

Case No. BZA 31-84 - Carney Enterprises
- requests an exception to permit the
establishment of an off-street parking
lot on property zoned the "AA" One-
family Dwelling District and generally
located on the east side of Rock Road
and south of Central (240 to 302 W.

*POSTED
5-30-84 GEL*

ACTION

B.Z.A. 31-84 APPROVED

6-26-84
DATE

ACTION Null & Void

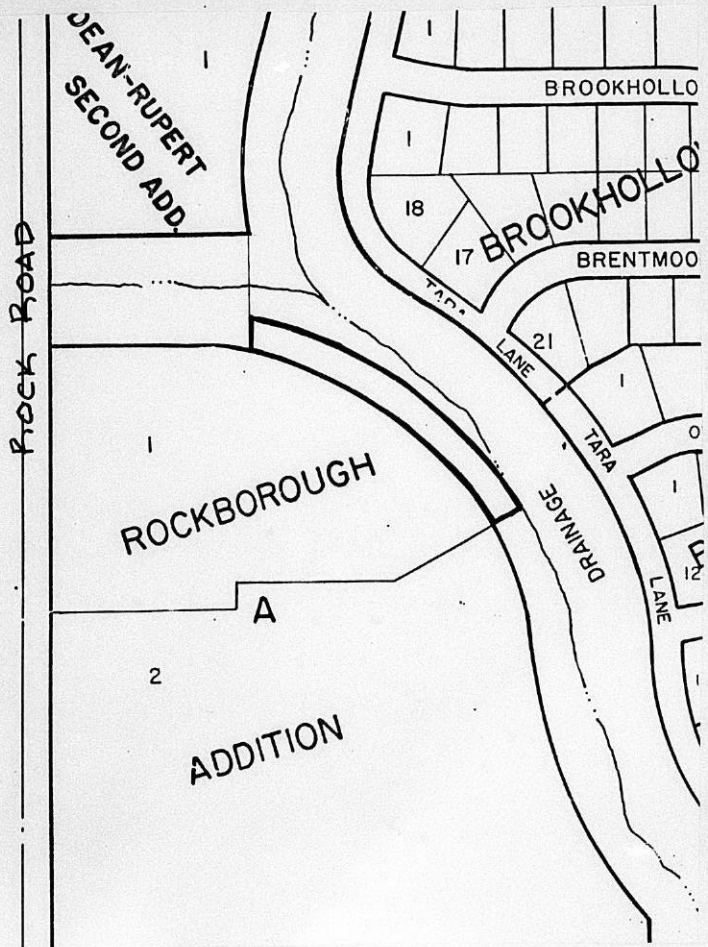
SEE LETTER 2-5-86, pg

Map No. 6047 D

BZA 31-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S BB W BB N AA
3. Land Use: East Res. South OFF & APTS
West Vac. North Comm
4. Area (is) (is not) platted.



Standard
No. 2-153C
HASTINGS, MN
LOS ANGELES-CHICAGO-LOGAN, OH
MCBRIDE, TX-LOCUST GROVE, GA
U.S.A.

RESOLUTION NO. BZA 31-84

WHEREAS, Carney Enterprises, 302 North Rock Road, Wichita, Kansas, requests an exception as provided in Section 2.12.590.B, Code of the City of Wichita, to permit the establishment of an off-street parking lot on property zoned the "AA" One-family Dwelling District and legally described as follows:

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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 June 26, 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 off-street parking lot adjacent to an office development on property zoned the "AA" One-family Dwelling District subject to the conditions outlined in Section 28.04.183.5, Code of the City of Wichita.

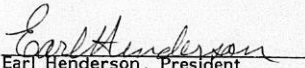
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ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

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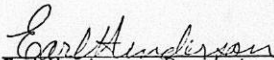
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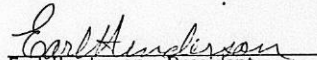
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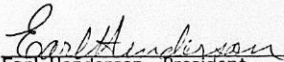
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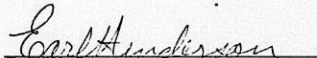
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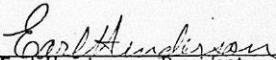
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Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

February 5, 1986

Carney Enterprises
302 North Rock Road
Wichita, Kansas 67206

RE: BZA 31-84 (Exception for parking)
BZA 32-84 (Variance in number of required off-street parking spaces)

Gentlemen:

On June 27, 1984 you were advised by letter of the action taken by the Board of Zoning Appeals on the two applications filed on your behalf by your architect David Haines. These applications were: (1) BZA 31-84 - Request for an exception to permit an area in the "AA" One-family Dwelling District to be utilized for off-street parking; and (2) BZA 32-84 - Request to vary the number of off-street parking spaces to permit the development of additional office space on Lot 1, Block A, Rockborough Addition (generally located on the east side of the 300 block of North Rock Road).

Before the Resolution for BZA 31-84 was to be released, a site development plan showing the wall and landscaping materials was to be submitted for approval. To this date such a plan has not been received. In addition to this requirement, these improvements to the property were to be completed within 12 months from the date of the action by the Board.

The recent application to temporarily rededicate the drainageway precludes any opportunity to complete the improvements in the near future. Since BZA 31-84 has not been released and the improvements have not been commenced, the action taken by the Board on this case becomes null and void. BZA 32-84 is subject to the release and completion of BZA 31-84 which would permit the installation of the parking.

Rather than voiding Resolution BZA 32-84, I will hold this case in abeyance until you have determined your actual time table for the installation of the improvements as proposed. At such time that you can make a commitment to complete the improvements of the parking area within 12 months, it would then be appropriate for you to refile the request for the off-street parking exception.

Carney Enterprises
February 5, 1986
Page 2

If you have any questions on this matter, please give me a call.

Sincerely,

Glen E. Lytle
Assistant Secretary, Board of Zoning
Appeals

GEL/lw

cc: David Haines, 260 N. Rock Road, Wichita, KS 67206
M.S. Mitchell, 1215 Forest, Wichita, KS 67203
Monty Robson, Superintendent of Central Inspection
Don Gisick, City Clerk

June 27, 1984

Carney Enterprises
302 North Rock Road
Wichita, Ks. 67206

Re: BZA 31-84 - Request for Exception

Gentlemen:

At the regular meeting of the Board of Zoning Appeals on June 26, 1984, your request for a variance was considered. It was the action of the Board to approve the request subject to the following conditions:

1. The parking spaces and all drives and circulation aisles shall be surfaced with asphalt or concrete and be maintained in good condition.
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3. The parking area shall be used for passenger vehicles only and shall not include trucks or equipment of any business. The area shall not include the use of the property for any storage, work area, dismantling or servicing of any vehicles, equipment materials or supplies.
4. Prior to the release of the resolution authorizing the construction of a parking area, the vacation of that portion of the drainageway must be completed and a site development plan, including landscaping materials, shall be submitted to the Secretary for approval.
5. Prior to occupancy of the property as a parking lot, and in no case later than 12 months from the approval by the Board, all conditions of this resolution and those of 28.04.145 of the Zoning Ordinance shall be complied with or the resolution shall become null and void.

A Resolution authorizing the use of the property for off-street parking will not be released until the conditions of the vacation and the landscaping plan have been approved.

If you have any questions, please give me a call at 268-4421.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: David A. Haines, 260 N. Rock Road, Wichita 67206
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE June 21, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Entriken, Administrative Aide III

SUBJECT BZA 31-84 Generally located on
the east side of Rock Road and
south of Central (240 to 302
North Rock Road)

On Monday, June 18, CPO Council "H" considered the above captioned case.

The Council voted 5-0 to recommend approval of the request, subject to conditions in the Secretary's report.

David Haines, Ken Helmer, and Byron Wiley were present to discuss this case with the Council. There were no area residents present.

Please present the Council's recommendations to the BZA when it meets to consider this case.

Cindy Entriken
Cindy Entriken
Administrative Aide III

CE:sm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

SECRETARY'S REPORT
CASE NO. BZA 31-84

APPLICANT: Carney Enterprises, 302 North Rock Road,
Wichita, Ks.

AGENT: David A. Haines, 260 North Rock Road, Wichita,
Kansas.

REQUEST: Exception pursuant to Section 28.04.145, Code
of the City of Wichita to permit the establish-
ment of an off-street parking lot on property
zoned the "AA" One-family Dwelling District.

GENERAL LOCATION: On the west bank of the drainage area opposite
Tara Lane.

ZONING: Subject property is zoned the "AA" One-family
Dwelling District as are the properties to the
east and north. Property to the south and west
is zoned the "BB" Office District.

LAND USE: Subject property is vacant. Properties to the
east and north across Tara Lane are One-family
Dwellings. Property adjacent to the area is
"BB" Office 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 28.04.184 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the expansion of the existing parking area into a portion of the original drainageway that is being vacated. The application area when vacated will retain the "AA" One-family zoning classification and cannot be used for parking unless an exception is granted or the zoning is changed to a district wherein off-street parking is a permitted use. In this case, the staff recommended the exception procedure so that adequate landscaping can be attained along the boundary of the parking area to provide protection to the residences across Tara Lane.

The use of the property in conjunction with the existing office development would be appropriate. Also the off-street parking will be needed for the proposed expansion of the office development. Approval should be subject to adequate screening and/or landscaping being provided along the drainageway to create some protection to the residences along Tara Lane.

RECOMMENDATION:

Should the Board determine that the proposed use of the property as an off-street parking lot is appropriate, then it is the recommendation of the Secretary that the exception be approved subject to the following conditions:

1. The parking spaces and all drives and circulation aisles shall be surfaced with asphalt or concrete and be maintained in good condition.
2. Only such signs as are necessary for the operation of the parking lot shall be permitted and shall not exceed the size set forth in 28.04.139C.1 of the Zoning Ordinance.
3. The parking area shall be used for passenger vehicles only and shall not include trucks or equipment of any business. The area shall not include the use of the property for any storage, work area, dismantling or servicing of any vehicles, equipment materials or supplies.

4. Prior to the release of the resolution authorizing the construction of a parking area, the vacation of that portion of the drainageway must be completed and a site development plan, including landscaping materials, shall be submitted to the Secretary for approval.
 5. Prior to occupancy of the property as a parking lot, and in no case later than 12 months from the approval by the Board, all conditions of this resolution and those of 28.04.145 of the Zoning Ordinance shall be complied with or the resolution shall become null and void.
-

BZA CASE NO. 31-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>16</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>19</u>	TOTAL NOTICES SENT <u>6-16-84</u>

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

June 6, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 31-84

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 Carney Enterprises, 302 North Rock Road, 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 off-street parking lot on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

A 62 foot wide strip of the Drainage Dedication platted in Brookhollow Addition, more particularly described in a metes and bounds description as; BEGINNING at the southeast corner of Venture Park Addition; thence north along the east line of said Venture Park Addition a distance of 63.55 feet to a point on a curve whose radius is 707 feet; thence southeasterly along said 707 foot radius curve to the right a distance of 591.11 feet to its point of intersection with the southeast line of Lot 1 of Block A of Rockborough Addition extended; thence S60°W a distance of 62 feet to the southeast corner of said Lot 1; thence northwesterly along the east line of said Lot 1, said line being a curve whose radius is 645 feet, for a distance of 525.95 feet to the point of beginning, containing 0.794 acres, more or less; and being vacated by Case No. V-1265. Generally located on the east side of Rock Road and south of Central (240 to 302 North Rock Road).

This application has been assigned Case BZA 31-84. It will be considered by the Board of Zoning Appeals on June 26, 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

BOARD OF ZONING APPEALS

CASE NO. 31-84

CITY OF WICHITA, KANSAS

FILED 5-25-84

APPLICATION FOR EXCEPTION

I. Name of Applicant Carney Enterprises
 Mailing Address 302 N. Rock Road, Wichita, KS 67201 Phone 687-4010
 Name of Authorized Agent David A. Haines, Architect
Howard Helmer Phillips Architects P.A.
 Mailing Address 260 N. Rock Road, Suite 190 Phone 688-0149
 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 establishment of
Parking on vacated flood control easement to augment
required office parking.

on property zoned AA
 located 240-302 N. Rock Road, Wichita, Kansas
 and legally described as: see Exhibit A for legal
description.

_____ , 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. 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.

CARNEY ENTERPRISES
 Applicant [Signature]

DAVID A. HAINES, ARCHITECT
 Authorized Agent [Signature]

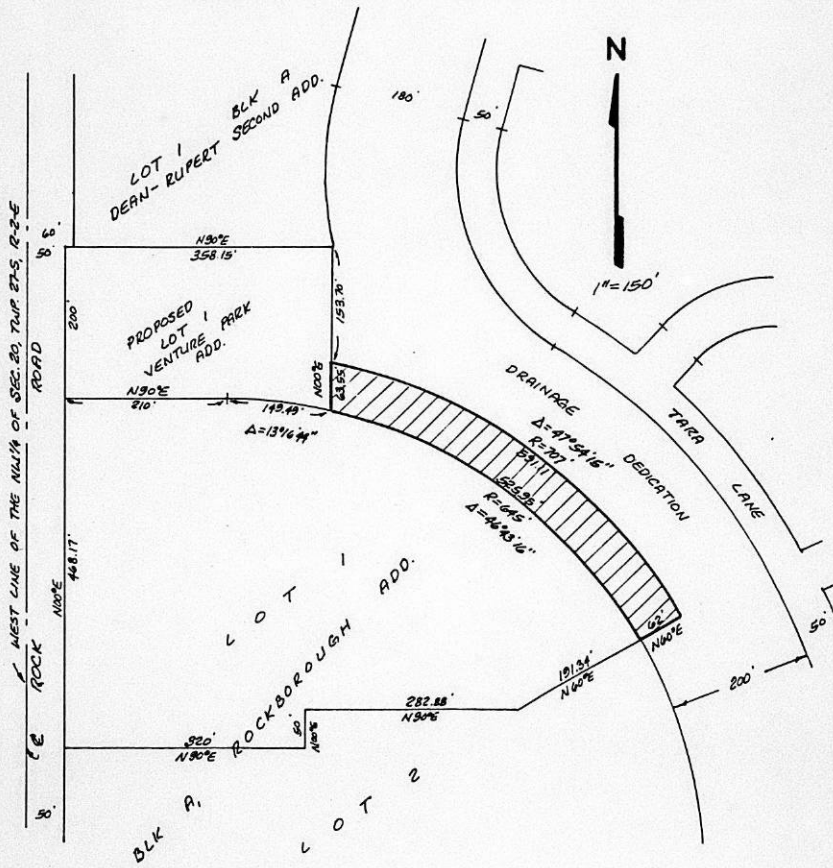
OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
3:00 p.m.), MAY 25, 1984 together with
 appropriate fee of 200.00.

Signed [Signature]

WILLIAM L. KORBER, L.S.
 JOHN E. LUNDBLADE, L.S.
 N. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.
 SURVEYING & ENGINEERING
 316 262-7271 • 330 LAURA • WICHITA, KANSAS 67211



"EXHIBIT"

34,629,604 Sq. Ft.
 0.794 Acres

27 APR 84

EXHIBIT A1

EXHIBIT

METES AND BOUNDS DESCRIPTION
PORTION OF DRAINAGE DEDICATION IN BROOKHOLLOW ADDITION

A 62 foot wide strip of the Drainage Dedication platted in Brookhollow Addition, more particularly described as follows: BEGINNING at the southeast corner of Venture Park Addition; thence NORTH along the east line of said Venture Park Addition a distance of 63.55 feet to a point on a curve whose radius is 707 feet; thence southeasterly along said 707 foot radius curve to the right a distance of 591.11 feet to its point of intersection with the southeast line of Lot 1 of Block A of Rockborough Addition extended; thence S60°W a distance of 62 feet to the southeast corner of said Lot 1; thence northwesterly along the east line of said Lot 1, said line being a curve whose radius is 645 feet, for a distance of 525.95 feet to the point of beginning, containing 0.794 acres, more or less.

EXHIBIT A2

The applicant desires to provide parking on the vacated 62' strip of flood control right of way for a new office structure.

The flood control easement is zoned AA one family residential; however, the land is adjacent to BB office property.

It is the intent of the applicant to provide landscape screening to improve the visual impact from the residences along Tara Lane (see section drawing, Exhibit C). This will be accomplished by using a combination of shrubbery and larger trees within the planter areas.

Lighting for the parking area will be directed away from the residential property across the flood control easement.

The intent of the zoning ordinance is to provide screening for parking lots directly adjoining residential property. The subject property in this case adjoins a 200' flood control easement which is separated from the area residences by Tara Lane. The applicant will add a major aesthetic improvement over the existing conditions adjacent to the flood control right of way and is compatible with the spirit of the applicable zoning ordinance.



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

All of Lot 1 Block A, Rockborough Addition together with all of the vacated drainage dedication adjoining on the North.
AND
A 62 foot wide strip of the Drainage Dedication platted in Brookhollow Addition, more particularly described as follows: BEGINNING at the southeast corner of Venture Park Addition; thence NORTH along the east line of said Venture Park Addition a distance of 63.55 feet to a point on a curve whose radius is 707 feet; thence southeasterly along said 707 foot radius curve to the right a distance of 591.11 feet to its point of intersection with the southeast line of Lot 1 of Block A of Rockborough Addition extended; thence S60°W a distance of 62 feet to the southeast corner of said Lot 1; thence northwesterly along the east line of said Lot 1, said line being a curve whose radius is 645 feet, for a distance of 525.95 feet to the point of beginning.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

- | | |
|--|--|
| Lot 1 Block A, Robkborough Add together with Vac Drainage on N. | ✓ Frank L. Carney
260 N. Rock Road 67206 |
| Lot 2 Block A, Rockborough Add. | ✓ Windsor at Rockborough Inc.
240 N. Rock Road 67206 |
| The South 280.13 Feet of Lot 1 Rockwood 11th Add. | ✓ Fidelity Title Company Inc.
Trustee
221 N. Market 67202 |
| South 80 Feet of the West 117 Feet of Lot 1 Block A, Dean Ruppert Second Addition. | ✓ Lindy Andeel
Stanley Andeel
5900 E. Central Suite 201
67208 |
| South 210 feet M/L of Lot 1 Block A, Dean Ruppert 2nd Add Exc'd S 80' of W 117' | ✓ Frank L. Carney
260 N. Rock Road 67206 |
| Lot 7 Block 3, Rockwood 6th Add. | ✓ Paul O. Pendleton
Mary M. Pendleton
7824 Pagent Lane 67206 |

Lot 8 Block 3, Rockwood 6th Add.	✓ Maurice E. Johnson Betty J. Johnson 7830 Pagent Lane 67206
Lot 9 Block 3, " "	✓ Jim L. Shadid Joyce A. Shadid 7838 Pagent Lane 67206
Lot 1 Block 4, " "	Harold Bager LaVerna Bager (Unknown)
Lot 2, Block 4 " "	✓ William J. Ervin Mary L. Ervin 236 Live Oak Lane 67206
Lot 3, Block 4, " "	✓ Thorn Walker Longworth Martha Sue Longworth 228 Live Oak Lane 67206
Lot 1, Block 1, BROOKHOLLOW 3RD ADDITION,	Angello & Anna Fasciano 8225 Overbrook ✓ Wichita, Kansas 67206
Lot 12, Block 1, BROOKHOLLOW 3RD ADDITION,	Joseph & Albina Graf 8230 Stoneridge ✓ Wichita, Kansas 67206
Lot 1, Block 2, BROOKHOLLOW 3RD ADDITION,	✓ Kenneth R. & E. Jean Wilkerson ^{7809 Clay} 8445 Stoneridge ⁶⁷²⁰⁷ Wichita, Kansas 67206 <i>returned 6-14-84</i>
Lot 21, Block 2, BROOKHOLLOW 2ND ADDITION,	✓ E. A. & Celia M. Thompson 8201 Brentmoor ^{returned 6-14-84} Wichita, Kansas 67206 <i>641 N. Woodlawn, Apt. B</i>
Lot 1, Block 1, BROOKHOLLOW 2ND ADDITION,	✓ John C. & Carol S. Maloney 312 Tera Lane Wichita, Kansas 67206
Lot 17, Block 1, BROOKHOLLOW 2ND ADDITION,	✓ Isa O. & Atsuko Sugiura 304 Tera Lane Wichita, Kansas 67206
Lot 18, Block 1, BROOKHOLLOW 2ND ADDITION,	✓ Charles S. & Emma Jean Evenson 250 N. Rock Road, Suite 365 Wichita, Kansas 67206

Dated at Wichita, Kansas , this 18th day of April, 1984 at
7:00 A.M.

FIDELITY TITLE COMPANY, INC.

Melinda R. Sutter
By Assistant Secretary

Tracer No. 65791

EXHIBIT B2

WICHITA - SEDGWICK COUNTY

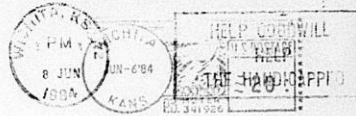
W S C

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

RECEIVED

JUN 1 1 1984

METROPOLITAN PLANNING
ROUTE



BZA
31-84
32-84

NOT THIS ADDRESS
RETURN TO SENDER

3145 K...
6411 Woodlawn Blvd
Ap 18
RETURN to Celia M. Thompson
800 W. 21st St
Wichita, Mo. Ks. 67206

RETURN TO SENDER

CORRECT YOUR RECORDS

DO NOT SEND THEIR MAIL TO THIS ADDRESS

WICHITA - SEDGWICK COUNTY

W S C

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

RECEIVED

JUN 1 4 1984

METROPOLITAN PLANNING
ROUTE



Kenneth R. & E. Jean Wilkerson
8445 Stoneridge
Wichita, Ks. 67206

608
RS
not at this address
return to sender

ATTENTION NOT KNOWN RETURN TO SENDER



Jean Clay
9809
67207

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 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
City of Wichita	200

NAME ALNO. E. DORP

ADDRESS 10 N. Loc. 43

FUND 72-407-202 DUE DATE

COMMENTS

DATE 12-25-1971 BY J. H. [Signature]