

POSTED 3-31-87
K.P.L.

ACTION

BZA 11-87 Appl. agent 4/28/87
requested abated 4/28/87
DATE

approved 7/28/87

50060A

200'4Sec. 9-23-87

Shot 10-22

* Record

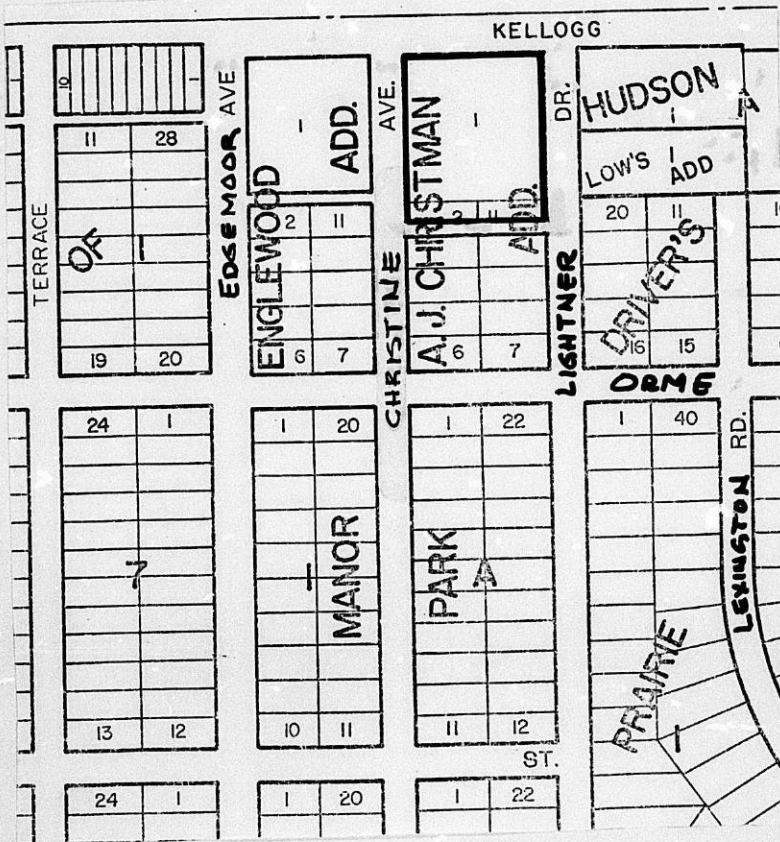
Case No. BZA 11-87 - Byron G. Stout, Jr.
requests an exception to permit the
establishment of a vehicle sales business
on property zoned the "LC" Light Com-
mercial District and generally located
on the south side of Yellow

Map No. 5846 A

BZA 11-87
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "LC" S "A" W "LC" N "B" & "A"
3. Land Use: East Comm South I-F
West Comm North Church & I-F
4. Area (is) (~~is not~~) platted.



LOS ANGELES CHICAGO LOGAN, OH
MCKESSON 78 LOCUST GROVE CA
U.S.A.

Standard
No. 2153C

Mike Hewitt 682-2161

Sharon Ryan Referred him to you

4x4 Jeep

Edgemoor + Kellogg

Burl's Tire

Myron Stool

front part

no service

5846A

just sales

display Jeep

E. Kellogg

temp. use 3 mm

his ?
question is:

(from BZA 11-87)
Can we waive the fencing reg't along the south line if they just use the north 100' for temporary use of jeep sales.

11-13-87

2620000

Barbara: Talked with this man and advised him to re-submit site designating clearly the 100' to be used and to write an explanation of how the property is to be used, and for what period of time. Also ~~to~~ call Jalain since he was the original agent.

JH

Jack (Mike Hewitt)
This man called regarding waiver of BZA reg't. please call him at 682-2161 Barb

Mike Hewitt 682-2161

Sharon Ryan Referred him
to you

Box 11-87

All Christmas Addn.

4x4 Jeep

Edgemore + Kellogg

JK

Burt's Tire

Myron Stout

front part

no service

5846 A

just sales

display Jeep

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Barbara: Talked with this man
and advised him to re-submit site designating clearly
the 100' to be used and to write an explanation
of how the property is to be used, and for
what period of time. Also ~~to~~^{to} call
John since he was the original agent.

JK

September 10, 1987

Robert A. Lakin
The Martens Companies
125 North Emporia, Suite 110
Wichita, Kansas 67201

RE: Resolution for BZA 11-87: Exception for vehicle sales in the "LC" district

Dear Mr. Lakin:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on July 28, 1987. 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 now that condition #14 has been complied with. Also enclosed is one copy of the site plan as approved by the Traffic Engineer with the notation that parking guards are required on all parking stalls adjacent to public right-of-way.

If you have any questions concern.ng this matter, please call our office.

Sincerely,

Louise Olivarez
Assistant Secretary

LO/lw

Enclosure

cc: Byron G. Stout, 150 S. Old Manor, Wichita, KS 67218
Walter L. Lesline, 125 Mathewson, Wichita, KS 67214
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

PL/0259/1

RESOLUTION CASE NO. 11-87

WHEREAS, Byron G. Stout, Jr., 150 S. Old Manor Road, Wichita, Kansas 67218 and Walter L. Lesline, 125 Mathewson, Wichita, Kansas 67214, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the establishment of an automobile sales business on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, except the north 10 feet and Lots 2 and 11, except the south 20 feet, all in A. J. Christman Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Christine and Lightner Streets.

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 28, 1987, 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 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 sales business on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, except the north 10 feet and Lots 2 and 11, except the south 20 feet, all in A. J. Christman Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Christine and Lightner Streets.

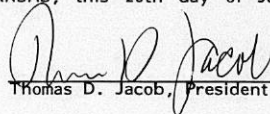
subject to the following conditions:

1. Body and fender work shall not be permitted. All vehicle repair and maintenance shall be within an enclosed building.
2. A six to eight foot high solid wall or fence consisting of masonry, wood or metal panels shall be installed along the entire south property line. Such fence shall be reduced to a height of three feet for the east 25 feet and the west 25 feet.
3. No new buildings shall be constructed within 35 feet of Kellogg Drive or within 15 feet of Christine or Lightner Streets.
4. All storage and display of vehicles shall be on surfaced areas.
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 Engineer's office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
6. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.

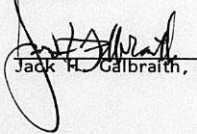
7. Ground, pole, building and portable signs shall not exceed the height, area and number permitted by the zoning regulations for the "LC" Light Commercial District.
8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. All areas shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
10. All improvements required by this resolution or the Zoning Ordinance shall be installed and maintained in good condition.
11. All parking spaces and display spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
12. No buildings shall be constructed on the property within the setbacks established on any plat or within any setback established by this resolution; and provided further, under no circumstances shall there be any structure of any kind erected on or above any easements on this property.
13. The two driveway approaches adjacent to Kellogg Drive shall be closed in the future if vehicles for sale are to be parked at these locations.
14. Prior to release of this resolution and within 30 days, the applicant shall submit four copies of a revised site plan to the Secretary for review and for approval by the Traffic Engineer. The revised plans shall conform to all conditions previously listed above and shall specifically label the fence, building setback lines, parking guards and specific parking areas (e.g., customer parking, employee parking, new car sales parking).

*received
8-28*

ADOPTED AT WICHITA, KANSAS, this 28th day of July, 1987.



Thomas D. Jacob, President

ATTEST:


Jack H. Galbraith, Secretary

July 29, 1987

Robert A. Lakin
The Martens Companies
125 N. Emporia, Suite 110
Wichita, Kansas 67201

Re: BZA 11-87 - Request for Exception (South side of Kellogg
between Christine and Lightner Streets)

Dear Mr. Lakin:

At the regular meeting of the Board of Zoning Appeals on July 28, 1987, your request for an exception to permit the establishment of an automobile sales business on property zoned the "LC" Light Commercial District was considered. It was the action of the Board to grant the exception subject to the following conditions:

1. Body and fender work shall not be permitted. All vehicle repair and maintenance shall be within an enclosed building.
2. A six to eight foot high solid wall or fence consisting of masonry, wood or metal panels shall be installed along the entire south property line. Such fence shall be reduced to a height of three feet for the east 25 feet and the west 25 feet.
3. No new buildings shall be constructed within 35 feet of Kellogg Drive or within 15 feet of Christine or Lightner Streets.
4. All storage and display of vehicles shall be on surfaced areas.
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 Engineer's office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
6. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
7. Ground, pole, building and portable signs shall not exceed the height, area and number permitted by the zoning regulations for the "LC" Light Commercial District.

July 29, 1987

8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. All areas shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
10. All improvements required by this resolution or the Zoning Ordinance shall be installed and maintained in good condition.
11. All parking spaces and display spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
12. No buildings shall be constructed on the property within the setbacks established on any plat or within any setback established by this resolution; and provided further, under no circumstances shall there be any structure of any kind erected on or above any easements on this property.
13. The two driveway approaches adjacent to Kellogg Drive shall be closed in the future if vehicles for sale are to be parked at these locations.
14. Prior to release of this resolution and within 30 days, the applicant shall submit four copies of a revised site plan to the Secretary for review and for approval by the Traffic Engineer. The revised plans shall conform to all conditions previously listed above and shall specifically label the fence, building setback lines, parking guards and specific parking areas (e.g., customer parking, employee parking, new car sales parking).

The Resolution setting forth the official action of the Board will be released upon compliance with condition 14.

If you have any questions, please call our office.

Sincerely yours,

Jack H. Galbraith
Secretary

JHG/lw

cc: Byron G. Stout, Jr., 150 S. Old Manor Road, Wichita, KS 67218
Walter L. Lesline, 125 Mathewson, Wichita, KS 67214
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE July 23, 1987

TO Louise Olivarez, Principal Planner

FROM Shirley Mast, Administrative Aide III *dm*

SUBJECT BZA 11-87: South side of
Kellogg between Christine and
Lightner Streets

On Monday, July 20, 1987, CPO East Side Neighborhood Council 2B considered the captioned case, a request for an exception to permit the establishment of an automobile sales business on property zoned the "LC" Light Commercial District. The Council voted 5-0 to recommend approval of the requested variance subject to the two driveway approaches to Kellogg Drive being closed.

Robert Lakin, Walter L. Lesline and Dave Kobe were present to describe the request and respond to questions from the Council. No adjoining property owners or area residents were present concerning the request.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 11-87 is considered at the July 28th meeting.

SM:dm

RECEIVED

JUL 24 1987

METROPOLITAN PLANNING

ROUTE _____

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE April 24, 1987

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III *sm*

SUBJECT BZA 11-87: South side of Kellogg
 between Christine and Lightner
 Streets

CPO Council District 2B considered the captioned case at its April 20th meeting and voted 7-0 to recommend that the exception to permit the establishment of a vehicle sales business be approved subject to the conditions recommended in the MAPD Secretary's report. The Council also recommended if the property does not become a "car dealership", that condition #2 of the staff report ("the two driveway approaches adjacent to Kellogg Drive shall be removed and the curb reconstructed") be deleted.

The applicant, Byron Stout, and agent, Dean Felt, were present to describe the request and respond to questions. One adjoining property owners (Violet Lake, 537 Lightner) was present concerning the case. Mrs. Lake was on of the opinion that the exception would eliminate her access to the alley.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 11-87 is considered at the April 28th meeting.

SAM:dm

FELT/KINGDOM ASSOCIATES
I N C O R P O R A T E D

July 24, 1987

Mr. Jack H. Galbraith, Secretary
Wichita - Sedgwick County Metropolitan
Area Planning Department
City Hall - Tenth Floor
455 N. Main Street
Wichita, Kansas 67202


Re: EZA Case No.: 11-87
5725 E. Kellogg Drive, Wichita, Kansas.

Dear Mr. Galbraith:

I would request that our firm be permitted to be removed from this case at this time as Mr. Steve Martens of the Martens Companies has been retained by the Owner/Applicant at this time. Should you have any question please feel free to contact me.

Thank you.

Best Regards,


Jerry D. Felt, PBD, AIBD
of FELT/KINGDOM ASSOCIATES,
INCORPORATED

jdf:fkai

cc: Mr. Byron G. Stout, Jr.
Mr. Steve Martens
Mr. Walter L. Lesline

RECEIVED

JUL 27 1987

METROPOLITAN PLANNING
ROUTE _____

ARCHITECTURE • PLANNING • INTERIORS

WESTLINK OFFICE PLAZA • 940 N. TYLER ROAD • SUITE 211 • WICHITA, KANSAS 67212 • (316) 731-2900

FELT/KINGDOM ASSOCIATES
I N C O R P O R A T E D
WESTLINK OFFICE PLAZA
940 N. TYLER ROAD
SUITE 211
WICHITA, KANSAS 67212



Mr. Jack H. Galbraith, Secretary
Wichita - Sedgwick County Metropolitan
Area Planning Department
City Hall - Tenth Floor
455 N. Main Street
Wichita, Kansas 67202

ARCHITECTURE • PLANNING • INTERIORS

REVISED SECRETARY'S REPORT

CASE NUMBER: BZA 11-87

OWNER/APPLICANT/AGENT: Byron G. Stout, Jr. (owner)
Walter L. Lesline (lessee)
~~Felt Kingdom Assoc. & The Martens Companies (agents)~~

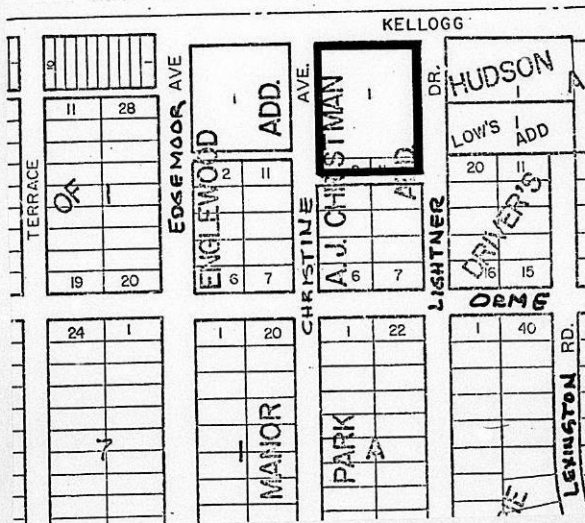
REQUEST: Exception to permit the establishment of a vehicle sales business.

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 240 feet by 291 feet (1.6 acres)

LOCATION: South side of Kellogg Drive between Christine and Lightner.

PROPOSED USE: New vehicle sales.



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.

BZA 11-87/R

BACKGROUND: This case was first scheduled for the agenda last April but was deferred at the applicant's request prior to the hearing. Since that time the proposed lessee has changed from Lubbers, Inc., to Walter Lesline and new cars rather than vans are proposed for sale. The site plan remains essentially the same. All existing curb cuts are proposed to remain but the applicant and new lessee have agreed to close off the two driveways to Kellogg Drive if, in the future, vehicles for sale are parked in these areas.

The property has previously been used as a tire, battery and accessory store and as a post office, both of which have relocated elsewhere in the city. Although there have not been vehicle sales lots established in this immediate area, vehicle sales and rental locations have been approved on Kellogg to the west approximately one-half mile. To the east in this same one-half mile, there is a major vehicle sales development that fronts on Kellogg Drive. It should also be noted that a portion of the property immediately east was approved for vehicle storage prior to the development of the commercial center.

The existing pole sign has been determined to meet the sign code height limitations and therefore no modification or removal is required at this time.

ADJACENT ZONING AND LAND USE:

| | | |
|-------|--------|-----------------------------------|
| NORTH | B | Church |
| SOUTH | A | One-family dwellings |
| EAST | LC & A | Retail commercial & single-family |
| WEST | LC & A | Retail commercial & single-family |

RECOMMENDATION: Should the Board determine that the use is appropriate at this location, then it is the recommendation of staff that the exception be approved subject to the following conditions:

1. Body and fender work shall not be permitted. All vehicle repair and maintenance shall be within an enclosed building.
2. A six to eight foot high solid wall or fence consisting of masonry, wood or metal panels shall be installed along the entire south property line. Such fence shall be reduced to a height of three feet for the east 25 feet and the west 25 feet.
3. No new buildings shall be constructed within 35 feet of Kellogg Drive or within 15 feet of Christine or Lightner Streets.
4. All storage and display of vehicles shall be on surfaced areas.
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. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.

7. Ground, pole, building and portable signs shall not exceed the height, area and number permitted by the zoning regulations for the "LC" Light Commercial District.
8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. All areas shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
10. All improvements required by this resolution or the Zoning Ordinance shall be installed and maintained in good condition.
11. All parking spaces and display spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
12. No buildings shall be constructed on the property within the setbacks established on any plat or within any setback established by this resolution; and provided further, under no circumstances shall there be any structure of any kind erected on or above any easements on this property.
13. The two driveway approaches adjacent to Kellogg Drive shall be closed in the future if vehicles for sale are to be parked at these locations.
14. Prior to release of this resolution and within 30 days, the applicant shall submit four copies of a revised site plan to the Secretary for review and for approval by the Traffic Engineer. The revised plans shall conform to all conditions previously listed above and shall specifically label the fence, building setback lines, parking guards and specific parking areas (e.g., customer parking, employee parking, new car sales parking).

BZA CASE NO. 11-87

| | |
|-----------|---|
| <u>4</u> | NOTICES SENT TO APPLICANT/AGENT |
| <u>14</u> | LEGAL ADVERTISEMENT SENT TO MAPC & BZA |
| <u>1</u> | NOTICES SENT TO CPO |
| <u>23</u> | NOTICES SENT TO ADJOINING PROPERTY OWNERS |
| <u>39</u> | TOTAL NOTICES SENT <u>2/9/87</u> |

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

July 7, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 11-87

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. A revised application has been filed by Byron G. Stout, Jr., 150 S. Old Manor Road, Wichita, Kansas 67218 and Walter L. Lesline, 125 Mathewson, Wichita, Kansas 67214 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 business on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1, except the north 10 feet and Lots 2 and 11, except the south 20 feet, all in A. J. Christman Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Christine and Lightner Streets.

This application has been assigned Case No. BZA 11-87. It will be considered by the Board of Zoning Appeals on July 28, 1987, 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 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, July 20, 1987, at 7 p.m., at Capitol Federal Savings and Loan Building, 8040 East Douglas. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Jack H. Galbraith
Secretary

6-1-87

Bob Lakin & Joe Mitchell of
The Martens Companies and
Mark Ayesh, attorney, were
in to discuss BZA 11-87.

There is to be a different
lessee now (not Lubbers). They
have several concerns with
the requirements of staff:

- 1) sign height
- 2) driveway closure
- 3) fence at alley.

- 1) The sign height may not be a
problem if it is less than 40 feet.
- 2) McKinley wanted the driveway closed
as they do not need them and
they create pile-ups.
- 3) Fencing required by ordinance.

Signs reduced from
39'-8" to 35'-0" according to Dick
Sobers

Checked with Glen who thinks sign is about 45 feet tall.

July 6, 1987

Board of Zoning Appeals
City Hall
455 North Main
Wichita, Kansas 67202

BZA 11-87

Ms. Louise Oliverez:

Currently we have pending before the Board the above case on an indefinite deferral. We would request that you advertise the case for hearing before the Board at its meeting of July 28, 1987.

new leases:
add'l agent: Please amend the application to delete Lubbers and include instead, Walter L. Lesline, 125 Mathewson, Wichita, 67214. Please include in your notification and provide a copy of your staff report to Steve Martens, The Martens Co., Box 486, Wichita, Ks, 67201.

Of the issues last discussed, the fencing along the south side is satisfactory and will be provided by the tenant as a condition of lease approval. Relative to the curb cuts on Kellogg Drive, I would like to suggest that the Board consider a condition which would provide for an approval with them either being left open subject to no cars/vehicles being parked or stored in the drive area; or in the alternative that the drives be closed either with barrier posts or curb replacement in the event the tenant wishes to park or store cars/vehicles in that space.

It is understood that no body and fender work shall be done on site and that such activity would require a change to an appropriate zoning district classification. Relative to the matter of signs, a check with Central Inspection indicates that the signs are in compliance and no removal is required. Thus the condition originally proposed can and should be eliminated.

You have a site plan in the file which can be used. The proposal for handling the curb cuts on Kellogg Drive can be the determining factor for interpreting and enforcing layout and use on the site.

Attached is a check for fifty dollars to cover the cost of readvertising. If there are any questions, please call me or Mr. Martens.

Sincerely,

A handwritten signature in cursive script, appearing to read "Byron G. Stout, Jr.", followed by a horizontal line and a small flourish.

Byron G. Stout, Jr.

IMPORTANT MESSAGE

FOR GLEN
DATE 4-27-87 TIME 1:15 ~~4:15~~ P. M.

WHILE YOU WERE AWAY
JERRY FELT
OF FELT KINGDOM ACCT

PHONE No. _____

| | | | |
|-------------------|-------------------------------------|--------------------|--------------------------|
| TELEPHONED | <input checked="" type="checkbox"/> | PLEASE CALL | <input type="checkbox"/> |
| CALLED TO SEE YOU | <input type="checkbox"/> | WILL CALL AGAIN | <input type="checkbox"/> |
| WANTS TO SEE YOU | <input type="checkbox"/> | RETURNED YOUR CALL | <input type="checkbox"/> |

MESSAGE SAYS THAT B2A CASE 11-87 should be deferred - will send \$500 when decision is made on rescheduling.

SIGNED [Signature]

5-26-87
JERRY FELT
Says B2A 11-87
should not be
heard this date
re: phone call.
H. Lytle.

MARK G. AYESH
LAWYER
316/682-7381

MAILING ADDRESS
P.O. BOX 781750
WICHITA, KANSAS 67278-1750

LAW OFFICES
8505 PEPPERTREE
WICHITA, KANSAS 67226

THE MARTENS COMPANIES



Specialists in Commercial/Industrial/Farm Real Estate Services

JOE L. MITCHELL
Associate Broker

125 N. EMPORIA, SUITE 110
(316) 262-0000

P.O. BOX 486
WICHITA, KANSAS 67201

THE MARTENS COMPANIES



Specialists in Commercial/Industrial/Farm Real Estate Services

ROBERT A. LAKIN

125 N. EMPORIA, SUITE 110
(316) 262-0000

P.O. BOX 486
WICHITA, KANSAS 67201

May 28, 1987

Jerry Felt
Felt/Kingdon Associates, Inc.
940 N. Tyler Road, Suite 211
Wichita, Kansas 67212

Re: BZA 11-87 - Request for Exception. Southwest corner of Kellogg
and Lightner.

Dear Mr. Felt:

At the regular meeting of the Board of Zoning Appeals on May 26, 1987,
the above-referenced case was considered. It was the action of the
Board, at your request, to indefinitely defer this matter.

If you decide to reschedule this matter before the Board of Zoning
Appeals, please submit an additional \$50 fee to cover the cost of
readvertising the case and mailing new notices at least 30 days prior to
the hearing date.

If you have any questions, please call our office.

Sincerely yours,

Jack H. Galbraith
Secretary

GEL:lw

cc: Byron G. Stout, Jr., 150 S. Old Manor Rd., Wichita, 67218
Larry Lubbers, President, Lubber's Inc., 605 S. West, Wichita, 67213
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk


FELT/KINGDOM ASSOCIATES
I N C O R P O R A T E D

27 April, 1987

Mr. Glen E. Lytle, Assistant Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Department
City Hall - Tenth Floor
455 N. Main Street
Wichita, Kansas 67202

Mr. Byron G. Stout, Jr.
150 S. Old Manor Road
Wichita, Kansas 67218

Mr. Larry Lubbers, President
Lubber's, Incorporated
605 S. West Street
Wichita, Kansas 67213

Re: BZA Case No. 11-87
5725 E. Kellogg Drive, Wichita, Kansas

Dear Mr. Lytle,

Per our telephone conversation this morning, our client, Mr. Stout is request-
in that this case be deferred so that we may have additional time to review and
discuss the Secretary's Report in this case, Since it was recieved today, just one
day prior to the Hearing.

I will therefore keep you informed as to when this particular case may be re-
scheduled for consideration by the Board. I have also instructed our client that
there will be an additional \$50.00 fee for a deferred case when it is necessary to
send new notices to adjacent Property Owners.

If you need any further information, or have and comments or questions, please
feel free to call.

Thank you.

RECEIVED

APR 28 1987

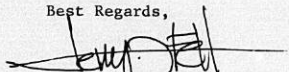
METROPOLITAN PLANNING
ROUTE _____

ARCHITECTURE • PLANNING • INTERIORS

WESTLINK OFFICE PLAZA • 940 N. TYLER ROAD • SUITE 211 • WICHITA, KANSAS 67212 • (316) 721-2900

Mr. Glen E. Lytle
27 April, 1987
Page Two

Best Regards,

A handwritten signature in black ink, appearing to read "Jerry D. Felt", written over a horizontal line.

Jerry D. Felt, PBD, AIBD
for FELT/KINGDOM ASSOCIATES,
INCORPORATED

jdf

cc: Mr. Don Hill, Esq.
500 N. Market Street, Wichita, Kansas 67202

SECRETARY'S REPORT
CASE NO. BZA 11-87

APPLICANT: Byron G. Stout, Jr., 150 South Old Manor Road, and Lubbers, Inc., 605 South West Street Wichita, KS

AGENT: Dean W. Felt, 940 N. Tyler Road, Suite 211, Wichita, KS

REQUEST: Exception pursuant to Section 28.04.183.2 Code of the City of Wichita to permit the establishment of a vehicle sales business.

GENERAL LOCATION: On the south side of Kellogg between Christine and Lightner Streets.

ZONING: Subject property is zoned the "LC" Light Commercial District as are the properties to the east and west. To the south is the "A" Two-family Dwelling District, and to the north is the "B" Multiple-family and the "A" Two-family Dwelling Districts.

LAND USE: Subject property was originally constructed as a tire, battery and accessory store and a post office. To the east and west are small strip commercial centers. To the north a church and residence and to the south are one-family dwellings.

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 in order to convert the existing building to a vehicle (van) sales business. The property has previously been used as a TBA store and a post office, both of which have relocated elsewhere in the city. The service bays would be used primarily for sales preparation and the main retail sales area would be used for sales, display and office area for the new use.

Although there have not been vehicle sales lots established in this immediate area, vehicle sales and rental locations have been approved on Kellogg to the west approximately one-half mile. To the east in this same one-half mile, there is a major vehicle sales development that fronts on Kellogg Drive. It should also be noted that a portion of the property immediately east was approved for vehicle storage prior to the development of the commercial center.

It is the Secretary's opinion that the proposed use would be compatible with what had previously occupied the property. In fact, the previous post office use was a major traffic generator for the use of both Christine and Lightner due to the on-street circulation on Kellogg Drive. It also appears that the applicant can provide an off-street parking area along the east of the building that would be adequate to accommodate the customers of the van sales business.

The applicant does not indicate what use of the remainder of the building might be. However, the lot should be large enough to accommodate almost any type of Light Commercial usage and have adequate off-street parking, unless a large expansion of the floor area were necessary.

In reviewing the site plan with the Traffic Engineer, it is recommended that the two driveway approaches to Kellogg Drive be removed. This has been the recommendation on several other properties adjacent to Kellogg Drive in order to eliminate the traffic congestion of turning movements on a narrow pavement width. There are driveway approaches on both side streets that can still serve the property along the north side of the building.

It is also noted that the existing pole sign possibly exceeds the height of a sign now permitted by the sign regulations. The change of use of the property will prevent the conversion of the sign to the new use and should be removed or lowered to conform to the regulations. The property would be permitted three signs adjacent to Kellogg for this use with a maximum height of 30 feet. If only one sign is installed for this use adjacent to Kellogg, the sign could be increased to a height of 40 feet. Pole or ground signs adjacent to Christine and Lightner are not to exceed a height of 30 feet with a maximum square footage of 50 square feet, but the total amount of ground or pole signs adjacent to these streets should not exceed one-half square foot per foot of frontage on the street.

RECOMMENDATION:

Should the Board determine that the use is appropriate at this location, then it is the Secretary's recommendation that the exception be approved subject to the following conditions:

1. *revise* The applicant shall submit three copies of a revised site plan to the Secretary for review and approval by the Traffic Engineer. This plan shall be in conformance to the following conditions:
2. *revise* The two driveway approaches adjacent to Kellogg Drive shall be removed and the curb reconstructed.
3. Body and fender work shall not be permitted. All vehicle repair and maintenance shall be within an enclosed building.
4. A six to eight foot high solid wall or fence consisting of masonry, wood or metal panels shall be installed along the entire south property line. Such fence shall be reduced to a height of three feet for the east 25 feet and the west 25 feet.
5. No new buildings shall be constructed within 35 feet of Kellogg Drive or within 15 feet of Christine or Lightner Streets.
6. All storage and display of vehicles shall be on surfaced areas.
7. 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.
8. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
9. Ground, pole, building and portable signs shall not exceed the height, area and number permitted by the zoning regulations for the "LC" Light Commercial District. ~~The existing pole sign adjacent to Kellogg shall be removed or made to conform to the above limitations.~~
10. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
11. All areas shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
12. All improvements required by this resolution or the Zoning Ordinance shall be installed and maintained in good condition.
13. All parking spaces and display spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
14. No buildings shall be constructed on the property within the setbacks established on any plat or within any setback established by this resolution; and provided further, under no circumstances shall there be any structure of any kind erected on or above any easements on this property.

BZA CASE NO. 11-87

| | |
|-----------|---|
| <u>3</u> | NOTICES SENT TO APPLICANT/AGENT |
| <u>14</u> | LEGAL ADVERTISEMENT SENT TO MAPC & BZA |
| <u>1</u> | NOTICES SENT TO CPO |
| <u>24</u> | NOTICES SENT TO ADJOINING PROPERTY OWNERS |
| <u>28</u> | TOTAL NOTICES SENT <u>4/2/87</u> |

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

April 1, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 11-87

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 Byron G. Stout, Jr., 150 South Old Manor Road, Wichita, Kansas, and Lubbers, Inc., 605 South West Street, 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 a *automobile* ~~vehicle~~ sales business on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1, except the north 10 feet ²vacated for Kellogg Drive, and Lots 2 and 11, except the south 20 feet, all in A. J. Christman Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Christine and Lightner Streets.

This application has been assigned Case No. BZA 11-87. It will be considered by the Board of Zoning Appeals on ~~April 28, 1987~~ 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.

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

July 20 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, April 20, 1987, at 7 p.m., at the Capitol Federal Savings and Loan Building, 8040 East Douglas. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Glen E. Lytle
Assistant-Secretary

BOARD OF ZONING APPEALS

CASE NO. 11-87

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

1. Name of Applicant BYRON G. STOUT, JR. (OWNER)
LUBBERS, INCORPORATED (TENANT)
Mailing Address 150 S. OLD MANOR RD. 67218 (OWNER)
605 S. WEST ST. 67213 (TENANT) Phone 942-4111 (TENANT)
Name of Authorized Agent DEAN W. FELT
Mailing Address 940 N. TYLER RD, SUITE 211 67212 Phone 721-2900
Relationship of applicant to property is that of OWNER & TENANT
(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 NEW VAN DEALERSHIP SALES BUILDING AS PER SECTIONS 28,04,183,2 & 28,04,141,3,12 TO THE ZONING ORDINANCE, CITY OF WICHITA, CHAPTER 28,04 OF TITLE 28, THE CODE OF THE CITY OF WICHITA, KANSAS.
_____ on property zoned LIGHT COMMERCIAL,
located SOUTHWEST CORNER, KELLOGG DRIVE & LIGHTNER DRIVE, and legally described as: LOT 1, EXCEPT THE NORTH 10 FT. VACATED FOR KELLOGG DRIVE ALL OF LOTS 2 AND 11 EXCEPT FOR THE SOUTH 20 FT. ALL BEING IN A.J. CHRISTMAN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, in the City of Wichita.

III. The applicant _____ authorized agent, acknowledges:
a. _____ instruction sheet concerning the matter;
_____ the fee requirements established by the City of Wichita and that the appropriate fee is here-
_____ and hereto as noted in particular;
d. _____ right to bring action in the court to appeal the decision of _____

See 7-6-87 letter for new info on agents

Byron G. Stout, Jr.
BYRON G. STOUT, JR. (OWNER)
Applicant Larry Lubbers
LARRY LUBBERS (TENANT)
Authorized Agent Dean W. Felt
DEAN W. FELT

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:15 (a.m./p.m.), MAR 30, 1987, together with appropriate fee of 402.00.

Signed [Signature]

OWNERSHIP LIST

| Lot | Block | Addition | Property Owner |
|---|-------|--------------------------|---|
| Lot 1 except the North 10 feet & Lot 2 except the South 20 feet | | A. J. Christman Addition | Byron G. Stout Jr. Trustee of Byron G. Stout Jr. Living Trust AND Byron G. Stout Jr. Trustee of Elmina G. Stout Living Trust 150 S. Old Manor Rd. Wichita, KS 67218 |
| The North 10 feet of Lot 1 & the South 20 feet of Lot 2 | | " | County of Sedgwick Sedgwick County, Kansas 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 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 |
| Lot 10 | | " | Violet L. Lake 535 S. Lightner Wichita, KS 67218 |
| Lot 11 except the South 20 feet | | " | Byron G. Stout Jr. Trustee of Byron G. Stout Jr. Living Trust AND Byron G. Stout Jr. Trustee of Elmina G. Stout Living Trust 150 S. Old Manor Rd. Wichita, KS 67218 |
| The South 20 feet of Lot 11 | | " | County of Sedgwick Sedgwick County, Kansas 525 N. Main Wichita, KS 67202 |

| <u>Lot</u> | <u>Block</u> | <u>Addition</u> | <u>Property Owner</u> |
|---------------------------------------|--------------|-----------------------------------|---|
| Lot 1 except the East 102 feet | Block A | Hudson Addition | Howard E. Utz Jr. Denise L. Utz 301 S. Belmont Wichita, KS 67218 <i>355 N. MISTY LN DG</i> |
| Lot 1 | | Low's Addition | Same As Above |
| Lot 11 | | Driver's Addition | Ralph O. Fant 531 Lexington Wichita, KS 67218 |
| Lot 12 | | " | Bertha Juanita Peters 537 Lexington rd. Wichita, KS 67218 |
| Lot 17 | | " | Larry Joe Klaus 548 Lightner Wichita, KS 67218 |
| Lot 18 | | " | Guy L. Bounous Berniece I. Bounous 542 S. Lightner Wichita, KS 67218 |
| Lot 19 | | " | Walter W. Vorderstrasse Estella M. Vorderstrasse 536 S. Lightner Wichita, KS 67218 |
| Lot 20 | | " | Robert Edward Thiele 4041 E. 1st Wichita, KS 67218 |
| The South 240 feet of Reserve D | Block G | Second Addition to The Village | Reedemer Evangelical Lutheran Church, Wichita 5620 E. Kellogg 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 1 | | Englewood Addition | W. A. Michaelis Jr. 211 N. Broadway Wichita, KS 67202 AND H. R. Michaelis 620 Wetmore Dr. Wichita, KS 67209 |
| Lot 2 | | " | B. E. Coberley Golda Coberley 2316 Clay Lane Wichita, KS 67207 |

| Lot | Block | Addition | Property Owner |
|--------|-------|--------------------|---|
| Lot 3 | | Englewood Addition | Fern T. Richards and her successors in trust, as trustee of the Fern T. Richards Living Trust 538 S. Edgemoor Wichita, KS 67218 |
| Lot 8 | | " | Irvin L. Penner Betty A. Penner 547 S. Christine Wichita, KS 67218 |
| Lot 9 | | " | Theodore C. Kirchman Sarah L. Kirchman 543 S. Christine Wichita, KS 67218 |
| Lot 10 | | " | Permsak Pechin Prayad Patamalai 8406 E. Harry Wichita, KS 67207 |
| Lot 11 | | " | Eddie F. Quinn Barbara J. Quinn 251 N. Dellrose Wichita, KS 67208 |

Letter returned 7-10

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, except the North 10 feet and Lots 2 and 11, except the South 20 feet thereof, A. J. Christman Addition to 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 19th day of March, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By
Sr. Vice-President

Order No. 376951
nj

WICHITA - SEDGWICK COUNTY

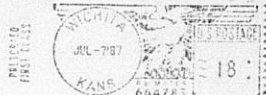


BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

RECEIVED

JUL 09 1987

PRESORTED
FIRST-CLASS



METROPOLITAN PLANNING
ROUTE _____

Ralph O. Fant
531 Lexington
Wichita, KS 67218

FAN 31X 12082281 07/08/87

RETURN TO SENDER
NO FORWARDING ORDER ON FILE
UNABLE TO FORWARD

11-87

WICHITA - SEDGWICK COUNTY



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

PRESORTED

FIRST CLASS

PEC 06 19082991 07/08/87



PECHIN

RETURN TO SENDER
MOVED LEFT NO ADDRESS

Permsak Pechin
Prayad Patamalai
8406 E. Harry
Wichita, KS 67207

RECEIVED

JUL 10 1987

METROPOLITAN PLANNING
ROUTE _____

11-87

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 29-021 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 |
|-------------|--------|
| BZA | 500 |

NAME: *Dean Felt*

ADDRESS: *15 S. Main St. 67111*

FUND: *755-40710-003* DUE DATE: *7-6-87*

COMMENTS:

DATE: *7-6-87* BY: *SLC*

FORM 29-021 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 |
|-----------------|--------|
| CITY BZA EXCISE | 400.00 |

NAME: *DEAN FELT*

ADDRESS: *746 TYLEE RD*

FUND: *755-40710-003* DUE DATE:

COMMENTS:

DATE: *MAR 30 1987* BY: *[Signature]*