

ACTION

EZA 59-86 APPROVED 10/27/86
DATE

200'4 Sec 12-23-86

Shot 1-30

Record ✓

CASE NO. EZA 39-86 Storage Equities requests an exception to permit the expansion of a residential storage warehouse business to include an outdoor storage area for the storage of vehicles, boats, campers, etc. on property owned by...

POSTED
9-14-86 SEC.

ACTION

BZA 39-86 APPROVED 10/28/86
DATE

200'4Sec 12-23-86

Shot 1-30

Record

CASE NO. BZA 39-86 Storage Equities
requests an exception to permit the
expansion of a residential storage
warehouse business to include an out-
door storage area for the storage of
vehicles, boats, campers, etc. on prop-

FILM 854 PAGE 461

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
3.00 P.M.

MICROFILMED
OF RECORD

DEC 18 1986

NO. 852510
PAT KETTLER
REGISTER OF DEEDS

DECLARATION OF EASEMENT AND RESTRICTION

THIS DECLARATION, made this 2nd day of December *Ed Pava's Deputy*
1986, by Storage Equities, Inc. ("Declarant").

W I T N E S S E T H: That,

WHEREAS, Declarant is the owner of that certain real property described as follows:

"Tract 1" Lot 2, Block A, R. G. Stork Addition to Wichita, Sedgwick County, Kansas;

"Tract 2" Lot 1, except the North 366.56 feet thereof, Block A, R. G. Stork Addition, to Wichita, Sedgwick County, Kansas;

WHEREAS, the City of Wichita has made certain requirements regarding the use and access to said Tracts which requirements require the placing of record this Declaration.

NOW, THEREFORE, Declarant hereby declares and establishes the following restriction and easements as follows:

1. There is hereby established a nonexclusive easement and right-of-way for the purpose of ingress and egress of vehicular and pedestrian traffic for the benefit of Tract 2 along and across those portions of Tract 1 utilized for driveway and access purposes from time to time.
2. Tract 1 and Tract 2 shall not be sold or conveyed separately by Declarant or any third party or parties and the same shall constitute a single parcel.

6.00
Cash

Keith Anderson
1125 So. Hook Rd
67207

December 18, 1986

Keith L. Anderson
1125 South Rock Road
Wichita, Kansas 67207

Re: BZA 39-86 - Request for Exception (6115 W. Central)

Dear Keith:

Attached hereto is a copy of the resolution approved by the Board of Zoning Appeals on October 28, 1986. The release of this resolution is still subject to your furnishing a copy of the covenant for the file, tying the two parcels together to be utilized as one in conformance with the requirements of the Board, at your earliest opportunity.

Per our conversation this date, I have advised Louise Olivarez, Senior Planner, that the conditions established by the Board have been met and I have released the resolution. The ordinance effectuating a change of zoning (Z-2788) from "LC" to "C" will now be forwarded to the City Clerk for publication.

Please see that your client receives a copy of this resolution and conforms to the requirements set forth therein. If you have questions, please give me a call.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL/iw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

RESOLUTION CASE NO. 39-86

WHEREAS, Storage Equities, P. O. Box 25025, Glendale, California, 91201, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the expansion of a residential storage warehouse business to include an outdoor storage area for the storage of vehicles, boats, campers, etc., on property zoned the "LC" Light Commercial and the "C" Commercial District and legally described as follows:

Lot 2, and Lot 1 except the north 366.56 feet thereof, Block A, R. G. Stork Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Central and east of the big ditch (6115 West Central).

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 October 28, 1986, 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 expansion of a residential warehouse business to include an outdoor storage area on property zoned the "LC" Light Commercial Dwelling District and the "C" Commercial District; subject to the conditions outlined in Section 28.04.183.5, 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 expansion of a residential warehouse business to include an outdoor storage area on property zoned the "LC" Light Commercial Dwelling District and the "C" Commercial District legally described as follows:

Lot 2, and Lot 1 except the north 366.56 feet thereof, Block A, R. G. Stork Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Central and east of the big ditch (6115 West Central).

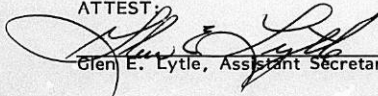
subject to the following conditions:

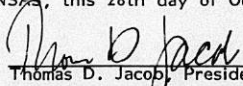
1. Prior to the release of the Resolution, the applicant shall submit a covenant tying the lots together and providing access to that part of Lot 1.
2. The landscape plan approved as a condition of Resolution BZA 25-83 shall be a part of this resolution. These landscaped yards along the north of Lot 2, and the areas along the south and east property lines adjacent and across the street from the residential zoning districts shall be maintained.
3. A six to eight foot screening fence, constructed to prevent the passage of light and debris shall be erected along the south and east side of the property at the required setback line wherever the buildings do not provide the screening: In addition a screening fence shall be installed along the north property line of that portion of Lot 1 included in the legal description of the property. Said fence shall be constructed of either brick, stone, architectural tile, masonry, wood or other similar material (not including woven wire).
4. The remainder of the property shall be fenced in some manner for security and control provisions, preferably of a material compatible with the design of the building, but at the option of the applicant. There shall not be any access to that portion of Lot 1 except the driveway between the two buildings constructed along the west line of Lot 2.
5. Any side of the buildings providing access to storage areas shall maintain a 25-foot setback from the property line.

6. Off-street parking shall be provided as set forth in the zoning ordinance based on the square feet of floor area in the facility.
7. All driveways, parking, loading, storage and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
8. All lights shall be shielded to direct light onto the uses established and directed away from adjacent property.
9. No activities such as miscellaneous or garage sales shall be conducted on the premises.
10. The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
11. Signs shall be limited to one per arterial street frontage and in this case, one sign would be permitted. This sign shall not exceed 20 feet in height nor exceed 50 square feet in gross surface area and shall not project over any public right-of-way.
12. The area shall be properly policed by the owner or operator for removal of trash and debris.
13. The operation of this facility shall in no way be deemed to include a transfer and storage business, where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business, individual or corporation for the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.
14. No outdoor storage of any kind shall be permitted on the premises, except that portion of the property zoned "C" Commercial. Such storage shall be limited to automobiles, small trucks, trailers, campers, boats and other recreational vehicles. No wrecked or inoperable vehicles shall be stored on the property.
15. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
16. A copy of this resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Central Inspection Superintendent to assure compliance that no commercial storage is occurring in violation of this resolution.
17. Only one point of ingress/egress shall be permitted to/from subject property. That access being from the one driveway to Central Avenue.
18. All areas not paved as required by condition of approval number 7 shall be landscaped with deciduous and coniferous plant materials. The amended site plan, as set forth in condition number 2 shall include the landscaping material to be used. Provisions shall be made for watering and maintaining the landscaping in good condition.
19. All improvements as set forth herein shall be completed prior to the occupancy of the site for a Residential Storage Warehouse Facility.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1986.

ATTEST:


Glen E. Lytle, Assistant Secretary


Thomas D. Jacob, President

FOULSTON, SIEFKIN, POWERS & EBERHARDT

LAW OFFICES

ROBERT C. FOULSTON, P.A.
ROBERT H. PARTWIDGE
RICHARD C. HARRIS
GERALD SAWATKY
ROBERT L. HOWARD
CHARLES J. WOODIN
MIRREL L. STOUT
BENJAMIN C. LANGEL
JERRY G. ELLGOTT
WILLIAM H. DYK
PHILLIP S. FRICK
STANLEY G. ANDELL
FREDERICK L. HAAG
RICHARD G. EWFY
DARRELL L. WARTA
WILLIAM R. BAMPSON

HARVEY R. SOREHSEN
MICHAEL RIM MOORE
JAMES M. ARMSTRONG
MARY KATHLEEN BARCOCK
CHARLES P. EFFLANDT
JAMES D. OLIVER
NICHOLAS S. DAILY
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LINDA R. CORNETABLE
GLORIA G. FLENTJE
LARRY G. BAPP
R. DOUGLAS BEAGAN
JAY P. FOWLER
STEPHEN M. KERNICK
GARY E. KNIGHT
JOHN J. MURPHY

A PARTNERSHIP INCLUDING A PROFESSIONAL ASSOCIATION

700 FOURTH FINANCIAL CENTER
BROADWAY AT DOUGLAS
WICHITA, KANSAS 67202

(316) 267-6371
TELECOPIER: (316) 267-8345

ROBERT C. FOULSTON (1988-1947)

VAUGHN BURKHOLDER
TERRY C. CLIPP
JIM H. SOERING
DOUGLAS L. HANESCH
WYATT A. HOCH
CHRISTOPHER M. HURST
ROBERTA R. JOHNSON
JEFFERY A. JORDAN
AMY S. LEMLEY
LOREN J. LEMON

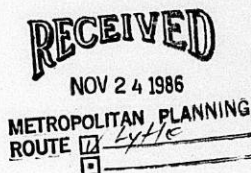
GEORGE SIEFKIN (1895-1954)

DAVID K. MARTIN
TIMOTHY B. MUSTAINE
LAURA SHANOFFELT
SUSAN L. SMITH
DOUGLAS L. STANLEY
TRISHA A. THELEN
M. KATHRYN WEBB
WILLIAM R. WOOD II
WYATT M. WRIGHT

OF COUNSEL
JOHN P. EBERHARDT
GEORGE E. POWERS
ROBERT M. SIEFKIN

November 24, 1986

Mr. Glen E. Lytle
Special Assistant for Zoning
Board of Zoning Appeals
City Hall -- Tenth Floor
455 North Main Street
Wichita, Kansas 67202

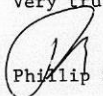


Re: BZA 39-86 Storage Equities, Inc.

Dear Glen:

Pursuant to your letter of November 21, 1986, I enclose a copy of the revised Declaration. I have added paragraph 3 to conform to your suggestions. I have asked Keith to obtain the execution by the appropriate party and we will then record the original and furnish you a copy. If you have any further changes or corrections please let me know. Thank you for your help.

Very truly yours,


Phillip S. Frick

of FOULSTON, SIEFKIN, POWERS & EBERHARDT

PSF/plw
Enclosure
cc: Mr. Keith Anderson

DECLARATION OF EASEMENT AND RESTRICTION

THIS DECLARATION, made this ____ day of _____, 1986, by Storage Equities, Inc. ("Declarant").

W I T N E S S E T H: That,

WHEREAS, Declarant is the owner of that certain real property described as follows:

"Tract 1" Lot 2, Block A, R. G. Stork Addition to Wichita, Sedgwick County, Kansas;

"Tract 2" Lot 1, except the North 366.56 feet thereof, Block A, R. G. Stork Addition, to Wichita, Sedgwick County, Kansas;

WHEREAS, the City of Wichita has made certain requirements regarding the use and access to said Tracts which requirements require the placing of record this Declaration.

NOW, THEREFORE, Declarant hereby declares and establishes the following restriction and easements as follows:

1. There is hereby established a nonexclusive easement and right-of-way for the purpose of ingress and egress of vehicular and pedestrian traffic for the benefit of Tract 2 along and across those portions of Tract 1 utilized for driveway and access purposes from time to time.

2. Tract 1 and Tract 2 shall not be sold or conveyed separately by Declarant or any third party or parties and the same shall constitute a single parcel.

3. This Declaration of Easement and Restriction shall automatically cease and terminate in the event said Tracts should be replatted in conformance with the Wichita-Sedgwick County Subdivision Regulations or in the event that Tract 2 should be returned to single ownership with the balance of Lot 1 so that said Tract 2 should thereupon have direct access to the public rights-of-way.

4. The easement and restriction provided for herein are superior and paramount to the covenants that shall run with the land and shall inure to the benefit of and be binding upon the undersigned, its successors and assigns.

IN WITNESS WHEREOF, this Declaration has been executed as of the date first above written.

STORAGE EQUITIES, INC.

By _____

STATE OF CALIFORNIA)
COUNTY OF _____) SS.

The foregoing instrument was acknowledged before me this ____ day of _____, 1986, by _____ of Storage Equities, Inc., a California corporation, on behalf of the corporation.

Notary Public

My Appointment Expires:

*Keith Anderson advises
this was filed on 12-18-86 -
He will furnish a copy for the file
who was returned by the Reg. of Deeds.
Y.S.S.*

November 21, 1986

Phillip S. Frick
700 Fourth Financial Center
Wichita, Kansas 67202

RE: BZA 39-86 Storage Equities, Inc.

Dear Phil:

I am returning herewith the draft of the document related to the property included in BZA Case No. 39-86. In reviewing this document, I would suggest that some termination date or clause be included that would permit the covenant to be voided should the property be replatted in conformance with the Wichita Sedgwick County Subdivision Regulations. Also, should that portion of Lot 1 be returned to single ownership with that of the north portion of Lot 1, this covenant would no longer apply.

Once these changes are made, and the document filed with the Register of Deeds, I will be in a position to release Resolution BZA 39-86, once a copy is furnished for the file.

If you have any questions, please give me a call.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL/lw

Enclosure

FROM Lytle DATE 11/17/86

| ADMINISTRATION | ADVANCE PLANS | CURRENT PLANS | ENGINEERING | GRAPHICS |
|------------------------------------|------------------------------------|---|------------------------------------|----------------------------------|
| <input type="checkbox"/> Lakin | <input type="checkbox"/> Stockwell | <input checked="" type="checkbox"/> Galbraith | <input type="checkbox"/> Lindebak | <input type="checkbox"/> Pierce |
| <input type="checkbox"/> Walter | <input type="checkbox"/> Schwartz | <input type="checkbox"/> Lytle | <input type="checkbox"/> Cain | <input type="checkbox"/> Commer |
| <input type="checkbox"/> Doramus | <input type="checkbox"/> Leivo | <input type="checkbox"/> Young | <input type="checkbox"/> Ruiz | <input type="checkbox"/> Crook |
| <input type="checkbox"/> Eubanks | <input type="checkbox"/> Bechtel | <input type="checkbox"/> Chambers | <input type="checkbox"/> Henry | <input type="checkbox"/> Jones |
| <input type="checkbox"/> Hanson | <input type="checkbox"/> Clark | <input type="checkbox"/> Daniels | <input type="checkbox"/> Schneider | <input type="checkbox"/> Whitney |
| <input type="checkbox"/> Henderson | <input type="checkbox"/> Dudark | <input type="checkbox"/> Lahey | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | <input type="checkbox"/> Hart | <input type="checkbox"/> Nagley | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> Scott | <input type="checkbox"/> Kelley | <input type="checkbox"/> Ofvaraz | <input type="checkbox"/> _____ | |
| | <input type="checkbox"/> Losew | <input type="checkbox"/> Shirkey | <input type="checkbox"/> _____ | |
| | <input type="checkbox"/> Shen | | | |
| | <input type="checkbox"/> Vinson | | | |

REMARKS This relates to B2A39-86
and Z-2788 filed by Keith Anderson
(over)

- Note & Return
- Handle
- All Staff
- Comment
- Signature
- Library
- Information
- File
- Type

FOULSTON, SIEFKIN, POWERS & EBERHARDT

LAW OFFICES

A PARTNERSHIP INCLUDING A PROFESSIONAL ASSOCIATION

700 FOURTH FINANCIAL CENTER

BROADWAY AT DOUGLAS

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(316) 267-6371

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OF COUNSEL
JOHN F. EBERHARDT
GEORGE B. POWERS
ROBERT M. SIEFKIN

ROBERT C. FOULSTON (1899-1947)

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GARY E. KNIGHT
JOHN J. MURPHY

November 11, 1986

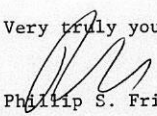
Mr. Glen E. Lytle
Assistant Secretary
Board of Zoning Appeals
Tenth Floor - City Hall
455 North Main
Wichita, Kansas 67202

Re: BAZ 39-86
Storage Equities, Inc.

Dear Glen:

I enclose herewith a short Declaration which is intended to comply with the requirements of the City set out in paragraph number 1 of your letter of October 30, 1986 to Keith Anderson. I would appreciate your looking this over and letting me know if you have any desired changes or any questions. Once we have it in approved form we will send it out to Storage Equities for their signature. Thanks for your help.

Very truly yours,


Phillip S. Frick

of FOULSTON, SIEFKIN, POWERS & EBERHARDT

PSF/plw
Enclosure
cc: Mr. Keith Anderson (w/encl)

RECEIVED

NOV 12 1986

METROPOLITAN PLANNING
ROUTE _____

October 30, 1986

Keith L. Anderson
1125 South Rock Road
Wichita, Kansas 67207

Re: BZA 39-86 - Request for Exception (On the south side of Central
and east of the big ditch)

Dear Mr. Anderson:

At the regular meeting of the Board of Zoning Appeals on October 28, 1986, your request for an exception was considered. It was the action of the Board to grant the exception subject to the following conditions of approval:

1. Prior to the release of the Resolution, the applicant shall submit a covenant tying the lots together and providing access to that part of Lot 1.
2. The landscape plan approved as a condition of Resolution BZA 25-83 shall be a part of this resolution. These landscaped yards along the north of Lot 2, and the areas along the south and east property lines adjacent and across the street from the residential zoning districts shall be maintained.
3. A six to eight foot screening fence, constructed to prevent the passage of light and debris shall be erected along the south and east side of the property at the required setback line wherever the buildings do not provide the screening. In addition a screening fence shall be installed along the north property line of that portion of Lot 1 included in the legal description of the property. Said fence shall be constructed of either brick, stone, architectural tile, masonry, wood or other similar material (not including woven wire).
4. The remainder of the property shall be fenced in some manner for security and control provisions, preferably of a material compatible with the design of the building, but at the option of the applicant. There shall not be any access to that portion of Lot 1 except the driveway between the two buildings constructed along the west line of Lot 2.

5. Any side of the buildings providing access to storage areas shall maintain a 25-foot setback from the property line.
6. Off-street parking shall be provided as set forth in the zoning ordinance based on the square feet of floor area in the facility.
7. All driveways, parking, loading, storage and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
8. All lights shall be shielded to direct light onto the uses established and directed away from adjacent property.
9. No activities such as miscellaneous or garage sales shall be conducted on the premises.
10. The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
11. Signs shall be limited to one per arterial street frontage and in this case, one sign would be permitted. This sign shall not exceed 20 feet in height nor exceed 50 square feet in gross surface area and shall not project over any public right-of-way.
12. The area shall be properly policed by the owner or operator for removal of trash and debris.
13. The operation of this facility shall in no way be deemed to include a transfer and storage business, where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business, individual or corporation for the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.
14. No outdoor storage of any kind shall be permitted on the premises, except that portion of the property zoned "C" Commercial. Such storage shall be limited to automobiles, small trucks, trailers, campers, boats and other recreational vehicles. No wrecked or inoperable vehicles shall be stored on the property.
15. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility, in conformance with the conditions of approval.
16. A copy of this resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Central Inspection Superintendent to assure compliance that no commercial storage is occurring in violation of this resolution.

17. Only one point of ingress/egress shall be permitted to/from subject property. That access being from the one driveway to Central Avenue.
18. All areas not paved as required by condition of approval number 7 shall be landscaped with deciduous and coniferous plant materials. The amended site plan, as set forth in condition number 2 shall include the landscaping material to be used. Provisions shall be made for watering and maintaining the landscaping in good condition.
19. All improvements as set forth herein shall be completed prior to the occupancy of the site for a Residential Storage Warehouse Facility.

The release of the resolution is subject to the submission of a covenant as required by condition #1.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:lw

cc: Storage Equities, P. O. Box 25025, Glendale, CA 91201
Monty Robson, Superintendent of Central Inspection (2)
Don Cisick, City Clerk

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services

DATE October 9, 1986

TO Glen Lytle, Special Assistant for Zoning

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 39-86: South side
of Central and East of
the big ditch (6115 West
Central).

On Wednesday, October 8, CPO Council Area "A" considered the above captioned case, a request for an exception to permit the expansion of a residential storage warehouse business to include an outdoor storage area for the storage of vehicles, boats, campers, etc., on property zoned the "LC" Light Commercial and the "C" Commercial District.

Council members were provided the notice to adjoining property owners, and a map of the area. After extensive discussion, the Council voted 5-0 to recommend approval of the request.

The agent, Keith Anderson, Sr., was not present to due to a conflict in his schedule.

The Council was familiar with the area in question and had no problems with the request.

Please provide the Council's recommendations to the Board of Zoning Appeals when case BZA 39-86 is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:blc

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

OCT 09 1986

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT
CASE NO. BZA 39-86

APPLICANT: Storage Equities, P. O. Box 25025, Glendale CA 91201

AGENT: Keith L. Anderson, 1125 S. Rock Road, Wichita, KS 67207

REQUEST: Exception pursuant to Section 28.04.183.5 Code of the City of Wichita to permit the expansion of a residential warehouse business to include an outdoor storage area.

GENERAL LOCATION: On the south side of Central and east of the big ditch.

ZONING: Subject property is zoned the "LC" Light Commercial District and the "C" Commercial District. Properties to the east and south are "AA" One-family Dwelling District. To the north and west are "LC" Light Commercial and the "AA" One-family Dwelling Districts.

LAND USE: Subject property is occupied by a residential storage warehouse development and an area for outside storage. To the north is residential and vacant commercial. To the south and east are residential properties.

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 28.04.183.5 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the expansion of a previously approved residential storage warehouse development to include an area for the outdoor storage of trailers, campers, boats and other types of recreational vehicles. This area was added to this use in violation of the "LC" Light Commercial District and the provisions of Resolution BZA 25-83 that was approved on May 31, 1983.

The portion of the property included in the application area that will be used for outdoor storage was recently approved for "C" Commercial zoning. In order to be used in conjunction with the existing business, the conditions of the BZA Resolution must be modified to permit access to the area along the west property line of Lot 2.

Central Inspection cited the previous owner for the violation approximately a year and a half ago. Although the Secretary had been contacted several months ago, not until the zoning was requested was it possible to accept an application to modify the previous case.

Should the Board determine that this request be approved, then only those conditions to allow the expansion should be changed. In addition to those changes, a screening fence should be installed along the north property line adjacent to the remaining portion of Lot 1 that is not a part of this application. This will screen the majority of the storage from the view of the property to the north and to those persons using Central.

RECOMMENDATION:

Should the Board determine that the use be approved to allow the outside storage, then it is the recommendation of the Secretary that the approval be subject to the following conditions:

1. Prior to the release of the Resolution, the applicant shall submit a covenant tying the lots together and providing access to that part of Lot 1.
2. The landscape plan approved as a condition of Resolution BZA 25-83 shall be a part of this resolution. These landscaped yards along the north of Lot 2, and the areas along the south and east property lines adjacent and across the street from the residential zoning districts shall be maintained.
3. A six to eight foot screening fence, constructed to prevent the passage of light and debris shall be erected along the south and east side of the property at the required setback line wherever the buildings do not provide the screening: In addition a screening fence shall be installed along the north property line of that portion of Lot 1 included in the legal description of the property. Said fence shall be constructed of either brick, stone, architectural tile, masonry, wood or other similar material (not including woven wire).
4. The remainder of the property shall be fenced in some manner for security and control provisions, preferably of a material compatible with the design of the building, but at the option of the applicant. There shall not be any access to that portion of Lot 1 except the driveway between the two buildings constructed along the west line of Lot 2.
5. Any side of the buildings providing access to storage areas shall maintain a 25-foot setback from the property line.
6. Off-street parking shall be provided as set forth in the zoning ordinance based on the square feet of floor area in the facility.
7. All driveways, parking, loading, storage and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
8. All lights shall be shielded to direct light onto the uses established and directed away from adjacent property.
9. No activities such as miscellaneous or garage sales shall be conducted on the premises.
10. The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
11. Signs shall be limited to one per arterial street frontage and in this case, one sign would be permitted. This sign shall not exceed 20 feet in height nor exceed 50 square feet in gross surface area and shall not project over any public right-of-way.
12. The area shall be properly policed by the owner or operator for removal of trash and debris.
13. The operation of this facility shall in no way be deemed to include a transfer and storage business, where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business, individual or corporation for the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.
14. No outdoor storage of any kind shall be permitted on the premises, except that portion of the property zoned "C" Commercial. Such storage shall be limited to trailers, campers, boats and other recreational vehicles. No wrecked or inoperable vehicles shall be stored on the property.
15. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
16. A copy of this resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Central

Inspection Superintendent to assure compliance that no commercial storage is occurring in violation of this resolution.

17. Only one point of ingress/egress shall be permitted to/from subject property. That access being from the one driveway to Central Avenue.
18. All areas not paved as required by condition of approval number 7 shall be landscaped with deciduous and coniferous plant materials. The amended site plan, as set forth in condition number 2 shall include the landscaping material to be used. Provisions shall be made for watering and maintaining the landscaping in good condition.
19. All improvements as set forth herein shall be completed prior to the occupancy of the site for a Residential Storage Warehouse Facility.

BZA CASE NO. 39-86

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|-----------|---|
| <u>2</u> | NOTICES SENT TO APPLICANT/AGENT |
| <u>14</u> | LEGAL ADVERTISEMENT SENT TO MAPC & BZA |
| <u>1</u> | NOTICES SENT TO CPO |
| <u>7</u> | NOTICES SENT TO ADJOINING PROPERTY OWNERS |
| <u>10</u> | TOTAL NOTICES SENT <u>10/6/86</u> |

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

October 6, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 39-86

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 Storage Equities, P. O. Box 25025, Glendale, California, 91201, 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 expansion of a residential storage warehouse business to include an outdoor storage area for the storage of vehicles, boats, campers, etc., on property zoned the "LC" Light Commercial and the "C" Commercial District. A legal description of the applicant's property is as follows:

Lot 2 and Lot 1 except the north 366.56 feet thereof, Block A, R. G. Stork Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Central and east of the big ditch (6115 West Central).

This application has been assigned Case No. BZA 39-86. It will be considered by the Board of Zoning Appeals on October 28, 1986 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.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 39-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant STORAGE EQUITIES
P.O. BOX 25025
Mailing Address GLENDALE, CALIFORNIA 91201 Phone _____
Name of Authorized Agent KEITH L. ANDERSON
Mailing Address 1125 S. ROCK ROAD Phone 681-1711
Relationship of applicant to property is that of owner
(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 expansion establishment of Residential Storage Warehouses to include an outdoor storage area

_____ on property zoned "LC" & "C",
located 6115 W. CENTRAL and legally
described as: LOT 2 AND LOT 1 EXCEPT THE NORTH 366.56 FEET
THEREOF, BLOCK A, R.G. STORK ADDITION TO WICHITA, SEDGWICK
COUNTY, KANSAS, 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. 39-285); 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 *Herff Engen*

Authorized Agent *Keith L. Anderson*

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 10:07 (a.m. ~~10:07~~), SEPT 3, 1986, together with appropriate fee of 4.00⁰⁰.

Signed *[Signature]*

2-278

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deeds of record in the Office of the Register of Deeds, Sedgwick County, Kansas, Of:

Lot 1, except the north 366.66 feet thereof, Block A,
R.G. Storck Addition, Sedgwick County, Kansas.

together with all real estate lying within a 200-foot radius thereof.

DESCRIPTION OWNERS AND ADDRESSES
R.G. STORCK ADDITION
BLOCK A

Lot 1, except the north 366.66 feet thereof, and Lot 2

Storage Equities/PS Partners-IV
Wichita/Joplin
A California General Partnership
P.O. Box 25025
Glendale, CA 91201

The north 366.66 feet of Lot 1

(Record Title)

Donald Leroy Harvey & Betty Jo Harvey
6127 W. Central
Wichita, Kansas 67212

(Equitable Title)

Keith L. Anderson
1125 S. Rock Road
Wichita, Kansas 67207

WEST CENTRAL GARDENS 2ND ADDITION

Lot A

Larry T. Schulte & Donna T. Schulte
645 Boyd
Wichita, Kansas 67212

Lot B

Administrator of Veteran Affairs
901 George Washington Blvd.
Wichita, Kansas 67211

Lot C

George T. Tobar & Bernice M. Tobar
6020 Newell
Wichita, Kansas 67212

Lot D

Leonard T. Davis & Eva L. Davis
229 N. Knight
Wichita, Kansas 67203

Lot E

William I. Simpson & Laura G. Simpson
1503 Michigan
Alamagordo, NM 88310

CENTRAL ACRES ADDITION

The south 915 feet of Lot 14, except the north 435 feet thereof, and except that part condemned for flood control in Case No. A-31849.

Leonard E. McGinty
100 S. Maize Rd
Wichita, Kansas 67209

Dated this 10th day of June, 1986, at 7:00 A.M.

REALTY TITLE CO., INC.

