

Case No. BZA 37-84 - Larry Lambert,  
Regency Motors - requests an exception  
to permit the establishment of an auto-  
mobile sales business on property zoned  
the "LC" Light Commercial District and  
generally located on the northeast

POSTED  
5-30-84 hsc

SS No. 1

**ACTION**

BZA 37-84 APPROVED 9-24-84  
DATE

1/4 Sec. 9-13-84

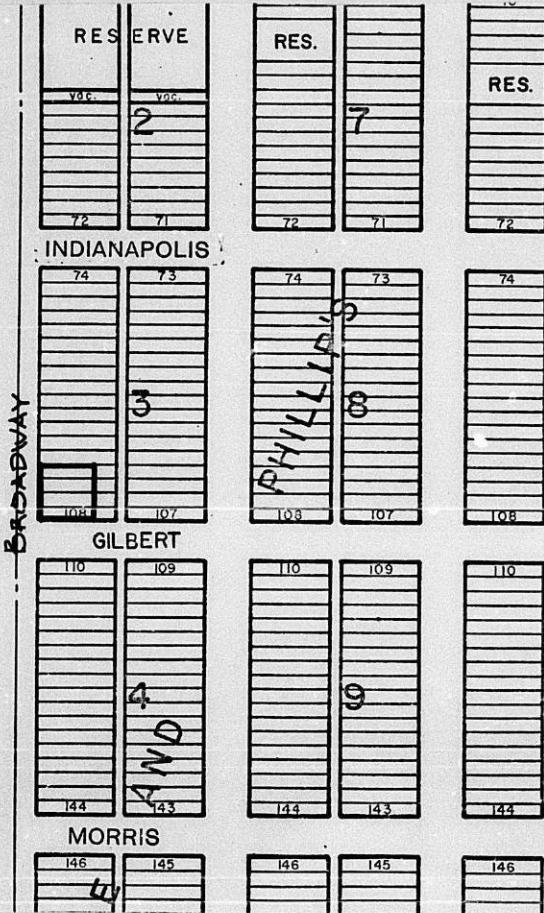
Sheet 2-15 ✓  
Recorded \_\_\_\_\_

Map No. 5546 D

BZA 37-84  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)  
2. Adjoining Zoning: E LC S LC W LC N LC  
3. Land Use: East Res. South Comm  
West Comm North Comm  
4. Area (is) (~~is not~~) platted.



LOS ANGELES CHURCH & MORGAN, CH  
MEMPHIS, TN  
HOUSTON, TX  
LOS ANGELES, CA  
U.S.A.

**S**  
Standard  
No. 2-153C

August 29, 1984

Larry Lambert  
Regency Motors  
1601 South Broadway  
Wichita, Ks.

Re: BZA 37-84 - Request for Exception

Dear Mr. Lambert:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 26, 1984.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith  
Secretary

GEL:sad  
Encl.

cc: William L. Korber, 330 Laura, Wichita 67211  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk  
Bill McKinley, Traffic Engineering  
Russell G. Johansen, President, McDonald's Mgmt. Co., 916 South  
Broadway, Wichita 67211

RESOLUTION NO. BZA 37-84

WHEREAS, Larry Lambert, Regency Motors, 1601 South Broadway, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an automobile sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 102, 104, 106 and 108, except the east 40 feet thereof, Block 3, Orme and Phillips Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Gilbert and Broadway.

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 June 26, 1984, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of an automobile sales lot on property zoned the "LC" Light Commercial District subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of an automobile sales lot on property zoned the "LC" Light Commercial District and legally described as follows:

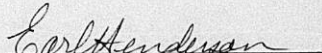
Lots 102, 104, 106 and 108, except the east 40 feet thereof, Block 3, Orme and Phillips Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Gilbert and Broadway.

subject to the following conditions:

1. The applicant shall submit the site plan to Central Inspection for review and compliance with the requirements of all regulations, including, but not limited to off-street parking and driveway locations and approved by the Traffic Engineer. This shall be completed prior to release of the resolution authorizing the issuance of any permits.
2. All display, parking and circulation areas shall be surfaced with asphalt or concrete and marked in conformance with an approved plan and designating the required spaces for customer parking and not used for display or storage of vehicles.
3. A six-foot high screening fence of wood, metal or masonry shall be constructed along the east property line.
4. Should the applicant remove a portion of the existing building a new site plan shall be submitted as set forth in conditions numbered 1 and 2.
5. All motor repair work shall be conducted entirely within an enclosed building.
6. No new buildings shall be located closer than 45 feet to Broadway right-of-way or closer than 35 feet to Gilbert right-of-way.
7. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.

8. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
9. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
10. All requirements as set forth in this resolution shall be complied with by October 1, 1984, and prior to the occupancy of the property as an automobile sales lot.
11. Failure of the applicant or owner to comply with the above conditions and upon notification by Central Inspection that violations exist, then the Board shall take action to void the resolution.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1984.

  
Earl Henderson, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

June 27, 1984

Larry Lambert  
Regency Motors  
1601 South Broadway  
Wichita, Ks.

Re: BZA 37-84 - Request for Exception

Dear Mr. Lambert:

At the regular meeting of the Board of Zoning Appeals on June 26, 1984, your request for an exception was considered. It was the action of the Board to approve your request subject to the following conditions:

1. The applicant shall submit the site plan to Central Inspection for review and compliance with the requirements of all regulations, including, but not limited to off-street parking and driveway locations and approved by the Traffic Engineer. This shall be completed prior to release of the resolution authorizing the issuance of any permits.
2. All display, parking and circulation areas shall be surfaced with asphalt or concrete and marked in conformance with an approved plan and designating the required spaces for customer parking and not used for display or storage of vehicles..
3. A six-foot high screening fence of wood, metal or masonry shall be constructed along the east property line.
4. Should the applicant remove a portion of the existing building a new site plan shall be submitted as set forth in conditions numbered 1 and 2.
5. All motor repair work shall be conducted entirely within an enclosed building.
6. No new buildings shall be located closer than 45 feet to Broadway right-of-way or closer than 35 feet to Gilbert right-of-way.
7. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.

8. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
9. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
10. All requirements as set forth in this resolution shall be complied with by October 1, 1984, and prior to the occupancy of the property as an automobile sales lot.
11. Failure of the applicant or owner to comply with the above conditions and upon notification by Central Inspection that violations exist, then the Board shall take action to void the resolution.

As you will note, the release of the resolution authorizing the conversion of the property to an automobile sales lot will be subject to review of the site plan by Central Inspection and approval by the Traffic Engineer.

If you have any questions, please give me a call at 268-4421.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:sad

cc: William L. Korber, 330 Laura, Wichita, Ks. 67211  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk  
Bill McKinley, Traffic Engineering  
Russell G. Johansen, President, McDonald's Mgmt. Co., 916 South  
Broadway, Wichita 67211



J-MAC, INC.  
916 S. Broadway  
Wichita, Kansas 67211  
316/267-0384

June 22, 1984

Jack H. Galbraith  
Board of Zoning Appeals  
Tenth Floor  
455 N. Main  
Wichita, Kansas 67202

RE: CASE NO. BZA 37-84

Dear Mr. Galbraith:

We would like to go on record as being opposed to the rezoning of the property described in the above referenced case.

Yours truly,

Russell G. Johansen  
President  
McDonald's Mgmt. Co.

RG/vh

RECEIVED

JUN 26 1984

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

2615 W. 13th  
Wichita, Kansas 67213

1050 N. Broadway  
Wichita, Kansas 67214

456 S. West St.  
Wichita, Kansas 67203

Licensee of McDonald's Corporation



J-MAC, INC.  
916 South Broadway  
Wichita, Kansas 67211



Jack H. Galbraith  
Board of Zoning Appeals  
Tenth Floor  
455 N. Main  
Wichita, Kansas 67202

LICENSEE OF McDONALD'S CORPORATION

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE    June 22, 1984

TO            Glen Lytle, Special Assistant for Zoning

FROM        Stanley J. Scott, CP Coordinator

SUBJECT     BZA 37-84: Northeast Corner of  
              Gilbert and Broadway

Due to the lack of a quorum at its June 18th meeting, CPO Neighborhood Council "L" will be unable to provide a recommendation concerning the captioned case to the Board of Zoning Appeals for its consideration.

It should be noted that the applicant, Larry Lambert, was present to describe his request for an exception to permit the establishment of an automobile sales business on property zoned "LC" Light Commercial. No area residents or property owners were present to discuss the case.



Stanley J. Scott  
Administrative Aide III

SJS:sm

Noted:



Annie K. Montgomery  
CRS Director

SECRETARY'S REPORT  
CASE NO. BZA 37-84

APPLICANT: Larry Lambert, Regency Motors, 1601 South Broadway, Wichita, Kansas.

AGENT: William L. Korber, 330 Laura, Wichita, Kansas.

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

GENERAL LOCATION: On the northeast corner of Gilbert and Broadway.

ZONING: The application area and all adjacent properties are zoned the "LC" Light Commercial District.

LAND USE: Subject property is presently occupied by a vacant service station. Properties to the north, west and south are commercial, and to the east is residential.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.183.2 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception in order to establish an automobile sales lot on the property which is zoned the "LC" Light Commercial District. The property is located at the intersection of an arterial street and a residential street. The amount of street right-of-way for Broadway is less than that required by the subdivision rules and regulations. However, rather than requiring the applicant to dedicate additional right-of-way, the establishment of reasonable setbacks for any new structures from the existing right-of-way lines should be made. This should not be less than 45 feet from Broadway and 35 feet from Gilbert. This should be adequate to permit the remodeling and some expansion of the existing building.

The site plan submitted by the applicant indicates that the property can accommodate only 16 spaces for automobile display and off-street parking spaces, unless the building is removed or reduced in size. Six of these spaces must be used for off-street parking to comply with the zoning ordinance which will leave little usage of the property for display. It would appear that until additional property is acquired, or the removal of part of the building, the use is inappropriate.

RECOMMENDATION:

Should the Board determine that the proposed use is appropriate at this location, it is recommended that the exception be granted subject to the following conditions:

1. The applicant shall submit the site plan to Central Inspection for review and compliance with the requirements of all regulations, including, but not limited to off-street parking and driveway locations and approved by the Traffic Engineer. This shall be completed prior to release of the resolution authorizing the issuance of any permits.
2. All display, parking and circulation areas shall be surfaced with asphalt or concrete and marked in conformance with an approved plan and designating the spaces for customer parking.
3. A six-foot high screening fence of wood, metal or masonry shall be constructed along the east property line.

4. Should the applicant remove a portion of the existing building a new site plan shall be submitted as set forth in conditions numbered 1 and 2.
5. All motor repair work shall be conducted entirely within an enclosed building.
6. No new buildings shall be located closer than 45 feet to Broadway right-of-way or closer than 35 feet to Gilbert right-of-way.
7. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
8. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
9. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
10. All requirements as set forth in this resolution shall be complied with by October 1, 1984, and prior to the occupancy of the property as an automobile sales lot.
11. Failure of the applicant or owner to comply with the above conditions and upon notification by Central Inspection that violations exist, then the Board shall take action to void the resolution.

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BZA CASE NO. 37-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>17</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>20</u>	TOTAL NOTICES SENT <u>6-6-84</u>

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

June 6, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 37-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Larry Lambert, Regency Motors, 1601 South Broadway, 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 "LC" Light Commercial District. A legal description of the applicant's property is as follows:

2  
Lots 102, 104, 106 and 108, except the east 40 feet thereof, Block 3, Orme and Phillips Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Gilbert and Broadway.

This application has been assigned Case BZA 37-84. It will be considered by the Board of Zoning Appeals on June 26, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. 37-84

CITY OF WICHITA, KANSAS

FILED 5-29-84

APPLICATION FOR EXCEPTION

I. Name of Applicant Larry Lambert Regency Motors  
 Mailing Address 1601 S. Broadway Phone 263-6194  
 Name of Authorized Agent William L. Korber  
 Mailing Address 330 Laura Phone 262-7271  
 Relationship of applicant to property is that of Contract 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  
an automobile sales business  
used Car Lot

on property zoned "LC"

located N. E. Corner of Gilbert & Broadway

and legally described as:

Lots 102-104-106-108, except the east 40 feet thereof

Block 3, Orme and Phillips Addition

, in the City of Wichita.

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

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
- d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant \_\_\_\_\_

Authorized Agent William L. Korber

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
4:30 (a.m./p.m.), MAY 29, 1984 together with  
appropriate fee of 200.00.

Signed [Signature]

O W N E R S H I P   L I S T

<u>Property Description</u>	<u>Property Owner</u>
Lots 85 & 87, Block 3, Orme & Phillips Addition	✓ Joseph L. Kramer 917 S. Topeka 67211
	Dan S. Baker <u>address unknown</u>
Lots 89 & 91, Block 3, Orme & Phillips Addition	✓ Bob J. Early 552 S. Richmond 67213
Lots 93 & 95, Block 3, Orme & Phillips Addition	Cecil George Cooper ✓ Earlene J. Cooper 923 S. Topeka 67211
Lots 97 & 99, Block 3, Orme & Phillips Addition	Rebecca A. Domnick ✓ 931 S. Topeka 67211
Lots 101 & 103, Block 3, Orme & Phillips Addition	Dr. Gage K. Brewer Doris B. Brewer ✓ 941 S. Topeka 67211
Lots 105 & 107, Block 3, Orme & Phillips Addition	A. D. Voyles Eva Voyles <u>address unknown</u>
Lots 86 & 88, Block 3, Orme & Phillips Addition	McDonald Management Co. ✓ 916 S. Broadway 67211
Lots 90, 92, 94 & 96, 98 & 100, Block 3, Orme & Phillips Addition	Eva Jean Tregellas ✓ Eva Jean Burrwright 3321 Zoo Blvd. Apt 341 67203
Lots 102, 104, 106 & 108, Block 3, Orme & Phillips Addition	May Morris ✓ Mary Margaret Morris Boyd, co-executrices of the will of the estate of W. L. Morris, deceased Eloise Morris McMurtry Wilbur E. McMurtry Mary Margaret Morris Boyd James R. Boyd Carolyn Morris Kauffman Herbert L. Kauffman 13 Douglas Avenue 67207

<u>Property Description</u>	<u>Property Owner</u>
Lots 109 & 111, Block 4, Orme & Phillips Addition	G. Donald Dumler operating as ✓ Double D Enterprises 1701 Lynnhurst 67212
Lot 113, Block 4, Orme & Phillips Addition	Joseph L. Kramer ✓ 917 S. Topeka 67211
Lots 115 & 117, Block 4, Orme & Phillips Addition	Louis Wong ✓ Partresia Wong 1007 S. Topeka Ave. 67211
Lots 110, 112 & the north 5 feet of lot 114, Block 4, Orme & Phillips Addition	Energy Exploration Inc. ✓ 1002 S. Broadway 67211
The south 20 feet of lot 114, all of lots 116, 118, & 120, Block 4, Orme & Phillips Addition	First National Bank trustee of Boris V. Lerke ✓ Trust 105 N. Main 67202  (Affadavit of Interest) Dale D. Lott ✓ Geraldine A. Lott 420 Pamela St. 67212
Lots 93 & the north 14 feet of lot 95, Broadway, Lee's Addition	Phil G. Ruffin ✓ 8450 Killarney Place 67206
The south 11 feet of lot 95, all of lots 97 & 99, Broadway, Lee's Addition	Same as above
Lots 101, 103, 105 & 107, Broadway, Lee's Addition	Gales L. Mitchell ✓ Shirley I. Mitchell 949 S. Broadway 67211
Lots 109 & 111, Broadway, Lee's Addition	Kansas District Council Assemblies of God Inc. ✓ 1005 S. Broadway 67211
Lots 113, & 115, Broadway, Lee's Addition	Same as above
Lots 117 & 119, Broadway, Lee's Addition	Same as above

Property Description

Property Owner

Lots 87, 89 & 91, Broadway, Lee's  
2nd Addition & surplus fronting  
on Broadway 26.1 feet, extending  
west to the alley.

Phil G. Ruffin  
8450 Killarney Place  
67206

We hereby certify the foregoing to be a true and correct  
list of the property owners within a 200 foot radius of:

Lots 102, 104, 106 & 108, except the  
east 40 feet thereof, Block 3, Orme and  
Phillips Addition to the City of Wichita,  
in Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the  
Register of Deeds of Sedgwick County, Kansas, on this 25th day  
of May, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Gable*  
Sr. Vice President

Order No: 334671  
cf

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 2-021

PAYMENT NOTICE  
 City of Wichita

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

DESCRIPTION

AMOUNT

City 12A EXCEPT # 200<sup>00</sup>

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

MAR 21 1984

\*

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

Roll # 2