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ACTION

By a COMMITTEE Approved DATE 12-27-66

M.A.P.C. _____

B.C.C./B. CO. C. _____

BZA 33-66 - Turner Ford, Inc. requests
Exception to permit new & used car lot
at the northwest corner of Armour
Drive and Kellogg

January 25, 1967

Mr. Robert M. Collins
1400 Wichita Plaza
Wichita, Kansas

Re: BZA Case No. 33-66 - Request
for an Exception

Dear Mr. Collins:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 27, 1966, in connection with your application for an Exception to permit the installation of a parking lot to display and sell new and used cars on property zoned "LC" Light Commercial and generally located on the northwest corner of Armour Drive and Kellogg. This Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkg

Attachment

cc: Turner Ford Inc., 1226 East Douglas, Wichita
Glen Lytle, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Robert Feagins, 6416 East Central, Wichita

R E S O L U T I O N N O . B Z A 3 3 - 6 6

WHEREAS, Turner Ford Inc., 1226 East Douglas, Wichita, Kansas, by Robert M. Collins, Attorney, 1400 Wichita Plaza, Wichita, Kansas, requests an exception as provided in Section 28.04.183.2, Code of the City of Wichita, to permit the installation of a parking lot to display and sell new and used cars to be located on property zoned "LC" Light Commercial and legally described as follows:

Lot 1, Rockwood South Third Addition to the City of Wichita, Sedgwick County, Kansas.
Generally located at the northwest corner of Armour Drive and Kellogg.

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

WHEREAS, the Board of Zoning Appeals did, at the meeting of December 27, 1966, 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 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the Board determined that it has authority to permit the installation or construction of a new and used car sales lot on property zoned "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 for installation or construction of a new and used car sales lot on property zoned "LC" Light Commercial and legally described as follows:

Lot 1, Rockwood South Third Addition to the City of Wichita, Sedgwick County, Kansas.
Generally located at the northwest corner of Armour Drive and Kellogg.

subject to the following:

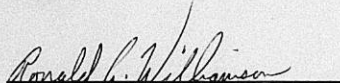
1. All storage and display areas, including all ingress and egress areas, shall be paved with concrete, asphalt, or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.

3. Sign heights shall conform with the approved Development Plan and shall not be placed so as to project over any public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.
6. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines.
7. The areas shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

ADOPTED AT WICHITA, KANSAS, this 27th day of December, 1966.


Kenneth Hartstein, Vice-Chairman

ATTEST:


Ronald A. Williamson
Assistant Secretary

January 3, 1967

Mr. Robert M. Collins
1400 Wichita Plaza
Wichita, Kansas

Re: BZA Case No. 33-66 - Request for an Exception to the Zoning Ordinance to permit the installation of a parking lot to display and sell new and used cars to be located in an "LC" zone.

At the regular meeting of the Board of Zoning Appeals on Tuesday, December 27, 1966, your request for an exception to permit the installation of a parking lot to display and sell new and used cars in an area zoned "LC" Light Commercial, and being located on the northwest corner of Armour Drive and Kellogg, was considered.

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

1. All storage and display areas, including all ingress and egress areas, shall be paved with concrete, asphalt, or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjacent property. No string type lighting or banners shall be permitted.
3. Sign heights shall conform with the approved Development Plan and shall be placed so as not to project over any public right-of-way.
4. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.

Robert M. Collins
Page 2
January 3, 1967

6. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines.
7. The areas shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy thereof as soon as the Chairman and Secretary of the Board have signed it. If you have any questions, please call.

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkq

cc: Turner Ford Inc., 1226 East Douglas, Wichita
Glen Lytle, Superintendent of Central Inspection
L. L. Binkley, Maintenance Inspection Supervisor
Ralph Eberly, City Clerk
Robert Feagins, 6416 East Central, Wichita

SECRETARY'S REPORT

CASE NO. BZA 33-66

APPLICANT: Turner Ford Inc., 1226 East Douglas, Wichita, Kansas

AGENT: Robert M. Collins, 1400 Wichita Plaza, Wichita, Kansas

REQUEST: Exception, pursuant to Section 28.04.183.2, Code of the City of Wichita, to permit the installation of a parking lot to display and sell new and used cars

GENERAL LOCATION: Northwest corner of Armour Drive and Kellogg

LAND USE: Subject property is vacant as is the land to the north and east. To the west is Howard Johnsons. To the south are a variety of commercial uses.

ZONING: Subject property is zoned "LC" as is that to the north, south, east and west

JURISDICTION

The Board has jurisdiction to consider this request under the provisions of Section 2.12.590.3, Code of the City of Wichita, and the Board may grant the exception providing the conditions outlined under Section 28.04.183.2, Code of the City of Wichita can be met.

COMMENTS OF THE SECRETARY

The applicants are requesting an exception to permit the installation of a new and used car sales lot on property zoned light commercial. The plot plan submitted with the application appears to meet the requirements of the ordinance. The Board has approved several similar requests in this general area along Kellogg, and the use applied for has been approved, subject to BZA approval, by the MAPC on the Commercial Development Plan for this property.

RECOMMENDATION

It is the recommendation of the Secretary that the exception to permit the installation of a new and used car sales lot be approved, subject to the following:

Secretary's Report
Case No. BZA 33-66
Page 2

1. All storage and display areas, including all ingress and egress areas, shall be paved with concrete, asphalt, or asphaltic concrete.
2. All lights shall be shielded to reflect or direct light away from adjacent property. No string-type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or be placed so as to project over any public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
5. No repair work shall be conducted except in an enclosed building and further provided that no body or fender work is done.
6. All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines.
7. The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

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

December 16, 1966

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 33-66

An application has been filed by Turner Food, Inc., 1226 East Douglas, Wichita, Kansas, by Collins, Martin, Pringle, Schell & Burns, 1400 Wichita Plaza, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception as provided in Section 28.04.183.2, Code of the City of Wichita, to permit the installation of construction of a new and used car sales lot on property zoned "LC" Light Commercial and legally described as follows:

Lot 1, Rockwood South Third Addition
to the City of Wichita, Sedgwick County,
Kansas. Generally located at the north-
west corner of Armour Drive & Kellogg.

This application has been assigned Case No. BZA 33-66, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 27, 1966, 2:00 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

Sent 12-16-66

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

I.
CASE NO. 33-66
FILED 11-29-66

APPLICATION FOR EXCEPTION

I. Name of Applicant Turner Ford, Inc.
Mailing Address 1226 East Douglas, Wichita, Kansas Phone FO 34283
Name of Authorized Agent Collins, Martin, Pringle, Schell & Burns
Mailing Address 1400 Wichita Plaza, Wichita, Kan. Phone AM 7-0235
Relationship of applicant to property is that of owner
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.183, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of new and used car sales lot
_____ on property zoned
LC, located Northwest corner of Armour Drive and
Kellogg Street and legally described as:
Lot 1, Rockwood South Third Addition to City of Wichita,
Sedgwick County, 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 TURNER FORD, INC.
Authorized Agent Reta M. Collins¹

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 1245 (a.m. - (p.m.)), 11-29-66, 19____, together with appropriate fee of \$50.00.

Signed Ronald G. Williamson

REASONS FOR APPLICATION
of
TURNER FORD, INC.

The application for exception by Turner Ford, Inc., is justified under Section 28.04.13 No. 2 of the Ordinances of the city of Wichita. Paragraph No. 2 states that the Board of Zoning Appeals may, by special permit, grant exceptions and authorize these uses - new and used car sales. Similar exceptions have been granted in this same general area to other car dealers.

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

50.00

DESCRIPTION	AMOUNT
<i>BZA Application</i>	

Name *Robert M. Collins, et al*

Address *1400 Wichita Plaza Bldg*

Type *Pa 712*

Due Date *11-29-66*

Comments:

Date *11-29-66*

By *[Signature]*

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1