

ACTION

B.Z.A. 12-87 APPROVED 4/28/87
DATE

5647D

200'4 Sec 9-23-87

Sheet 10-22

of Record 1

Case No. BZA 12-87 - Donald F. McArthur requests an exception to permit the establishment of an automobile sales business on property zoned the "LC" Light Commercial District and generally located on the northwest corner of Ash

POSTED 3-31-87
MEL

ACTION

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5647D

200'4 Sec. 9-23-87

Shot 10-22

of Record —

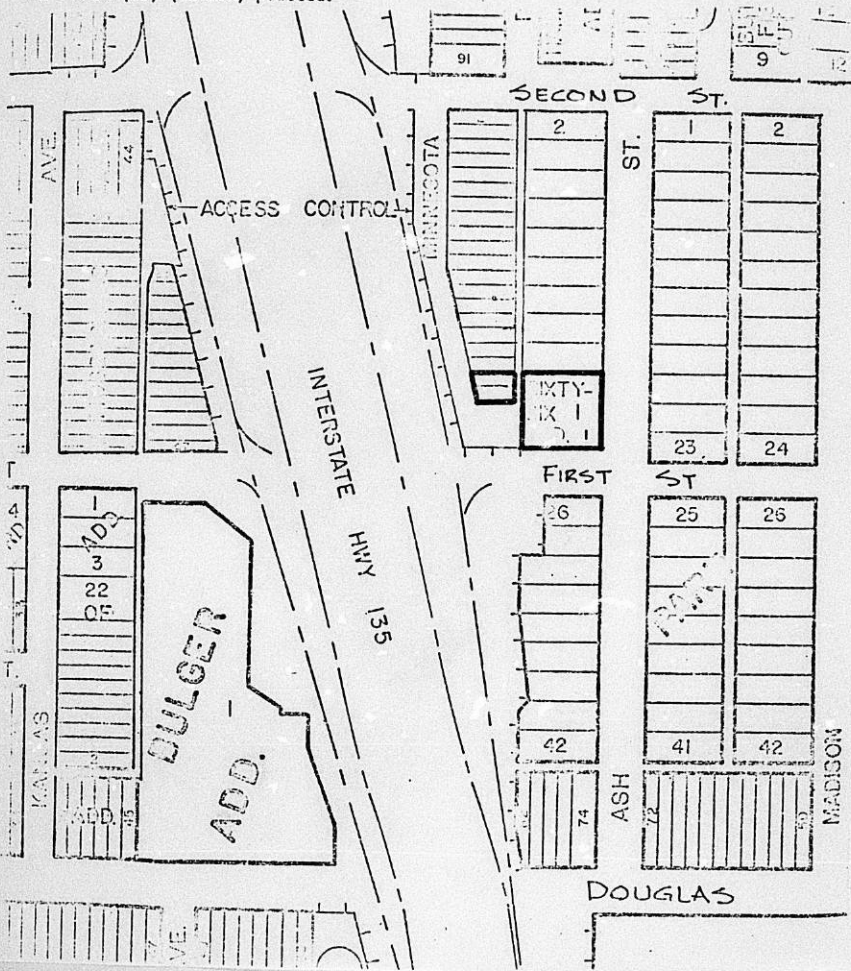
Case No. BZA 12-87 - Donald F. McArthur
requests an exception to permit the
establishment of an automobile sales
business on property zoned the "LC"
Light Commercial District and generally
located on the northwest corner of Ash

Map No. 5647D

BZA 12-87 & 13-87
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "B" S "B" W "E" N "B"
3. Land Use: East Res. South Res.
West Hiway North Res.
4. Area (is) (is not) platted.



Spaul
No. 2153C
MARTIN, INC.
LOS ANGELES, CHICAGO, LOGAN, OH
MEMPHIS, TULACUST GROVE, GA
U.S.A.

August 20, 1987

Jeff Krehbiel Associates
1300 East Lewis
Wichita, Kansas 67211

Re: BZA 12-87 - Request for Exception and BZA 13-87 - Request for
Variances (On the Northwest corner of Ash and First Street)

Dear Mr. Krehbiel:

Enclosed are signed copies of the above-referenced BZA Resolutions
adopted by the Board of Zoning Appeals on April 28, 1987.

These Resolutions reflect the official action of the Board to grant your
requests and set out the conditions of approval. They are forwarded to
you for your information and files now that condition #12 of BZA 13-87 has
been complied with.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG/lw

Enclosure

cc: Donald F. McArthur, 928 St. James, Wichita, KS 67206
Peter Langenwaller, 354 Indiana, Wichita, KS 67214
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

RESOLUTION CASE NO. 12-87

WHEREAS, Donald F. McArthur, 928 St. James, Wichita, Kansas, and Peter Langenwaller, 354 Indiana, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests 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, Block 1, Sixty-six Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Ash and First Street.

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 April 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:

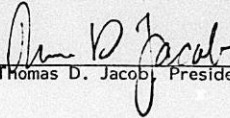
Lot 1, Block 1, Sixty-six Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Ash and First Street.

subject to the following conditions:

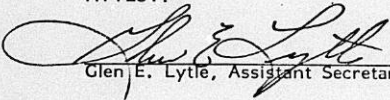
1. All vehicles for sale on this property shall be displayed and stored within an enclosed building.
2. That portion of the building to be occupied by the automobile sales business shall not exceed 5000 square feet of floor area.
3. All parking spaces on the property shall be surfaced and designated as off-street parking for customers and employees and not used for display of company vehicles.
4. If lighting is provided on the exterior, it shall be installed so as to not illuminate the adjoining residential properties by shielding and directing the lights away from the residential properties.
5. Signs shall be limited to that permitted by Section 28.04.139 of the zoning ordinance, provided however, no string-type lighting or banners shall be permitted.
6. No sound projecting devices or loud speakers shall be used so as to be heard beyond the property lines.
7. All screening required by the zoning ordinance for the protection of adjacent residential properties shall be installed and maintained in good condition.
8. Any change of occupancy of this building, or change in the manner in which the automobile sales business is to be operated, shall null and void this resolution.

9. Any expansion of the building shall be subject to compliance with the requirements of the ordinance and must be reconsidered by the Board of Zoning Appeals.
10. Resolution No. BZA 68-83 shall become null and void upon the release of this resolution.

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


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 269-4421

April 29, 1987

Jeff Krehbie, Associates
1300 East Lewis
Wichita, Kansas 67211

Re: BZA 12-87 Request for Exception and BZA 13-87 - Request for
Variances (On the northwest corner of Ash and First Street)

Dear Mr. Krehbiel:

At the regular meeting of the Board of Zoning Appeals on April 28, 1987, your request for an exception to permit the establishment of an automobile sales business and variances to (1) reduce the required number of off-street parking spaces from 41 spaces to 32 spaces; and (2) to reduce the front yard setback adjacent to Minnesota from 20 feet to 0 feet for off-street parking purposes only was considered. It was the action of the Board to grant the exception and variances subject to the following conditions:

BZA 12-87 EXCEPTION:

1. All vehicles for sale on this property shall be displayed and stored within an enclosed building.
2. That portion of the building to be occupied by the automobile sales business shall not exceed 5000 square feet of floor area.
3. All parking spaces on the property shall be surfaced and designated as off-street parking for customers and employees and not used for display of company vehicles.
4. If lighting is provided on the exterior, it shall be installed so as to not illuminate the adjoining residential properties by shielding and directing the lights away from the residential properties.
5. Signs shall be limited to that permitted by Section 28.04.139 of the zoning ordinance, provided however, no string-type lighting or banners shall be permitted.
6. No sound projecting devices or loud speakers shall be used so as to be heard beyond the property lines.

7. All screening required by the zoning ordinance for the protection of adjacent residential properties shall be installed and maintained in good condition.
8. Any change of occupancy of this building, or change in the manner in which the automobile sales business is to be operated, shall null and void this resolution.
9. Any expansion of the building shall be subject to compliance with the requirements of the ordinance and must be reconsidered by the Board of Zoning Appeals.
10. Resolution No. BZA 68-83 shall become null and void upon the release of this resolution.

BZA 13-87 VARIANCES:

1. The reduction of the required number of off-street parking spaces from 41 spaces to 32 spaces shall only apply to the property for the uses as an automobile repair garage and an automobile sales business that is operated entirely within an enclosed building.
2. The automobile sales business shall not occupy more than 4,500 square feet of the proposed 10,300 square foot building.
3. There shall not be any vehicles displayed or stored outside of an enclosed building.
4. Signs shall be limited to that permitted by Section 28.04.139 of the zoning ordinance for the "LC" Light Commercial District.
5. The alley shall be improved in conformance to City standards from the north property line to within 18 feet of the north property line of First Street.
6. Parking barriers shall be provided adjacent to the public right-of-way lines of First, Ash and Minnesota Streets to prevent the overhanging of vehicles over public right-of-way.
7. A six-foot screening fence shall be installed along the north property lines, except that the fence shall be reduced to a height of three feet for the east 20 feet adjacent to Ash Street and the west 20 feet adjacent to Minnesota Street.
8. The reduction of the front yard setback, adjacent to Minnesota Street, from 20 feet to 0 feet shall be for off-street parking purposes only.
9. Any change of occupancy of this building to any new use shall null and void this resolution.

April 29, 1987

10. Any expansion of the building for either of the two uses shall require the providing of the off-street parking for the total floor area as required by the zoning ordinance, or the owner will be required to file a new application to be considered by the Board of Zoning Appeals.
11. The variance to reduce the required number of off-street parking spaces is subject to the conditions as established by BZA Resolution 12-87 for the sale and display of vehicles.
12. The 20-foot setback area adjacent to Ash Street, not improved for off-street parking, shall be landscaped. Three copies of the landscape plan shall be submitted to the Secretary for approval prior to the release of the resolution.

Release of the resolutions setting forth the official action of the Board are subject to the submission of three copies of a landscape plan as required by condition number 12 of Resolution BZA 13-87.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:lw

cc: Donald F. McArthur, 928 St. James, Wichita, KS 67206
Peter Langenwaller, 354 Indiana, Wichita, KS 67214
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE April 28, 1987

TO Glen Lytle, Special Assistant for Zoning

FROM Stanley J. Scott, CP Coordinator *Stan Scott*

SUBJECT BZA 12-87: Northwest corner
 of First and Ash Streets

On Tuesday, April 21, CPO Neighborhood Council 1A considered the captioned case, a request for a zoning exception to permit the establishment of an automobile sales business on property zoned "LC" Light Commercial District. After extensive discussion, the Council voted 7-1 to recommend approval of the exception, subject to MAPC staff comments 1-10.

Larry Krier, Jeff Krehbiel Associates, was present as agent for the applicants and to respond to questions from the Council. Mr. Krier described the planned use of the property as an enclosed sales and maintenance facility for "specialty" automobiles. No area residents or property owners were present. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 12-83 is considered on Tuesday, April 28.

SJS:dm

RECEIVED

APR 28 1987

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT
CASE NO. BZA 12-87

APPLICANT: Donald F. McArthur, 928 St. James, Wichita, KS 67206 and Peter Langenwalter, 354 Indiana, Wichita, KS 67214

AGENT: Larry Krier, Jeff Krehbiel Associates, 1300 East Lewis, Wichita, KS 67211

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

GENERAL LOCATION: On the northwest corner of First and Ash Streets.

ZONING: Subject property is zoned the "LC" Light Commercial District. Adjacent properties in all directions are zoned the "B" Multiple-family Dwelling District. To the west across the highway is the "E" Light Industrial District.

LAND USE: Subject property is vacant. Properties to the north, east and south are residential. To the west is I-135, the canal route.

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 construct a new building, a portion of which will be used as an automobile sale business. The property is zoned the "LC" Light Commercial District, and in conformance with the zoning regulations. Vehicle sales or rental, whether within or outside a building must be approved as an exception by the Board of Zoning Appeals in the "LC" district.

In this case, the request is for an automobile sales business to be operated with all vehicles stored and displayed within an enclosed building. The business also operates primarily on an appointment basis so that there would never be a need for more than two off-street parking spaces for customers of the automobile sales portion of the building.

Case No. BZA 13-87 has been filed by the applicants to reduce the required number of off-street parking spaces for the proposed building. Consideration of this case should also include the variance request that will be required before the building can be constructed.

It has generally been the recommendation of the Secretary to not approve most automobile sales lots that are in close proximity of a residential area. In this case, it would be the Secretary's recommendation that the application be denied if it were to be an outdoor automobile sales lot. However, due to the method of operation proposed by the applicant, it appears to be one that could be compatible with the residential neighborhood.

RECOMMENDATION:

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

1. All vehicles for sale on this property shall be displayed and stored within an enclosed building.

2. That portion of the building to be occupied by the automobile sales business shall not exceed 4,500 square feet of floor area.
3. All parking spaces on the property shall be surfaced and designated as off-street parking for customers and employees and not used for display of company vehicles.
4. If lighting is provided on the exterior, it shall be installed so as to not illuminate the adjoining residential properties by shielding and directing the lights away from the residential properties.
5. Signs shall be limited to that permitted by Section 28.04.139 of the zoning ordinance, provided however, no string-type lighting or banners shall be permitted.
6. No sound projecting devices or loud speakers shall be used so as to be heard beyond the property lines.
7. All screening required by the zoning ordinance for the protection of adjacent residential properties shall be installed and maintained in good condition.
8. Any change of occupancy of this building, or change in the manner in which the automobile sales business is to be operated, shall null and void this resolution.
9. Any expansion of the building shall be subject to compliance with the requirements of the ordinance and must be reconsidered by the Board of Zoning Appeals.
10. Resolution No. BZA 68-83 shall become null and void upon the release of this resolution.

BZA CASE NO. 12-87

<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>21</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>25</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 12-87

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 Donald F. McArthur, 928 St. James, Wichita, Kansas, and Peter Langenwalter, 354 Indiana, 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 business on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Block 1, Sixty-six Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Ash and First Street.

This application has been assigned Case No. BZA 12-87. 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.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "1A" will consider this case at their meeting to be held on Tuesday, April 21, 1987, at 7 p.m. at the Evergreen Recreation Center, 2700 North Woodland. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Glen E. Lytle
Assistant Secretary

APPLICATION FOR EXCEPTION

I. Name of Applicant Donald F. McArthur - Owner
928 St. James
Mailing Address Peter Langenwalter - Purchaser Phone 263-8682
354 Indiana
Name of Authorized Agent Jeff Krehbiel Associates
Mailing Address 1300 East Lewis Phone 267-8233
Relationship of applicant to property is that of Purchaser
(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 Auto Sales - All auto display will be indoors and Owner will show cars by appointment only.

on property zoned "LC",
located _____,
and legally described as: Lot I, Block 1, Sixty-Six Addition in Sedgewick County, Kansas

in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- 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;
- That he has been advised of his right to bring action in the District Court of Sedgewick County to appeal the decision of the Board.
- That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.

Applicant Peter Langenwalter
Peter Langenwalter
Authorized Agent Jeff Krehbiel Associates
Jeff Krehbiel Associates

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
2:20 (~~2:20~~ p.m.), MAY 20, 1987, together with appropriate
fee of 407.00.

Signed [Signature]

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 1	Block 1	Sixty-Six Addition	✓ Mid West Emergency Equipment Inc. 1764 S. Baehr Wichita, KS 67209
Lot 12		Park Place Addition, on Ash	✓ Robert Vernon Clark Venita Ilene Clark 229 N. Ash Wichita, KS 67214
Lot 14		"	✓ Mary Plein 5000 S. Kansas Ave. Wichita, KS 67216
Lot 16		"	✓ Robert Lewis Speer Denise Ann Speer 746 Mansfield Wichita, KS 67207
Lot 18		"	✓ Bob D. Nguyen Nancy Le Ngo aka Sidaudth Lounmala and Boualy Lounmala 2533 W. Sunnybrook Wichita, KS 67217
Lot 11		"	✓ Herschel L. Wilson 3020 Newell Wichita, KS 67203 AND ✓ T. Michael Wilson 9429 Briarwood Wichita, KS 67212
Lot 13		"	Irma K. Winters Address Unknown
Lot 15		"	✓ Robert L. Bogart 1902 S. Emporia Wichita, KS 67211
Lot 17		"	✓ Raymond E. Kent Inez I. Kent 216 N. Ash Wichita, KS 67214
Lots 19 & 21		"	✓ KCK Properties 1841 N. Custer Wichita, KS 67203
Lot 23		"	✓ Fletcher E. Brenneis 1807 S. Clifton Wichita, KS 67218
Lot 25		"	✓ Stephen W. Peacock 160 N. Ash Wichita, KS 67214

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 27		Park Place Addition, on Ash	✓ Stephen D. Berthoff 156 N. Ash Wichita, KS 67214
Lot 29		"	✓ Orley L. Figgins (Dec'd) Grace L. Figgins 146 N. Ash Wichita, KS 67214
Lot 26, except the West 39 feet		"	✓ C. I. Scott Elaine M. Scott 702 S. Roosevelt Notice of Interest filed 11-4-83: Barbara J. Logan Armour D. Bailey Address Unknown
Lot 30, except that part condemned by city		"	✓ Donald R. Folger Frances M. Folger c/o Paul S. Allen Suite 300 401 E. Douglas Wichita, KS 67202
Lot 20	Block 1	Minneapolis Addition	✓ Hazel L. Newby Catherine F. Newby 226 N. Minnesota Wichita, KS 67214
Lot 22 & Lot 24, except that part deeded to city, Block 1		"	✓ Mitchell A. Byers 1211 E. 43rd St. South Wichita, KS 67216
Lots 26 & 28	Block 1	"	✓ J. C. Sharp 222 N. Minnesota Wichita, KS 67214
Lots 30 & 32, except that part deeded to City, Block 1		"	✓ Bob Da Nguyen Nancy Le Nguyen 2533 W. Sunnybrook Wichita, KS 67217
Lots 34 & 36, except that part deeded to city, Block 1		"	✓ Donald W. Grunder 701 Sunset Lane El Dorado, KS 67042
Lots 38 & 40, except that part deeded to city, Block 1		"	✓ Donald F. McArthur 928 St. James Wichita, KS 67206
Lot 28, except the West 39 feet		Park Place Addition, on Ash	✓ Jacob Doyle Kern Sr. Margaret Claire Kern 149 N. Ash Wichita, KS 67214

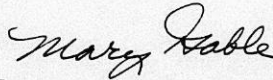
Page 3

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, Block 1, Sixty-Six Addition in Sedgwick County, Kansas, AND Lots 38 and 40, Block 1, Minneapolis Addition to Wichita, 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 27th day of March, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.



By

Sr. Vice-President

Order No.: 377413

nj

*

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

Roll # 3