

2004 Sec 10-31-86
Shot 11-18-86
Record ✓

Case No. HZA 33-86 - Wichita Inn Suites,
Inc. requests an exception to permit the
establishment of an automobile leasing
business on property zoned the "LC"
Light Commercial District & generally
located on the south side of Kellogg
5 east of Pipecrest (5241 E. Kellogg)

Posted
8-22-86 SEC

ACTION

B.Z.A. 33-86 APPROVED 9/23/86
DATE

2004 Sec 10-31-86

Shot 11-18-86

Record ✓

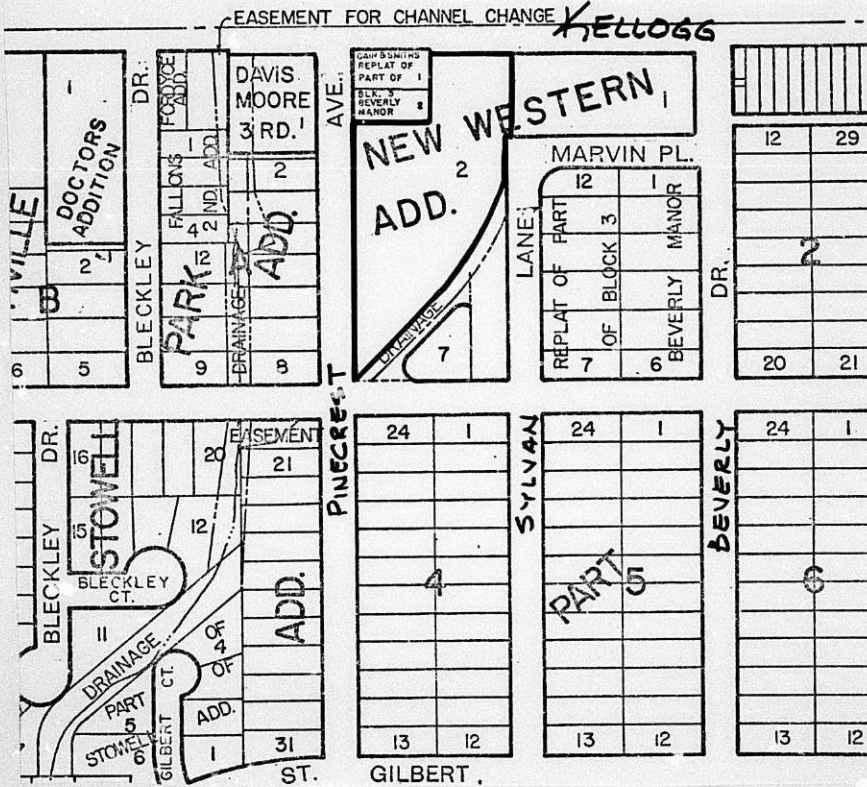
Case No. BZA 33-86 - Wichita Inn Suites, Inc. requests an exception to permit the easement of an automobile leasing business on property zoned the "C-1" Light Commercial District & generally located on the south side of Kellough Avenue at Pinecrest, 5211 E. Kellough

Map No. 5846 D

BZA 33-86
 Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "LC d RB" S "RB" W "LC d RB" N "BB"
3. Land Use: East Rest. & I-F South I-F
 West Auto. Sales & I-F North V.A. Hosp.
4. Area (is) (~~is not~~) platted.



SHAW-WALKER ENGINEERING, INC.
 No. 2453C
 LOS ANGELES, CALIFORNIA 90008, OH
 HOUSTON, TEXAS 77060, DALLAS, TEXAS 75201, U.S.A.

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 33-86: South of Kellogg
and east of Pinecrest - 5211
East Kellogg

CPO Council "C" considered the captioned case at its September 15 meeting and voted 7-0 to recommend that the exception to permit the establishment of an automobile leasing business be approved.

Robert W. Kaplan, agent, 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 33-86 is considered at the September 23 meeting.

Shirley Mast
Shirley Mast
Administrative Aide III

SM:dm

Noted

Annie K. Montgomery
Annie K. Montgomery
CRS Director

September 25, 1986

Robert W. Kaplan
430 North Market
Wichita, Kansas 67202

Re: BZA 33-86 - Request for Exception

Dear Mr. Kaplan:

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: Wichita Inn Suites, Inc., 5211 E. Kellogg, Wichita, KS 67218
Enterprise Leasing Co. of Wichita, 8850 Ladue, St. Louis, MO 63124
Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION CASE NO. 33-86

WHEREAS, Wichita Inn Suites, Inc., 5211 East Kellogg, Wichita, Kansas, and Enterprise Leasing Company of Wichita, 8850 Ladue, St. Louis, Missouri, 63124, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an automobile leasing business on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 2, New Western Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg and east of Pinecrest (5211 E. 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 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 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 and legally described as follows:

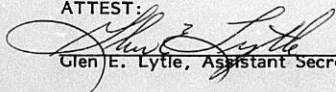
Lot 2, New Western Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg and east of Pinecrest (5211 E. Kellogg).

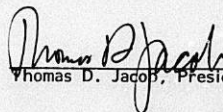
subject to the following conditions:

1. There shall not be more than 17 vehicles stored on the site at any time unless additional parking spaces are provided for this business.
2. Under no circumstances shall this business occupy any of the required parking spaces of the motel or be located on any adjacent property without approval by the Board of Zoning Appeals as authorized by Section 28.04.183.2 of the zoning ordinance.
3. Signs shall be limited to permanent signs as authorized by Section 28.04.139 of the zoning ordinance.
4. All areas used for the parking and storage of vehicles shall be surfaced and maintained in good condition as required by the zoning ordinance.
5. The spaces designated by the site plan submitted with the application shall be utilized for this business and may be relocated in the general area adjacent to Kellogg should further development occur. Should these 17 spaces be moved, a revised site plan shall be submitted to the Secretary for approval and become a part of the file.
6. No maintenance of the vehicles shall be permitted on this property.

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

ATTEST:


Glen E. Lytle, Assistant Secretary


Thomas D. Jacob, President

SECRETARY'S REPORT
CASE NO. BZA 33-86

APPLICANT: Wichita Inn Suites, Inc., 5211 E. Kellogg, Wichita, KS 67218.
Enterprise Leasing Co. of Wichita, 8850 Ladue, St. Louis, MO 63124.

AGENT: Robert W. Kaplan, 430 N. Market, Wichita, KS 67202

REQUEST: Exception pursuant to Section 28.04.183.2 Code of the City of Wichita to permit the establishment of an automobile leasing business.

GENERAL LOCATION: On the south side of Kellogg and east of Pinecrest (5211 E. Kellogg)

ZONING: Subject property is zoned the "LC" Light Commercial District as is the property to the east. To the west is "LC" Light Commercial and "RB" Four-family Dwelling District. To the south is the "RB" Four-family Dwelling District and to the north the "BB" Office District.

LAND USE: Subject property was recently developed as a multi-story motel. Properties to the east and west are developed as residential and commercial. To the north is the Veterans Hospital.

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 applicants are requesting an exception to permit the establishment of an automobile leasing and rental business on the property. This will include the parking and storage of the vehicles on site when such are not leased out. The applicant does not state how many vehicles will be stored on the property at any time, however, the site plan indicates 17 spaces to be designated for use by the automobile leasing business.

It should be noted that this business has been operating at a location one block west of Oliver on the south side of Kellogg for approximately two years. The present operation has been cited by Central Inspection for failure to secure an exception through the Board of Zoning Appeals. The owner of the property had requested a zone change so that an application at the present location could be processed by the Board of Zoning Appeals. Unfortunately, the owner of the property at the present location never completed the zone change necessary to accommodate the automobile leasing business in conformance with the required regulations so the case was never processed.

No statement has been furnished by the applicants as to how the business is to be operated from this location. It is assumed, however, that the operation will be similar to what presently exists at the location at 4629 East Kellogg. As many as 24 to 26 cars have been observed on the site on Sunday mornings when all the businesses have been closed. This would exceed the 17 spaces shown by the applicant's site plan for the use of this property. The applicant should furnish information to the Board on the total number of vehicles to be leased from this location, and the maximum number to be located at this site. If additional vehicles are owned by the agency, it should be stated where these vehicles are to be serviced and stored.

RECOMMENDATION:

Should the Board determine that the proposed use of the property is appropriate at this location, then it is the recommendation of the Secretary that the application for an automobile leasing business be approved subject to the following conditions:

1. There shall not be more than 17 vehicles stored on the site at any time unless additional parking spaces are provided for this business.
2. Under no circumstances shall this business occupy any of the required parking spaces of the motel or be located on any adjacent property without approval by the Board of Zoning Appeals as authorized by Section 28.04.183.2 of the zoning ordinance.
3. Signs shall be limited to permanent signs as authorized by Section 28.04.139 of the zoning ordinance.
4. All areas used for the parking and storage of vehicles shall be surfaced and maintained in good condition as required by the zoning ordinance.
5. The spaces designated by the site plan submitted with the application shall be utilized for this business and may be relocated in the general area adjacent to Kellogg should further development occur. Should these 17 spaces be moved, a revised site plan shall be submitted to the Secretary for approval and become a part of the file.
6. No maintenance of the vehicles shall be permitted on this property.

BZA CASE NO. 33-86

<u>5</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>26</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>30</u> 24	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 33-86

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 Wichita Inn Suites, Inc., and Enterprise Leasing Company of Wichita, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting a exception to permit the establishment of an automobile leasing business on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 2, New Western Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg and east of Pinecrest (5211 E. Kellogg).

This application has been assigned Case No. BZA 33-86. 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 CFO 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

BOARD OF ZONING APPEALS

CASE NO. 33-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

WICHITA INN SUITES, INC.
1. Name of Applicant 5211 East Kellogg, Wichita, KS 67218
ENTERPRISE LEASING COMPANY OF WICHITA
Mailing Address 8850 Ladue, St. Louis, MO 63124 Phone 314-863-6661
Name of Authorized Agent ROBERT W. KAPLAN
430 North Market
Mailing Address Wichita, KS 67202 Phone 262-5175

Relationship of applicant to property is that of Wichita Inn Suites, Inc./Owner
(Owner, Tenant, Lessee, Other) Enterprise Leasing Company of Wichita/Lessee

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 an automobile leasing office with outdoor storage of motor vehicles

_____ on property zoned Light Commercial,
located at 5211 East Kellogg and legally
described as: Lot 2, New Western Addition
_____, 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.

WICHITA INN SUITES, INC.
Applicant ENTERPRISE LEASING COMPANY OF WICHITA
Authorized Agent Robert W. Kaplan
ROBERT W. KAPLAN

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 9:30 (a.m., p.m.), Aug 22, 1986
together with appropriate fee of \$400.00.

Signed [Signature]

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 1		New Western Addition	✓ Lindy Andeel 350 N. Rock Road Wichita, KS 67206
Lot 2		"	✓ Wichita Inn Suites Inc. 5215 E. Kellogg Wichita, KS 67218
Lot 1		Davis Moore 3rd Addition	Land Partnership 516 Fabrique Wichita, KS 67218
Lots 1 & 2		Cain and Smith's Replat of a Part of Block 3 in Beverley Manor	✓ Emma Flaming AND Life Estate: Oscar A. Hett c/o E. W. Flaming Box M Hillsboro, KS 67063
South 6.5 feet of Lot 1 & all of Lot 2, Block A		Nashville Park Addition	✓ Land Partnership 516 Fabrique Wichita, KS 67218
Lot 3	Block A	"	✓ Allan D. Smith JoAnn Smith 530 S. Pinecrest Wichita, KS 67218
Lot 4	Block A	"	✓ George C. McNeill Owetta McNeill 533 S. Pinecrest Wichita, KS 67218
Lot 5	Block A	"	✓ Cleve Robert Tolleson 1646 Windsor Wichita, KS 67218
Lot 6	Block A	"	✓ Ted Harvey 543 S. Pinecrest Wichita, KS 67218 AND Jerry Wood Address Unknown
Lot 7	Block A	"	✓ Jose M. Miranda Marta M. Miranda 549 S. Pinecrest Wichita, KS 67218
Lot 8	Block A	"	✓ Kathryn Louise Wiens 555 S. Pinecrest Wichita, KS 67218
Lot 21		Stowell's Addition	✓ John C. Johnson 605 S. Pinecrest Wichita, KS 67218

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 22		Stowell's Addition	Richard D. Walter ✓ Kelly B. Walter 1611 N. Emporia Wichita, KS 67214 Affidavit of Notice of Interest: ✓ David Lee Sanders Deborah C. Rushing 609 S. Pinecrest Wichita, KS 67218
Lot 1	Block 4	Beverley Manor	✓ G. S. Baltzley, Inc. 511½ N. Hillside Wichita, KS 67214
Lot 2	Block 4	"	✓ Harold V. Robson Charlotte C. Robson AND ✓ James Patrick Robson 607 Sylvan Lane Wichita, KS 67218
Lot 22	Block 4	"	✓ Michael E. Huffman 8728 Lockmoor Circle Wichita, KS 67207
Lot 23	Block 4	"	✓ Ronald Arthur Butler Vickie T. Butler 606 S. Pinecrest Wichita, KS 67218
Lot 24	Block 4	"	✓ Charles Robert Crawford Mary Crawford 602 S. Pinecrest Wichita, KS 67218
Lot 1		Replat of a Portion of Block 3 of Beverley Manor	✓ Lindy Andeel 350 N. Rock Road Wichita, KS 67206
North 20 feet of Lot 8 & the South 30 feet of Lot 9		"	✓ Richard N. Davis Billie J. Davis 10003 E. 31st St. South Wichita, KS 67210
South 50 feet of Lot 8		"	✓ H. Louise Goodnight 544 Sylvan Lane Wichita, KS 67218
North 40 feet of Lot 9 & the South 10 feet of Lot 10		"	✓ Lora B. Burns 536 Sylvan Lane Wichita, KS 67218
North 6 feet of Lot 10 & the South 44 feet of Lot 11		"	✓ Gloria Deines 526 S. Sylvan Wichita, KS 67218
North 25 feet of Lot 11 & all of Lot 12		"	✓ Lindy Andeel 350 N. Rock Road Wichita, KS 67206

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
South 50 feet of the West 70.32 feet of the East 403 feet of Block 3		Beverley Manor Addition	Richard G. Challacombe Melody L. Challacombe 555 Sylvan Lane Wichita, KS 67218
North 50 feet of the South 100 feet of the West 70.32 feet of the East 403 feet of Block 3		"	Vica Irwin 551 Sylvan Lane Wichita, KS 67218
Beginning at a point 100 feet North and 70.32 feet East of the SE/c of Lot 7 of Cain and Smith's Replat of Block 3, Beverley Manor Addition; thence North to a point which intersects with the Drainage Ditch Easement as described in Book Misc. 167 at Page 134; thence SW'y on a curve following said center line of the Drainage Ditch to a point 100 feet North of the South line of said Lot 7; thence East to the point of beginning, including all that portion of vacated Sylvan Lane, and all that part of Lot 7 of Cain and Smith's Replat of Block 3, and all that part of Block 3 of Beverley Manor Addition lying between the Drainage Ditch on the North and West and a line 100 feet North of the South line of Lot 7, Cain and Smith's Replat of Block 3, Beverley Manor, extended to the East line of Block 3 and the Drainage Ditch easement, in Sedgwick County, Kansas.			Frances Owen Doucette Karin M. Doucette 545 Sylvan Lane Wichita, KS 67218
South 100 feet of Lot 7, except East 15 feet and vacated Sylvan Lane adjacent.		Cain & Smith's Replat of a Part of Block 3 Beverley Manor	Beverly M. Artman Gloria J. Artman 5222 E. Orme Wichita, KS 67218
South 50 feet of the East 15 feet of Lot 7		"	Richard G. Cahllacombe Melody L. Challacombe 555 Sylvan Lane Wichita, KS 67218
North 50 feet of the South 100 feet of the East 15 feet of Lot 7		"	Vica Irwin 551 Sylvan Lane Wichita, KS 67218

Tract Description

The SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24, Township 27, Range 1 East except Beginning 40 feet North of the SE/c of the SW $\frac{1}{4}$ of Section 24, Township 27, Range 1 East; th. West parallel to the South line of said SW $\frac{1}{4}$ a distance of 56.35 feet; th. NE'y on a curve, tangent to the first course, with a radius of 25 feet a distance of 38.43 feet; th. NE'y, a distance of 697.32 feet more or less to a point 8 feet West of the East line of said SW $\frac{1}{4}$; th. N'y parallel to said East line a distance of 547.32 feet to a point 19.5 feet South of the North line of the SE $\frac{1}{4}$ of said SW $\frac{1}{4}$; th. NW'y with an angle of 45° a distance of 27.58 feet to a point on the North line of the SE $\frac{1}{4}$ of said SW $\frac{1}{4}$; th. East along said North line a distance of 27.5 feet to the NE/c of the SE $\frac{1}{4}$ of said SW $\frac{1}{4}$; th. South to the East line of said SW $\frac{1}{4}$ to the p.o.b.

U.S.A.
(Veterans Administration)
5500 E. Kellogg
Wichita, KS 67218

Tract Description

Property Owner

Part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24, Township 27, Range 1 East; described as Beginning at the SE/c of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24; th. West 156.91 feet; th. along a street line in a NW'y direction angle with the South line of said Section 24, 74°28' 145.72 feet; to right along a curve having a radius of 640 feet, 136.09 feet; th. tangent to said curve 377.46 feet to left angle of 2°38', 177.81 feet; th. to left along a curve having a radius of 475 feet, 316.83 feet; th. tangent to last described curve 147.83 feet to right with angle of 44°15'; th. 110.81 feet more or less to the North line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$; th. East 492.7 feet to the NE/c of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$; th. South to beginning.

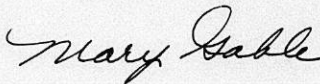
U.S.A.
(Veterans Administration)
5500 E. Kellogg
Wichita, KS 67218

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

Lot 2, New Western Addition, Wichita, Kansas,
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 20th day of August, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.



By

Sr. Vice-President

Order No.: 366383

nj

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

ATTENTION
NOT KNOWN
RETURN TO SENDER

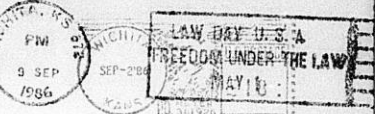
RECEIVED

SEP 15 1986

METROPOLITAN PLANNING

ROUTE _____

G. S. Baltzley, Inc.
511 1/2 N. Hillside
Wichita, KS 67214



62
147
710

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

ATTENTION
NOT KNOWN
RETURN TO SENDER

RECEIVED

SEP 15 1986

METROPOLITAN PLANNING

ROUTE _____

Allan D. Smith
JoAnn Smith
530 S. Pinecrest
Wichita, KS 67218



50 Such #
35
17
919

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-C

PAYMENT NOTICE
City of Wichita

		Code Bks	Copies
Bldg.	Use of Str.		
Elec	Elev. Insp.	Hse Movinc	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 22A Budget	1400
NAME	WALTER M. MILLER
ADDRESS	401 S. W. 10th St
FUND	107-41910-002
COMMENTS	
DATE	2-22-1966
BY	J. Lytle

*

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

Roll # 3