

LOCAL

700'4Sec. 3-8-84

Shot 3-10-84

Record

Case No. BZA 3-84 - D & M Investments,
requests an exception to permit the
establishment of an automobile sales
lot on property zoned the "LC" Light
Commercial District and generally
located on the southeast corner of
Kellogg Drive and Mansfield (8335 E.

Paper
1-25-84
624

ACTION
APPROVED
B.Z.A. 3-84 3-28-84
DATE

6096

200'4Sec. 3-8-84
Plot 3-20-84
Record ✓

Case No. BZA 3-84 - D & M Investments,
requests an exception to permit the
establishment of an automobile sales
lot on property zoned the "LC" Light
Commercial District and generally
located on the southeast corner of
Kelllogg Drive and Mansfield (8335 E.

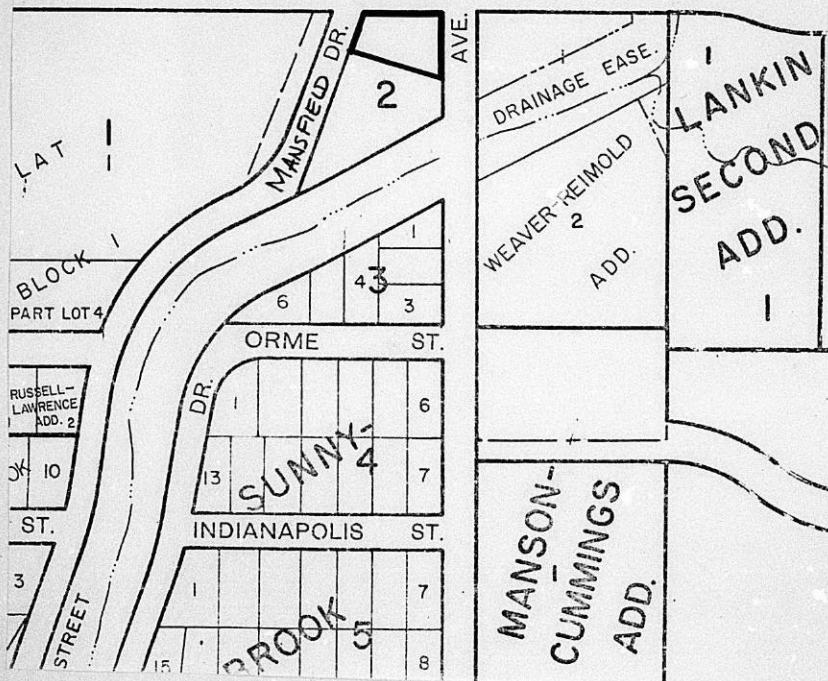
Map No. 6046

BZA 3-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E LC S LC W LC N LC
3. Land Use: East MOTEL South Restaurant
West Restaurant North Vac. S.S.
4. Area (is) (is not) platted.

KELLOGG HIGHWAY U.S. 54 & K-96



LOS ANGELES CIVIL AND LOGAN CH
MONTELEONE, 17400 CUST GROVE, CA
311A.

No. 2153C
S. H. HASTINGS, INC.



AMERICAN MOTORS AND OLDSMOBILE SALES AND SERVICE

Davis-Moore Oldsmobile, Inc.



Telephone 685-0211 · P. O. Box 18047 · 6215 East Kellogg · Wichita, Kansas 67218

March 5, 1984

Fire Prevention
ATTN: Mr. Jim Kater
12th Floor, City Bldg.
455 N. Main
Wichita, KS

Dear Mr. Kater:

We recently purchased a Mobil Service Station at 8335 E.Kellogg in Wichita.

I have been in contact with your office regarding the filling of the gasoline storage tanks.

We hired Hogoboom Oil Field Trucking Company - 767 Oil Hill Road, Eldorado, Kansas 67042 to fill these tanks.

This was done friday, March 2, 1984.

The driver from this company told me some man from your department had been out to check on the tanks.

If any other information is needed please call me at 685-1451, which is at the Davis-Moore Datsun store on east Kellogg.

Sincerely,

"Pete" Klein

PK/lk

*Filled with Oil
field "mud" - If tank leaks
it will seal it*

RECEIVED

MAR 6 1984

METROPOLITAN PLANNING

ROUTE

February 29, 1984

D & M Investments
6215 East Kellogg
Wichita, Kansas

Re: BZA 3-84 - Request for Exception

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 28, 1984. Also attached is a copy of the site plan submitted to this office that has been reviewed by the Traffic Engineer. As you will note the Traffic Engineer has indicated that the two approaches adjacent to Kellogg Drive should be closed and reconstructed.

Should any changes occur in the development of the property differing from the plan submitted, please furnish two copies to this office for approval.

If you have any questions, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

Encl.

cc: Everett C. Fettis, 504 One Twenty Building, Wichita
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

Shirley —
Send copy of letter
and site plan to
Bill McKinley
done

RESOLUTION NO. BZA 3-84

WHEREAS, D and M Investments, a partnership, 6215 East Kellogg, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an automobile sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

A tract in Block 2, Sunnybrook Addition, City of Wichita, Sedgwick County, Kansas, described as: Beginning at the intersection of the South line of the frontage road to the South side of Kellogg and the East line of Mansfield Drive; thence Southwesterly along the East line of Mansfield Drive 75 feet; thence Southeasterly to a point on the West line of Eastern Avenue, which point is 120 feet South of the South line of said frontage road; thence West along South line of said frontage road to the point of beginning. Generally located on the southeast corner of Kellogg Drive and Mansfield (8335 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 February 28, 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 automobile sales lot 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 sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

A tract in Block 2, Sunnybrook Addition, City of Wichita, Sedgwick County, Kansas, described as: Beginning at the intersection of the South line of the frontage road to the South side of Kellogg and the East line of Mansfield Drive; thence Southwesterly along the East line of Mansfield Drive 75 feet; thence Southeasterly to a point on the West line of Eastern Avenue, which point is 120 feet South of the South line of said frontage road; thence West along South line of said frontage road to the point of beginning. Generally located on the southeast corner of Kellogg Drive and Mansfield (8335 East Kellogg).

subject to the following conditions:

1. Prior to the release of the resolution authorizing the change of use of the property to an automobile sales lot, the applicant shall secure approval from the Fire Prevention Division for the satisfactory method for removal or safeguarding of the existing underground fuel tanks on the property.
2. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business, nor shall the business include any body or fender work.
3. All motor repair work shall be conducted entirely within an enclosed building.

4. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
5. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineers office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
6. No new buildings shall be located closer than 35 feet to Kellogg right-of-way or closer than 35 feet to the right-of-way of Mansfield or Eastern.
7. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
8. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
9. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
10. All requirements as set forth in this resolution shall be complied with within 120 days from the approval by the Board or the resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of February 28, 1984.


Earl Henderson, Vice President

ATTEST:


Glen F. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE February 22, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Entriken, Administrative Aide III

SUBJECT BZA 3-84 (Southeast corner of
Kellogg Drive and Mansfield)

CPO Council "H" considered the captioned case at its February 13 meeting and voted 5-1 to recommend approval of the variance subject to the following conditions: 1) there would be on-site parking; 2) no parking would be allowed on the access streets; and 3) appropriate lighting would be maintained for the neighborhood.

Everett Fettis was present to speak on behalf of the applicant. One area resident was present.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered on February 28.

Cindy Entriken

Cindy Entriken
Administrative Aide III

CE:sm

RECEIVED

FEB 24 1984

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT
CASE NO. BZA 3-84

APPLICANT: D. & M. Investments, 6215 East Kellogg, Wichita, Kansas.

AGENT: Everett C. Fettis, 504 One Twenty Building, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita to permit the establishment of an automobile sales lot in the "LC" Light Commercial District.

GENERAL LOCATION: On the southeast corner of Kellogg Drive and Mansfield (8335 East Kellogg).

ZONING: Subject property is zoned the "LC" Light Commercial District as are all adjacent properties.

LAND USE: Subject property is a vacant service station. To the south and west are fast food restaurants. A motel to the east and a vacant service station to the north.

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 permit the occupancy of an existing service station site as an automobile sales lot. The property presently has vehicular access from Mansfield, Eastern and Kellogg Drive and the applicant's site plan denotes automobile display all across the frontage of the property adjacent to Kellogg Drive.

With the location being adjacent to the access road similar to numerous other automobile sales lots on east Kellogg, it would not seem inappropriate for the conversion of this property to an automobile sales lot. In checking with the Fire Marshall's Office, they indicate that the underground fuel tanks are still in place and must be removed or safeguarded prior to the conversion of the property to a new use.

The residential properties to the south are located at a distance that properly installed lighting should not be detrimental to the neighborhood. The rear of the property is adjacent to the parking lot of a fast food restaurant and should not create problems to that use.

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 exception be granted subject to the following conditions:

1. Prior to the release of the resolution authorizing the change of use of the property to an automobile sales lot, the applicant shall provide a satisfactory guarantee to the City Engineer for the removal of the two driveway approaches to Kellogg Drive; and to secure approval from the Fire Prevention Division the satisfactory method for removal or safeguarding of the existing underground fuel tanks on the property.
2. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business, nor shall the business include any body or fender work.

3. All motor repair work shall be conducted entirely within an enclosed building.
4. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
5. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineers office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
6. No new buildings shall be located closer than 35 feet to Kellogg right-of-way or closer than 35 feet to the right-of-way of Mansfield or Eastern.
7. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
8. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
9. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
10. All requirements as set forth in this resolution shall be complied with within 120 days from the approval by the Board or the resolution shall become null and void.

BZA CASE NO. 3-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>4</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>7</u>	TOTAL NOTICES SENT <u>2-8-84</u>

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

February 8, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 3-84

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 D and M Investments, a partnership, 6215 East Kellogg, 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 automobile sales lot on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

A tract in Block 2, Sunnybrook Addition, City of Wichita, Sedgwick County, Kansas, described as: Beginning at the intersection of the South line of the frontage road to the South side of Kellogg and the East line of Mansfield Drive; thence Southwesterly along the East line of Mansfield Drive 75 feet; thence Southeasterly to a point on the West line of Eastern Avenue, which point is 120 feet South of the South line of said frontage road; thence West along South line of said frontage road to the point of beginning. Generally located on the southeast corner of Kellogg Drive and Mansfield (8335 East Kellogg).

This application has been assigned Case BZA 3-84. It will be considered by the Board of Zoning Appeals on February 28, 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. 3-84

CITY OF WICHITA, KANSAS

FILED 1-24-84

APPLICATION FOR EXCEPTION

I. Name of Applicant D and M Investments, a partnership
 Mailing Address 6215 E. Kellogg 67218 phone _____
 Name of Authorized Agent Everett C. Fettis, Attorney
 Mailing Address 504 One Twenty Bldg. 67202 phone 267-7251
 Relationship of applicant to property is that of owner
 (Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C,
 Code of the City of Wichita, Kansas, to permit the establishment of
 a used car lot

on property zoned "LC"
on the southwest corner of Mansfield and Kellogg
 located 8335 E. Kellogg Wichita, Kansas
 and legally described as: See attached

_____, in the City of Wichita.

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
 - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 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.

Applicant D and M Investments

Authorized Agent Everett C. Fettis

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
1:55 (p.m.), Jan. 24, 1980, together with
 appropriate fee of \$200.00.

Signed L. Lynn Shirley

A tract in Block 2, Sunnybrook Addition, City of Wichita,
Sedgwick County, Kansas, described as follows:

Beginning at the intersection of the south line of the frontage
road to the South side of Kellogg and the East line of Mansfield
Drive; thence Southwesterly along the East line of Mansfield Drive
75 feet; thence southeasterly to a point on the west line of
Eastern Avenue which point is 120 feet South of the South line
of said frontage road; thence North along West line of Eastern
Avenue 120 feet; thence West along South line of said frontage
road to the point of beginning.

OWNERSHIP LIST

Property Description

Property Owner

A tract in Block 2, Sunny-brook Addition, City of Wichita, Sedgwick County, Kansas, described as: Beginning at the intersection of the South line of the frontage road to the South side of Kellogg and the East line of Mansfield Drive; thence Southwesterly along the East line of Mansfield Drive 75 feet; thence Southeasterly to a point on the West line of Eastern Avenue, which point is 120 feet South of the South line of said frontage road; thence West along South line of said frontage road to the point of beginning

~~D~~ D & M Investments
6215 E. Kellogg 67218

A tract in Block 2, Sunny-brook Addition described as except beginning at the intersection of the South line of the frontage road to the South side of Kellogg and the East line of Mansfield Drive; thence Southwesterly along the East line of Mansfield Drive 75 feet; thence Southeasterly to a point on the West line of Eastern Avenue, which point is 120 feet South of the South line of said frontage road; thence North along West line of Eastern Avenue 120 feet; thence West along South line of said frontage road to the point of beginning

~~John~~ W. Hill
~~Address Unknown~~

~~William A. Hays~~
~~Address Unknown~~

~~Russell C. Knotts~~
~~Address Unknown~~

243 N. Gate
Address not right Hays

Lot 1, Replat of Block 1, Sunny-brook Addition

~~Wm~~ Levitt
Deceased

Lots 1 & 2, Weaver-Reimold Addition

~~Executive Inn, Inc.~~
8401 E. Kellogg 67207

Lot 3, except the North 100 feet and except the West 155.7 feet, Ruth Addition

~~Gary K. Edminster~~
5908 S. 107 East
Derby, KS 67037

Lot 1, Ruth 2nd Addition

~~Texaco, Inc.~~
~~Address Unknown~~ 8301 Oak Knoll

Lot 1, Dry Addition

~~J.R.~~ Dry, Jr.
~~Address Unknown~~

~~J.R.~~ Dry
~~Address Unknown~~

~~Velda S. Dry~~
~~Address Unknown~~

Page 2

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots of:

A 200 foot radius of:
A tract in Block 2, Sunny-Brook Addition,
City of Wichita, Sedgwick County, Kansas,
described as follows: Beginning at the
intersection of the South line of the
frontage road to the South side of Kellogg
& the East line of Mansfield Drive; thence
Southwesterly along the East line of Mans-
field Drive 75 feet; thence Southeasterly
to a point on the West line of Eastern Avenue
which point is 120 feet South of the South
line of said frontage road; thence North
along West line of Eastern Avenue 120 feet;
thence West along South line of said
frontage road to the point of beginning

as shown by the last deed of record on file in the Office of
the Register of Deeds, Sedgwick County, Kansas, on the 20th
day of January, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Seale
Vice President

Order No: 329552
nb



Wichita State University Wichita, KS 67208 689-3713

February 10, 1984

Board of Zoning Appeals
City Hall--Tenth Floor
455 North Main
Wichita, KS 67202

Dear Sir/Madam:

Please note that the address to which you sent the enclosed, which is our residence, is not within two miles of the site described.

If there is a William A. Hays near that location, I suggest you inform him, as Required by law.

Sincerely,

Judith Hays
Mrs. William C. Hays
2343 N Yale
Wichita 67220

RECEIVED

FEB 13 1984
METROPOLITAN PLANNING
ROUTE



Wichita State University
Wichita, KS 67208



Board of Zoning Appeals
City Hall--Tenth Floor
455 North Main Street
Wichita, KS 67202

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 10-11 PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
528 417	

NAME _____
ADDRESS _____
FUND _____ DUE DATE _____
COMMENTS _____
DATE _____ BY _____

*

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

Roll # 2