

U.S. DEPARTMENT OF AGRICULTURE
BUREAU OF BULLDOG & GOVERNMENT

Smead
No. 103½C

HASTINGS, MINN. - LOGAN, OHIO U.S.A.

Oct. 28, 1966

Ralph Eberly, City Clerk

Jack H. Galbraith, Secretary

BZA 28-65

The Central Inspection Division has advised us that all conditions associated with the approval of the above numbered case before the Board of Zoning Appeals, have been complied with.

Therefore, under the provisions of Resolution No. BZA 28-65, Condition No. 10, you are authorized to release the bond which was filed with your office to guarantee the compliance by the applicant with conditions established in the approval of this application by the Board of Zoning Appeals.

JHG:RAW:kkg

October 28, 1966

Mr. David Shrock
Chrysler Corporation
Box 1919
Detroit, Michigan 48231

Dear Mr. Shrock:

Re: Case No. BZA 28-65

The Central Inspection Division has advised us that all conditions associated with the approval of the above-numbered case before the Board of Zoning Appeals, have been complied with.

Therefore, under the provisions of item 10, Resolution 28-65, you are entitled to a release of the bond which was filed in the City Clerk's office to guarantee compliance with the conditions established in the approval of this application.

We would suggest that you contact the City Clerk's office to obtain this bond.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:RAW:kkg

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION DIVISION DATE October 26, 1966

TO Jack H. Galbraith, Secretary Board of Zoning Appeals

FROM Glen E. Lytle, Superintendent of Central Inspection

SUBJECT

BZA 28-65

All stipulations set forth in BZA Resolution 28-65, which authorizes an exception for the establishment of a new and used car sales lot at 7120 East Kellogg, have been met.

GEL:rs



Board of Zoning Appeals

January 26, 1966

Ralph Eberly, City Clerk

Jack H. Galbraith, Secretary, Board of Zoning Appeals

Case No. BZA 28-65

At the regular meeting of the Board of Zoning Appeals on October 26, 1965, the Board approved the above-captioned case subject to the conditions outlined in Resolution No. BZA 28-65.

One of the conditions of approval was the submission of a bond in the amount of \$5,000, to be submitted to the City Clerk to guarantee that all of the requirements of this Resolution would be complied with.

Please receive and file this performance bond with the above Resolution.

JHG:ber
Attachment



PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we, CHRYSLER MOTORS CORPORATION, of Detroit, Michigan, as Principal, and Federal Insurance Company, as Surety, are held and firmly bound unto the City of Wichita, Kansas, in the penal sum of Five Thousand and no/100 Dollars, lawful money of the United States of America for the payment of which is to be well and truly made, we and each of us, jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns firmly by these presents. The conditions of this obligation are such that

WHEREAS, the said CHRYSLER MOTORS CORPORATION, Principal herein, has made application for a permit to sell new and used automobiles as provided by Section 28.04.180A of the Code of the City of Wichita, Kansas, on property legally described as Lots 1 and 2, Replat of Leoffler Addition to Wichita, Sedgwick County, Kansas;

WHEREAS, the Board of Zoning Appeals has approved the request of the Principal subject to certain conditions as set forth in a resolution in Case No. BZA 28-65;

NOW, THEREFORE, if the said CHRYSLER MOTORS CORPORATION, Principal herein, shall well and truly perform the conditions outlined in Resolution No. BZA 28-65 of the Board of Zoning Appeals adopted October 26, 1965, then this obligation shall be null and void, otherwise to be in full force and effect.

IN WITNESS WHEREOF, the said parties hereto have hereunto set their hands and seals this 26th day of October, 1965.

CHRYSLER MOTORS CORPORATION

By Brian T. O'Keefe
Vice President

ATTEST:

F. J. Shaw
F. J. Shaw
Assistant Secretary

Principal

Federal Insurance Company

C. N. Whitelaw, Jr.
C.N. Whitelaw, Jr., Attorney-in-Fact

Surety

APPROVED AS TO FORM

WICHITA CITY ATTORNEY



PERFORMANCE BOND

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WHEREAS, the said CHRYSLER MOTORS CORPORATION, Principal herein, has made application for a permit to sell new and used automobiles as provided by Section 28.04.180A of the Code of the City of Wichita, Kansas, on property legally described as Lots 1 and 2, Replat of Leoffler Addition to Wichita, Sedgwick County, Kansas;

WHEREAS, the Board of Zoning Appeals has approved the request of the Principal subject to certain conditions as set forth in a resolution in Case No. BZA 28-65;

NOW, THEREFORE, if the said CHRYSLER MOTORS CORPORATION, Principal herein, shall well and truly perform the conditions outlined in Resolution No. BZA 28-65 of the Board of Zoning Appeals adopted October 26, 1965, then this obligation shall be null and void, otherwise to be in full force and effect.

IN WITNESS WHEREOF, the said parties hereto have hereunto set their hands and seals this 26th day of October, 1965.

CHRYSLER MOTORS CORPORATION

By Brian T. O'Keefe
Vice President

ATTEST:

F. J. Shaw F. J. Shaw
Assistant Secretary

Principal

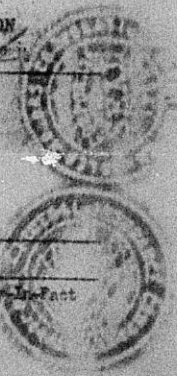
Federal Insurance Company

C. H. Whitlaw, Jr.
C.H. Whitlaw, Jr., Attorney-in-Fact

Surety

APPROVED AS TO FORM

WICHITA CITY ATTORNEY



Acknowledgment for Annexed instrument

STATE OF
COUNTY OF

}
M.D.

On this 26 day of October 19 65, before me personally came C. H. Hittale, Jr.
who, being by me duly sworn, did depose and say that he is an Attorney-in-Fact of the
FEDERAL INSURANCE COMPANY, and knows the corporate seal thereof that the seal affixed to said annexed instru-
ment is such corporate seal, and was thereto affixed by authority of the Power of Attorney of said Company, of which
a Certified Copy is hereto attached, and that he signed said instrument as an Attorney-in-Fact of said Company by like
authority.

My Commission Expires

Acknowledged and Sworn to before me
on the date above written.

(Notary Public)

FORM 1000 (REV. 5-22-64)
PRINTED IN U.S.A.

10000 11000

Certified Copy of

POWER OF ATTORNEY

Know all Men by these Presents, That the FEDERAL INSURANCE COMPANY, 90 John Street, New York, New York, a New Jersey Corporation, has constituted and appointed, and does hereby constitute and appoint

C. H. Whitlaw, Jr.
A. T. Haas
E. F. Holdengraber
of Detroit, Michigan

as and for their true and lawful Attorney-in-Fact, to execute, under such designation in his name and to affix its corporate seal to and deliver for, and on its behalf as surety thereon or otherwise, bonds of any of the following classes, to-wit:

1. Bonds and Undertakings (other than Fiduciary Bonds) filed in any suit, matter or proceeding in any Court, or filed with any Sheriff or Magistrate, for the doing or not doing of anything specified in such bond or Undertaking, in which the penalty of the bond or undertaking does not exceed the sum of Fifty Thousand Dollars (\$50,000.00).
2. Surety Bonds to the United States of America on any agency thereof, including those required or permitted under the laws or regulations relating to Customs or Internal Revenue; Licenses and Permits; bonds or other indemnity bonds under the laws, ordinances or regulations of any State, City, Town, Village, Board or other body or organization, public or private; bonds to Transportation Companies, Lett Instrument Bonds, Lease Bonds, Workmen's Compensation bonds, Miscellaneous Surety bonds and bonds on behalf of Notaries Public, Sheriffs, Deputy Sheriffs and similar public officials.
3. Bonds on behalf of contractors in connection with bids, proposals or contracts to or with the United States of America, any State or political subdivision thereof or any person, firm or corporation.

In Witness Whereof, the said FEDERAL INSURANCE COMPANY has, pursuant to its By-Laws, caused these presents to be signed by its Vice President and Assistant Secretary and its corporate seal to be hereunto affixed this 1st day of January 19 65.

FEDERAL INSURANCE COMPANY
By

Frederick C. Gardner

Frederick C. Gardner
Vice President

Davis Quinn

Davis Quinn
Assistant Secretary



STATE OF NEW YORK
County of New York

On this 1st day of January 19 65, before me personally came Davis Quinn, to me known and by me known to be Assistant Secretary of the FEDERAL INSURANCE COMPANY, the corporation described in and which executed the foregoing Power of Attorney and the said Davis Quinn being by me duly sworn, did depose and say that he resides in the City of New York, in the State of New York; that he is Assistant Secretary of the FEDERAL INSURANCE COMPANY and knows the corporate seal thereof; that the seal affixed to the foregoing Power of Attorney is such corporate seal and was thereto affixed by authority of the By-Laws of said Company and that he signed said Power of Attorney as Assistant Secretary of said Company by like authority; that he is acquainted with Frederick C. Gardner and knows him to be Vice President of said Company, and that the signature of said Frederick C. Gardner subscribed to said Power of Attorney is in the genuine handwriting of said Frederick C. Gardner and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Acknowledged and Sworn to before me on the date above written.

Marion J. McGrath

Notary Public
MARION J. McGRATH
NOTARY PUBLIC, State of New York
No. 64-7837850
Qualified in Kings County
Certificate filed in New York County
Commission Expires March 30, 1968



CITY AND COUNTY OF NEW YORK: ss

I, the undersigned, Assistant Secretary of the FEDERAL INSURANCE COMPANY, do hereby certify that the following is a true excerpt from the By-Laws of the said Company as adopted by its Board of Directors on March 11, 1953 and amended January 2, 1956 and that this By-Law is in full force and effect.

"ARTICLE XIX.

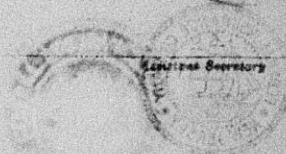
Section 2. All bonds, undertakings, contracts, powers of attorney, and other instruments other than as above, for and on behalf of the Company which it is authorized by law or its charter to execute, may and shall be executed in the name and on behalf of the Company either by the Chairman or the Vice-Chairman or the President or a Vice-President, jointly with the Secretary or an Assistant Secretary, under their respective designations, except that any one or more officers or attorneys-in-fact designated in any resolution of the Board of Directors or the Executive Committee, or in any power of attorney executed as provided for in this section, may execute any such bond, undertaking or other obligation as provided in such resolution or power of attorney."

And I further certify that I have compared the foregoing copy of the POWER OF ATTORNEY with the original thereof and the same is a correct and true copy of the whole of said original Power of Attorney and that said Power of Attorney has not been revoked.

And I further certify that said FEDERAL INSURANCE COMPANY is duly licensed to transact fidelity and surety business in each of the States of the United States of America, Puerto Rico, and each of the Provinces of the Dominion of Canada with the exception of Prince Edward Island; and is also duly licensed to become sole surety on bonds, undertakings, etc., permitted or required by the laws of the United States.

GIVEN under my hand and seal of said Company at New York, N. Y., this 26th day of

October 1955



November 8, 1965

Chrysler Motors Corporation
P. O. Box 1919
Detroit, Michigan 48231

Gentlemen:

Re: BZA 28-65 - Request for Exception

We have completed the preparation of the resolution adopted by the Board of Zoning Appeals in connection with the above-numbered case, which was heard by the Board on October 26, 1965, which resolution has been signed by the Chairman and Secretary.

As indicated in our letter of October 28, 1965, we are now enclosing a copy of this resolution for your information. A copy has also been provided the Central Inspection Division, and you may now obtain the appropriate permit from that Division to proceed with establishment of the new and used car operation on the south side of Kellogg in an area between Gouverneur Road and Whittier Road.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Enclosure

cc: Carl T. Smith, Attorney
600 Fourth National Bank Building

Glen Lytle, Superintendent
of Central Inspection

Ralph Eberly
City Clerk

RESOLUTION NO. BZA 28-65

WHEREAS, CHRYSLER MOTORS CORPORATION, P. O. Box 1919, Detroit, Michigan, by Carl T. Smith, Agent, 600 Fourth National Bank Building, Wichita, Kansas, requests an Exception to permit the installation or construction of a new and used car lot as provided in Section 28.04.183.2, Code of the City of Wichita, Kansas; and

WHEREAS, the above request applies to property legally described as:

Lots 1 and 2, except that part of Lot 2 described as: Beginning 135 feet south and 22 feet east of the north-west corner of said Lot 2; thence south 110 feet; thence east 72 feet; thence north 110 feet; thence west 72 feet to beginning, in Replat of Leoffler Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg and Government Road; and

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 August 24, 1965, consider said application; and

WHEREAS, at the request of the Agent for the applicant, Mr. Carl T. Smith, the Board of Zoning Appeals reconsidered this application on September 28, 1965, at which time a decision was deferred and the case continued until the meeting of October 26, 1965; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of October 26, 1965, consider said application; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an Exception under the provisions of Section 2.12.590.1, and under Section 28.04.183, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals determined that the location is contiguous to a major street as designated in Pattern for Thorofares, Wichita, Kansas, 1955, and amendments thereto, and that the area is zoned "LC" Light Commercial.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the request for an Exception as described above, for property described legally as:

Lots 1 and 2, except that part of Lot 2 described as: Beginning 135 feet south and 22 feet east of the northwest corner of said Lot 2; thence south 110 feet; thence east 72 feet; thence north 110 feet; thence west 72 feet to beginning, in Replat of Leoffler Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg and Government Road,

be approved, subject to the following:

1. A solid masonry wall, or louvered redwood or architectural tile fence of at least 5 feet in height, shall be constructed along the north line of the existing alley; along the west property line for a distance of 120 feet north of the north line of the alley; along the east property line for a distance of 210 feet north of the north line of the alley.

In the event the area requested for "C" zoning is developed in such a manner that service and maintenance stalls are provided along the west side of the existing building, a fence shall be constructed along the south 110 feet of the west line of the existing building. This fence shall be constructed of the same material and be of the same height as the fence requirement outlined above.

All fences shall be constructed within six months from the date a building permit or occupancy permit is issued for the construction or use of the new and used car sales agency.

2. All storage and display areas, including all areas of ingress and egress, shall be paved with asphalt, asphaltic concrete, or concrete.
3. All lights shall be shielded so as to reflect or direct light away from the adjoining property. No string-type lighting shall be permitted.
4. No projecting signs (as defined in the Sign Ordinance), shall be permitted and no sign shall project over any public right of way.
5. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except within an enclosed building and, further provided that body and fender work shall be permitted if located within an enclosed building and located within that area zoned "C" Commercial.
7. A plot plan showing width of driveways, interior traffic circulation, off-street parking spaces, markings for channelization for the customer and service parking, shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for the new and used car sales operation.
8. Complete access control shall be exercised along the east property line for a distance of 210 feet north of the existing 20-foot alley and along the west property line for a distance of 120 feet north of the existing alley.
9. There shall be a front building setback of not less than 35 feet from the south line of the Kellogg Street access road. If the existing structure is razed, and a new structure is constructed, a 25-foot setback shall be maintained from both the west and east property lines. In the event an addition is constructed on the north of the existing building, the setback from the west property line shall comply with the requirements of the ordinance.
10. A bond or other similar surety in the amount of \$5,000 shall be submitted to the City Clerk within 90 days from the effective date of the approval of this application, in order

to guarantee that all of the requirements of this resolution will be complied with. Said bond is to be furnished by the applicant. The form of the bond shall be approved by Legal Counsel for the Board. Whenever the Superintendent of Central Inspection has informed the Metropolitan Area Planning Department that all of the requirements of this resolution have been complied with, the City Clerk shall be instructed to release said bond to the applicant or his authorized agent.

ADOPTED AT WICHITA, KANSAS, this 26th day of October, 1965.

Harold Bauer
Harold Bauer, Chairman

ATTEST

Jack H. Galbraith
Jack H. Galbraith, Secretary

October 28, 1965

Chrysler Motors Corporation
P. O. Box 1919
Detroit, Michigan 48231

Gentlemen:

Re: BZA 28-65 - Request for Exception

This is to advise you that at its regular meeting of October 26, 1965, the Board of Zoning Appeals of the City of Wichita, at the request of your attorney, Carl T. Smith, reconsidered your application for an exception to permit the sale of new and used cars on property zoned Light Commercial and generally located on the south side of Kellogg between Gouverneur Road and Whittier Road.

After full discussion and reconsideration of Condition #9, which was attached to the approval of this application at the meeting of the Board on August 24, 1965, it was the action of the Board to approve this request, subject to the following conditions:

1. A solid masonry wall, or louvered redwood or architectural tile fence of at least 5 feet in height, shall be constructed along the north line of the existing alley; along the west property line for a distance of 120 feet north of the north line of the alley; along the east property line for a distance of 210 feet north of the north line of the alley.

In the event the area requested for "C" zoning is developed in such a manner that service and maintenance stalls are provided along the west side of the existing building, a fence shall be constructed along the south 110 feet of the west line of the existing building. This fence shall be constructed of the same material and be of the same height as the fence requirement outlined above.

All fences shall be constructed within six months from the date a building permit or occupancy permit is issued for the construction or use of the new and used car sales agency.

2. All storage and display areas, including all areas of ingress and egress, shall be paved with asphalt, asphaltic concrete, or concrete.
3. All lights shall be shielded so as to reflect or direct light away from the adjoining property. No string-type lighting shall be permitted.
4. No projecting signs (as defined in the Sign Ordinance), shall be permitted and no sign shall project over any public right of way.
5. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except within an enclosed building and further, provided that body and fender work shall be permitted if located within an enclosed building and located within that area zoned "C" Commercial.
7. A plot plan showing width of driveways, interior traffic circulation, off-street parking spaces, markings for channelization for the customer and service parking, shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for the new and used car sales operation.
8. Complete access control shall be exercised along the east property line for a distance of 210 feet north of the existing 20-foot alley and along the west property line for a distance of 120 feet north of the existing alley.
9. There shall be a front building setback of not less than 35 feet from the south line of the Kellogg Street access road. If the existing structure is razed, and a new structure is constructed, a 25-foot setback shall be maintained from both the west and east property lines. In the event an addition is constructed on the north of the existing building, the setback from the west property line shall comply with the requirements of the Ordinance.
10. A bond or other similar surety in the amount of \$5,000 shall be submitted to the City Clerk within 90 days from the effective date of the approval of this application, in order to guarantee that all of the requirements of this resolution will be complied with. Said bond is to be furnished by the

Page 3 - Chrysler Motors Corporation
October 28, 1965

applicant. The form of the bond shall be approved by Legal Counsel for the Board. Whenever the Superintendent of Central Inspection has informed the Metropolitan Area Planning Department that all of the requirements of this resolution have been complied with, the City Clerk shall be instructed to release said bond to the applicant or his authorized agent.

A resolution effectuating the action of the Board will be mailed to you as soon as prepared and signed by the Secretary and Chairman of the Board of Zoning Appeals.

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

Very sincerely yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: Carl T. Smith, Attorney
600 Fourth National Bank Building

Glen Lytle, Superintendent
of Central Inspection

October 20, 1965

15
20

TO: Members of the Board of Zoning Appeals Committee
FROM: Jack H. Galbraith, Secretary
SUBJECT: BZA 28-65 - Chrysler Motors Corporation request for exception to permit sale of new and used cars at the southeast corner of Kellogg and Gouverneur Road.

At its regular meeting on August 24, 1965, the Board of Zoning Appeals considered and approved the case BZA 28-65 which was a request for a new and used car sales lot at the southeast corner of Kellogg and Gouverneur Road.

This exception was approved, subject to several conditions among which was a condition that provided as follows: "There shall be a front building setback of not less than 35 feet. If the existing structure is razed and a new structure is constructed, a 20-foot setback shall be maintained from both ~~the east and west~~ property lines. In the event an addition is constructed on the north of the existing building, then the setback from the west property line shall comply with the requirements of the Zoning Ordinance."

As provided in the Rules and Regulations of the Board of Zoning Appeals, the applicant within 15 days of the Board's meeting on August 24, requested that the application for an exception be reconsidered and specifically that the condition outlined above be reworded. The primary concern of the applicant was that if an addition was added on to the existing building, he felt it was the intent of the Board to allow the new addition to maintain the same setback along the west property line as that maintained by the existing structure.

It was pointed out at the meeting on September 28 that the Secretary in writing the report on this application made an error in that it was found after the application was approved that the adjacent property to the south is zoned "AA" single family and a new structure on this property (including an addition to the existing structure) would have to maintain a 250 foot setback from both Gouverneur Road and Whittier Road. The Secretary also pointed out that in effect the applicant was requesting that the Board grant a variance of the required setback from Gouverneur Road without the required publication and notification to adjacent property owners.

UNIMASTER BANAMA-BEAVER SWIFT CLEAN UNIMASTER BANAMA

October 20, 1965

The applicant has now filed a request for a variance (BZA 39-65) requesting a variance or a reduction in the front yard setback of 25 feet along Gouverneur Road from 25 feet down to the same setback as maintained by the existing structure. This case was filed too late to be placed on this month's agenda, and will not be heard until the Board of Zoning Appeals meeting on November 23, 1965.

Since the application for a variance has now been filed, the Board has two alternative courses of action: the Board could approve the exception request and consider the variance request at the next regular meeting; or the exception request could also be deferred and be considered at the same time the variance request is considered. If the Board should desire to approve the exception request at this meeting, Condition #9 of the Board's original approval should read as follows:

"There shall be a front building setback of not less than 35 feet from the south line of the Kellogg Street access road. If the existing structure is razed, and a new structure is constructed, a 25-foot setback shall be maintained from both the west and east property lines. In the event an addition is constructed on the north of the existing building, the setback from the west property line shall comply with the requirements of the Ordinance.

As mentioned in the above communications of the Board of Zoning Appeals, the applicant was given 10 days of the Board's meeting on October 14, 1965, to file an application for an exception. He did not do so until October 20, 1965. The Board's original decision was that if an application was filed on or before October 14, 1965, he would be allowed to file an application for an exception. It was stated that the applicant had to file the application on or before October 14, 1965, to be eligible for an exception. The Board's original decision was that if an application was filed on or before October 14, 1965, he would be allowed to file an application for an exception. It was stated that the applicant had to file the application on or before October 14, 1965, to be eligible for an exception.

It was stated that at the meeting on September 29, 1965, the Secretary in a letter to the applicant had advised him that if the Board had approved the application, that the applicant would have to maintain a 25-foot setback from both Gouverneur Road and Kellogg Road. The Secretary also mentioned that if the applicant was requesting that the Board grant a variance, that the applicant would have to maintain a 25-foot setback from both Gouverneur Road and Kellogg Road. The Secretary also mentioned that if the applicant was requesting that the Board grant a variance, that the applicant would have to maintain a 25-foot setback from both Gouverneur Road and Kellogg Road.

UNIMASTER BANAMA-BEAVER Blvd. Banama BEAV. BANAMA BEAV

October 20, 1965

TO: Members of the Board of Zoning Appeals Committee

FROM: Jack H. Galbraith, Secretary

SUBJECT: BZA 28-65 - Chrysler Motors Corporation request for exception to permit sale of new and used cars at the southeast corner of Kellogg and Gouverneur Road.

At its regular meeting on August 24, 1965, the Board of Zoning Appeals considered and approved the case BZA 28-65 which was a request for a new and used car sales lot at the southeast corner of Kellogg and Gouverneur Road.

This exception was approved, subject to several conditions among which was a condition that provided as follows: "There shall be a front building setback of not less than 35 feet. If the existing structure is razed and a new structure is constructed, a 20-foot setback shall be maintained from both the east and west property lines. In the event an addition is constructed on the north of the existing building, then the setback from the west property line shall comply with the requirements of the Zoning Ordinance."

As provided in the Rules and Regulations of the Board of Zoning Appeals, the applicant within 15 days of the Board's meeting on August 24, requested that the application for an exception be reconsidered and specifically that the condition outlined above be reworded. The primary concern of the applicant was that if an addition was added on to the existing building, he felt it was the intent of the Board to allow the new addition to maintain the same setback along the west property line as that maintained by the existing structure.

It was pointed out at the meeting on September 28 that the Secretary in writing the report on this application made an error in that it was found after the application was approved that the adjacent property to the south is zoned "AA" single family and a new structure on this property (including an addition to the existing structure) would have to maintain a 250-foot setback from both Gouverneur Road and Whittier Road. The Secretary also pointed out that in effect the applicant was requesting that the Board grant a variance of the required setback from Gouverneur Road without the required publication and notification to adjacent property owners.

The applicant has now filed a request for a variance (BZA 39-65) requesting a variance or a reduction in the front yard setback of 25 feet along Gouverneur Road from 25 feet down to the same setback as maintained by the existing structure. This case was filed too late to be placed on this month's agenda, and will not be heard until the Board of Zoning Appeals meeting on November 23, 1965.

Since the application for a variance has now been filed, the Board has two alternative courses of action: the Board could approve the exception request and consider the variance request at the next regular meeting; or the exception request could also be deferred and be considered at the same time the variance request is considered. If the Board should desire to approve the exception request at this meeting, Condition #9 of the Board's original approval should read as follows:

"There shall be a front building setback of not less than 35 feet from the south line of the Kellogg Street access road. If the existing structure is razed, and a new structure is constructed, a 25-foot setback shall be maintained from both the west and east property lines. In the event an addition is constructed on the north of the existing building, the setback from the west property line shall comply with the requirements of the Ordinance.

~~BOARD OF C~~
BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main
Wichita, Kansas

35

October 1, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 28-65

An application has been filed by Chrysler Motors Corporation, P.O. Box 1919, Detroit, Michigan, by Carl T. Smith, Agent, 600 Fourth National Bank Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception to permit the installation or construction of a new and used car sales lot on property zoned "LC" - Light Commercial, and legally described as follows:

Lots 1 and 2, except that part of Lot 2 described as: Beginning 135 feet south and 22 feet east of the northwest corner of said Lot 2; thence south 110 feet; thence east 72 feet, more north 110 feet; west 72 feet to beginning, in Replat of Leoffler Addition to Wichita, Sedgwick County, Kansas.

Generally located on the southeast corner of Kellogg and Gouverneur Road.

This application has been assigned Case No. B A 28-65, and will be RECONSIDERED by the Board of Zoning Appeals at its meeting on Tuesday, October 26, 1965, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, KANSAS, AT WHICH TIME YOU may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

23 sent 10-1-65 + PC

October 4, 1965

Chrysler Motors Corporation
P. O. Box 1919
Detroit, Michigan 48231

Gentlemen:

Re: BZA 28-65 - Request for Exception

At the request of your attorney, Carl T. Smith, the Board of Zoning Appeals, at its meeting on September 28, 1965, reconsidered Condition #9 which was attached to the approval of your request for an exception to the Zoning Ordinance to permit a new and used car sales lot at the southeast corner of Kellogg and Gouverneur Road.

No action was taken at the meeting of September 28, 1965, other than to defer the matter until the next meeting of the Board on October 26, 1965.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ber

cc: Carl T. Smith, Attorney
600 Fourth National Bank Building

Glen Lytle, Superintendent of
Central Inspection

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

10

September 22, 1965

TO: Members of Board of Zoning Appeals
FROM: Jack H. Galbraith, Secretary
SUBJECT: BZA 28-65 - Chrysler Motors Corporation request for
Exception to permit sale of new and used cars at the
Southeast corner of Kellogg and Gouverneur Road

At its regular meeting on August 24, 1965, the Board of Zoning Appeals considered and approved Case BZA 28-65, which was a request for a new and used car sales lot at the southeast corner of Kellogg and Gouverneur Road.

This exception was approved subject to several conditions, among which was a condition that provided as follows:

"There shall be a front building setback of not less than 35 feet. If the existing structure is razed and a new structure is constructed, a 20-foot setback shall be maintained from both the east and west property lines. In the event an addition is constructed on the north of the existing building, then the setback from the west property line shall comply with the requirements of the Zoning Ordinance."

As provided in the Rules and Regulations of the Board of Zoning Appeals, the applicant, within 15 days after the Board's meeting on August 24, requested that the application for an exception be reconsidered and, specifically, that the condition outlined above be reworded.

The primary concern of the applicant was that if an addition was added on to the existing building, he felt it was the intent of the Board to allow the new addition to maintain the same setback along the west property line as that maintained by the existing structure.

It should be pointed out that the Secretary, in writing the report on this application, made an error, in that it was found after this application was approved that since the property to the south is zoned "AA" Single Family, any new structure on this property (including an addition to the existing structure), would have to maintain a 25-foot setback from both Gouverneur Road and Whittier Road.

Page 2 - Members of Board of Zoning Appeals
September 22, 1965
BZA 28-65

The Secretary is of the opinion that the applicant is requesting that the Board grant to him a variance of the required setbacks from Gouverneur Road without the required publication and notification to adjacent property owners.

Should the Board determine that they have jurisdiction to grant the applicant's request as a condition to the requested exception for the new and used car lot, the Secretary recommends the following rewording of Condition #9.

"There shall be a front building setback of not less than 35 feet from the south line of the Kellogg Street access road. If the existing structure is razed and a new structure is constructed, a 25-foot setback shall be maintained from both the west and east property lines. In the event an addition is constructed on the north of the existing building, the setback from the west property line shall comply with the setback maintained by the existing building."

Enclosed is a copy of the applicant's letter requesting that this application be reconsidered.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Enclosure

September 7, 1965

Board of Zoning Appeals
City of Wichita, Kansas

Re: Case No. 28-65, Application of
Chrysler Motors Corporation

Gentlemen:

Heretofore on July 26, 1965, Chrysler Motors Corporation filed its application with the Board of Zoning Appeals of the City of Wichita, Kansas, requesting an exception to permit the sale of new and used cars on property zoned light commercial and generally located on the south side of Kellogg between Gouverneur Road and Whittier Road. On August 24, 1965, the Board of Zoning Appeals, after hearing, approved the request of the applicant. Subsequent to such hearing, the Secretary of the Board forwarded to Chrysler Motors Corporation a letter dated August 26, 1965, setting forth a preliminary draft of the requirements and conditions to be incorporated in a resolution effectuating the action of the Board which was taken at such August 24, 1965, regular meeting of the Board.

Paragraph 9 of such letter dated August 26, 1965, reads as follows:

"9. There shall be a front building setback of not less than 35 feet. If the existing structure is razed and a new structure is constructed, a 20-foot setback shall be maintained from both the east and west property lines. In the event an addition is constructed on the north of the existing building, then the setback from the west property line shall comply with the requirements of the Zoning Ordinance."

During such hearing held by the Board on August 24, 1965, it was stated to the Board that the applicant, Chrysler Motors Corporation, intended to construct an addition on the north of the existing building; that the west wall of such addition would be a continuation of the west wall of the existing building; that the front of the building, as extended to the

north of the existing building, would be set back not less than 35 feet from the north property line of the tract upon which the existing building is located; that in event the existing structure is razed and a new structure is constructed upon such tract a 20-foot setback would be maintained from both the east and west property lines; and that in event an addition is constructed on the north of the existing building, then the setback from the west property line would comply with the setback maintained by the existing building.

Following such statements to the Board, a resolution was adopted by the Board approving the request of the applicant for an exception to the Zoning Ordinance so as to permit the sale of new and used cars on the property zoned light commercial and generally located on the south side of Kellogg between Gouverneur Road and Whittier Road, subject to the requirements and conditions set forth in such letter dated August 26, 1965, except that paragraph 9 thereof was to read as follows:

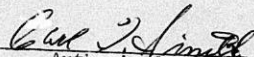
"9. There shall be a front building setback of not less than 35 feet from the Kellogg Street access road. If the existing structure is razed and a new structure is constructed, a 20-foot setback shall be maintained from both the east and west property lines. In the event an addition is constructed on the north of the existing building, then the setback from the west property line shall comply with the setback maintained by the existing building."

Therefore, the applicant requests that such paragraph 9 of the requirements and conditions set forth in such letter dated August 26, 1965, contain the requirements and conditions as last above set forth.

Very truly yours,

CHRYSLER MOTORS CORPORATION

By


Authorized Agent

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

September 9, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 28-65

An application has been filed by Chrysler Motors Corporation, P. O. Box 1919, Detroit, Michigan, by Carl T. Smith, Agent, 600 Fourth National Bank Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an EXCEPTION to permit the installation or construction of a new and used car sales lot on property zoned "LC" - Light Commercial, and legally described as follows:

Lots 1 and 2, except that part of Lot 2 described as: Beginning 135 feet south and 22 feet east of the northwest corner of said Lot 2; thence south 110 feet; thence east 72 feet; north 110 feet; west 72 feet to beginning, in Replat of Leoffler Addition to Wichita, Sedgwick County, Kansas.

Generally located on the southeast corner of Kellogg and Gouverneur Road.

This application has been assigned Case No. BZA 28-65, and will be reconsidered by the Board of Zoning Appeals at its meeting on Tuesday, September 28, 1965, at 2 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

JHG:ber

23 notices sent 9-9-65

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

September 9, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 28-65

An application has been filed by Chrysler Motors Corporation, P. O. Box 1919, Detroit, Michigan, by Carl T. Smith, Agent, 600 Fourth National Bank Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an EXCEPTION to permit the installation or construction of a new and used car sales lot on property zoned "LC" - Light Commercial, and legally described as follows:

Lots 1 and 2, except that part of Lot 2 described as:
Beginning 135 feet south and 22 feet east of the northwest corner of said Lot 2; thence south 110 feet; thence east 72 feet; north 110 feet; west 72 feet to beginning, in Replat of Leoffler Addition to Wichita, Sedgwick County, Kansas.

Generally located on the southeast corner of Kellogg and Gouverneur Road.

This application has been assigned Case No. BZA 28-65, and will be reconsidered by the Board of Zoning Appeals at its meeting on Tuesday, September 28, 1965, at 2 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

JHG per

August 26, 1945

Chrysler Motors Corporation
P. O. Box 1919
Detroit, Michigan 48231

Gentlemen:

Re: BEA 26-45 - Request for
Exception

This is to advise you that at its regular meeting of August 24, 1945, the Board of Zoning Appeals of the City of Wichita, considered your request for an Exception to permit the sale of new and used cars on property zoned Light Commercial and generally located on the south side of Kellogg between Gouverneur Road and Whittier Road.

It was the action of the Board to approve this request, subject to the following requirements and conditions:

1. A solid masonry wall, or lowered redwood or architectural tile fence of at least 5 feet in height, shall be constructed along the north line of the existing alley; along the west property line for a distance of 120 feet north of the north line of the alley; along the east property line for a distance of 210 feet north of the north line of the alley.

In the event the area requested for "C" zoning is developed in such a manner that service and maintenance stalls are provided along the west side of the existing building, a fence shall be constructed along the south 110 feet of the west line of the existing building. This fence shall be constructed of the same material and be of the same height as the fence requirement outlined above.

All fences shall be constructed within six months from the date a building permit or occupancy permit is issued for the construction or use of the new and used car sales agency.

Page 2 - Chrysler Motors Corporation
August 26, 1965

2. All storage and display areas, including all areas of ingress and egress, shall be paved with asphalt, asphaltic concrete, or concrete.
3. All lights shall be shielded so as to reflect or direct light away from the adjoining property. No string-type lighting shall be permitted.
4. No projecting signs (as defined in the Sign Ordinance), shall be permitted and no sign shall project over any public right of way.
5. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except within an enclosed building and, further provided that body and fender work shall be permitted if located within an enclosed building and located within that area zoned "C" Commercial.
7. A plot plan showing width of driveways, interior traffic circulation, off-street parking spaces, markings for channelization for the customer and service parking, shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for the new and used car sales operation.
8. Complete access control shall be exercised along the east property line for a distance of 210 feet north of the existing 20-foot alley and along the west property line for a distance of 120 feet north of the existing alley.
9. There shall be a front building setback of not less than 35 feet. If the existing structure is razed and a new structure is constructed, a 20-foot setback shall be maintained from both the east and west property lines. In the event an addition is constructed on the north of the existing building, then the setback from the west property line shall comply with the requirements of the Zoning Ordinance.
10. A bond or other similar surety in the amount of \$5,000 shall be submitted to the City Clerk within 90 days from the effective date of the approval of this application, in order to guarantee that all of the requirements of this resolution will be complied with. Said bond is to be furnished by the

* from the south line of the Kelley Service Road

Page 3 - Chrysler Motors Corporation
August 26, 1965

applicant. The form of the bond shall be approved by Legal Counsel for the Board. Whenever the Superintendent of Central Inspection has informed the Metropolitan Area Planning Department that all of the requirements of this resolution have been complied with, the City Clerk shall be instructed to release said bond to the applicant or his authorized agent.

A resolution effectuating the action of the Board will be mailed to you as soon as prepared and signed by the Secretary and Chairman of the Board of Zoning Appeals.

If you have any question about this matter, please let us know.

Very sincerely yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: Carl T. Smith
600 Fourth National Bank Building
Wichita, Kansas 67202

Glen Lytle, Superintendent
of Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 28-65

APPLICANT: Chrysler Motors Corporation, P.O.Box 1919, Detroit

AGENT: Carl T. Smith, 600 Fourth National Bank Building

LOCATION: Southeast corner of Gouverneur Road and Kellogg

REQUEST: Exception pursuant to Section 28.04.193.2, Code of the City of Wichita, to allow the property to be utilized for a new and used car sales lot.

LANDUSE: Existing - vacant building. North is a motel and service station; east is a sign shop and motel; south is vacant and residential and west is new and used car lot.

ZONING: Existing on subject property is "LC". To the north, east and west is "LC". South is "AA"

JURISDICTION

The Board has jurisdiction to consider the variance request under the provisions as outlined under Section 28.04.193.2, Code of the City of Wichita.

GENERAL COMMENTS

The area along Kellogg from Edgemoor east to the Kansas Turnpike has been developing for highway oriented uses, i.e., motels, car lots, drive-in restaurants, service stations, etc. Specifically, the Board has approved five locations for new and used car sales lots from Edgemoor east to Rock Road.

In this particular instance the Chrysler Corporation is proposing to develop this property for a new and used car sales lot. In the opinion of the Secretary, this lot contains adequate area for the use being proposed.

There are several problems associated with the development of this property. For one thing, a considerable portion of the property to the east, south and west is developed for residential uses. Consequently, a screening fence should be provided and ingress and egress points should be controlled adjacent to those areas developed as residential.

Another problem is occasioned by the fact that as a matter of policy, the Planning Commission and City Commission have been requiring 35-foot front building setbacks on all new commercial developments where the property had to be platted before a building permit could be issued. In many cases, the Planning Commission has requested replatting

in conjunction with zoning applications, primarily to establish a 35-foot setback. These building setback requirements can be justified on the basis that in the development of the new prototype zoning regulations, a 35-foot front building setback is being proposed for the highway oriented use district, which does permit new and used car sales lots. Consequently, any new commercial structures constructed in violation of this setback requirement would become a nonconforming structure if the new ordinance is adopted as proposed. It is the opinion of the Secretary that a 35-foot setback should be required adjacent to Kellogg.

A problem associated with most new and used car sales lots, where a portion of the adjacent area is developed for residential use, is one of controlling the number of ingress and egress points and prohibiting the loading and unloading of trucks on the streets surrounding the development. Access points adjacent to residential areas are undesirable because of the congestion created and obnoxious affects created by the lights of vehicles utilizing the exits at night. In view of this consideration, it is the recommendation of the Secretary that complete access be exercised along the east property line for a distance of 210 feet north of the existing 20-foot alley and along the west property line for a distance of 120 feet north of the existing alley.

In order to protect the adjacent residential areas from car lights, blowing debris, noise, etc., it is recommended that a 6-foot high solid wall, masonry or louvered redwood fence, be erected along the west property line a distance of 120 feet north of the north line of the existing alley; along the entire north line of the alley; and along the east property line for a distance of 210 feet north of the north line of the existing alley.

In view of the fact that the applicants own the property to the south of the existing alley, and since it appears that the applicants will desire to have this property incorporated into their development in the future; it may be desirable for the applicants to request vacation of the 20-foot alley and request rezoning to "LC" for the area to the south of the alley. If this could be done, this approval should be deferred until the alley is vacated and the zoning change acted on. If the zoning and vacation are approved, the applicants could request Board of Zoning Appeals approval for new and used car sales on their entire property under one application. If this is not done now, the applicants would have to relocate the fence along the alley to the south line of their property at some time in the future, which would involve additional time and expense.

It should be pointed out that the applicant has filed a zoning application (Z-0694) requesting a change of zoning from "IC" Light Commercial to "C" General Commercial on land occupied by a portion of the building. The reason for the requested change is so that a portion of the existing building can be used for body and fender repair as part of the operation of the new and used car agency.

It should also be pointed out that the present ingress and egress to U.S. 54 is not indicated on the design plans of the frontage road of the State Highway Department. The front of this property will have access to the proposed frontage road which has access to U. S. 54 at Governecur Road.

RECOMMENDATION

Based upon the fact that the use proposed for this property is compatible with the other uses along Kellogg in this area, it is the recommendation of the Secretary that this application be approved, subject to the following conditions:

1. A five-foot high solid wall masonry or louvered red-wood or architectural tile fence shall be constructed along the north line of the existing alley; along the west property line for a distance of 120 feet north of the north line of the alley; along the east property line for a distance of 210 feet north of the north line of the alley, and also the west property line parallel to the south 135 feet of the existing building; all within six months from the date a building permit or occupancy permit is issued for the construction or use of the new and used car sales agency.
2. All storage and display areas, including all areas of ingress and egress, shall be paved with asphalt, asphaltic concrete, or concrete.
3. All lights shall be shielded so as to reflect or direct light away from the adjoining property. No string type lighting shall be permitted.
4. No projecting signs (as defined in the Sign Ordinance), shall be permitted and no sign shall project over any public right of way.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

6. No repair work shall be conducted except within an enclosed building, and further provided that body and fender work shall be permitted if located within an enclosed building and located within that area zoned "C" Commercial.
7. A plot plan showing width of driveways, interior traffic circulation, off-street parking spaces, markings for channelization for the customer and service parking, shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for the new and used car sales operation.
8. Complete access control shall be exercised along the east property line for a distance of 210 feet north of the existing 20-foot alley and along the west property line for a distance of 120 feet north of the existing alley.
9. There shall be a building setback for any new structure or for any addition to the existing structure a distance of 35 feet from the north property line and 20 feet from both the east and west property lines.
10. A bond or other similar surety in the amount of \$5,000 shall be submitted to the City Clerk within 90 days from the effective date of the approval of this application, in order to guarantee that all of the requirements of this resolution will be complied with. Said bond is to be furnished by the applicant. The form of the bond shall be approved by Legal Counsel for the Board. Whenever the Superintendent of Central Inspection has informed the Metropolitan Area Planning Department that all of the requirements of this resolution have been complied with, the City Clerk shall be instructed to release said bond to the applicant or his authorized agent.

SECRETARY'S REPORT

CASE NO. BZA 28-65

APPLICANT: Chrysler Motors Corporation, P.O.Box 1919, Detroit

AGENT: Carl T. Smith, 600 Fourth National Bank Building

LOCATION: Southeast corner of Gouverneur Road and Kellogg

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita, to allow the property to be utilized for a new and used car sales lot.

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In this particular instance the Chrysler Corporation is proposing to develop this property for a new and used car sales lot. In the opinion of the Secretary, this lot contains adequate area for the use being proposed.

There are several problems associated with the development of this property. For one thing, a considerable portion of the property to the east, south and west is developed for residential uses. Consequently, a screening fence should be provided and ingress and egress points should be controlled adjacent to those areas developed as residential.

Another problem is occasioned by the fact that as a matter of policy, the Planning Commission and City Commission have been requiring 35-foot front building setbacks on all new commercial developments where the property had to be platted before a building permit could be issued. In many cases, the Planning Commission has requested replatting

Page 2 - Secretary's Report
Case No. BZA 28-65

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In view of the fact that the applicants own the property to the south of the existing alley, and since it appears that the applicants will desire to have this property incorporated into their development in the future, it may be desirable for the applicants to request vacation of the 20-foot alley and request rezoning to "LC" for the area to the south of the alley. If this could be done, this approval should be deferred until the alley is vacated and the zoning change acted on. If the zoning and vacation are approved, the applicants could request Board of Zoning Appeals approval for new and used car sales on their entire property under one application. If this is not done now, the applicants would have to relocate the fence along the alley to the south line of their property at some time in the future, which would involve additional time and expense.

Page 3 - Secretary's Report
Case No. BZA 28-65

It should be pointed out that the applicant has filed a zoning application (Z-0694) requesting a change of zoning from "LC" Light Commercial to "C" General Commercial on land occupied by a portion of the building. The reason for the requested change is so that a portion of the existing building can be used for body and fender repair as part of the operation of the new and used car agency.

It should also be pointed out that the present ingress and egress to U.S. 54 is not indicated on the design plans of the frontage road of the State Highway Department. The front of this property will have access to the proposed frontage road which has access to U. S. 54 at Gouverneur Road.

RECOMMENDATION

Based upon the fact that the use proposed for this property is compatible with the other uses along Kellogg in this area, it is the recommendation of the Secretary that this application be approved, subject to the following conditions:

1. A five-foot high solid wall masonry or louvered red-wood or architectural tile fence shall be constructed along the north line of the existing alley; along the west property line for a distance of 120 feet north of the north line of the alley; along the east property line for a distance of 210 feet north of the north line of the alley, and also the west property line parallel to the south 135 feet of the existing building; all within six months from the date a building permit or occupancy permit is issued for the construction or use of the new and used car sales agency.
2. All storage and display areas, including all areas of ingress and egress, shall be paved with asphalt, asphaltic concrete, or concrete.
3. All lights shall be shielded so as to reflect or direct light away from the adjoining property. No string type lighting shall be permitted.
4. No projecting signs (as defined in the Sign Ordinance), shall be permitted and no sign shall project over any public right of way.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

Page 4 - Secretary's Report
Case No. BZA 28-65

6. No repair work shall be conducted except within an enclosed building, and further provided that body and fender work shall be permitted if located within an enclosed building and located within that area zoned "C" Commercial.
7. A plot plan showing width of driveways, interior traffic circulation, off-street parking spaces, markings for channelization for the customer and service parking, shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for the new and used car sales operation.
8. Complete access control shall be exercised along the east property line for a distance of 210 feet north of the existing 20-foot alley and along the west property line for a distance of 120 feet north of the existing alley.
9. There shall be a building setback for any new structure or for any addition to the existing structure a distance of 35 feet from the north property line and 20 feet from both the east and west property lines.
10. A bond or other similar surety in the amount of \$5,000 shall be submitted to the City Clerk within 90 days from the effective date of the approval of this application, in order to guarantee that all of the requirements of this resolution will be complied with. Said bond is to be furnished by the applicant. The form of the bond shall be approved by Legal Counsel for the Board. Whenever the Superintendent of Central Inspection has informed the Metropolitan Area Planning Department that all of the requirements of this resolution have been complied with, the City Clerk shall be instructed to release said bond to the applicant or his authorized agent.

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

August 6, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 28-65

An application has been filed by Chrysler Motors Corporation, P. O. Box 1919, Detroit, Michigan, by Carl T. Smith, Agent, 600 Fourth National Bank Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an EXCEPTION to permit the installation or construction of a new and used car sales lot on property zoned "LC" - Light Commercial, and legally described as follows:

Lots 1 and 2, except that part of Lot 2 described as:
Beginning 135 feet south and 22 feet east of the northwest corner of said Lot 2; thence south 110 feet; thence east 72 feet; north 110 feet; west 72 feet to beginning, in Replat of Leffler Addition to Wichita, Sedgwick County, Kansas.

Generally located on the southeast corner of Kellom and Governor Road.

This application has been assigned Case No. BZA 28-65, and will be considered by the Board of Zoning appeals at its meeting on Tuesday, August 24, 1965, at 2 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

28

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

August 6, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 28-65

An application has been filed by Chrysler Motors Corporation, P. O. Box 1919, Detroit, Michigan, by Carl T. Smith, Agent, 600 Fourth National Bank Building, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an EXCEPTION to permit the installation or construction of a new and used car sales lot on property zoned "LC" - Light Commercial, and legally described as follows:

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Generally located on the southeast corner of Kellogg and Gouverneur Road.

This application has been assigned Case No. BZA 28-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 24, 1965, at 2 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

23 notices mailed 8-6-65

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. Exe 28-65
FILED 7-26-65

APPLICATION FOR EXCEPTION

I. Name of Applicant Chrysler Motors Corporation
Post Office Box 1919
Mailing Address Detroit, Michigan 48231 Phone _____
Name of Authorized Agent Carl T. Smith
600 Fourth National Bank Building
Mailing Address Wichita, Kansas 67202 Phone AM 4-0372

Relationship of applicant to property is that of Option to Purchase
(owner, tenant, lessee, other).
(See reverse side for additional applicant)

II. Application is made for an exception as provided in Section

28.04.090, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the ~~installation of a construction box~~

~~of sale of new and used cars outside the building located~~
_____ on property zoned

light commercial, located South of Kellogg Street between Gouverneur
Road and Whittier Road and legally described as: Lots 1 and 2,

Replat of Leoffler Addition

_____, in the City of Wichita.

(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant S. G. LEOFFLER
OPERATING COMPANY

Applicant CHRYSLER MOTORS CORPORATION

Authorized Agent Raymond Carpenter Authorized Agent Carl T. Smith

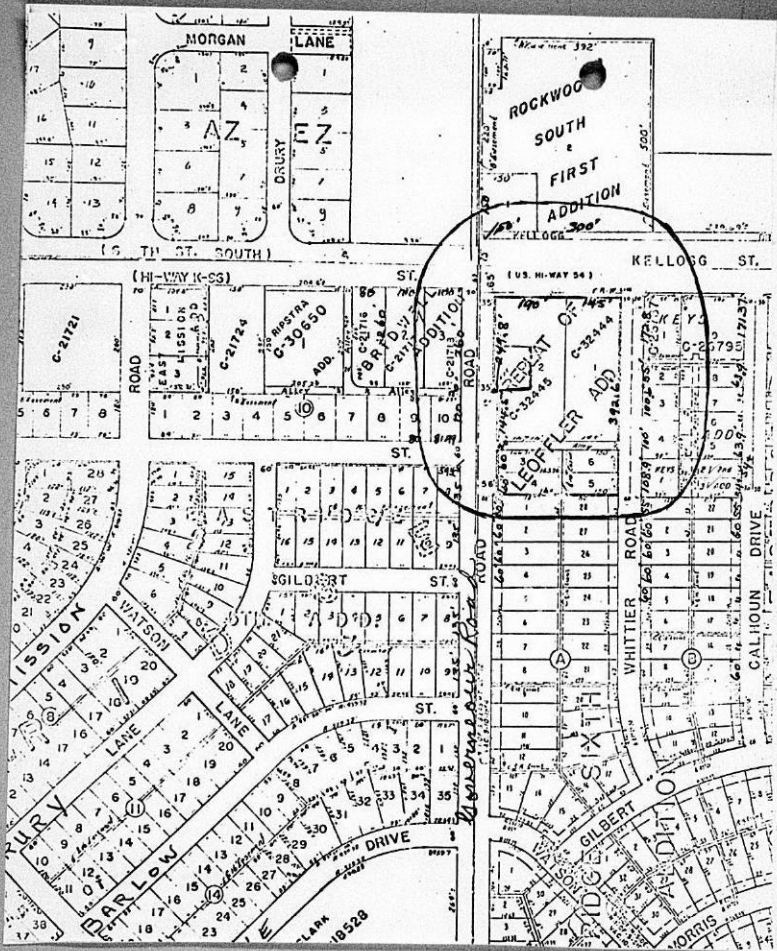
OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 4:00 (a.m. - (p.m.)), July 26, 1965, together with appropriate fee of \$50.00.

Signed Jack Galleraid

(Additional applicant under paragraph I of the within Application)

I. Name of Applicant	S. G. Leoffler Operating Company
Mailing Address	East Potomac Park, Washington, D. C.
Name of Authorized Agent	Lawrence E. Curfman
Mailing Address	830 First National Bank Building Wichita, Kansas
Phone	AM 4-1376

Relationship of applicant to property is that of Owner.



STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
)
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:

Lots 1 & 2, exc that part of Lot 2 described as:
Beg 135 ft South & 22 ft East of NW cor sd Lot 2; th
South 110 ft; East 72 ft; North 110 ft; West 72 ft
to beg., in Replat of Leoffler Addition to Wichita,
Kansas.

And from such examination find that the record owners thereof are as set opposite the description of the property below, viz:

Lot 2, exc beg 135 ft S & 22 ft E of
NW cor; S 110 ft; E 72 ft; N 110 ft;
W 172 ft to beg., Replat of Leoffler
Addition.

✓ S. G. Leoffler Operating Company,
of District of Columbia.

Beg 135 ft S & 22 ft E of NW cor Lot
2; S 110 ft; E 72 ft; N 110 ft; W 172
ft to beg., Replat of Leoffler Add.

⊗ S. G. Leoffler Operating Company,
of District of Columbia.

Lots 1, 3, 4, 5, 6, in Replat of
Leoffler Addition.

⊗ S. G. Leoffler Operating Company,
of District of Columbia.

3
Fidelity
Title
Company.
inc.

Lot 1, exc W 16 ft., Blk A, Eastridge 6th Addition.

✓ Kenneth D. & Patricia A. Burke, ux
602 Gouverneur Rd.

Lot 28, Blk A, Eastridge 6th Addition.

✓ Walter L., Jr. & Lorene B. Johnson, ux
601 Whittier Rd.

Lot 1, Blk B, Eastridge 6th Addition.

✓ Frank L. & Vivian Seten, ux
602 Whittier Rd.

Lot 1, Key's Addition.

✓ Homer P. Toler & Freda A. Toler, ux
1815 Jackson

Lot 2, Key's Addition.

Ⓟ Homer P. Toler
1815 Jackson

Lot 3, Key's Addition.

✓ Donald P. & Elizabeth Ann Lyon, ux
520 Whittier Rd.

Lot 4, Key's Addition.

no address
✓ Frank W., Jr. & Meriam Jane Buchholz,
ux
No Address Available

S 50 ft Lot 5, Key's Addition.

✓ Curtis L. Day & Verena V. Day, ux
543 Calhoun Drive

Lot 5, exc S 50 ft & S 36.1 ft Lot 6,
Key's Addition.

✓ Francis Eugene & Bonnie J. Monroe, ux
537 Calhoun Drive.

Lot 6, exc S 36.1 ft & Lot 7, exc N 41.1
ft, Key's Addition.

✓ William & Bertha Stockdale, ux
531 Calhoun Drive.

N 41.1 ft Lot 7, all Lot 8, exc N 55 ft.,
Key's Addition.

✓ Paul A. & Roxy Ellen Slicker, ux
519 Calhoun Drive.

N 55 ft Lot 8, Key's Addition.

Ⓟ Paul A. & Roxy Ellen Slicker, ux
519 Calhoun Drive.

Lot 9, Key's Addition.

Ⓟ Paul A. & R. Ellen Slicker, ux
519 Calhoun Drive.

Lot 1 & W 37 ft Lots 2 & 3, Key's 2nd Addition.

✓ Elizabeth Horning
Opal Rensdell
542 Whittier Rd.

Lot 2, exc W 37 ft, Key's 2nd Addition,

✓ Raymond Leon & Delories Leona Szymenski, ux
549 Calhoun Dr.

Lot 3, exc W 37 ft., Key's 2nd Addition.

✓ Alan & Shirley Eshbaugh, ux
555 Calhoun Dr.

Lot 7, Blk 1, Eastridge 5th Addition.

✓ Keith L. & Murieta A. DeCamp, ux
No Address Available
7031 G Orme

Lot 8, Blk 1, Eastridge 5th Addition.

✓ William Robert & Dorothy J. O'Donnell, ux
7314 E. Morris

E 31. ft Lot 9 & W 25 ft Lot 10, Blk 10,
Eastridge Add. & Repl't P't of Eastridge
Add.

✓ Woodrow E. & Jeanette M. James, ux
8112 E. Zimmerley

Lot 10, exc W 25 ft., Blk 10, Eastridge
Add. & Repl't P't of Eastridge Add.

✓ Joyce E. Martin
7038 E. Orme

Lots 2 & 3, Bridwell's Addition.

✓ Fred M. Bauslaugh 2/3 int.
✓ Chester F. Farrew 1/3 int.
28 Douglas

First
Lot 1, Rockwood South/ Addition.

✓ Rock Road Improvement, Inc.
309 S. Market St.

Lot 2, Rockwood South First Addition.

✓ Rock Road Improvement, Inc.
309 S. Market St.

E 20 rds of S 80 rds of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of
Sec 19, Twp 27, R 2 East.

✓ Philip F. & Gloria E. Farha, ux
4601 E. Douglas

S 300 ft of SE $\frac{1}{4}$, exc Hwy & exc Rockwood
South First Add. & exc Rockwood South
Second Addition.

✓ Walter Burge, etal Trs. W. K. H.
309 S. Market

-4-

Dated at Wichita, Kansas this 26th day
of July, 1965 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Oliver M. Farrell OEM
Sec.

Tracer # 69687

FORM 223-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION

AMOUNT

Byg Application 50⁰⁰

Name

Chromas Contractors Corp.

Address

702 So. 14th St. Wichita

Type

R-712

Due Date

Comments:

Date

7-26-65

By

S. Howell