Lot 2; Lots 1 thru 5, Drivers Addition; and the South 270 feet of vacated Waverly Drive lying north of the north line of Orme Street, except the East 30 feet of the North 110 feet thereof; all in Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg Drive and bounded by Orme, Courtleigh, Ellerts, Fabrique and Lexington.

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 September 23, 1986, 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 expansion or establishment of automobile sales, service and storage businesses on property located in 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 the existing automobile agencies on contiguous properties owned by the applicant located in the "LC" Light Commercial District and the "C" Commercial District and legally described as follows:

Lot 10, Drivers Addition; that part of vacated Courtleigh Avenue lying south of the south line of Kellogg Drive and between Lot 1, Davis-Moore 2nd Addition and Lot 1, Universals First Addition; Lot 1, Davis-Moore 2nd Addition; Lots 1 and 2, Universals First Addition, except the West 110 feet of Lot 1, and except the West 110 feet of the North 50 feet of Lot 2; Lots 1 thru 5, Drivers Addition; and the South 300 feet of vacated Waverly Drive lying north of the north line of Orme Street, except the East 10 feet of the North 140 feet thereof; all in Wichita, Sedgwick County, Kansas.

Generally located on the south side of Kellogg Drive and bounded by Orme, Courtleigh, Ellerts, Fabrique and Lexington.

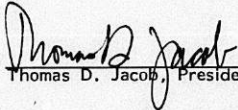
subject to the following conditions:

1. The automobile sales business shall not be conducted in conjunction with any use not directly related to such a business, nor shall the business include any body or fender work on Lot 1, Davis-Moore Second Addition.
2. Body and fender work shall be permitted only within a building and such buildings shall be located within the area of Universal's First Addition zoned the "C" Commercial District. All automobile repair work shall be conducted within an enclosed building.
3. A 5-to-8-foot high solid wall or fence consisting of masonry, wood, metal panels or an architectural tile shall be installed along the entire property line adjacent to Orme Street, along the west property line of Lots 2 through 5 of Driver's Addition, and along the south and west property lines of Lot 10, Driver's Addition, and the south 280 feet adjacent to Courtleigh Drive, provided however, the fence or wall shall provide for a vision triangle at the intersection of Orme and Courtleigh Drive. Said wall or fence shall be maintained in good condition.
4. Within the vision triangle there shall be no setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstruction to view; however, such restriction shall not apply to public utility poles, hedges trimmed to a height of less than 33 inches above gutter grade or trees the limits of which are at all times trimmed to a height of at least 8 feet above ground level.
5. No direct access to Orme Street or Lexington shall be permitted from subject property, and access to Courtleigh Drive shall be limited to the two openings through the fenced area as shown on the applicant's site plan, and the only access from Eilerts Street shall be one driveway to be located at the north end of Courtleigh on the north side of Eilerts Street.
6. No buildings shall be constructed closer than 35 feet to the west line of Courtleigh Drive; within 20 feet of the west line of Lots 1, 2, 3, 4 and 5 of Driver's Addition; and within 35 feet of the north line of Orme Street except for one small accessory building not to exceed 120 square feet and 9 feet in height, or be located closer than 6 feet to the property line. No buildings shall be constructed on Lot 10 of Driver's Addition.
7. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
8. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineers office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
9. The applicant shall install and maintain street trees in the sidewalk area between the parking structure and the curb on the north side of Eilerts Street in accordance with the landscape plan approved by the Secretary that was originally a part of BZA 27-84.
10. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted. No lighting shall be permitted on Lot 10, Driver's Addition except when located below a height of 5 feet above grade and projecting away from residential properties.
11. Ground, pole, building, and portable signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District, however, no signs shall be permitted adjacent to Lexington, Orme Street or Eilerts Street except for small directional signs to direct traffic at the permitted driveways on Courtleigh. No lighted ground or pole signs, or

lighted building signs shall be permitted south of a line 75 feet north of Ellerts Street.

12. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
13. The loading or unloading of transport trucks shall not be permitted on public property and under no circumstance shall it be permitted between 11:00 p.m. and 7:00 p.m.
14. The south building elevation adjacent to Ellerts Street shall be a masonry wall not less than 6 feet above the first floor level and a masonry wall not less than 3 feet above the second floor level.
15. Display of vehicles to the north of the buildings in the 6200 block of Kellogg shall be limited to small passenger vehicles of such size that will permit their location on private property without any encroachment of any kind over public right-of-way.
16. All areas shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
17. All improvements required by this resolution or the Zoning Ordinance shall be installed and maintained in good condition.
18. All parking spaces and display spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
19. No buildings shall be constructed on the property within the setbacks established on any plat or within any setback established by this resolution; and provided further, under no circumstance shall there be any structure of any kind erected on or above any easements on this property.
20. Resolutions No. BZA 31-82 and 27-84 shall become null and void upon the release of this resolution.

ADOPTED AT WICHITA, KANSAS, this 23rd day of September, 1986.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

SECRETARY'S REPORT
CASE NO. BZA 26-86

APPLICANT: Davis-Moore Oldsmobile, Inc., P. O. Box 18047,
Wichita, KS

AGENT: Everett Fettis, 120 S. Market, Suite 504, Wichita, KS

REQUEST: Exception pursuant to Section 28.04.183.2 Code of the
City of Wichita to permit the expansion of the existing
automobile sales business.

GENERAL LOCATION: On the south side of Kellogg Drive and bounded by
Orme, Courtleigh, Eilerts, Fabrique and Lexington.

ZONING: Subject property is zoned the "LC" Light Commercial
and the "C" Commercial District. To the east and
west is "LC" Light Commercial and "A" and "AA"
Residential. To the north is "LC" Light Commercial
and "AA" One-family Dwelling District. To the south
is "A" Two-family and "AA" One-family Dwelling
District.

LAND USE: Subject property is presently used as automobile sales
and service businesses. To the east and west are
commercial uses and to the south and north are
mostly one-family dwellings.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions
outlined under Section 2.12.590.C, Code of the City of Wichita. The Board
may grant the exception provided the conditions set out in Section
28.04.183.2 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant has filed this request in order to include four small
parcels of land into the overall use of the property as an existing complex of
sales and service businesses. These four parcels include areas that have not
been included in any previous BZA case as is a requirement for this use in
the "LC" Light Commercial District. These areas include portions of streets
that have been vacated and two areas that the use has now been occupied as
part of their sales and service operation.

The plan submitted with the application does not change the location of
existing driveways providing ingress or egress to the property. No access is
permitted from Orme Street or Lexington and only the two existing driveways
are permitted on Courtleigh from the north line of Eilerts Street south to
Orme Street. No access is permitted on the north side of Eilerts Street to the
parking garage except for a driveway at the north end of Courtleigh.

Although the plans, submitted with the application, indicate the future
construction of additional storage garage spaces on the property, the location
is contrary to the provisions of the zoning ordinance and of Resolution BZA
31-82. The structure is proposed to be located over a 50-foot utility
easement and a platted 35-foot building setback on Lot 1, Universal First
Addition, and the setback previously established by the Board adjacent to
Courtleigh Avenue.

It should be pointed out that this case was advertised only as an
expansion to the previously approved cases to include four tracts of land that
have been occupied without required BZA approval. If any changes are to be
made to previously established conditions, these should first be advertised
and appropriate notices be given to the adjacent property owners of what
changes are to be made.

It should be noted that the one lot adjacent to Lexington was recently
changed from "A" to "LC" and then improved without a permit. This
property is also a cause of numerous complaints due to the lighting that was

installed that shines onto the residential area to the south and west. Any lights on this property are required to be shielded to reflect and direct light away from adjoining properties. In this case it would appear that the applicant was notified several months ago of this problem, and as of this date, it has not been corrected. If lighting on this property cannot be controlled to a reasonable basis, then the Board can establish conditions appropriate to preserve adjacent property values.

RECOMMENDATION:

Should the Board determine that the expansion of the automobile sales and service business onto the areas, as advertised on August 29, 1986 is appropriate, then it is the recommendation of the Secretary that the application be approved subject to the following conditions:

1. The automobile sales business shall not be conducted in conjunction with any use not directly related to such a business, nor shall the business include any body or fender work on Lot 1, Davis-Moore Second Addition.
2. Body and fender work shall be permitted only within a building and such buildings shall be located within the area of Universal's First Addition zoned the "C" Commercial District. All automobile repair work shall be conducted within an enclosed building.
3. A 5-to-8-foot high solid wall or fence consisting of masonry, wood, metal panels or an architectural tile shall be installed along the entire property line adjacent to Orme Street, along the west property line of Lots 2 through 5 of Driver's Addition, and along the south and west property lines of Lot 10, Driver's Addition, and the south 280 feet adjacent to Courtleigh Drive, provided however, the fence or wall shall provide for a vision triangle at the intersection of Orme and Courtleigh Drive. Said wall or fence shall be maintained in good condition.
4. Within the vision triangle there shall be no setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstruction to view; however, such restriction shall not apply to public utility poles, hedges trimmed to a height of less than 33 inches above gutter grade or trees the limits of which are at all times trimmed to a height of at least 8 feet above ground level.
5. No direct access to Orme Street or Lexington shall be permitted from subject property, and access to Courtleigh Drive shall be limited to the two openings through the fenced area as shown on the applicant's site plan, and the only access from Eilerts Street shall be one driveway to be located at the north end of Courtleigh on the north side of Eilerts Street.
6. No buildings shall be constructed closer than 35 feet to the west line of Courtleigh Drive; within 20 feet of the west line of Lots 1, 2, 3, 4 and 5 of Driver's Addition; and within 35 feet of the north line of Orme Street except for one small accessory building not to exceed 120 square feet and 9 feet in height, or be located closer than 6 feet to the property line. No buildings shall be constructed on Lot 10 of Driver's Addition.
7. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
8. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineers office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
9. The applicant shall install and maintain street trees in the sidewalk area between the parking structure and the curb on the north side of Eilerts Street in accordance with the landscape plan approved by the Secretary that was originally a part of BZA 27-84.
10. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted. No lighting shall be permitted on Lot 10, Driver's Addition except when located below a

height of 5 feet above grade and projecting away from residential properties.

11. Ground, pole, building, and portable signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District, however, no signs shall be permitted adjacent to Lexington, Orme Street or Eilerts Street except for small directional signs to direct traffic at the permitted driveways on Courtleigh. No lighted ground or pole signs, or lighted building signs shall be permitted south of a line 75 feet north of Eilerts Street.
12. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
13. The loading or unloading of transport trucks shall not be permitted on public property and under no circumstance shall it be permitted between 11:00 p.m. and 7:00 p.m.
14. The south building elevation adjacent to Eilerts Street shall be a masonry wall not less than 6 feet above the first floor level and a masonry wall not less than 3 feet above the second floor level.
15. Display of vehicles to the north of the buildings in the 6200 block of Kellogg shall be limited to small passenger vehicles of such size that will permit their location on private property without any encroachment of any kind over public right-of-way.
16. All areas shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
17. All improvements required by this resolution or the Zoning Ordinance shall be installed and maintained in good condition.
18. All parking spaces and display spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
19. No buildings shall be constructed on the property within the setbacks established on any plat or within any setback established by this resolution; and provided further, under no circumstance shall there be any structure of any kind erected on or above any easements on this property.
20. Resolutions No. BZA 31-82 and 27-84 shall become null and void upon the release of this resolution.

MAPC
V-1365 12-12-80
ret. alt. account

V-0651 83-73 ?

1
Univ. private cover

F27

BZA CASE NO. 26-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>33</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>36</u>	TOTAL NOTICES SENT <u>9-2-86</u>

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

August 29, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 26-86

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 Davis-Moore Oldsmobile, Inc., 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 the existing automobile agencies on contiguous properties owned by the applicant located in the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 10, Drivers Addition; the West 50 feet of the North 140 feet of the South 300 feet of vacated Waverly Drive lying north of the north line of Orme Street, except the West 30 feet of the South 110 feet thereof; the North 175 feet of Lot 1, Universals First Addition, except the East 125 feet and the West 110 feet thereof; and that part of vacated Courtleigh Avenue lying south of the south line of Kellogg Drive and between Lot 1, Davis-Moore 2nd Addition and Lot 1, Universals First Addition; together with the areas previously approved by BZA Resolutions 27-84 and 31-82 and described as Lot 1, Davis-Moore 2nd Addition; Lots 1 and 2, Universals First Addition, except the West 225 feet of the North 175 feet and the West 110 feet of the South 169.25 feet of Lot 1, and except the West 110 feet of the North 50 feet of Lot 2; Lots 1 thru 5, Drivers Addition; and the South 270 feet of vacated Waverly Drive lying north of the north line of Orme Street, except the East 30 feet of the North 110 feet thereof; all in Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg Drive and bounded by Orme, Courtleigh, Ellerts, Fabrique and Lexington.

This application has been assigned Case No. BZA 26-86. It will be considered by the Board of Zoning Appeals on September 23, 1986 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.

Glen E. Lytle
Assistant Secretary

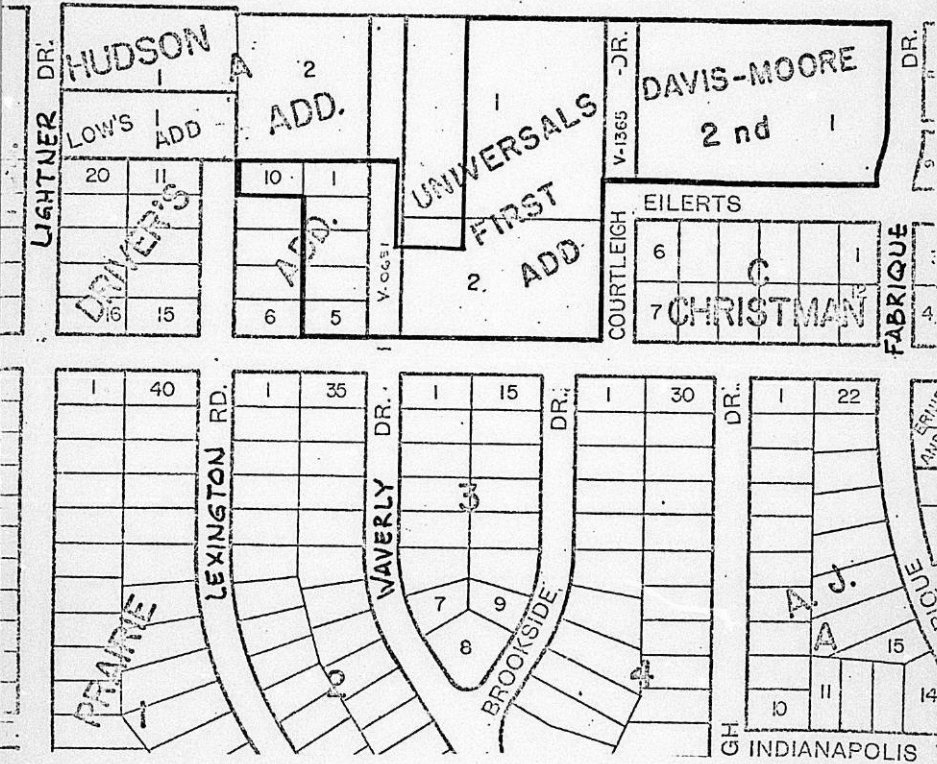
Map No. 5846A

BZA 26-86
Filed _____

AREA DATA:

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

KELLOGG



BOARD OF ZONING APPEALS

CASE NO. 26-86

CITY OF WICHITA, KANSAS


FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant DAVIS-MOORE OLDSMOBILE, INC.
 Mailing Address P. O. Box 18047 Phone 685-0211
 Name of Authorized Agent Everett C. Fettis
 Mailing Address 120 S. Market, Suite 504 Phone 267-7251
 Relationship of applicant to property is that of owner
 (Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the ^{expansion of} establishment of the properties are to be utilized by applicant in connection with adjacent properties it owns and operates in the automobile business.
_____ on property zoned LC,
 located _____ see attached _____ and legally described as: see attached
 _____, in
 the City of Wichita.

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
 - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 39-285); 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 DAVIS-MOORE OLDSMOBILE, INC.
 Authorized Agent Everett C. Fettis 

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 9:30 (a.m./p.m.), August 21, 1986 together with appropriate fee of 400.00.

Signed 

FOR ENELETT FETTIS

Lot 10, Drivers Addition; the West 50 feet of the North 140 feet of the South 300 feet of vacated Waverly Drive lying north of the north line of Orme Street, except the West 30 feet of the South 110 feet thereof; the North 175 feet of Lot 1 Universals First Addition, except the East 125 feet and the West 110 feet thereof; and that part of vacated Courtleigh Avenue lying south of the south line of Kellogg Drive and between Lot 1, Davis-Moore 2nd Addition and Lot 1, Universals First Addition; together with the areas previously approved by BZA Resolutions 27-84 and 31-82 and described as Lot 1, Davis-Moore 2nd Addition; Lots 1 and 2, Universals First Addition, except the West 225 feet of the North 175 feet and the West 110 feet of the South 169.25 of Lot 1, and except the West 110 feet of the North 50 feet of Lot 2; Lots 1 thru 5, Drivers Addition; and the South 270 feet of vacated Waverly Drive lying north of the north line of Orme Street except the East 30 feet of the North 110 feet thereof; all in Wichita, Sedgwick County, Kansas.

Generally located on the south side of Kellogg Drive and bounded by Orme, Courtleigh, Eilerts, Fabrique and Lexington.

BZA DAVIS-MOORE LEGAL

Deliver: Metro Area
Planning
City Bldg. - 10th Floor

Attn: Glen Lytle

RE: Chg. legal for
radius - Everett
Fettis

OWNERSHIP LIST

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1 except the West 110 feet and Lot 2 except the South 160 feet and except the West 110 feet of the North 50 feet thereof.	Universals First Addition	✓ D & M Investments 6215 E. Kellogg Wichita, KS 67218
The South 160 feet of Lot 2 and the East 10 feet of vacated Waverly Drive thereto.	"	✓ Marvin J. Gordon Evelyne L. Gordon 8001 Tipperary St. Wichita, KS 67206 Affidavit of Notice of Interest: Bob Moore ✓ Grant Davis 6215 E. Kellogg Wichita, KS 67218
The West 110 feet of Lot 1 and the East 10 feet of vacated Waverly Drive thereto.	"	✓ Universal Service Station, Inc. 2824 N. Ohio Wichita, KS 67219
The West 110 feet of Lot 2 except the South 160 feet, and the East 10 feet of vacated Waverly Drive thereto.	"	✓ Universal Service Station, Inc. 2824 N. Ohio Wichita, KS 67219 AND Elizabeth F. Maloney Address Unknown
The West 20 feet of the East 30 feet of that part of vacated Waverly Drive lying West of Lots 1 & 2 except the South 300 feet and the North 100 feet thereof.	"	✓ Kadco, a partnership 5900 E. Central Suite 201 Wichita, KS 67208
The West 20 feet of the East 30 feet of that portion of vacated Waverly Drive lying West of the South 300 feet of Lots 1 and 2.	"	✓ Daniel M. Carney 2024 N. Woodlawn Wichita, KS 67208 AND Lindy Andeel ✓ 5900 E. Central Suite 201 Wichita, KS 67208
The West 20 feet of the East 30 feet of that portion of vacated Waverly Drive lying West of the North 100 feet of Lot 1	"	✓ Universal Service Station, Inc. 2824 Ohio Wichita, KS 67219
Lot 1	Davis-Moore 2nd Addition	✓ D & M Investments 6215 E. Kellogg Wichita, KS 67218 AND Marvin J. Gordon Evelyne L. Gordon ✓ 8001 Tipperary St. Wichita, KS 67206

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Beginning at the NW/c of Lot 1, Davis-Moore 2nd Addition, Wichita, Kansas; thence south, 284.28 feet to the SW/c of Lot 1, in said Davis-Moore 2nd Addition; thence West, along the South line of the South line of Lot 1, in said Davis-Moore 2nd Addition, extended West, 50 feet to the East line of Lot 1, Universal First Addition to Wichita, Kansas; thence North, 284.01 feet to the NE/c of Lot 1, in said Universal's First Addition; thence East, 50 feet to the p.o.b.			✓ D & M Investment 6215 E. Kellogg Wichita, KS 67218 AND Marvin J. Gordon Evelyn L. Gordon 8001 Tipperary Wichita, KS 67206 AND Bob Moore Grant Davis 6215 E. Douglas Wichita, KS 67218
Lot 4	Block C	A. J. Christman Third Addition	✓ J. D. Costlow Marilyn D. Costlow 11025 E. Kinkaid Wichita, KS 67207
Lot 5 and the East 3 feet of Lot 6, Block C		"	✓ Ronald J. Wadsack 1262 E. Monte Wichita, KS 67216
Lot 6 except the East 3 feet, Block C		"	✓ Paul V. Shoreack 534 Courtleigh Wichita, KS 67218
Lot 7	Block C	"	✓ Christopher A. Shawver Ruby G. Shawver 5700 E. Mainsgate Wichita, KS 67220
Lot 8	Block C	"	✓ E. W. Schroeder Margaret L. Schroeder 6208 E. Orme Wichita, KS 67218
Lot 9	Block C	"	✓ Mary L. Bartlett 6216 E. Orme Wichita, KS 67218
Lots 1, 2, 3, 4 & 5		Drivers Addition	✓ D & M Investment 6215 E. Kellogg Wichita, KS 67218
Lot 6		"	✓ Howard C. Laswell Mabel M. Laswell 554 Lexington Wichita, KS 67218
Lot 7		"	✓ Edward D. Schmidt Otille H. Schmidt 548 Lexington Wichita, KS 67218
Lot 8		"	✓ John R. Cushing 542 Lexington Wichita, KS 67218
Lot 9		"	✓ Loretta L. McElhaney Verl C. McElhaney 536 Lexington Wichita, KS 67218

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 10		Drivers Addition	✓ D & M Investments 6215 E. Kellogg Wichita, KS 67218
Lot 11		"	✓ Darol J. Moseley Lois W. Moseley 1726 Lexington Wichita, KS 67218 Notice of Interest filed 6-24-82: ✓ Ralph O. Fant 531 Lexington Wichita, KS 67218
Lot 12		"	✓ Bertha Juanita Peters 537 Lexington Wichita, KS 67218
Lot 13		"	✓ Lils L. Daniels Betty L. Daniels 543 Lexington Wichita, KS 67218
Lot 14		"	✓ Raymond W. Way Clara M. Way 549 Lexington Wichita, KS 67218
Lot 15		"	✓ James F. Lawrence Elsie M. Lawrence 555 Lexington Wichita, KS 67218
Lot 18		"	✓ Guy L. Bounous Berniece I. Bounous 542 S. Lightner Wichita, KS 67218
Lot 19		"	✓ Walter W. Vorderstrasse Estella M. Vorderstrasse 536 S. Lightner Wichita, KS 67218
Lot 20		"	✓ Robert Edward Thiele 4041 E. 1st Wichita, KS 67208
Lot 1 except the East 102 feet, Block A		Hudson Addition	✓ Howard E. Utz Jr. Denise L. Utz 301 S. Belmont Wichita, KS 67218
The East 102 feet of Lot 1 & the West 10 feet of Lot 2, Block A		"	Same As Above
The West 140 feet of Lot 2 except the West 10 feet thereof, Block A		"	✓ Arthur Lankin 953 S. Greenwich Rd. Wichita, KS 67207

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 2, Block A, except the West 140 feet		Hudson Addition	✓ Carney Family Partnership Suite 402 2024 N. Woodlawn Wichita, KS 67208
Lot 1		Low's Addition	✓ Howard E. Utz, Jr. Denise L. Utz 301 S. Belmont Wichita, KS 67218
Lot 10	Block J	Second Addition to The Village	✓ Armando P. Simon Sara V. Simon Apt. 908, 1904 E. Milberry Angleton, TX 77515
Lot 11	Block J	"	✓ Jack E. Thomas 443 S. Brookside Dr. Wichita, KS 67218
Lot 10	Block K	"	✓ Charles A. Gaynor Kathy N. Gaynor 1908 S. Bleckley Wichita, KS 67218
Lot 11	Block K	"	✓ Virginia K. Ahlf Shirley Ann Ahlf 465 Courtleigh Dr. Wichita, KS 67218

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:

Lot 1, except the West 110 feet and except the East 125 feet thereof, Universals First Addition to Wichita, Kansas, AND

Lot 10, Drivers Addition to Wichita, Kansas, AND

Beginning at the Northwest corner of Lot 1, Davis-Moore 2nd Addition, Wichita, Kansas; thence South 284.28 feet to the Southwest corner of Lot 1; thence West along the South line of Lot 1, extended West 50 feet to the East line of Lot 1, Universals First Addition; thence North 284.01 feet to the Northeast corner of Lot 1 in Universals First Addition; thence East 50 feet to the point of beginning.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 16th day of June, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Gable

By Sr. Vice-President

Order No: 362340
nj

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FROM THE BEST
AVAILABLE COPY**

FORM 2 21

PAYMENT NOTICE
City of Wichita

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

Planning

DESCRIPTION	AMOUNT
Item 024 Elevator	\$400 ⁰⁰

NAME Fischer James

ADDRESS 1605 14th St

FUND 400 DUE DATE

COMMENTS

DATE 1/14/47 BY [Signature]

*

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

Roll # 3