

POSTED  
7-9-75  
JH

ACTION

BZA COMMITTEE Denied DATE 2.22.75

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

BZA 36-75 - Budget Rent-a-Car re-  
quests exception for establish-  
ment of vehicle rental operation  
on northwest corner of Rock Rd.  
and Kellogg.

*Woodland*

Map No. 5947  
 Sec. 19  
 Twp. 27  
 Range 2E

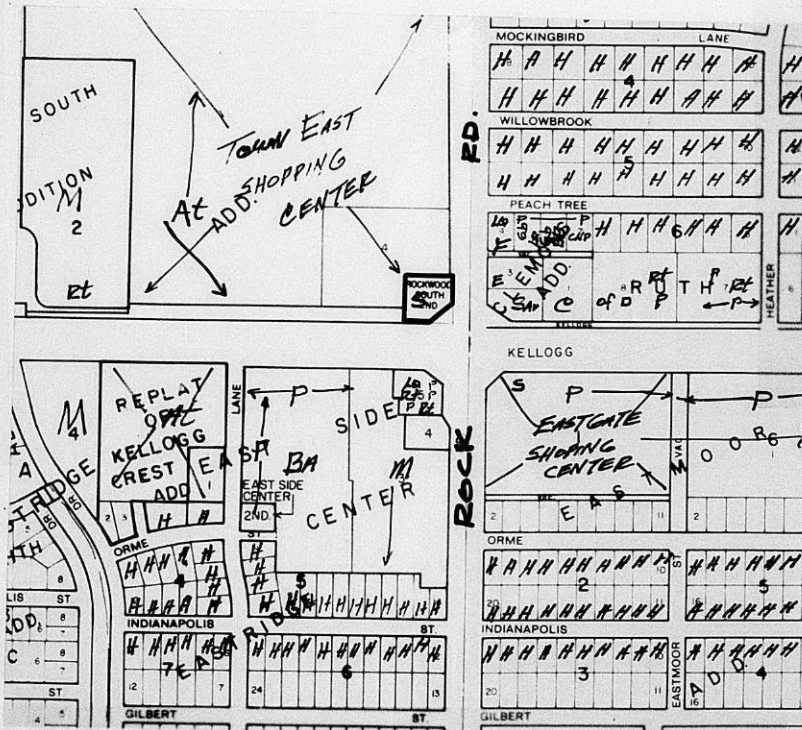
BZA- 36-75  
 BCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.6 ( 160 (IRREGULAR) ft. by 190 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East SERVICE STATION South LAUREL GROVE  
 West TWIN EAST (30. POINT) North TWIN EAST (BORING)
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: SERVICE STATION
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



**Sinoval**  
 No. 2-153C  
 EASTHETS - LOS ANGELES  
 LORAIN - DENVER, U.S.A.

*all LC*

RESOLUTION NO. BZA 36-75

WHEREAS, Budget Rent-A-Car of Kansas, Inc., 1250 Airport Road, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a vehicle rental agency on property zoned the "LC" Light Commercial District, and legally described as follows:

Lot 1, Rockwood South Second Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Rock Road and 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 July 22, 1975, 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 a vehicle rental agency 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 to permit the establishment of a vehicle rental agency on property zoned the "LC" Light Commercial District, and legally described as follows:

Lot 1, Rockwood South Second Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Rock Road and East Kellogg,

be denied.

ADOPTED AT WICHITA, KANSAS, this 22nd day of July, 1975.

  
Marjorie L. Taylor, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

August 25, 1975

Richard Harris  
Fourth Financial Center  
Wichita, Kansas 67202

Subject: Case No. BZA 36-75  
Request for Exception

Dear Mr. Harris:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 22, 1975, in connection with your request for an exception to permit the establishment of a vehicle rental agency on property zoned the "LC" Light Commercial District and generally located on the northwest corner of Rock Road and East Kellogg.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:el

Encl.

cc: David E. Denver, 1051 North Ridgewood, 67208  
Robert Feldner, Sup't. of Central Inspection  
Donald C. Gisick, City Clerk  
Joe Donnelly, Central Inspection

July 23, 1975

Richard Harris  
Fourth Financial Center  
Wichita, Kansas 67202

Subject: Case No. BZA 36-75  
Request for Exception

Dear Mr. Harris:

At the regular meeting of the Board of Zoning Appeals on July 22, 1975, your request for an exception to permit the establishment of a vehicle rental agency on property zoned the "LC" Light Commercial District and generally located on the northwest corner of Rock Road and East Kellogg, was considered.

It was the action of the Board to deny this request. A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith  
Secretary

*Done*  
JHG/JS

cc: David E. Denver, 1051 North Ridgewood, 67208  
Robert Feldner, Superintendent of Central Inspection  
Donald Gisick, City Clerk  
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. EZA 36-75

APPLICANT: Budget Rent-A-Car of Kansas, Inc., 1250 Airport Road, Wichita, Kansas.

AGENT: David E. Denver, 1051 N. Ridgewood, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the establishment of a vehicle rental agency.

GENERAL LOCATION: Northwest corner of Rock Road and East Kellogg.

LAND USE: Subject property is occupied by a service station. North and west is the Towne East Shopping Center. East is a service station and retail shops. South, across Kellogg, is the Hilton Inn and small retail establishments.

ZONING: Subject property and all surrounding properties are zoned the "LC" Light Commercial 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 28.04.183(2) can be complied with.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to the zoning ordinance to permit the installation of a vehicle rental agency on property zoned the "LC" Light Commercial district at the northwest corner of Rock Road and Kellogg.

Subject property is developed as a service station, which would continue as the primary use of the property. The applicant proposes to lease space in the northwest corner of subject property for the placement or construction of a small rental building and the storage of not more than five rental automobiles. The applicants plot plan has been approved by the Traffic Engineer's Office and shows the proposed location of the office building and storage area. In making application for this exception the applicant indicates that a copy of the lease agreement between Phillips Petroleum and Budget Rent-A-Car will be made available at the time of the hearing.

Secretary's Report  
Case No. EZA 36-75  
Page Two

All surrounding properties are zoned the "LC" Light Commercial District and have been commercially developed. Towne East Shopping Center adjoins subject property on the north and west, and just recently Towne East and Phillips agreed to an access easement across the Towne East property. This easement is located on the east edge of the property adjacent to Rock Road and should not be a factor in this case.

The applicant has been operating a rental agency, on the East-gate Shopping Center property located southeast of this application area, for the past several months. At first this location was used only as a rental office, with the cars being stored and supplied, at a different location. However, after a few months of operation cars were being stored on the property in violation of the ordinance and the approved CUP and the Office of Central Inspection has been working with the applicant since that time to bring that situation into compliance with the zoning ordinance. The result is this case now under your consideration.

This general area of Kellogg and Rock Road is one of the heavier commercially developed areas in the city with the presence of two large shopping centers, many motels, car lots, etc. Surrounding uses would seem to be compatible to the proposed use, if limited in scope.

RECOMMENDATION:

If the Board determines that this would be an appropriate location for the proposed use it is recommended that the exception be approved subject to the following conditions:

1. The applicant shall submit a revised plot plan showing the dimensioned location of the storage area and rental building on the site.
2. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
3. The rental vehicles shall be limited to passenger automobiles only.
4. The automobile display shall be limited to not more than five at any time.

Secretary's Report  
Case No. BZA 36-75  
Page Three

5. Approval shall apply only to the storage area shown on the applicant's revised plot plan (if not significantly different than shown on the applicant's submitted plan and if approved by the Secretary of the Board of Zoning Appeals).
6. No string-type lighting shall be permitted.
7. Signs shall comply with the sign regulations of the zoning ordinance.
8. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
9. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

July 2, 1975

James Schaefer, Attorney  
Brown Building  
Wichita, Kansas 67202

Subject: Case No. BZA 36-75 -  
Request for Exception

Dear Mr. Schaefer:

This is to advise you of an application that has been filed with the Board of Zoning Appeals requesting an Exception to permit a vehicle rental agency, to be conducted on the Phillips Service Station site at the northwest corner of Rock Road and Kellogg directly south of the Towne East shopping center. Additional details are included on the enclosed notice to adjacent property owners.

This is provided for your information as I thought you would be interested in this request and the relation of storage of rental vehicles with the access easement agreed to across the Towne East property.

If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:js

cc: Chrysler Realty Co., P.O. Box 1919, Detroit, Michigan, 48231  
Melvin Simon & Assoc., 1712 No. Meridian, Indianapolis, Indiana  
46281

July 2, 1975

Mr. James Crossland  
Phillips Petroleum Company  
7701 E. Kellogg  
Suite 595  
Wichita, Kansas 67207

Subject: Case No. BZA 36-75 -  
Request for Exception -  
NW corner Kellogg & Rock Rd.

Dear Mr. Crossland:

This is to advise you of an application that has been filed with the Board of Zoning Appeals requesting an Exception to permit a vehicle rental agency to be conducted on the Phillips service station site at the northwest corner of Rock Road and Kellogg. Additional details are included on the enclosed notice to adjoining property owners.

Inasmuch as the Phillips Petroleum Company is not listed on the application, and knowing of your particular interest in this station and its access problems, I thought you should be advised of this request. I am particularly concerned with this request and the proposed location of rental cars along the entire north property line and their relation with the access easement agreed to across the Towne East property. I wanted you to be advised of this request so that you would have an opportunity to evaluate the impact of this proposed additional use with the service station.

If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:js

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

June 30, 1975

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 36-75

An application has been filed by Budget Rent-A-Car of Kansas, Inc., 1250 Airport Road, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a vehicle rental agency on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Rockwood South Second Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Rock Road and East Kellogg.

This application has been assigned Case No. BZA 36-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 22, 1975, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

6-3-75

7 Notices to property owners  
9 notices to maps

5947

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 36-75  
FILED 6-25-75

APPLICATION FOR EXCEPTION

I. Name of Applicant  Budget Rent-A-Car of Kansas, Inc  
1250 Airport Road  
Mailing Address Wichita, Kansas 67209 Phone 942-7491  
Name of Authorized Agent  David E. Denver  
1051 North Ridgewood  
Mailing Address Wichita, Kansas 67208 Phone 686-8694  
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 Vehicle Rental Operation on property zoned LC, located 7960 E. Kellogg Wichita, Kansas and legally described as: Lot 1, Rockwood South, 2nd Edition, Wichita, Sedgwick County, Kansas., 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. 24-606); 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 BUDGET RENT-A-CAR OF KANSAS, INC.  
Authorized Agent David Denver

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:10 (a.m. ~~P.M.~~), June 24, 1975, together with appropriate fee of \$50.00

Signed D. Lynn Shickey

**Budget  
Rent a Car**

**Budget Rent a Car**

*of Kansas, Inc.*

*A Budget Rent a Car System Licensee*

*1250 Airport Road*

*Wichita, Kansas 67209*

*Phone: (316) 942-7491*

June 24, 1975

STATEMENT FOR JUSTIFICATION

Budget Rent-A-Car of Kansas, Inc., feels justified in this application in that we are being compelled to move from our present location at 8315 E. Kellogg due to zoning restrictions.

An east Wichita office is needed to eliminate having to shuttle automobiles back and forth from our downtown office to our east Wichita customers. This thereby helps reduce traffic flow to and from the downtown area and helps conserve precious fuel.

We have been operating at our present location at 8315 E. Kellogg since October, 1973. Since that time, we have invested heavily in establishing our present clientele. From this office we serve the Wichita High Schools, Wichita State University, McConnell AFB, Beech Aircraft, Cessna Aircraft, Metropolitan Life, NCR, area motels, and area residents.

We have been looking for a new location in east Wichita for some time and we have met with impassable obstacles until now. We have been negotiating with Phillips Petroleum Company since February, 1975. This has culminated in our application for exception to the present zoning of the Phillips Service Station so that we may enter into business with Phillips Petroleum Company. Phillips Petroleum Company and Budget Rent-A-Car have had a similar successful arrangement in Dallas, Texas. A lease agreement is being drawn by Phillips Petroleum Company and a copy of our finalized agreement will be made available at the time of the hearing.

Section 28.04.183 (2) of the zoning ordinance of the City of Wichita gives jurisdiction to the Board of Zoning Appeals in this matter.

*David E. Denver*

David E. Denver  
Manager

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 SEDGWICK COUNTY ) SS:

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,

Lot 1, ROCKWOOD SOUTH SECOND ADDITION, Wichita,  
 Sedgwick County, Kansas.



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	BLOCK	ADDITION	OWNER & ADDRESS
1		ROCKWOOD SOUTH 2ND	✓ Reproco Inc. 1st National Bank Building Bartlesville, Oklahoma 74003
4		KELLOGG MALL	✗ Chrysler Realty Corp. Address Unknown
1	1	EASTMOOR	✓ William & Blanche Levitt 5810 Blue Ridge Place Wichita, Kansas 67208 AND ✓ F. M. & Nellie Brady 26 Lakeside Boulevard Wichita, Kansas 67207
5		EAST SIDE CENTER	✓ Transamerican Investment Properties Inc. 201 South Oliver Wichita, Kansas 67218



-2-

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
2		CLEMON'S	✓ Nona C. Clemons 60 Stratford Road Wichita, Kansas 67207

Dated at Wichita, Kansas, this 19th day of June, 1975;  
7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Archie Gray*  
Asst. Sec. ag

Tracer No. 28951



Fidelity  Title  
COMPANY, INC.

Form 223-031

**PAYMENT NOTICE**

City of Wichita

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

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT

Name \_\_\_\_\_

Address \_\_\_\_\_

Type 14 91-3 Due Date 1-4-75

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

\_\_\_\_\_

\_\_\_\_\_

Date 1/1/75 By [Signature]