

ACTION

B.Z.A. 44-88 *Approved sub to* 9/27/88
DATE
condition

200'4 Sac 11-17-88
Checked -
Shot 1-10-89
Record ✓

6846A

BZA 44-88 - T. G. Davis, Jr., requests an exception to permit the expansion of a new and used car lot on property zoned the "LC" Light Commercial District and generally located on the southeast side of

DATA SHEET

MAP NO.: 5846A

CASE NO. BZA 44-88

(CPO 2B, 9/19/88)

REQUEST: Exception to permit the expansion of a new and used car lot.

EXISTING ZONING: "LC" Light Commercial District

GENERAL LOCATION: South side of Kellogg Drive in an area east of Lightner.

APPLICANT: T. G. Davis, Jr.
 ADDRESS: P. O. Box 780047
 Wichita, KS 67278

PHONE: 685-0211

AGENT: Everett C. Fettis, Attorney
 ADDRESS: 120 S. Market, #504
 Wichita, KS 67202

PHONE: 267-7251

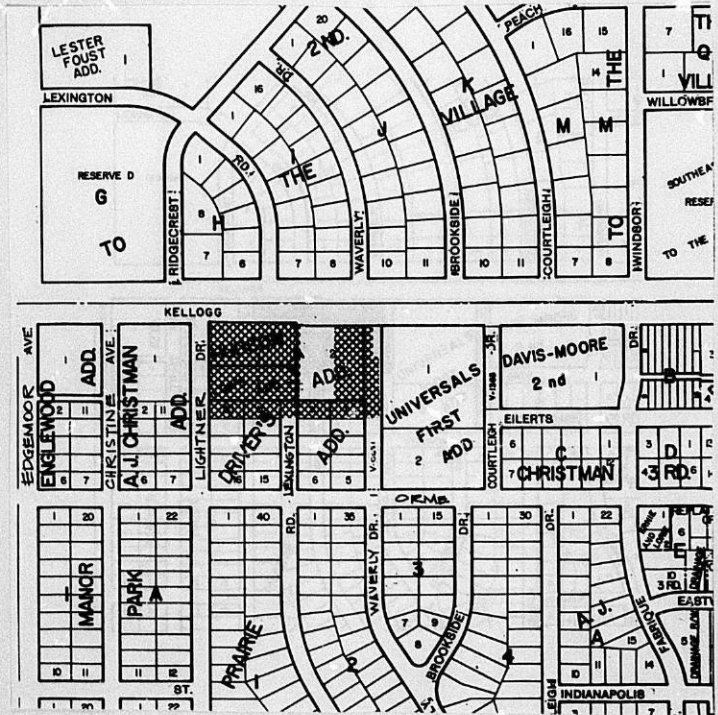
AREA DATA

Acres: 4.54

Adjacent Zoning and Land Use:

North "AA"
 South "A"
 East "LC"
 West "LC"

5817 E Kellogg

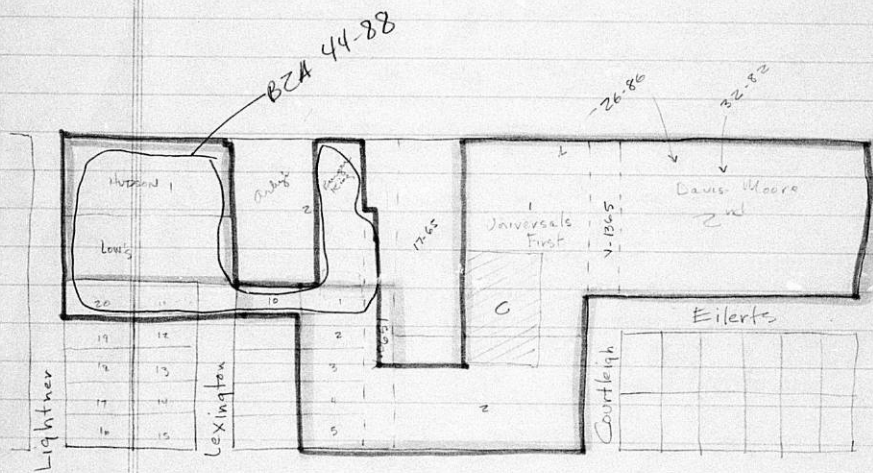


Davis-Moore 5th Addition recorded 9-21-88

Shiloh
 No. 2-153C
 LOS ANGELES - CHICAGO - LOGAN, OH
 McBRIDE, TX - LOCUST GROVE, GA
 U.S.A.

5846A

BZA 26-86
(32-82 sign location variance)
41-87
27-84 (voided by 26-86)
(BZA 17-65 for Burger King site?)



1. Need zone change on lots s. of Low's Add.
2. Burger King site has never been in BZA.
3. Need to request 0' s.b. since CUP reqs require 35'

— = CUP
 — = BZA 41-87
 — = BZA 26-86

VOID, FAILURE TO COMPLY WITH CONDITIONS BY DEADLINE DATES.

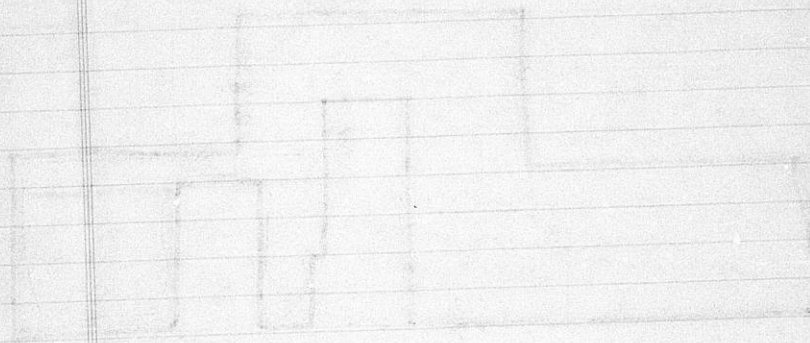
Lighter

5817	DM	Linda - Mercury
6001	Red Carpet Car Wash	
6105	Quick Service oil change	
6115	DM body shop	
6125	DM Jeep Eagle sales	
6215	DM Olds Jeep Eagle Dodge new / parking garage	
6225	DM Nissan	
6315	DM used cars	
6345	Stalite Motor Lodge	

Woolham

check me for 10' dedication
or count down

check need for 10' dedication
on Courtleigh



Lightfoot
5817
DM
Lumber - Morrison
Kob Court Car Wash
6105
Quick Service Oil Change
6115
DM Body Shop
6125
DM Jeep Dodge Ram
6215
DM Olds Jeep Dodge Ram / parking garage
6225
DM Nissan
6315
DM used cars
6345
Sculte Motor Lodge
Woburn

BZA INSPECTION SHEET

MAP NO.: 5846A

CASE NO. BZA 44-88

REQUEST: Exception to permit the expansion of a new and used car lot.

EXISTING ZONING: "LC" Light Commercial District

GENERAL LOCATION: South side of Kellogg Drive in an area east of Lightner.

APPLICANT: T. G. Davis, Jr.
ADDRESS: P. O. Box 780047
Wichita, KS 67278

PHONE: 685-0211

AGENT: Everett C. Pettis, Attorney
ADDRESS: 120 S. Market, #504
Wichita, KS 67202

PHONE: 267-7251

HEARING DATE: 9/27/88

BZA ACTION: *Approve subject to conditions and submission by 11-1-88 of revised site plan. No public row. to be used for private purposes.*

FOLLOW-UP DATES: *11-1-88 Need revised site plan. (MAPD)*

9-27-89 All sales lot improvements must be completed for the west 310 feet (C.I.D)

RESPONSE BY MAPD: *Revised site plans submitted 10-6-88.*

RESPONSE BY CID:

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: October 10, 1988

TO: Monty Robson, Superintendent of Central Inspection
FROM: Louise Olivarez, Assistant Secretary, BZA *L.O.*
SUBJECT: BZA 44-88 - Revised site plan for car sales lot at
southeast corner of Kellogg Drive and Lightner

Attached is one copy of the revised site plan for the above-referenced car sales lot, as required by the Board of Zoning Appeals. This plan satisfies condition #10 of BZA Resolution No. 44-88. One item which concerns me, however, is the 12" x 12" concrete buttress indicated along the north property line. Will this be tall enough to prevent car bumpers from overhanging public right-of-way, as required by condition #9 of the resolution? If not, then the developer should be required to provide bumper blocks or some other method of preventing encroachment into the right-of-way.

LO:jcm

cc: Joe Donnelly, Zoning Administrator
Sam Mobley, 420 S. Ridge Road, Wichita, KS, 67209
T. G. Davis, Jr., P. O. Box 780047, Wichita, KS, 67278
Everett Fettis, 120 S. Market, #504, Wichita, KS, 67202

Models	Bottom of Front Bumper to Ground H102	Bottom of Front Door to Ground H133	Cowl at Rear to Ground H11k	Upper Structure L123	Overhang, Front L104	Tread W101
AMERICAN MOTORS CORPORATION						
Metador	13.8 - 14.3	10.4 - 12.5	37.6 - 39.5	103.5 - 104.6	42.1 - 46.1	58.1
Hornet	14.0 - 14.3	9.0 - 9.4	35.7 - 36.0	96.3 - 96.5	37.3	57.9 - 58.4
Pacer	15.1 - 15.3	8.1	36.0	---	32.4	61.5
Granlin	13.6	9.8	37.0	95.4	34.9	58.4
CHECKER MOTORS CORPORATION						
Checker	12.3	11.8	46.5	108.9 - 117.9	35.8	64.5
CHRYSLER CORPORATION						
Chrysler, Plymouth Gran Fury, Dodge Royal Monaco	10.5 - 12.0	10.3 - 11.2	37.3 - 38.2	105.6 - 117.5	40.9 - 45.4	64.0
Chrysler Cordoba, Dodge Charger Special Edition	12.2	9.5	38.2	96.0	45.2	61.9
Plymouth Fury, Dodge Monaco	12.2 - 12.9	9.5 - 11.6	38.2 - 39.1	95.5 - 99.4	45.3	61.9
Plymouth Volare ¹ , Dodge Aspen	10.6 - 10.7	10.9 - 11.2	36.6 - 36.7	102.1 - 104.5	37.9	60.0
Plymouth Arrow, Dodge Colt	13.4 - 15.2	11.0 - 12.6	36.0 - 37.8	54.7	32.3 - 35.8	51.2 - 51.8
FORD MOTOR COMPANY						
Ford	13.1	---	39.5 - 39.8	104.6 - 141.2	43.3	64.1
Thunderbird, LTD II	12.7 - 13.5	---	37.8 - 38.4	103.0 - 134.4	47.6	63.2 - 63.6
Maverick, Granada	12.5 - 13.0	---	37.0 - 37.6	96.6 - 101.9	38.0 - 40.2	56.5 - 59.0
Mustang II	14.4	---	36.4	87.1 - 97.1	39.4	55.6
Pinto	13.3 - 13.9	---	36.2 - 36.8	95.6 - 115.3	37.7	55.0
Lincoln, Mark V	12.3 - 14.3	---	38.6 - 40.0	100.6 - 109.9	44.2 - 50.9	63.1 - 64.3
Mercury	12.8 - 13.2	---	39.6 - 39.9	102.9 - 141.2	44.7	64.1
Cougar	12.7 - 13.1	---	37.9 - 38.4	103.0 - 134.4	47.6	63.1 - 62.6
Comet, Monarch	12.5 - 13.0	---	37.3 - 37.6	96.6 - 101.9	40.2 - 40.4	56.5 - 59.0
Bobcat	13.3 - 13.9	---	36.2 - 36.8	103.6 - 115.3	37.7	55.0
GENERAL MOTORS CORPORATION						
Buick	11.0 - 11.4	10.5 - 10.8	39.3	99.2 - 138.0	41.9 - 42.1	61.8 - 62.2
Riviera	---	10.5	---	99.6	---	---
Century, Regal	11.1 - 11.6	9.6 - 10.2	39.2 - 39.3	97.4 - 133.2	42.9 - 43.1	61.5
Skyhawk, Skylark	7.2 - 12.4	9.2 - 11.4	35.1 - 36.5	96.8 - 101.0	36.8 - 36.9	54.7 - 59.1
Cadillac	10.0 - 10.4	10.2 - 11.4	39.0 - 39.9	100.2 - 123.9	42.9	61.7
Eldorado, Seville	10.2 - 11.1	10.3 - 12.1	37.8 - 38.5	93.8 - 101.9	36.6 - 42.9	61.3 - 63.7
Chevrolet	11.1	11.1 - 11.5	39.2 - 39.4	99.6 - 138.0	40.0	61.8 - 62.2
Chevrolet, Monte Carlo S	12.2 - 13.4	9.1 - 10.5	38.6 - 39.8	58.6 - 133.2	40.2 - 43.8	61.5 - 61.9
Nova	12.1	11.2 - 11.3	36.2	96.8 - 101.0	33.9	61.3
Camaro	14.9	11.4	35.3	94.4	42.0	61.3 - 61.6
Corvette	11.1	10.3	36.6	57.2	42.4	58.7
Vega, Monza	9.9 - 14.8	9.1 - 9.2	35.1 - 35.2	87.2 - 108.0	35.2 - 36.8	54.8
Chevette	13.6	10.1	34.8	96.5	30.2	51.2
Oldsmobile	20.8	---	---	99.2 - 99.6	42.0 - 42.1	61.7 - 62.1
Toronado	12.3 - 12.4	35.4	38.1	101.6	47.2	63.6
Cutless	12.1 - 12.6	9.6 - 10.2	38.9 - 39.4	97.4 - 133.2	44.5	61.1
Omega	11.1	11.6	37.5	96.8 - 101.1	36.8	61.3
Starfire	9.9	9.1	35.1	100.9	36.8	54.7
Pontiac	11.9 - 13.7	8.8 - 14.1	38.7	94.6	40.9 - 44.3	61.6 - 62.1
LeMans	12.3 - 12.6	8.8 - 10.1	38.5 - 39.1	101.3 - 133.2	40.3	61.6
Firebird, Ventura	11.5 - 12.0	9.4 - 10.6	35.7 - 35.9	94.1 - 101.0	36.2 - 42.8	60.9 - 61.8
Astra, Sunbird	14.2 - 14.9	8.9	35.3	87.2 - 108.0	35.6 - 35.8	55.2
JEEP CORPORATION						
Jeep Wagoneer	17.8	15.5	44.5	119.5	29.7	59.0

cc: Mody Roten, James Madley

BUMPER HEIGHTS (1977 ed.) provided by TRAFFIC ENGS.

BZA RESOLUTION NO. 44-88

WHEREAS, T. G. Davis, Jr., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the expansion of a new and used car lot on property partially zoned the "LC" Light Commercial District and the balance approved for "LC", legally described as follows:

Lot 1, Low's Addition; Lot 1, Hudson Addition; the west 10 feet of Lot 2, Hudson Addition; the east 100 feet of Lot 2, Hudson Addition; the west 30 feet of the north 312.86 feet of vacated Waverly; the west 20 feet of the east 30 feet of the north 312.86 feet of vacated Waverly; the north 100 feet thereof; Lots 1, 10, 11 and 20, Drivers Addition, together with Lexington Street lying between said Lots 10 and 11; all in Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg Drive in an area east of Lightner.

This legal should have excluded the north 10' of Lot 1 Hudson Addition as that had been dedicated for street purposes (see D-1485) All regulated as part of Davis' or Section 11-17-79

WHEREAS, proper notice as required by the rules of the Board of Zoning Appeals has been given;

WHEREAS, the Board of Zoning Appeals at its meeting of September 27, 1988, consider said application;

WHEREAS, the Board of Zoning Appeals at its meeting of September 27, 1988, consider said application;

WHEREAS, the Board of Zoning Appeals at its meeting of September 27, 1988, consider said application;

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 a new and used car lot on property partially zoned the "LC" Light Commercial District and the balance approved for "LC", and legally described as follows:

Lot 1, Low's Addition; Lot 1, Hudson Addition; the west 10 feet of Lot 2, Hudson Addition; the east 100 feet of Lot 2, Hudson Addition; the west 30 feet of the north 312.86 feet of vacated Waverly; the west 20 feet of the east 30 feet of the north 312.86 feet of vacated Waverly; the north 100 feet thereof; Lots 1, 10, 11 and 20, Drivers Addition, together with Lexington Street lying between said Lots 10 and 11; all in Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg Drive in an area east of Lightner.

subject to the following conditions:

1. An automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. The Burger King restaurant at 5927 E. Kellogg may remain until its lease expires or is otherwise terminated and provided that no auto sales or service uses occur on that portion of the property until a site plan has been submitted to and approved by the City Traffic Engineer.
2. Any motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site unless "C" zoning is obtained.

BZA RESOLUTION NO. 44-88

WHEREAS, T. G. Davis, Jr., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the expansion of a new and used car lot on property partially zoned the "LC" Light Commercial District and the balance approved for "LC", legally described as follows:

Lot 1, Low's Addition; Lot 1, Hudson Addition; the west 10 feet of Lot 2, Hudson Addition; the east 100 feet of Lot 2, Hudson Addition; the west 30 feet of the north 312.86 feet of vacated Waverly; the west 20 feet of the east 30 feet of the north 312.86 feet of vacated Waverly, except the north 100 feet thereof; Lots 1, 10, 11 and 20, Drivers Addition, together with Lexington Street lying between said Lots 10 and 11; all in Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg Drive in an area east of Lightner.

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 27, 1988, 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 of a new and used car lot on property partially zoned the "LC" Light Commercial District and the balance approved for "LC", 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 a new and used car lot on property partially zoned the "LC" Light Commercial District and the balance approved for "LC", and legally described as follows:

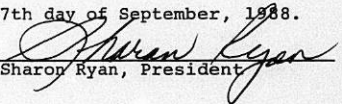
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subject to the following conditions:

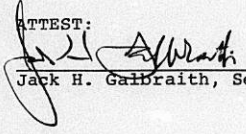
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2. Any motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site unless "C" zoning is obtained.

3. As long as the property to the south remains residentially zoned, a solid fence or wall 6 to 8 feet tall shall be maintained in good repair along the south property line. Such fence or wall may be reduced to a height of 3 feet within the west 25 feet of the site. There shall be no access through the fence or wall to Lexington.
4. All storage and display areas shall be paved with concrete, asphalt, or asphaltic concrete.
5. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
6. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
7. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
8. Off-street parking spaces shall be provided on the property, as required by the zoning ordinance (1 space per 3,000 sq. ft. lot area, plus 1 space per 250 sq. ft. building area) and in conformance with the standards established by the Traffic Engineer's office. These required customer/employee parking spaces shall be so designated and shall not be used for display or sale of cars.
9. Parking barriers of bumper blocks, curbs, or posts and chain shall be installed to prevent parked cars from encroaching onto public right-of-way.
10. The applicant shall give up the minor street permit recently issued on this site and prior to November 1, 1988, shall submit four copies of a revised site plan which does not utilize public right-of-way for private uses; indicates the required fence along the south property line; and shows the building setback lines and utility easements which were designated on the Davis-Moore 5th Addition plat; and shows the sidewalk at the property line, not the curb line.
11. Within one year after approval by the Board, the west 310 feet of this application area shall be utilized as a car sales lot in accordance with conditions 1 through 9 above, or this resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 27th day of September, 1988.


Sharon Ryan, President

ATTEST:



Jack H. Gaibraith, Secretary

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4551

September 28, 1988

Everett C. Fettis, Attorney
120 S. Market, #504
Wichita, KS 67202

Re: BZA 44-88 - Exception to permit new and used car lot on
south side of Kellogg Drive, east of Lightner.

Dear Mr. Fettis:

Enclosed is a signed copy of the above-referenced BZA resolution
adopted by the Board of Zoning Appeals on September 27, 1988.
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.

*Submitted
10-16-88*

Although the Board authorized release of the resolution prior to
receiving revised site plans, they did require the plans to be
submitted prior to November 1, 1988. Please make sure the
revised plans include all the information listed in condition
#10.

This is a reminder that the zoning adjustment signs should now be
removed from the property. If you have any questions concerning
this matter, please contact our office.

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

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: T. G. Davis, Jr., P. O. Box 780047, Wichita, KS, 67278
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

RECOMMENDED REASONS FOR APPROVING BZA 44-88

The Board has jurisdiction to grant this type of exception in the "LC" District;

The character of East Kellogg in this vicinity is commercial in nature, with several large car agencies being located on the south side of Kellogg Drive;

The property is suitable for use by a car sales agency, as it has adequate but controlled access to Kellogg and is contiguous to previously approved car sales areas for this same agency;

With the proposed screening and access control to Lexington, the use of this site for car sales should have no more detrimental effect on nearby properties than the previous and current uses of this site under the "LC" District regulations;

A consideration of the recommendations of professional staff and the CPO Council.

CITY OF WICHITA
ENGINEERING DIVISION
MINOR STREET PRIVILEGE PERMIT

PERMIT NO. 3343 Date August 23, 1988

Treasurer's Office:

Following is information concerning a requested MINOR STREET PRIVILEGE:

ADDRESS 3817 East Kellogg
Davis-Moore 3th 1
Addition Block No. Lot No.

TYPE OF PRIVILEGE

Length 70' 55' 60' Width 10' 10' 10' Depth _____ Area or Volume 1,850 sq ft

Unit Fee \$.30 / sq ft Total Annual Permit Fee \$ 555.00

Bond or Liability Insurance Provided Yes

Approved by City Attorney as to Form Yes

Name of Owner Davis-Moore Attn: C.W. Pete Klein

Address P.O. Box 780047 Wichita, Kansas 67278-0047

Larry D. Henry
Larry D. Henry, P.E.
Assistant City Engineer

Copies to: City Clerk
City Treasurer

*obtained
9-28-88*

City of Wichita
Department of Public Works
Engineering Division
455 N. Main, 7th Floor
Wichita, Kansas 67202

Dear Sir:

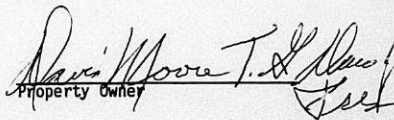
I request permission to extend paved parking and install a retaining buttress along new sidewalk and curb & gutter to be constructed in the City "parking" adjacent to my property at the southeast corner of Kellogg Drive and Lightner per the attached plans.

My property is being replatted and the legal description will be Lot 1, Davis-Moore 5th Addition.

It is requested that the annual permit fee in connection with this Minor Street Privilege request be waived for the use of the portion of the right-of-way that is being dedicated to the City (per Davis-Moore 5th Addition).

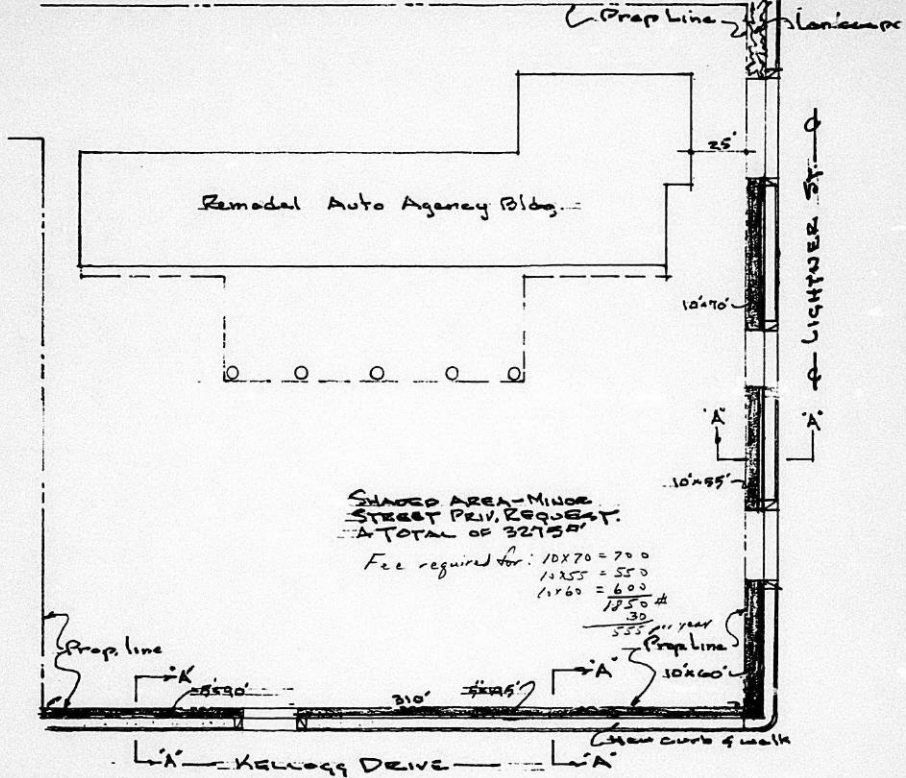
I agree to maintain liability insurance with the City of Wichita in the amount required by the City Attorney to hold the City harmless from any liability for personal injury or property damage, either public or private, that may occur due to the installation and maintenance of the encroachment.

Sincerely,


Property Owner

LEGAL:
 THE WEST 31 OF DAVIS-MOORE CUP.
 5817 E. KELLOGG
 OWNER: GRANT DAVIS -

except for
 fee due
 beautification



SHADED AREA - MINOR
 STREET PRIV. REQUEST.
 A TOTAL OF 327150'

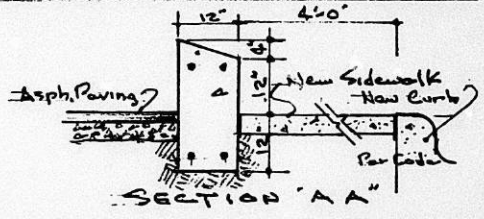
Fee required for:

10x70 =	700
11x55 =	550
11x60 =	660
1750	#
30	
555	per year

KELLOGG AVE. (54 HW)

SITE PLAN
 7-1-50

Sam L. Mobley ARCHITECT
 420 SOUTH RIDGE ROAD WICHITA, KANSAS 67208
 833-2333



THE CITY OF WICHITA

TO: Louise Olivarez, Principal Planner

DATE: September 22, 1988

FROM: Shirley Mast, Administrative Aide III

Shirley Mast
SUBJECT: BZA 44-88: South side of
Kellogg Drive in an area east
of Lightner

On Monday, September 19, 1988, East Side CPO Neighborhood Council 2B considered the captioned case, a request for an exception to permit the expansion of a new and used car lot on property zoned the "LC" Light Commercial District.

Council members were provided the Notice of Public Hearing, MAPD staff comments, and site plans. Following discussion, the Council voted 8-0 to recommend approval of the request subject to MAPD staff comments and the stipulation that the applicant address the concern of "turn around space" for the residents at 537 Lexington.

Everett Fettis (agent) and Pete Klein (applicant) were present to describe the request and respond to questions.

Mr. and Mrs. Al Loiffer, 537 Lexington were present and expressed concern about the portion of the street that will be closed and thereby hinder their turn around movement. They requested additional turn around space or that the street remain open.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the September 27 meeting.

SM:dm

SECRETARY'S REPORT

CASE NUMBER: BZA 44-88

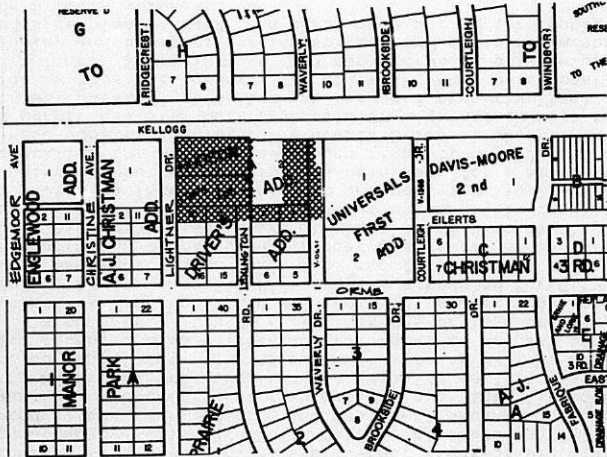
OWNER/APPLICANT/AGENT: T. G. Davis, Jr. (owner/applicant)
Everett C. Fettis (agent)

REQUEST: Exception to permit the expansion of a new and used car lot.

CURRENT ZONING: "LC" Light Commercial District and "A" Two-Family Dwelling District (approved for "LC" subject to platting)

SITE SIZE: 4.54 acres

LOCATION: South side of Kellogg Drive in an area east of Lightner.



JURISDICTION: The Board has jurisdiction to consider this request under the provisions outlined in 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.

BACKGROUND: A portion of this property was included in BZA 41-87, which was approved in October 1987 subject to several conditions, including the removal of all non-auto sales businesses and submission of a revised site plan showing the 10-foot right-of-way dedication for Kellogg Drive by April 27, 1988. Neither of these conditions was completed by the required time and BZA 41-87 became null and void. In the meantime, two additional residential lots (Lots 11 and 20, Driver's Addition) were acquired and rezoning to "LC" was approved, subject to replatting. The Burger King site at 5927 E. Kellogg Drive has also recently been purchased for future use as part of this car agency. A commercial C.U.P. for all of the Davis-Moore car sales properties was also submitted and approved, subject to replatting. The replat, Davis-Moore 5th Addition, is scheduled for City Council review on September 13 and should be recorded shortly thereafter. One of the conditions of platting was that a sidewalk be constructed along the south side of Kellogg Drive at the time of site development. It is the policy for sidewalks to be constructed within the street right-of-way, but immediately adjacent to the property line. This BZA site plan indicates that application has been made for a minor street permit to utilize the recently dedicated right-of-way for the display of cars, with construction of the sidewalk being at the curb. A minor street permit has also been requested on Lightner so that ten feet of the street "parking" area (between curb and property line) can be utilized by this car agency. The sidewalk would be reconstructed at the curb line. There is more than ample area on private property for the display and customer parking stalls, and it is recommended that a revised site plan be submitted which does not utilize public right-of-way for private purposes.

A separate site plan showing future car sales uses on the current Burger King site has also been submitted, although it may be years before the restaurant use ceases. It is recommended that for this portion of the BZA exception area, a site plan be required to be submitted to the Traffic Engineer for review and approval prior to remodeling of the building and use of the site for car sales purposes. All other conditions of approval of this case would apply, except the one-year development time limit.

ADJACENT ZONING AND LAND USE:

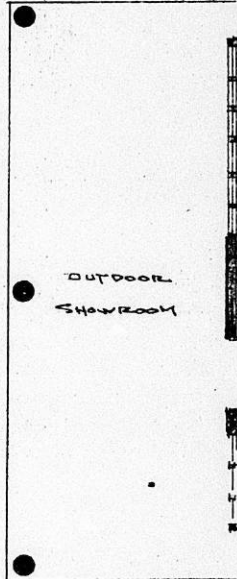
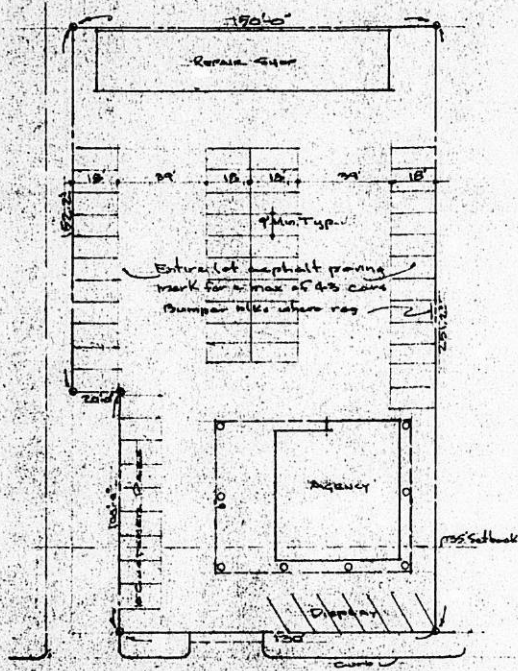
NORTH	"AA"	One family dwellings
SOUTH	"A"	One-family dwellings
EAST	"LC"	Car wash
WEST	"LC"	Retail sale of plants

RECOMMENDATION: Should the Board determine that a new and used car sales lot is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. An automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. The Burger King restaurant at 5927 E. Kellogg may remain until its lease expires or is otherwise terminated and provided that no auto sales or service uses occur on that portion of the property until a site plan has been submitted to and approved by the City Traffic Engineer.
2. Any motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site unless "C" zoning is obtained.
3. As long as the property to the south remains residentially zoned, a solid fence or wall 6 to 8 feet tall shall be maintained in good repair along the south property line. Such fence or wall may be reduced to a height of 3 feet within the west 25 feet of the site. There shall be no access through the fence or wall to Lexington.
4. All storage and display areas shall be paved with concrete, asphalt, or asphaltic concrete.
5. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
6. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
7. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
8. Off-street parking spaces shall be provided on the property, as required by the zoning ordinance (1 space per 3,000 sq. ft. lot area, plus 1 space per 250 sq. ft. building area) and in conformance with the standards established by the Traffic Engineer's office. These required customer/employee parking spaces shall be so designated and shall not be used for display or sale of cars.
9. Parking barriers of bumper blocks, curbs, or posts and chain shall be installed to prevent parked cars from encroaching onto public right-of-way.
10. Within 60 days after approval by the Board, and prior to release of this resolution, the applicant shall submit four copies of a revised site plan which does not utilize public right-of-way for private uses; indicates the required fence along the south property line; and shows the building setback lines and utility easements which were designated on the Davis-Moore 5th Addition plat; and shows the sidewalk at the property line, not the curb line.

BZA 44-88
Page 4

11. Within one year after approval by the Board, the west 310 feet of this application area shall be utilized as a car sales lot in accordance with conditions 1 through 9 above, or this resolution shall become null and void.

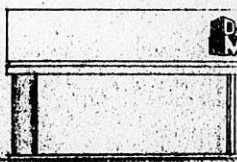


KELLOGG DRIVE →

SITE PLAN

1-1-80

LEGAL
 THE EAST 130' OF LOT 2 - HUDSONS ADDITION
 AND THE WEST 20' OF VACATED Waverly Dr
 EXCEPT FOR THE NORTH 100' OF SAME



BZA CASE NO. 44-88

- 15 LEGAL ADVERTISEMENTS SENT TO MAPC & BZA
- 2 NOTICES SENT TO APPLICANT/AGENT
- 30 NOTICES SENT TO ADJOINING PROPERTY OWNERS
- 5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 9/1/88

- 1 NOTICE SENT TO CPO
- 2 NOTICES SENT TO CITY MANAGER & CITY COUNCIL REPRESENTATIVE TO DISTRICT
- 5 NOTICES TO MAPD STAFF -

Jack Galbraith
Louise Olivarez
Bob Young
Forrest Nagley
Karen Crook

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

September 1, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 44-88

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 T. G. Davis, Jr., requesting an exception.

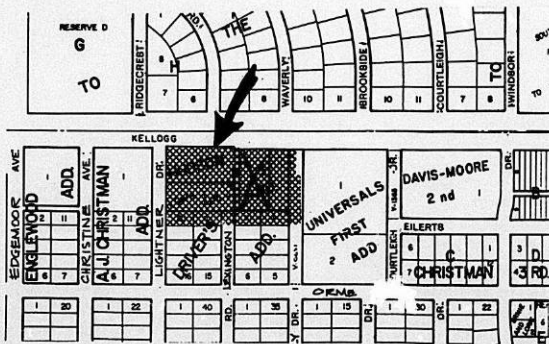
Pursuant to Section 2.12.590.C, Code of the City of Wichita, the applicant is requesting an exception to permit the expansion of a new and used car lot on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Low's Addition; Lot 1, Hudson Addition; the west 10 feet of Lot 2, Hudson Addition; the east 100 feet of Lot 2, Hudson Addition; the west 30 feet of the north 312.86 feet of vacated Waverly; the west 20 feet of the east 30 feet of the north 312.86 feet of vacated Waverly, except the north 100 feet thereof; Lots 1, 10, 11 and 20, Drivers Addition, together with Lexington Street lying between said Lots 10 and 11; all in Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg Drive in an area east of Lightner.

This application has been assigned Case No. BZA 44-88. It will be considered by the Board of Zoning Appeals on Tuesday, September 27, 1988, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main, Wichita, Kansas. If you have no interest in or objections to 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council 2B will consider this case at their meeting to be held on Monday, September 19, 1988, at 7 p.m. at the Capitol Federal Savings and Loan Building, 8040 E. Douglas. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



(_____) Published in The Daily Reporter, September 2, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 27th day of September, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, meeting in the Board Room, First Floor, City Hall, 455 N. Main, Wichita, Kansas, will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 54-87 - O.L.C. Properties, a partnership, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an off-street parking lot for the adjacent medical office building on property zoned the "AA" One-Family Dwelling District and legally described as follows:

The north 160 feet of the east 35 feet of Lot 1, Temple Addition to Wichita, Sedgwick County, Kansas, together with that part of Vacated Stratford Street lying east of and adjacent to the north 160 feet of said Lot 1. Generally located between 7011 and 7015 E. Central.

2. Case No. BZA 41-88 - Highland House, a partnership, and HCA Health Services of Kansas, Inc., a Kansas corporation, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the establishment of off-street parking on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 31 and 32 on Orchard Avenue, Myers' Subdivision of Lots 1 and 3 in Block 6, FRISCO HEIGHTS ADDITION to Wichita, Kansas; odd Lots 1, 3, 5, 7, 9 and 11, inclusive, on Orchard Avenue, Grandview Subdivision of Lots 2 and 4 in Block 6 in FRISCO HEIGHTS, Wichita, Kansas; and Lot 16, except the west 5.7 feet thereof, and all of Lot 18 on Murdock Avenue, Grandview Subdivision of Lots 2 and 4 in Block 6 in FRISCO HEIGHTS, Wichita, Kansas. Generally located between Murdock and Orchard Avenue in an area west of Holyoke.

3. Case No. BZA 42-88 - Cornerstone Church of God, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a child daycare center on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lots 1 and 2, Block A, Replat of Sower's Gardens, Sedgwick County, Kansas. Generally located at the southeast corner of Glenn and Crawford (2706 S. Glenn).

4. Case No. BZA 43-88 - Jerry Hansen, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the expansion of a self-service car wash on property zoned the "LC" Light Commercial District and legally described as follows:

The north 190 feet of Lots 7, 8, and 9, Christian Add., Sedgwick County, Kansas. Generally located near the southwest corner of MacArthur and Hydraulic (1647 E. MacArthur).

5. Case No. BZA 44-88 - T. G. Davis, Jr., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the expansion of a new and used car lot on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Low's Addition; Lot 1, Hudson Addition; the west 10 feet of Lot 2, Hudson Addition; the east 100 feet of Lot 2, Hudson Addition; the west 30 feet of the north 312.86 feet of vacated Waverly; the west 20 feet of the east 30 feet of the north 312.86 feet of vacated Waverly, except the north 100 feet thereof; Lots 1, 10, 11 and 20, Drivers Addition, together with Lexington Street lying between said Lots 10 and 11; all in Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg Drive in an area east of Lightner.

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 2nd day of September, 1988.

Jack H. Galbraith, Secretary
Board of Zoning Appeals

APPLICATION FOR EXCEPTION

I. Applicant T. G. DAVIS, JR.
 Address P. O. Box 780047 Zip Code 67278 Phone 685-0211
 Agent Everett C. Fettis, Attorney
 Address 120 S. Market #504 Zip Code 02 Phone 267-7251
 Relationship of applicant to property is that of owner
 (Owner, Tenant, Lessee, Other)

II. Application is made for an exception to permit the ~~establishment~~ ^{expansion} of a
new and used car lot
 on property zoned LC light Commercial District which is
ft by ft (or 4.54 acres) in size, legally described as:
See attached

of the south side of Kellogg Drive in an area east of,
 and located at 5817 East Kellogg, Wichita, Kansas highway
 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 he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
 - d. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.

Applicant T. G. DAVIS, JR.
 Authorized Agent Everett C. Fettis
 EVERETT C. FETTIS

OFFICE USE ONLY:
 Map No. 5846A Zoning: (N) AA (S) A (E) LC (W) LC CPO 2B 9-19
 Received in Office of Secretary, Board of Zoning Appeals, 2:30 (a.m./p.m.),
8-30-88, 1988, together with appropriate fee of 509.00.

Signed Louise Oliver

BZA 44-88

*use for
to be
re amended*

LEGAL DESCRIPTION

Lot 1, Low's Addition, ~~to Wichita, Sedgwick County, Kansas;~~ Lot 1, Hudson Addition, ~~to Wichita, Sedgwick County, Kansas;~~ the west 10 feet of Lot 2, Hudson Addition, ~~to Wichita, Sedgwick County, Kansas,~~ the east 100 feet of Lot 2, Hudson Addition, ~~to Wichita, Sedgwick County, Kansas,~~ the west 30 feet of ^{the north 312.86 feet of} vacated Waverly; ^{the north 312.86 feet of} the west 20 feet of the east 30 feet of ^{the north 312.86 feet of} vacated Waverly, except the north 100 feet thereof; Lots 1, 10, 11 and 20, Drivers Addition, ~~to Wichita, Kansas,~~ together with Lexington Street lying between said Lots 10 and 11; ^{all in Wichita, Sedgwick County, Kansas.} Drivers Addition to Wichita, Kansas. *

STATEMENT

A portion of the subject property was previously approved for a new and used car lot, however, its impelmentation was delayed because of the City's requirement for a CUP which has now been completed. Lots 11 and 20 in Drivers Addition have been acquired and added to the property. ~~Lots 1 and 10 also need to be added,~~ and the property in the east half of Lot 2 of Hudson Addition and a portion of the vacated Waverly have not previously been included but need to be. All of this is a part of the development of the complex by the owner of the property.

252.86
80.
312.86

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

RECEIVED

SEP 06 1988

METROPOLITAN PLANNING
ROUTE 1000

Albert & Maureen Loeffler
5201 E. Elm
Wichita, KS 67208

LOE 01 12022171 FWD TIME EXPD
LOEFFLER
537 LEXINGTON
WICHITA KS 67218-2723
RETURN TO SENDER



WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

RECEIVED

SEP 07 1988

METROPOLITAN PLANNING
ROUTE 1000

Larry J. Klaus
548 S. Lightner
Wichita, KS 67218

KLA 48 12062761 FWD TIME EXPD
KLAUS
650 LANCASTER
WICHITA KS 67230-6608
RETURN TO SENDER



OWNERSHIP LIST

<u>Property Description</u>		<u>Property Owner</u>
Lot 1 and the West 10 feet of Lot 2, Block A	Hudson Addition	✓ T. G. Davis Jr. 501 Tara Lane Wichita, KS 67206
Lot 2, except the West 140 feet together with 30 feet vacated Waverly Drive adjoining on the East, Block A	"	T. G. Davis Jr. Norma J. Davis 501 Tara Lane Wichita, KS 67206
Lot 2, except the West 10 feet and except the East 100 feet thereof, Block A	"	✓ Arthur Lankin 953 S. Greenwich Rd. Wichita, KS 67207
Lot 1	Low's Addition	✓ T. G. Davis Jr. 501 Tara Lane Wichita, KS 67206
Lots 1, 2, 3, 4 and 5 together with the West 50 feet of vacated Waverly Drive adjoining on the East	Driver's Addition	✓ T. G. Davis Jr. 501 Tara Lane Wichita, KS 67206 and D & M Investments, a partnership P.O. Box 780047 Wichita, KS 67218
Lot 6	"	✓ Howard C. Laswell Mabel M. Laswell 554 Lexington Rd. Wichita, KS 67208
Lot 7	"	✓ Edward D. Schmidt 548 Lexington Wichita, KS 67218
Lot 8	"	✓ John R. Cushing 542 Lexington Wichita, KS 67218
Lot 9	"	✓ Loretta L. McElhanev Verl C. McElhanev 536 Lexington Wichita, KS 67218
Lot 10	"	✓ D & M Investments, a partnership P.O. Box 780047 Wichita, KS 67218
Lot 11	"	✓ T. G. Davis Jr. 501 Tara Lane Wichita, KS 67206
Lot 12	"	✓ Albert Loeffler Maureen M. Loeffler 5201 E. Elm Wichita, KS 67208

537

Lexington
67218

<u>Property Description</u>		<u>Property Owner</u>
Lot 13	Driver's Addition	Dennis L. Brewster Kimberly N. Brewster ✓ 534 S. 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 16	"	✓ Ernest C. Manny III Devin M. Manny 554 Lightner Wichita, KS 67218
Lot 17	"	✓ Larry Joe Klaus 548 S. Lightner Wichita, KS 67218
Lot 18	"	✓ Guy L. Bounous Berniece I. Bounous 542 S. Lightner Wichita, KS 67218
Lot 19	"	✓ Walter W. Vofderstrasse Estella M. Vorderstrasse 536 S. Lightner Wichita, KS 67218
Lot 20	"	T. G. Davis Jr. 501 Tara Lane Wichita, KS 67206
The South 160 feet of Lot 2 together with the East 10 feet of vacated Waverly Drive adjoining	Universals First Addition	Grant Davis Bob Moore P.O. Box 780047 Wichita, KS 67218
Lot 1 except the West 110 feet, and Lot 2 except the South 160 feet thereof and except the West 110 feet of the North 50 feet thereof, together with the West 20 feet of vacated Courtleigh Drive adjoining Lot 1, on the East	"	D & M Investments, a partnership P.O. Box 780047 Wichita, KS 67218
The West 20 feet of the East 30 feet of vacated Waverly Drive adjoining Lots 1 and 2 except the South 300 feet thereof and except the North 100 feet thereof	"	T. G. Davis Jr. 501 Tara Lane Wichita, KS 67206 and D & M Investments, a partnership P.O. Box 780047 Wichita, KS 67218

<u>Property Description</u>		<u>Property Owner</u>
The West 110 feet of Lot 1, together with the East 10 feet of vacated Waverly Street adjacent on the West and the West 20 feet of the East 30 feet of the North 100 feet of vacated Waverly Street adjacent on the West	Universals First Addition	✓ I. Hugh Moxley 9115 Lakepoint Wichita, KS 67226
The West 110 feet of Lot 2, except the South 160 feet thereof, together with the East 10 feet of vacated Waverly Street adjacent on the West	"	<i>dup</i> ✓ I. Hugh Moxley 9115 Lakepoint Wichita, KS 67226
Lot 1, except the North 10 feet; and Lot 2, except the South 20 feet; and Lot 11, except the South 20 feet	A. J. Christman Addition	✓ Byron G. Stout Jr., Trustee of Byron G. Stout Jr. Living Trust & Elimina G. Stout Living Trust 150 S. Old Manor Wichita, KS 67218
The North 10 feet of Lot 1 and the South 20 feet of Lot 2 and the South 20 feet of Lot 11	" <i>Street R.O.W.</i>	County of Sedgwick 525 N. Main Wichita, KS 67202
Lot 3	"	✓ Iva E. Courser 534 S. Christine Wichita, KS 67218
Lot 4	"	✓ John T. Doherty Betty Lou Doherty 540 S. Christine Wichita, KS 67218
Lot 5	"	✓ T. J. Johnson Una Johnson 546 S. Christine Wichita, KS 67218
Lot 6	"	✓ Michael S. Potts and Stephen M. Caine 627 Waverly Dr. Wichita, KS 67218
Lot 7	"	✓ Iva H. Braddy 553 S. Lightner Wichita, KS 67218
Lot 8	"	✓ John E. Mosure Kerri P. Mosure 547 S. Lightner Wichita, KS 67218
Lot 9	"	✓ Marvin R. Fox Velma M. Fox 541 S. Lightner Wichita, KS 67218

<u>Property Description</u>			<u>Property Owner</u>
Lot 10		A. J. Christman Addition	✓ Violet L. Lake 537 S. Lightner Wichita, KS 67218
		The South 240 feet of Reserve "D", Block G, in the Second Addition to the Village, an Addition to the City of Wichita, Sedgwick County, Kansas	✓ Redeemer Evangelical Lutheran Church of Wichita 5620 East Kellogg Wichita, KS 67218
Lot 6	Block H	Second Addition to The Village	✓ Betty A. Caro 457 Lexington Road Wichita, KS 67218
Lot 7, except the North 72 feet	Block H	"	✓ Mid Kansas Federal Savings & Loan Association 230 S. Market Wichita, KS 67202
Lot 7	Block I	"	✓ Jameel G. Razook 458 Lexington Rd. Wichita, KS 67218
Lot 8	Block I	"	✓ First National Bank in Wichita, Trustee of Herbert & Alma Stipe Living Trust 105 N. Main Wichita, KS 67202
Lot 10	Block J	"	✓ Dwight J. Thompson Noma M. Thompson 218 S. Old Manor Wichita, KS 67218
Lot 11	Block J	"	✓ Jack E. Thomas 443 S. Brookside 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, Low's Addition to Wichita, Sedgwick County, Kansas;
Lot 1, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas.

The West 10 feet of Lot 2, Hudson Addition to Wichita, Sedgwick County, Kansas.

Lots 1, 10, 11 and 20, Drivers Addition to Wichita, Sedgwick County, Kansas, together with Lexington Street lying between Lots 10 and 11 of said Drivers Addition.

The West 30 feet of the North 312.86 feet of vacated Waverly Drive and the West 20 feet of the East 30 feet of the North 312.86 feet of vacated Waverly Drive, except the North 100 feet thereof. Said vacated Waverly Drive is situated between Kellogg on the North, Orme on the South, Courtleigh Drive on the East and Lexington on the West.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 31st day of August, 1988, at 7:00 o'clock A.M.

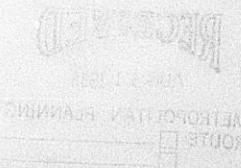
THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Hebble

By

Sr. Vice-President

Order No. 398957
nj



Nº 00318

METROPOLITAN AREA PLANNING DEPARTMENT

Description 3 BZA signs
Name Everett Fette
Address 120 S. Market Suite 504
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)
Amount 79⁰⁰
Date 8-30-88 Due Date 8-30-88 By LC

Form 00-000

Nº 00317

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA exception
Name Everett C. Fette
Address 120 S. Market Suite 504
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)
Amount 1500⁰⁰
Date 8-30-88 Due Date 8-30-88 By LC

Form 00-000

*

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

Roll # 3